

H B

1 7 2

Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: HB 172

Sponsor: DUNCAN

Date referred to committee: 5/10

Synopsis completed:

Fiscal note:

Further referrals: FINANCE

CONTACTS:

See SB 168

Roxanne Stewart, Duncan's

Gov's Council on H+G  
DHSS, Div of Mental Health

Barbara Hermin - Hearing chairman for Council District  
11000 Ridgcrest  
Anch, AK 99516 346-2437 (talked to BF)

Dr Wempe - Arctic Animal Hospital - 563-3945  
1600 E. Tudor Rd 99507

Sharon Lobaugh, Alliance for the Mentally Ill  
586-4952

Christine Hagmeyer - 3370

Issue  
enforcement

# STATE OF ALASKA THE LEGISLATURE

POUCHY - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3000

## LEGISLATIVE AFFAIRS AGENCY

### LEGISLATIVE REFERENCE LIBRARY

May, 1986

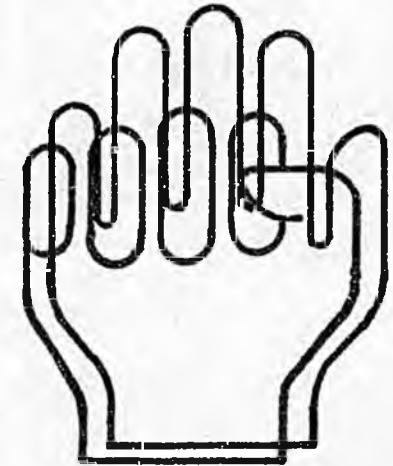
Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

Senate Health Education and Social Services Committee 2/11/86, 1:36pm  
" " " " " " 2/25/86, 1:37pm  
" " " " " " 3/18/86, 1:38pm  
House Judiciary Committee, 4/15/85, 1:30pm  
" " " " 5/1/85, 1:30pm

MAR 13 1985

# 1985 ANNUAL HUMAN RIGHTS REPORT



ALASKA STATE COMMISSION FOR HUMAN RIGHTS

*FBI. Men file*  
FAHRENKAMP

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(907) 276-7474

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Anchorage, Alaska 99501  
(907) 274-4692

NORTHERN REGIONAL OFFICE  
675 Seventh Avenue, Station H  
Fairbanks, Alaska 99701  
(907) 456-8306

SOUTHEASTERN REGIONAL OFFICE  
P.O. Box AH  
314 Goldstein Building  
Juneau, Alaska 99811  
(907) 465-3560

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# ALASKA STATE COMMISSION FOR HUMAN RIGHTS

**Virgie King, Chairperson**

**Morgan P. Solomon, Vice-Chairperson**

**James H. Chase**

**Sandra A. Henricks**

**Bienvenido E. Holganza**

**Jacqueline Lindauer**

**Doris M. Volzke**

February 5, 1986

The Honorable Bill Sheffield, Governor, State of Alaska;  
The Honorable Don Bennett, President, Alaska Senate; and  
The Honorable Ben F. Grussendorf, Speaker, Alaska House of Representatives  
Juneau, Alaska

On behalf of the Commissioners and staff, I now transmit to you the Alaska Human Rights Commission's Annual Report summarizing the Commission's efforts during 1985 to eliminate and prevent unlawful discrimination in Alaska.

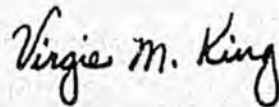
We are proud of our accomplishments during the past year as we continued to press forward in the face of a rising number of complaints despite declining state revenues. We have asked ourselves whether the steady increase of filings is the public's response to our greater visibility across the state or the result of our intensified public education effort. Since the greatest impact has been felt in our Anchorage office, is the increased demand for service because of population growth? Or is it, as some have speculated, the consequence of contagion in a climate favorable to discrimination?

The federal government's abdication of its responsibility for civil rights enforcement has shifted an onerous burden to the Alaska Commission to safeguard the rights of persons protected by anti-discrimination law. The absence of a strong federal contract compliance effort and the Reagan Administration's pending threat to gut Executive Order 11246 has given a clear signal to major employers: affirmative action with goals and timetables is passe; equal opportunity is an idea which has outlived its usefulness.

The Alaska Human Rights Commission rejects these views as antithetical to our mission. We remain firm in our support of affirmative action. We remain committed to the imposition of goals and timetables as a remedy to historic discrimination. We continue to encourage employers to voluntarily adopt an affirmative action program to ensure equal employment opportunity for all persons regardless of race, color, religion, sex, national origin and other protected class status.

As you read our 1985 Annual Report we ask you, our political leadership, to recall your aspirations for justice and equality for all persons in Alaska. We ask you to reflect on the widening gap between those aspirations and our achievements.

We ask you to reaffirm your commitment by making civil rights enforcement a top priority for the State of Alaska. Only through your commitment and the efforts of the Human Rights Commission can the peoples of Alaska hope to share the dream of our nation's great civil rights leader, Dr. Martin Luther King, Jr.



Virgie M. King  
Chairperson  
Alaska State Commission for Human Rights

# PROGRAM ACCOMPLISHMENTS Janet Bradley

Alaska Human Rights Law was interpreted at three different levels during 1985--by the Alaska Supreme Court, by the Alaska Superior Court and by Decisions and Orders issued by the Human Rights Commission. Three major decisions broadened the protection of persons covered by state human rights law and gave clearer guidance to those who must comply with it.

In Adams v. ASCHR, Pipeliners 798, the Alaska Supreme Court ruled that the coverage of the Commission's enabling legislation is not limited to the inhabitants of the State of Alaska. Therefore, the court said, the Commission has the power to impose a quota based on the relevant labor market available inside and outside the state as a remedy to discrimination.

At the Superior Court level, the Commission's Decision and Order in Williams v. Union Chemical Division, Union Oil of California was upheld. The court rejected the employer's defense that the probability of William's re-injury was grounds for distinction under Alaska Human Rights Law. Reasoning that such distinction was based on stereotypical thinking about the handicapped, the court agreed with the Commission that the company discriminated against Williams by refusing him a job because of a prior back injury. This was the first court ruling on the meaning of Alaska Human Rights Law protecting the employment rights of the physically handicapped.

Finally, near the end of the year the Commission issued its long-awaited Decision and Order in the Public Health Nurses case, Bradley v. SOA, Department of Health and Social Services and Department of Administration. In their 96 page decision, the Commissioners dealt with the allegations of female public health nurses who claimed they were paid less than male physicians assistants because of sex discrimination. In their decision, the Commissioners interpreted for

## AGENCY HEADQUARTERS

Janet L. Bradley	Executive Director
Mark A. Ertischek	Hearing Advocate
James K. Nall	Investigator
Katherine Goodell	Administrative Assistant
Shirlee Clarke	
Frances Rabago	Docket Officer
C. Briley Williams	Commission Secretary
Diane Barr	Legal Secretary

## ANALYSIS OF 1985 FILINGS

By Sex:	Female	281
	Male	215
TOTAL FILINGS		496

By Race:	Caucasian	252
	Black	138
	Alaska Native	58
	Hispanic	15
	Asian	17
	American Indian	6
	Other	5
	Unknown (other agency filings)	5
TOTAL FILINGS		496

	Single Basis Complaint	Multiple Basis Complaint
Race/Color	151	56
Multiple Bases	110	
Sex	84	66
Physical Handicap	41	21
Age	39	23
Retaliation	21	17
National Origin	17	12
Religion	13	2
Pregnancy	9	17
Marital Status	9	14
Parenthood	2	7
Change/Marital Status	0	1
TOTAL FILINGS	496	236

the first time the section of Alaska Human Rights Law requiring employers to pay the same wage to females and males doing "work of comparable character". The Commissioners rejected the state's position that employers are entitled to use market rates to justify wages for jobs of comparable value. The Commission found that historically entrenched undervaluing of women's work makes reliance on market rates unacceptable under Alaska Human Rights Law. Because pay equity is considered the civil rights issue of the 80's, the Commission Decision in the Public Health Nurses cases has claimed the attention of the media, women's groups, civil rights agencies, the legal profession, and public and private employers all over the country.

These favorable landmark decisions have not only infused new meaning into the agency's statute but have also invigorated the agency in its struggle to serve the increasing numbers of persons who turn to the Commission for assistance. During the past year over 3,500 people contacted the agency, generating 11 percent more complaints and 22 percent more inquiries than in 1984. Despite the additional resources consumed by more inquiries and more intakes, staff resolved 347 complaints, only 4 percent less than in the previous year.

In 1985, monetary benefits awarded to complainants as a result of the agency's efforts rose by 4 percent to \$1,641,971, excluding the backpay award to the public health nurses, currently estimated at over a million and a half dollars.

How has the agency been able to sustain--and even improve in some areas--its record of performance despite declining state funding? The success of the new case processing strategy adopted in 1984 accounts for part of the increased productivity. Analysis of the agency's performance after one year of operation under the strategy demonstrated the staff's capability to resolve cases promptly in a conflict resolution mode. Older cases, not subject to these standards, were also substantially reduced at the same time by the same investigative staff processing newly filed cases.

ANALYSIS OF 1985 FILINGS BY TYPE

TYPE	REGION	NUMBER
EMPLOYMENT	Southcentral	228
	Northern	75
	Southeastern	35
	Anchorage ERC	89
	U.S. EEOC	<u>27</u>
TOTAL EMPLOYMENT		454
GOVERNMENT PRACTICES	Southcentral	9
	Southeastern	<u>3</u>
TOTAL GOV'T PRACTICES		12
HOUSING	Southcentral	2
	Northern	4
	Southeastern	1
	Anchorage ERC	9
	U.S. DHUD	<u>1</u>
TOTAL HOUSING		17
FINANCE	Southcentral	1
	Northern	1
	Anchorage ERC	<u>1</u>
TOTAL FINANCE		3
PUBLIC ACCOM.	Southcentral	2
	Northern	<u>1</u>
TOTAL PUBLIC ACCOMMODATIONS		3
COERCION	Southcentral	<u>7</u>
TOTAL COERCION		7
TOTAL 1985 FILINGS		496

During 1985, staff devised creative ways to streamline investigations, to expedite determinations, and to promote voluntary settlements. In particular, investigators spent more time counseling inquirers in an effort to screen out cases of dubious jurisdiction and cases where the complainant's allegations were weak and likely to be successfully defended against by the respondent.

With the Public Health Nurses class action case under deliberation by the Commissioners, during the past year the Hearing Unit directed its attention to the docket of newer, less complex cases forwarded in increased numbers by the regional investigative units. In 1985, the number of cases produced in the hearing unit nearly doubled with nine cases resolved in favor of complainant and one case administratively dismissed when complainant filed in court. Nevertheless, with the dramatic increase in the number of newly filed cases in 1985, the agency must report that its inventory of cases in process at the close of the year reached 642, nearly twice the size of 1983 year end inventory and fast approaching the all time record levels established during pipeline construction days.

During 1985 the Commission also reached out to other governmental agencies to join forces in the battle against discrimination. The number of cases under investigation by the U.S. Equal Employment Opportunity Commission and the Anchorage Equal Rights Commission rose to nearly one third of the total inventory. This worksharing system provides greater protection for complainants' rights and prevents duplication of effort, enabling the agencies to conserve staff resources.

The Human Rights Commission also worked closely with the Women's Commission throughout the year. ASCHR staff reviewed Women's Commission recommended revisions to Alaska Statutes, served on their Education Equity Committee, and took part in the Women's Legislative Alliance. Joining ranks with statewide women's groups, the Commissioners endorsed the 1986 Legislative Package of the Women's Commission and commended their efforts to eliminate the remnants

#### PUBLIC EDUCATION HIGHLIGHTS

Workshop on Pay Equity, 1985 Alaska Women's Conference, Anchorage

Workshop on Sexual Harassment, Valdez

Panel on Age Discrimination, 37th Annual IAOHRA Conference, Chicago

Overview on Discriminatory Harassment to the U.S. Civil Rights Commission, Alaska Advisory Committee

Participation in Conference for Small Business Owners sponsored by the City of Fairbanks Human Rights Commission

Presentation to Alaska Political Women's Caucus

Interviews on Alaska Radio Network and KT00 Radio, Juneau

Speech to Graduate Class, Elmendorf Air Force Base

"Supervising Women and Minorities" Speech, Anchorage Community College

Recordkeeping Requirements for Employers, ERC Workshop and video taped for replay throughout Alaska

Speech on Sexual Harassment to Alaska Legal Secretaries' Association, Anchorage

Participation in Housing Discrimination Law Workshop sponsored by the Anchorage Equal Rights Commission

Representation at Alaska Bush Justice Conference, Bethel

Lectures on Comparable Worth to students at Alaska Pacific University and LaVerne University

Workshop at Bilingual/Multi-cultural Conference, Anchorage

Presentation to the Justice class, Monroe High School, Fairbanks

of sex discrimination in state law.

The Human Rights Commission also worked with the City of Fairbanks Human Rights Commission by participating in their Conference for Small Business Owners in the fall. The Commission was dismayed at the defunding of this local commission and supports its reactivation to meet the needs of Fairbanks residents.

In the summer the Commission welcomed the reconstitution of the Ketchikan Human Rights Commission. Local commissions such as the Fairbanks and Ketchikan Commission complement the state commission's program by focusing on public education and referral of complaints. AS 18.80.290 grants authority to general law or home rule municipalities to establish local human rights commissions with powers and duties similar to the state commission. Only the Anchorage Equal Rights Commission currently employs staff to investigate and resolve complaints of discrimination in violation of municipal ordinance.

In 1985 the Commission expanded its public education efforts by printing pamphlets in English and Spanish and posters in English, Spanish, Yupik, and Inupiat. By the end of the year, informational materials had been sent to every city, village, and rural educational attendance area in rural Alaska as well as to community organizations and Native corporations throughout the state.

In July, the Commissioners voted to regionalize the rural program by identifying positions in the Southcentral and Northern Regional offices as rural investigators. This pilot project was designed to increase service to rural Alaskans combining outreach and investigations on travel to locations outside the urban office areas. The agency has continued its policy of accepting collect calls from persons in rural Alaska despite the rising cost of communications. The staff will be monitoring the effectiveness of this project as service to rural Alaskans remains a priority.

Presentation to Older Alaskans Commission, Fairbanks

"Getting to Know You", Moose Creek Fair, Tanana Valley Community College

Interviews on KBRW and Learn Alaska, Fairbanks

Presentation at Clerical Skills Training Center, Fairbanks

Presentations to Fairbanks Memorial Hospital and to State Fire Trainers, Fairbanks

Workshop at Cook Inlet Pre-Trial Facility, Anchorage

Sexual Harassment Workshop for Job Service, Ketchikan

Booth at the Older Alaskans Job Fair, Juneau

Presentation at Employment Discrimination Workshop sponsored by Alaska Chapter of the American Association for Affirmative Action

Presentation on Age Discrimination, Aging Together in Alaska Conference, Denali Park

Speech to the Personnel Management Association, Juneau

Technical Assistance to Natives for Affirmative Action, Juneau

Booth at the Women's Resource Fair, Juneau

Technical Assistance to the National Association of Counseling, Juneau

Technical Assistance to Fairbanks Human Rights Commission, First Annual Multi-Cultural Day and Tanana Fair

Workshop at the Alaska Native Women's Statewide Organization Annual Conference

As a result of decreased funding, only three, two-day Commission meetings were held in 1985--Juneau, Valdez, and Anchorage--in contrast to four, three-day meetings in other years. At meetings, Commissioners receive staff reports, give direction to management, set policy, hear testimony from the public, take positions on matters relating to civil rights and render decisions on hearing cases.

The hospitality of the Juneau Filipino Community afforded Commissioners an opportunity to meet constituents and state legislators at a Friday evening reception after the spring meeting in the capitol city.

In an effort to use Commission meetings as a public education event, the Valdez meeting held in late July featured a workshop on Sexual Harassment conducted by Commissioner James Chase.

Enlisting the services of the Governor's Committee on Employment of the Handicapped, Commissioners and staff learned more about the possibilities for employing the disabled at the December meeting held in Anchorage. Joining the Commission at the "Windmills" workshop offered by Jean Henderson of GCEH were Frank Raye, Director of the Division of Personnel, and Merwin Peters, Director of the Office of Equal Opportunity, and members of their staffs.

During 1985, the Commission continued to press for legislation prohibiting acts of discriminatory harassment. Working with a Task Force comprised of the Anchorage Equal Rights Commission and representatives from numerous community-based organizations, the Commission supported HB 194 introduced at the request of the Commission by Governor Sheffield. The Commission also voted in favor of passage of the "Disabled Bill of Rights" which extends the currently protected class of the physically handicapped to include the physically and mentally disabled and expands the coverage for this class to all sections of the present statute.

During the past year, the Commission again promoted the creation of an Office of State Contract Compliance. The

#### PROMISES, PROMISES

Although promised a job as a fish processor along with a group of Caucasians, an Hispanic male complained of national origin discrimination when the employer hired everyone but him upon arrival at the work site. During the investigation, the employer agreed to a pre-determination settlement entitling Complainant to a job and \$19,084 in monetary benefits.

#### NO PLACE FOR BLACKS

A Black male alleged that a Caucasian landlord refused to rent to him because of his race. Investigation revealed that the landlord had agreed by telephone to let the Black male and his family view the vacant unit. When the Black male arrived, the landlord told him privately that he would not rent to Blacks. This statement, however, was overheard by a tenant who offered to testify. After conciliation attempts failed, the case was forwarded to the Hearing Unit.

#### BACK TO THE KITCHEN

A kitchen worker injured on the job alleged physical handicap discrimination when she was discharged on the date her doctor released her to return to work. After receiving the complaint from the the Commission, the employer agreed to reinstate the employee with a promise not to retaliate against her for filing the complaint.

Commission's interest in this matter arises from its concern for Minority Business Enterprises which historically have not proportionately shared in the wealth of state construction contracts.

Twice during 1985, the Commissioners considered the implications of the apartheid policies of the government of South Africa with particular reference to the investment of Alaska's Permanent Fund monies in companies doing business in South Africa. This agenda item at Commission meetings elicited lengthy testimony from the public, all opposed to the racism in South Africa and recommending divestiture of state funds. In November 1985, the Commissioners unanimously adopted Resolution No. 85-01 repudiating the policy of apartheid and calling for the immediate and total divestment of the Permanent Fund from companies doing business in South Africa.

Clearly, the Commission has met the challenge to do more with less. This was accomplished by the perseverance of staff, the determination of management, and the support of Commissioners as all worked together, committed to the goals of justice and equal opportunity in Alaska. What is also clear is that at the present level of funding, the Commission cannot deliver the level of service desired by complainants and respondents alike. Despite increased productivity, increased worksharing, and the development of a well organized agency with trained professional staff, the demand for services exceeds our present capacity.

Commissioners and staff have begun to examine a number of alternatives to cope with the increasing workload in this era of declining state revenues. Under consideration are a number of regulatory changes, proposals to cut back on services, or learning to live with a backlog of pending investigations. Whichever policy direction is determined, the Commission remains steadfast in its commitment to eliminate discrimination in Alaska.

#### RESOLUTION NO. 85-01

WHEREAS, the government of South Africa is perpetuating systematic oppression of non-whites through the policy of apartheid which results in the loss of life, liberty and the pursuit of happiness;

WHEREAS, the policy of apartheid results in the denial of justice, educational and employment opportunities, causes the separation of families, and restricts the mobility of non-whites within that country;

WHEREAS, resistance and opposition to the government of South Africa's policy of apartheid has been met with brutality, bloodshed and death;

WHEREAS, the spectacle of such human suffering cries out to all persons of conscience throughout the world regardless of race, color, ethnic or national origin; and

WHEREAS, such persons of conscience cannot tolerate inaction which constitutes unwitting support of the government of South Africa's policy of apartheid;

NOW, THEREFORE, the Alaska State Commission for Human Rights calls for the complete and immediate divestment of the Alaska Permanent Fund monies from companies doing business in South Africa.

November 15, 1985

Evelyn A. Ramos	Regional Director
Robert Bacolas	Investigator
Kimberly Martus	Rural Investigator
Jeanne M. Fortier	Investigator
Donna J. Brooks	Investigator
Eddie L. Edison	Investigator
Lisa Waters	Secretary
Laura J. Hauta	Clerk

1985 was both a challenging and a productive year for the Southcentral Regional staff. We were called upon to create more efficient ways of handling an increasing number of contacts from the public, a larger case inventory, and a greater demand for public education. In mid-year, we changed our intake procedure by dropping the old practice of taking complaints by appointment. We now take complaints at the initial point of contact with the Commission by an inquirer whether by telephone, personal visit, or by mail. The new method has resulted in prompt service to the public and a shorter intake process. Additionally, Kimberly Martus, a senior investigator in the Southcentral Regional Office, was designated to handle rural responsibilities, thereby enhancing our services to rural areas of Southcentral Alaska.

While faced with a high volume of inquiries and new complaints, we succeeded in achieving a higher level of case production in 1985 than in 1984. We also managed to make progress in our efforts to meet our region's public education needs. Through careful planning, we conducted more outreach and public education activities during 1985 than in the previous years. We attribute these accomplishments to the staff's higher level of investigative expertise and to improved case processing methods.

Discrimination in employment continues to be the predominant type of complaint filed by Southcentral residents during 1985. The impact on the economy of declining oil revenues and overall slump in the oil industry made competition in the job market even keener, resulting in more employment complaints being filed. We predict that this trend will continue into the next year.

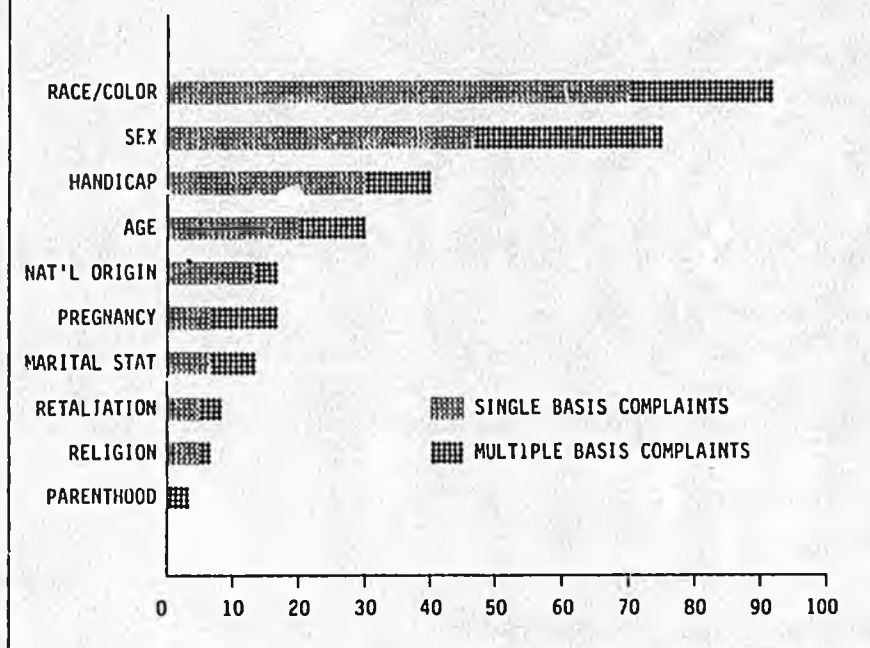
In summary, we responded to the challenges of 1985 with a vigor and enthusiasm we intend to carry forward into the new year.

ANALYSIS OF 1985 FILINGS  
SOUTHCENTRAL REGION

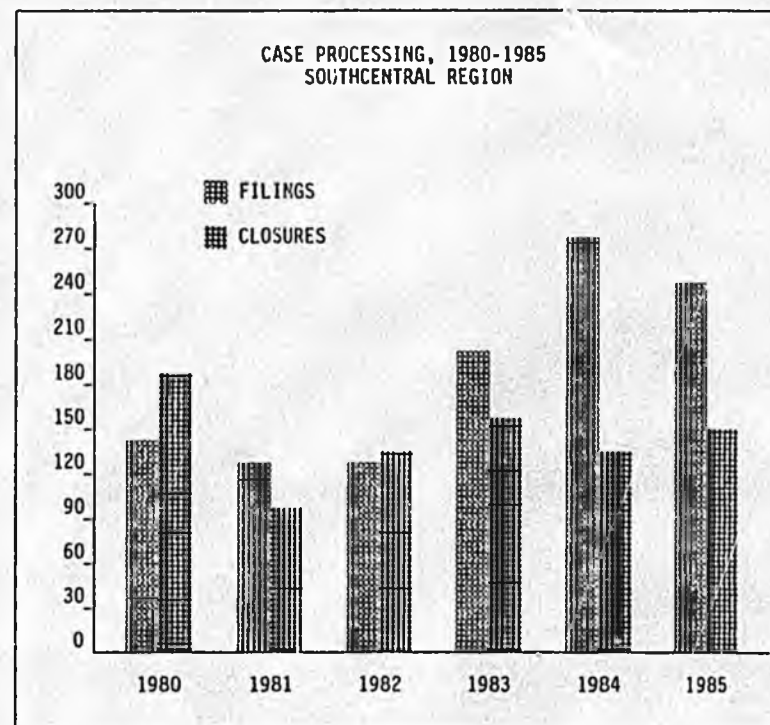
<u>By Sex:</u>	Female	128
	Male	<u>121</u>
	TOTAL FILINGS	249
<u>By Race:</u>	Caucasian	147
	Black	55
	Alaska Native	25
	Asian	10
	Hispanic	8
	American Indian	2
	Other	<u>2</u>
	TOTAL FILINGS	249

	<u>Single Basis Complaint</u>	<u>Multiple Basis Complaint</u>
Race/Color	69	22
Sex	47	28
Multiple	46	
Physical Handicap	30	10
Age	20	10
National Origin	13	3
Pregnancy	7	10
Marital Status	7	6
Retaliation	5	3
Religion	5	1
Parenthood		<u>3</u>
TOTAL FILINGS	<u>249</u>	<u>96</u>

SOUTHCENTRAL REGIONAL OFFICE  
BASIS OF COMPLAINTS FILED IN 1985



CASE PROCESSING, 1980-1985  
SOUTHCENTRAL REGION



# NORTHERN REGION

Penny A. Forsmo

## NORTHERN REGIONAL OFFICE

Penny A. Forsmo	Regional Director
Eleanor Gutierrez	Investigator
Brenda Tolliver	Rural Investigator
Sharon Jaeke	Secretary

A major change in the Northern Region during 1985 was the promotion of Penny Forsmo from senior investigator to regional director in mid-April. During the year, the Fairbanks office functioned with the director and two staff investigators, one fewer than in the previous year. Each investigator carried a greater caseload as a result; however, improved case processing was demonstrated by the increase in the number and quality of case resolutions in the fourth quarter.

The 1985 regional statistics show an increase in the number of inquiries handled but a decrease in the number of complaints filed. The year began with 60 cases open in the region. By mid-summer, the inventory grew to 90 cases but with the increased production dropped to 75 cases at year end. The high influx of filings during spring and summer may have been generated by the stiff competition for the fewer jobs available during the construction season.

Northern Region staff received in-house training throughout the year enabling them to expand their technical knowledge and to try out creative and innovative ideas for moving cases. As part of training, staff attended the Sullivan v Polaris public hearing in June, the first Commission hearing held in Fairbanks for several years. In addition to case processing, staff took part in public education activities and attended meetings of the City of Fairbanks Human Rights Commission.

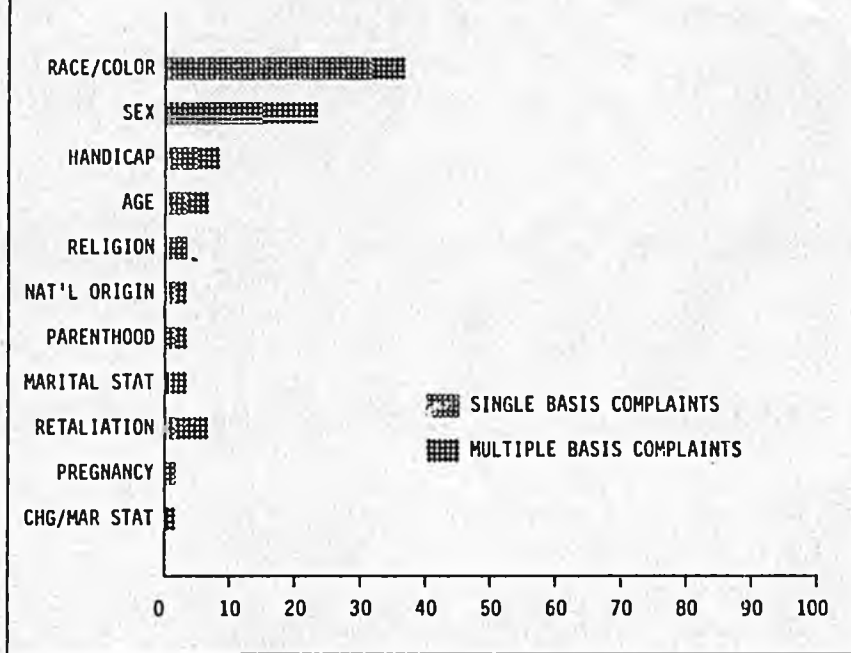
In the fall, a new investigator was hired to answer questions and take complaints from the rural areas by telephone, mail or by interviews at the Fairbanks office. In late winter staff will travel to rural communities to make local contacts, investigate cases and assist rural Alaskans to file complaints as part of our goal to expand outreach to rural Alaskans in 1986.

### ANALYSIS OF 1985 FILINGS NORTHERN REGION

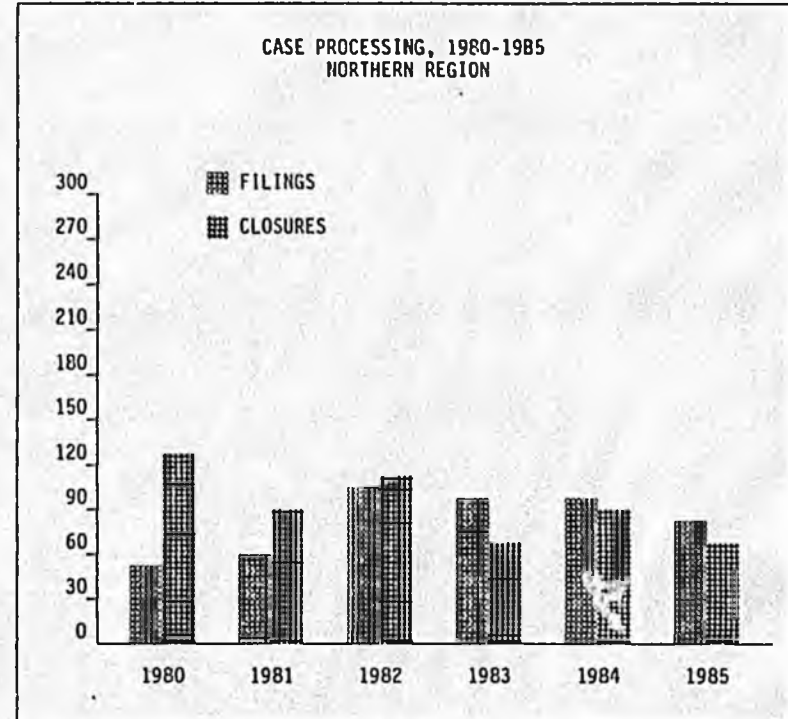
<u>By Sex:</u>	Female	44
	Male	37
		<hr/>
	TOTAL FILINGS	81
<u>By Race:</u>	Caucasian	47
	Black	19
	Alaska Native	10
	Hispanic	3
	American Indian	1
	Other	1
		<hr/>
	TOTAL FILINGS	81

	<u>Single Basis Complaint</u>	<u>Multiple Basis Complaint</u>
Race/Color	32	5
Multiple Bases	16	
Sex	15	9
Physical Handicap	5	3
Age	3	3
Religion	3	
National Origin	2	1
Parenthood	2	1
Marital Status	1	3
Retaliation	1	6
Pregnancy	1	
Chg/Marital Status	<hr/>	<hr/> 1
TOTAL FILINGS	81	32

NORTHERN REGIONAL OFFICE  
BASIS OF COMPLAINTS FILED IN 1985



CASE PROCESSING, 1980-1985  
NORTHERN REGION



# SOUTHEASTERN REGION

Patsy M. Fletcher

## SOUTHEASTERN REGIONAL OFFICE

Patsy M. Fletcher Regional Director  
 Christine M. Swanson Investigator  
 Lynette A. Turner Investigator  
 Ella St. Clair Secretary

Staff turnover in Southeast in 1985 had two obvious consequences: the number of case resolutions dropped slightly over last year and the age of open cases increased. During the same period however, the number of inquiries rose by 5 percent. Many inquiries were received from employers seeking advice on compliance with Human Rights Law. Such inquiries are encouraging because they represent a positive view of the Commission. Because of our limited resources, greater screening of incoming potential complaints took place in 1985. Although no jurisdictional complaints were refused, the Southeast office accepted fewer complaints than in the previous year. With a fully trained staff, we expect the case inventory to become manageable permitting more quality time to be devoted to the cases requiring full investigations.

While most complaints are filed by Juneau citizens, outlying Southeast communities, especially Ketchikan, Sitka and Petersburg, utilize the Southeast office extensively. An issue of concern to village communities is local hire. Competition for temporary construction jobs in an economically depressed community generates volatile situations, especially when outsiders without competition fill half the positions, and village job seekers are rotated among the few remaining openings. Although many callers from the villages perceive this as discrimination, the practice is not always a violation of Human Rights Law.

For the first time in years, more Alaska Natives filed complaints in Southeast than any other ethnic or racial group. The proportion of race and sex based complaints also increased as did age and religion complaints.

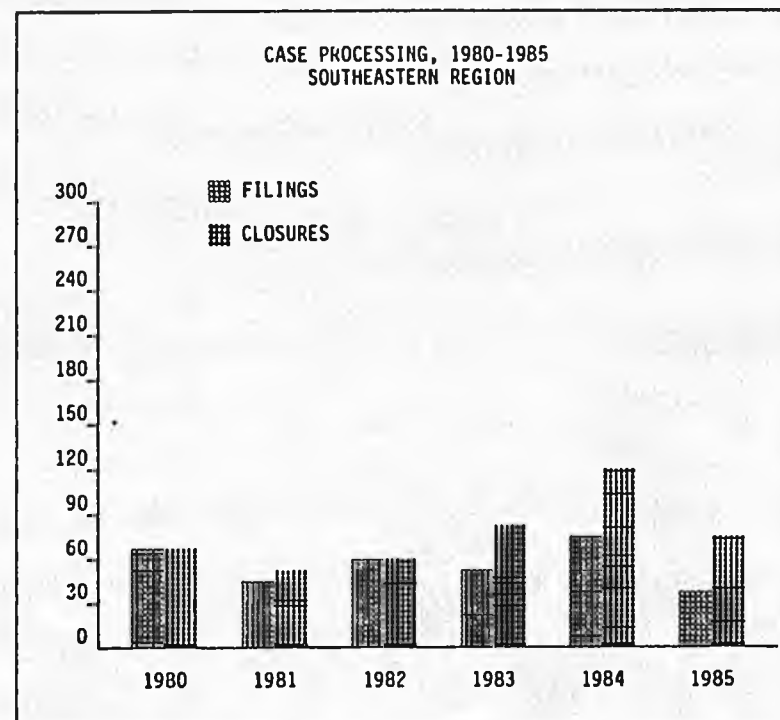
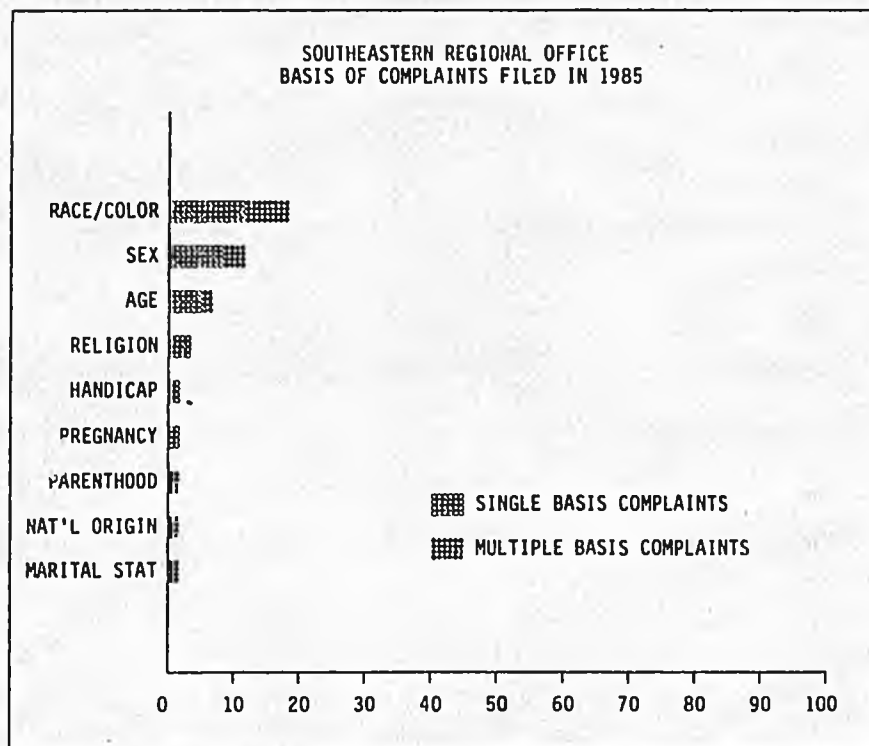
In summary, 1985 was a productive year both in terms of continued productivity as well as maximization of shrinking resources.

### ANALYSIS OF 1985 FILINGS SOUTHEASTERN REGION

<u>By Sex:</u>	Female	23
	Male	16
	TOTAL FILINGS	<u>39</u>

<u>By Race:</u>	Caucasian	17
	Alaska Native	14
	Asian	3
	Black	2
	American Indian	2
	Hispanic	1
	TOTAL FILINGS	<u>39</u>

Race	12	6
Sex	9	3
Multiple	8	
Age	4	2
Religion	3	1
Physical Handicap	2	
Pregnancy	1	
Parenthood		2
National Origin		2
Marital Status		1
TOTAL FILINGS	<u>39</u>	<u>17</u>



NOTE: 1984 CLOSURES INCLUDE 38 INVENTORY REDUCTION PROJECT CASES

The Hearing Unit has continued to process its cases with dispatch. At the beginning of fiscal year 1985, there were nine open cases in the Hearing Unit's inventory. These were cases in which we had certified that conciliation efforts had failed, but we had not received a proposed decision from the Hearing Examiner. By the end of 1985, we had completed action on all but three of the cases, but had received additional cases referred from the investigative units and the Hearing Unit inventory stood at eleven cases actively in the hearing process. Finally, we are processing three remanded cases, and two recently received cases await review.

Williams v. Union Oil - Complainant alleged that he had been the victim of physical handicap discrimination. He had not been hired by the Respondent because he had been surgically treated for a back injury even though he had performed similar work for the Respondent after his recovery. The Hearing Examiner's Proposed Decision awarding the Complainant \$38,956.84, plus interest, was adopted by the Commissioners, and subsequently appealed by the Respondent. A recent Superior Court upheld the decision of the Commission.

Bradley v. Ketchikan Gateway School District - Complainant alleged pregnancy discrimination in the terms and conditions of employment. The Executive Director is seeking damages for employees and their dependents whose claims for pregnancy benefits under the school district health insurance plan were treated less favorably than other temporary disabilities. The Hearing Examiner issued a Proposed Decision on May 6, 1985. The matter is still being considered by the Commissioners.

Nicholson v. O'Neill Investigations - Complainant alleged failure to hire because of sex and age. She was 21 when she was denied a job as a security guard at Prudhoe Bay. Males slightly older but with no more relevant experience were

#### A MAN OF CONSCIENCE

A Caucasian mechanic complained of retaliation when he was terminated for protesting his employer's refusal to hire Blacks. During the resolution conference, the Complainant stated that he had found a new job. The parties agreed to a pre-determination settlement which provided \$1,506 in back pay to the Complainant.

hired. The hearing was held, and a Proposed Decision finding in favor of the Complainant and awarding her \$9,436, plus interest, was entered on June 15, 1984. Subsequently, the parties reached agreement on the total amount due the Complainant, and the Respondent elected not to appeal.

Bradley, et al v. SOA, Dept. of Health and Social Services and Dept. of Administration - Complainants alleged sex discrimination in employment because of the failure to pay Public Health Nurses, incumbents of a female-dominated job classification, the same as Physicians' Assistants, a male-dominated job classification, although the incumbents of both job classes performed comparable work. The Proposed Decision in favor of the Respondents was issued by the Hearing Examiner. After consideration by the Commissioners, a revised final decision was issued finding in favor of the Complainants on November 15, 1985. The period set for the consideration of objections will not conclude until after the start of the next calendar year.

Wallace v. Fluor Alaska - This case was remanded by the Superior Court to the Hearing Unit. Complainant alleged that he had been the victim of discriminatory employment practices and retaliatory discharge. His claim that he received poor job assignments because he was not of the same ethnic background as his supervisor was rejected, but the Commission found that he had been fired in retaliation for his complaint of discrimination. The case was settled for \$12,000.

Ella Johnson v. International Brotherhood of Painters - Complainant was a female who had obtained a job on a painting crew. She was not a member of the union and alleged that the union pressured the contractor into discharging her from her position and refused to allow her to join the union because of her sex. The parties agreed to settle the case for \$2,000.

Walker v. Jean Peters, d.b.a. My Apartments - The Complainant was an Alaska Native who alleged that the Respondent refused to rent him an apartment because he was a

#### EXPERIENCE COUNTS

A female alleged that she had been denied a job as a cable lineman because of her sex. Investigation established that the decision not to hire Complainant was based upon her lack of direct experience, knowledge and skills necessary for the position. The successful male applicant had four years of lineman experience with Respondent and an additional four years related experience. The staff determined that there was not substantial evidence of discrimination and dismissed the case.

Native. The Complainant was told by telephone that an apartment was vacant. Respondent said it was rented when the Complainant arrived to see it. The Commission's investigators found that the apartment was still available after the Complainant had been told there was no vacancy. Complainant obtained another apartment and agreed to settle his claim for \$200 actual damages.

Laakso v. Southgate Hub - Complainant alleged that she was discriminated against because of her physical handicap. The Complainant was an employee of the Respondent's parent corporation who had left her employment after being injured on the job and filing a workmen's compensation claim. Years later she reapplied for employment. She was hired and started work, but she was then terminated after top management told the store manager of her prior medical history and of her prior medical workmen's compensation claim. The case was settled for \$15,000.

Corpus v. Totem Packing Company - Complainant, a male, alleged that he had been the victim of sex discrimination in the application of the Respondent's grooming standards. The Complainant was employed in a fish processing plant. He alleged that female workers with long hair were permitted to wear hairnets while men were required to obtain a haircut. He had been fired for refusing to do so. Complainant was rehired and the outstanding back pay dispute settled for \$2,000.

Barletta v. SOA, Dept. of Education, Comm. on Post-Secondary Education - Complainant alleged that she had been the victim of pregnancy discrimination. She had sought a promotion and was denied after the hiring official stated his concern that her pregnancy would interfere with her ability to travel on the job. The case was settled for \$2,000.

Sullivan v. Black Angus Restaurant - Complainant, a Black man employed as a cook at a restaurant in Respondent's hotel, alleged that he was the victim of race discrimination. He contended he was fired because the Respondent's President did not like Blacks. A hearing was

#### EQUAL CREDIT OPPORTUNITY

A woman complained to the Commission that a credit union refused to allow her to co-sign her daughter's application for a loan. As a result of the investigation, the Respondent sent a letter of apology to the Complainant, appointed her co-applicant for the loan and agreed to train staff to ensure credit equal opportunity for women.

held in June 1985. We are presently waiting for the Hearing Examiner to issue a proposed decision.

Pease v. Apollo Restaurant - Complainant alleged that she was the victim of pregnancy discrimination. She was employed by the Respondent as a waitress. When she became pregnant, she inquired about whether the employer had insurance coverage in case she was injured on the job. She alleged that the employer then demanded that she release him from potential claims, and when she refused to do so, he terminated her. The case is presently scheduled for a hearing in May 1986.

Smith v. Baranof Hotel - Complainant, a Pacific Islander, alleged that he was discriminated against because of his race in terms and conditions of employment. He was employed on Respondent's maintenance crew at a rate less than that paid to Caucasian workers with similar levels of experience. A settlement of the case is in process.

Topacio v. Baranof Hotel - Complainant, a Filipino, alleged that he had been discriminated against because of his national origin. He had been employed for many years in the maintenance crew of the Respondent. He applied for a promotion to a vacant supervisory position. Even though he had many years of experience and seniority, a Caucasian recently arrived in Alaska was hired for the position. Shortly before the date set for the hearing of this case, the Complainant withdrew his complaint so that he could proceed in court.

Myers v. Skagway City Schools - Complainant, an employee married to another employee of the Respondent, alleged that he was the victim of marital status discrimination. The Respondent obtained health insurance policies which barred couples who were both employed by the Respondent from claiming each other as dependents and thus obtaining 100% medical coverage. Complainant alleged that he and other individuals similarly situated received less compensation than persons who were not married to other Respondent employees. The case was submitted to the Hearing Examiner

#### APPROVAL IN ADVANCE

A man complained of religious discrimination when his employer terminated him for taking time off to observe Good Friday. Investigation found that the employee was terminated for taking time off without making prior arrangements with his supervisor as required by the employer's policy. A determination of not substantial evidence was issued and the case was dismissed.

on Cross-motions for Summary Judgment during the summer of 1985. We are presently awaiting a proposed decision from the Hearing Examiner.

Dunlap v. Public Safety Employees Association - Complainant alleged that she had been the victim of sex discrimination resulting from the maintenance of a hostile, intimidating, and offensive atmosphere. She alleged that during the course of a meeting, union officials had referred to her in sexually derogatory terms. Shortly before the date set for hearing, the case was removed to the Superior Court to resolve certain legal issues related to jurisdiction and venue. We anticipate that these matters will be resolved and the case returned for further processing during the following calendar year.

Edwards v. Eileen Seals International Modeling Agency - Complainant alleged that she had been sexually harassed when the owner of the modeling agency demanded sexual favors. She refused the demands and was later terminated. The case has been scheduled for hearing in April 1986 and is presently in discovery.

Miller v. Alaska Public Employees Association - Complainant alleged that he was discriminated against because of his religion. The Respondent refused to grant him an accommodation which would have allowed him to pay union dues to a charity in lieu of the union. The case is presently in discovery.

Tyndall v. Alaska Public Employees Association - Complainant alleged that he was discriminated against because of his religion. The Respondent refused to grant him an accommodation which would have allowed him to pay union dues to a charity in lieu of the union. The case is presently in discovery.

Larson v. City of Juneau - Complainant, an Alaska Native, alleged that he had been the victim of race discrimination. He was terminated from his position with the City fire department for coming to work late while Caucasian employees

#### RELIGIOUS COMPLAINT RESOLVED

A Seventh-Day Adventist complained that she was harassed and discharged after her employer discovered she had newly converted and would require time off on Fridays at sunset for religious observations. During the Resolution Conference, the staff negotiated a pre-determination settlement in which Respondent agreed to give Complainant one month's salary and a positive reference.

who came into work late were not fired. The case is in discovery.

Taylor v. Alaska Airlines - Complainant alleged that she had been the victim of sex and religious discrimination. Complainant alleged that Respondent's local managers refused to hire her because they did not want to hire female employees as baggage handlers and because the manager wanted to give the positions to members of his own church. The case is in discovery and settlement discussions are in process.

Pinchuck v. Department of Public Safety - The Complainant, a female, alleged that she was the victim of sex discrimination. She applied for a position as a state trooper and was not considered after she failed a physical agility test which the Commission staff contends adversely impacts women and is not job related. The case is presently in discovery.

Two cases referred to the Hearing Unit were settled before the Certification of Conciliation Failure. In one case Complainant alleged that she was the victim of sexual harassment. An officer of Respondent attempted to make sexual advances towards her on numerous occasions. When the atmosphere became intolerable, Complainant quit. The case was settled for \$5,000. In the second case, Complainant alleged that she was the victim of handicap discrimination when her job was eliminated during a surgical convalescence. The case was settled for \$40,000.

During the last year, two special investigations were completed. One resulted in a cause finding and a referral to the Hearing Unit.

#### UNEXCUSED ABSENCES

A 52 year-old woman with cancer in remission alleged that she was terminated from her job because of age and physical handicap discrimination. Investigation found that the Complainant, after a job history of merit increases, promotions and accommodation to her physical handicap from her employer, was terminated for excessive absenteeism unrelated to her disability. The case was dismissed with a determination of not substantial evidence to support Complainant's allegations.

Supreme Court, DecidedAdams v. Alaska State Commission for Human Rights (ASCHR),  
Pipeliners Union 798:

ASCHR found that Pipeliners Union 798 had systematically discriminated on a classwise basis against Blacks and women in its dispatching and membership procedures during the pipeline construction. ASCHR ordered Pipeliners Union 798 to cease discriminating against Blacks in dispatching welder helpers to jobs in Alaska and in admitting individuals working in Alaska to membership in the Union. In addition, ASCHR imposed a quota requiring the Union "in filling any job order in Alaska" to allocate 2.2% of its dispatches to Blacks. The 2.2% quota was based on Black representation in the Alaska work force as reflected in the 1970 census.

Adams argued that ASCHR should order that Blacks be dispatched as welder helpers in proportion to their presence in the Union's relevant labor pool--the south and Alaska--and not based on Black representation in the Alaska work force alone. On appeal the Alaska Supreme Court held: 1) In a class action, when the Executive Director decides not to appeal a decision of the Commission, the Executive Director will be presumed to be an inadequate representative of the class. Thereafter, any class member that can demonstrate that his or her claim is typical of the other class members and that he or she can adequately represent the class on appeal may appeal a class action decision of the Commission; 2) The 2.2% quota remedy was based on an erroneous conception of the Commission's jurisdiction. The quota imposed by the Commission should reflect the percentage of Blacks in the labor market from which the relevant labor pool was drawn, rather than merely the percentage of Blacks in the relevant labor pool in Alaska. The court held that the 2.2% quota was not reasonably designed to eliminate the discrimi-

TOO MUCH BOLOGNA

A female cook aboard a fishing boat alleged that she was discharged by the Captain because a long term male crew member did not want to work with women. Investigation established that Complainant failed to live up to pre-employment promises to prepare fresh bread and pasta everyday. Instead she served cold cuts and cereal once too often.

nation found to exist in the Pipeliners dispatch of Black welder helpers to jobs in Alaska; 3) The court stated that coverage of AS 18.80 et seq. is not limited to "inhabitants" of the State of Alaska. Accordingly, the Commission has the power to impose a quota based on the relevant labor market available inside and outside the state although this does not mean that the Commission has a duty to impose such a quota. The court further stated that quotas imposed by the Commission must bear a reasonable relationship to the elimination of discrimination where it has occurred. The decisions of the Superior Court and the Commission were vacated and the case was remanded to the Commission for imposition of an appropriate remedy.

Sheehan v. University of Alaska, Alaska State Commission for Human Rights and Cathi Carr-Lundfelt:

The issue before the Court was whether or not the trial court had abused its discretion in denying Sheehan the right to file her appellant brief. The Supreme Court held: 1) The Superior Court had abused its discretion in not allowing Sheehan to file her brief. There was no showing of prejudice to appellee or the court which warranted dismissal of the case; and 2) It is appropriate for the trial court to impose a monetary sanction rather than dismiss the appeal. The case was remanded to the Superior Court for further proceedings.

Pipeliners Union 798, United Association v. Alaska State Commission for Human Rights:

The Pipeliners Union appealed the back pay awards of six individual claimants. In a memorandum opinion and judgment the Supreme Court held that there was substantial evidence to support all of the back pay awards ordered by the Commission. The Supreme Court affirmed the Commission's back pay awards in the amount of \$119,470.67.

ACCESS TO FACILITIES

An employee with bursitis complained that her employer had denied her a reasonable accommodation to her physical handicap. The employee alleged that her employer refused to make modifications to eliminate structural barriers which prevented her access to the lunch room and rest facilities. In a pre-determination settlement, the employer agreed to install lunch room and rest facilities accessible to Complainant.

Superior Court, Appeals

Union Chemical Division, Union Oil Co. of California v. Alaska State Commission for Human Rights ex rel. Larry Williams:

Union Chemical Division, Union Oil Co. of California ("Union Oil") sought reversal of a Commission Decision which held that Union Oil had discriminated against Larry Williams, on the basis of physical handicap, by refusing to hire him for a job as a millwright. The Superior Court: 1) declined to address the issues raised by Union Oil relating to allocations of burdens of proof in a physical handicap case because Union Oil did not raise or object to these issues during the administrative proceedings; 2) upheld the Commission's Decision that a reasonable belief held in good faith as to the physical impairment of Williams was not a defense to the charge of discrimination; 3) held that Union Oil's assertion that Williams' future physical condition established grounds for distinction under AS 18.80.220(a) was groundless. The court reasoned that such distinction was based on general and stereotypical ways of thinking about physically handicapped persons; 4) affirmed the Commission Decision awarding back pay in the amount of \$38,956.34 plus interest.

Superior Court, Pending

Sheehan v. University of Alaska and Alaska State Commission for Human Rights:

Sheehan alleged that the University of Alaska had discriminated against her, on the basis of sex, by terminating her as an assistant professor in the English Department at the University of Alaska, Fairbanks. ASCHR closed Sheehan's case for lack of substantial evidence. Sheehan appealed ASCHR's closure order. The issues on appeal include 1) whether there is substantial evidence to sustain a prima facie claim of sex discrimination and 2) did ASCHR comply

NIGHT WORK REQUIRED

When an airline refused to hire a woman with two small children as a ticket agent, the rejected applicant alleged discrimination based on parenthood. Investigation disclosed that the position required working a late night shift twice a week. Complainant admitted that she was unable to guarantee her availability for this shift. The staff determined that there was not substantial evidence of discrimination and dismissed the case.

with AS 18.80.110 in pursuing Sheehan's charge. Argued before the Superior Court on January 21, 1986.

Public Safety Employee's Association (PSEA) v. Alaska State Commission for Human Rights ex rel. Dunlap:

PSEA filed a complaint for injunctive relief in Superior Court to enjoin the Commission from holding a public hearing in this case. The Superior Court ruled that PSEA's complaint, although styled as an original complaint, was in fact an appeal from an interlocutory decision of the Commission. The Superior Court granted PSEA's petition for review and ordered expedited briefing. The issues on appeal are 1) whether the Commission has subject matter jurisdiction to adjudicate conduct which occurred, in part, outside the State of Alaska and 2) where is proper venue in this case. Petition for Review pending in Superior Court.

Corazon Fox v. Alaska State Commission for Human Rights and Alascom, Inc.:

Fox appealed the Commission's decision to close her case due to lack of substantial evidence. On appeal, Fox alleges that substantial evidence did exist to support her claim of race and national origin discrimination against Alascom. Appeal pending in Superior Court.

Other

The Commission has monitored the progress of numerous civil actions being litigated by private counsel pursuant to AS 18.80 et seq.

A BETTER JOB

A clerk for a publishing firm alleged his employer refused to accommodate his epilepsy and terminated him because of seizures on the job. The case was resolved by a pre-determination agreement providing for re-hire of the Complainant in a less strenuous position at a higher wage and with work hours preferred by Complainant.

ANALYSIS OF 1985 CLOSURES

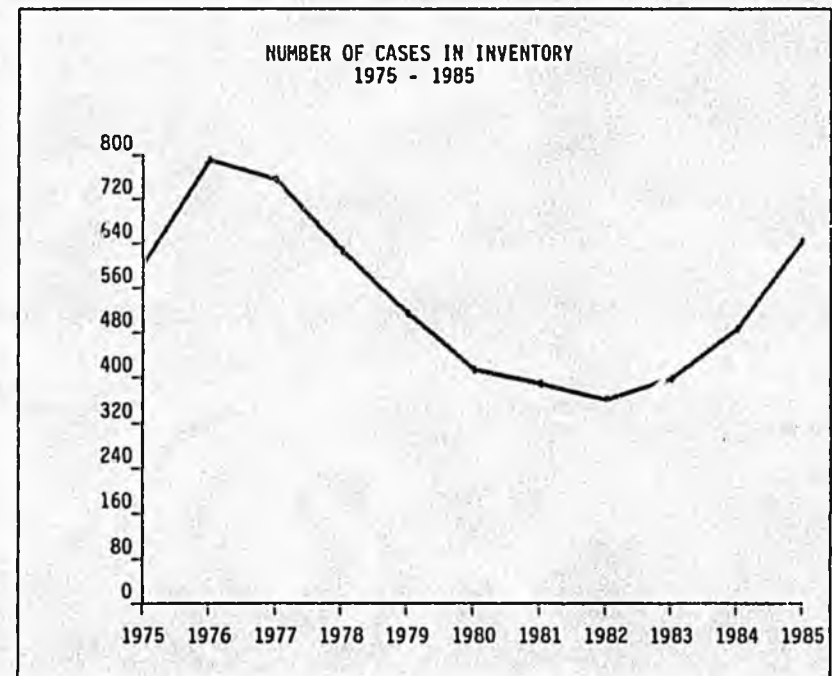
Reason for Closure	Number of Closures	Percentage of Total
<b>ADMINISTRATIVE CLOSURES:</b>		
Complaint Withdrawn	53	15.27%
Complaint Not Timely	2	.58%
Lack of Jurisdiction	11	3.17%
Complainant Not Available	14	4.03%
Failure of Complainant to Proceed	34	9.80%
Complainant in Court	3	.86%
Administrative Dismissal	<u>2</u>	<u>.58%</u>
Subtotal . . . . .	119	34.29%
<b>CONCILIATION/SETTLEMENT CLOSURES</b>		
Pre-Determination Settlement	76	21.90%
Successful Settlement	27	7.78%
Substantial Evidence/ Conciliation Agreement	4	1.15%
Substantial Evidence/Full Relief Rejected by Complainant	<u>1</u>	<u>.29%</u>
Subtotal . . . . .	108	31.12%
NOT SUBSTANTIAL EVIDENCE	110	31.70%
<b>HEARING CLOSURES</b>		
Hearing Decision for Complainant	2	.58%
Hearing Decision for Respondent	0	.00%
Pre-hearing Settlement	7	1.73%
Hearing Closure--Other	<u>1</u>	<u>.58%</u>
Subtotal . . . . .	10	2.89%
<b>TOTAL 1985 CLOSURES</b>	<b>347</b>	<b>100.00%</b>

SUMMARY OF CASES FILED AND CLOSED

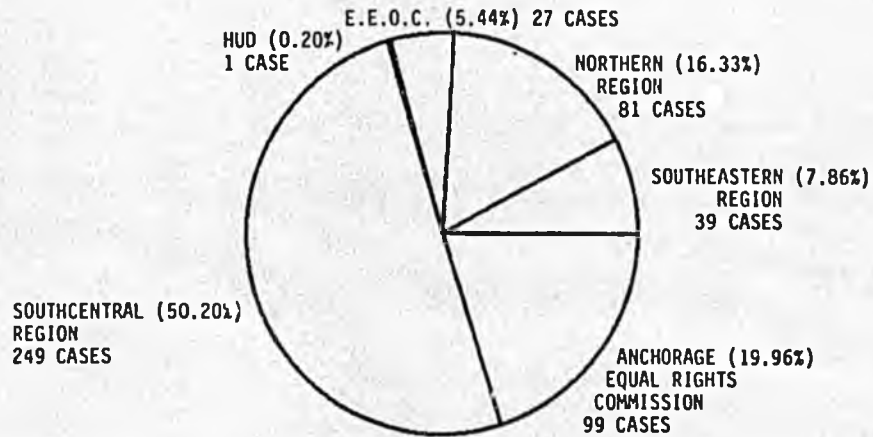
YEAR	BEGINNING INVENTORY	NUMBER OF CASES FILED	NUMBER OF CASES CLOSED	ENDING INVENTORY
1985	486	496	347	642**
1984	397	448	362	486*
1983	360	346	309	397
1982	387	292	319	360

\*Includes three cases reopened in December, 1984.

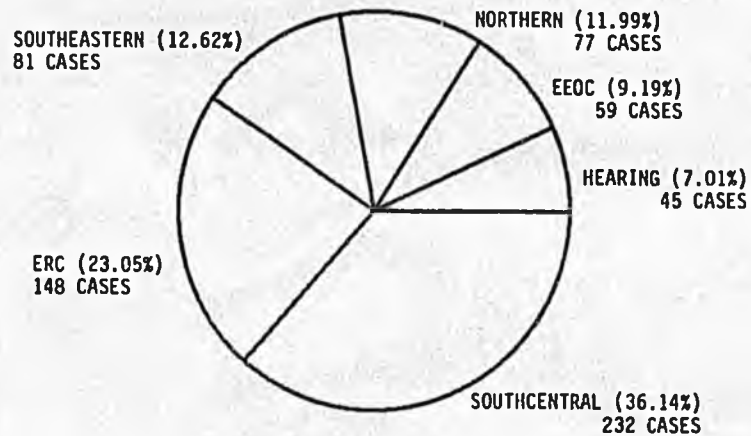
\*\*Includes seven remands/reopenings.



ORIGIN OF 1985 FILINGS



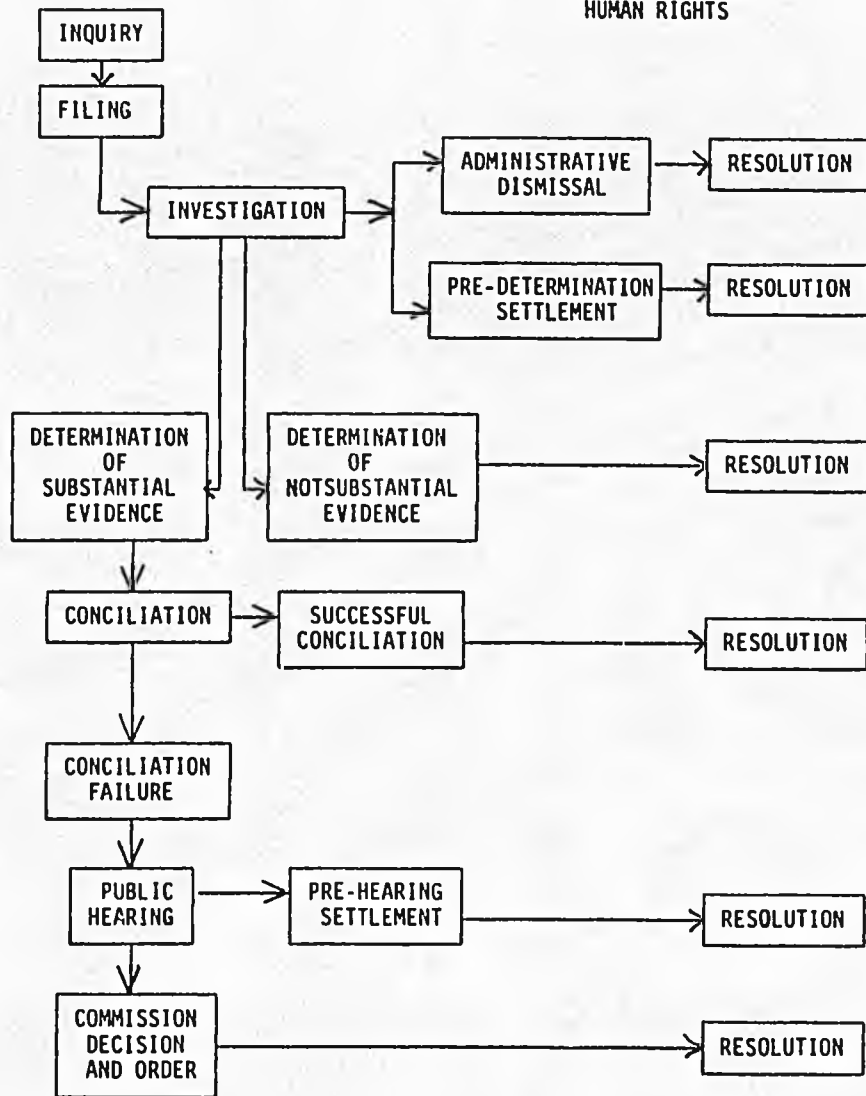
LOCATION OF OPEN CASES  
12/31/85



AGE OF CASES OPEN 12/31/85  
BEING INVESTIGATED BY ASCHR

Year Filed	No. Open Cases	Percent of Current Inventory
1980	4	.6%
1981	4	.6%
1982	14	2.1%
1983	37	5.7%
1984	102	15.8%
1985	<u>229</u>	35.6%
Subtotal	390	
Hearing Unit	45	7.0%
Cases at ERC	148	23.0%
Cases at EEOC	<u>59</u>	9.2%
TOTAL OPEN CASES	642	

PATH TO RESOLUTION OF COMPLAINTS  
FILED WITH  
THE ALASKA STATE COMMISSION FOR  
HUMAN RIGHTS



# Alaska State Legislature

ETTYE FAHRENKAMP, Chairman  
ARLISS STURGULEWSKI, Vice Chairman  
JOE JOSEPHSON  
PAUL FISCHER  
EDNA ARMSTRONG-DE VRIES



POUCH V  
STATE CAPITAL  
JUNEAU, ALASKA 99811  
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## Senate Committee on Health, Education and Social Services

Letter of Intent for ACS CSMB 173 (HRSB)

The Alaska State Commission for Human Rights is currently charged with eliminating and preventing unlawful discrimination in Alaska. ACS CSMB 173 (HRSB) extends this civil rights protection to mentally and physically disabled persons. Sections 4 and 5 protect the rights of physically and mentally disabled persons to use public streets, buildings and accommodations. It is the intent of the Senate Committee on Health, Education and Social Services that the Commission's enforcement responsibility of these rights extend only to accepting complaints and not to conducting criminal investigations or prosecutions.

# Sensory Impairment Center

(907) 272-7223

3710 E. 20th Ave. • Anchorage, Alaska 99508

*Eddie - draft response.  
We have back up info in file  
(Bill B in HESS committee) 8/4/1986  
Also answer 2nd S.I.C. letter  
check w/ Ron Larson's office (Wanda) for  
state of budget items.*

March 8, 1985

The Honorable Bettye M. Fahrenkamp  
Alaska State Senate  
Pouch V (MS3100)  
Juneau, Alaska 99811

Re: Support for SB168 - "An Act relating to rights of persons with disabilities."; and proposed amendment.

Dear Senator Fahrenkamp:

On behalf of this Agency, I wish to lend our support to Senator Rodey's Bill concerning rights of persons with disabilities. As you know, our Agency is responsible for providing rehabilitation services for blind or deaf adults from throughout Alaska. Therefore, we have a keen interest in making sure that blind or deaf individuals, along with other people with disabilities, enjoy full civil rights protections.

I thought it would be helpful to provide some general information particularly about blind or deaf persons, since there was quite a discussion on an Anchorage T.V. newscast a few days ago concerning the right of these individuals to serve on juries. A statement was made that it would be extremely difficult and would present quite a problem for a blind person to serve on a jury, since it would not be possible for such an individual to "see" physical evidence. This is nonsense! No attorney in a trial situation simply holds up a piece of physical evidence, photograph, drawing, or other visual information and says, "Here, members of the jury, look at this." The attorney involved always describes the physical evidence in great detail. Therefore, a blind juror would learn about the evidence by listening to the verbal description. And, of course, there may also be situations where a piece of physical evidence will be passed among the members of the jury for closer examination.

Many states now have laws which permit blind individuals who are otherwise qualified to fulfill their civic responsibilities by serving on juries. Also, there are a

good number of blind attorneys and judges in this nation who perform quite competently in courtroom settings.

Several other states have laws which establish the right of deaf individuals to serve on juries through the use of interpreters. In the Anchorage T.V. story, a question arose concerning the cost to the State if interpreters had to be provided. Again, this issue should be kept in perspective. It is estimated that there are only 450 deaf adults throughout this entire State who use sign language. Therefore, it is clear that the number of deaf persons actually called to serve as jurors would be minimal.

In general, we are in support of SB168 in its entirety. However, in \* Section 6. AS 18.80.220(a), subsection (1), (3) and (6), we see a potential problem. While these sections make it clear that it is illegal to discriminate against persons with disabilities in employment, advertising by an employer or employment agency, or advertising by a person, each section permits "different" treatment of persons with disabilities if such differential in treatment is based upon the "reasonable demands of the position" or "a bona fide occupational qualification."

This legislative intent is clear. For example, an employer may refuse to hire a blind person as a truck driver since driving actually requires sight. Or an employer may refuse to hire a totally deaf person as a switchboard operator since telephone work requires at least some degree of hearing.

Here is where confusion may arise: Many employers mistakenly believe that sight or hearing are required for every position which they have. Therefore, even though they are mistaken, they may honestly believe that visual or hearing requirements are based upon "bona fide occupational qualifications."

Therefore, to prevent possible future problems, we recommend that the following language be added to subsections (1), (3) and (6), or as a new subsection:

#### PROPOSED AMENDMENT

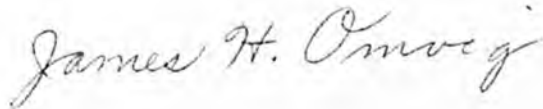
Where an employer, employment agency, or person believes that it is reasonable to treat a person with a disability differently from persons

without disabilities because of the reasonable demands of the position or due to a bona fide occupational qualification, the employer, employment agency, or person ~~has the burden of~~ proving that the differential in treatment was reasonable and not discriminatory.

*must provide a written statement explaining*

I appreciate the opportunity to comment on this much-needed piece of civil rights legislation. I hope that you will consider the suggested amendment which I have proposed.

Respectfully,



James H. Omvig, Director  
Sensory Impairment Center

JHO/db

cc: The Honorable William J. Sheffield  
Mr. Mike Morgan, Director,  
Division of Vocational Rehabilitation

COMMITTEE REPORT  
SENATE

FURTHER: FINANCE

5/10/85

Date 3-18-86

Mr. President

The Committee on HESS considered CSHB 172 (Jud) am

rights of physically and mentally disabled persons.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt SCS for CSHB 172 <sup>(HESS)</sup> ~~(Jud) am~~
- new title
- same title and recommends No Pass
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

Joe Josephson

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Edwin W. Urie N.R.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Debbie Ahrenkamp  
Chairman

Chairman recommendation \_\_\_\_\_

Karla Forsyth  
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Assistant Attorney General  
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*Jan Naas*  
*586-1627*

Dr. Mel Henry  
Department of Health and  
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Box H-04  
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Alliance for the Mentally Ill  
Box 211247  
Auke Bay, AK 99821

Dot Truran  
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Fairbanks AK 99701

Alaska Association for the Deaf  
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Anchorage, AK 99509

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ARLISS STURGULEWSKI, Vice Chairman  
JOE JOSEPHSON  
PAUL FISCHER  
EDNA ARMSTRONG-DE VRIES

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## Senate Committee on Health, Education and Social Services

### M E M O R A N D U M

TO: Interested Parties

FROM: Senator Bettye Fahrenkamp, Chairman *BF*

RE: SCS CSHB 172 (HESS), Rights of the physically and mentally disabled

DATE: January 27, 1986

Enclosed is a copy of SCS CSHB 172 (HESS) and a sectional analysis of the bill. This draft committee substitute will be heard before the Senate Committee on Health, Education and Social Services in the near future. A hearing date has not yet been set. The draft committee substitute incorporates two bills that have passed the House, HB 172 and HB 393, both relating to the rights of physically and mentally disabled persons.

SCS CSHB 172 (HESS) provides that persons with sight, hearing, or mobility impairment cannot be disqualified as jurors. It also requires the court system to provide an interpreter or reader for persons with hearing or sight impairment.

This bill also broadens the class of people whose rights to the full and equal use of public streets, sidewalks, transportation and public accommodations are protected under state law to include all physically and mentally disabled persons. Current statute provides those rights only for blind, visually handicapped and otherwise physically disabled persons. To further protect the rights of the disabled, the term "guide dog" has been replaced with "service animal". The bill calls on the Human Rights Commission to enforce these rights.

SCS CSHB 172 (HESS) would also protect the mentally and physically disabled against discriminatory practices in the areas of housing, employment, financing, and use of public accommodations.

In addition, the following sections have been added:

Section 2 Includes as an aggravating factor for the purpose of presumptive sentencing, offense at a victim because of that person's physical or mental disability.

A M E N D M E N T

Offered in the SENATE

TO: SCS CSHB 172(HESS)

Page 3, after line 27, insert a new bill section to read:

"\* Sec. 8. AS 18.80.050 is amended by adding a new subsection to read:

(b) The commission shall adopt regulations relating to discrimination because of physical and mental disability. The regulations shall furnish guidance concerning the circumstances under which it is permissible, appropriate, and relevant to consider a person's physical or mental disability in deciding whether to provide the person with employment, credit, financing, public accommodations, housing accommodations, or other goods or services under this chapter."

Renumber remaining bill sections accordingly.

Page 5, line 8, before "It is not" insert:

*maybe "letter of intent"*

"It is also the purpose of this chapter to eliminate or prevent discrimination or inequity resulting from ignorance or misconceptions concerning the nature and effects of physical and mental disabilities."

*title -*

*as member & from treating a person solely as a member of a disadvantaged group w/ all the characteristics of a group, rather than considering the persons individual characteristics*

Page 11, lines 4 - 7, delete:

" ; however, this paragraph may not be construed to require alteration

or remodeling of buildings, facilities, or vehicles owned or operated by the state or its political subdivisions to any extent not required by other law"

Page 11, before line 8, insert a new bill section to read:

"\* Sec. 17. AS 18.80 is amended by adding a new section to read:

Sec. 18.80.256. ALTERATIONS NOT REQUIRED. This chapter may not be construed to require the alteration or remodeling of buildings, facilities, or vehicles in order to provide access to or accommodate the needs of a person with a physical disability."

Renumber remaining bill sections accordingly.

Jeff Tessee, P.A.D.D. DE.

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 2/10/86

**REQUEST**

Bill/Resolution No. : SCSCSHB 172  
 Title : Rights of the Physically and Mentally Disabled  
 Sponsor : Reps. Duncan, Collins, Gruenberg  
 Requestor : Senator Fahrenkamp  
 Date of Request : 2/6/86

**FISCAL DETAIL**

Agency Affected : Office of the Governor  
 BRU : Commissions/Special Offices  
 Components : Human Rights Commission

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		48.6				
TRAVEL		7.5				
CONTRACTUAL						
SUPPLIES		.5				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>56.6</b>				

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		56.6				
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>56.6</b>				

**POSITIONS :**

FULL-TIME		1.0				
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

One PFT Human Rights Field Representative III, Range 18, plus attendant travel and supplies.

Prepared by : Michael A. Nizich, Director Phone : 465-3616  
 Division : Administrative Services Date : Feb. 10, 1986

Approved by Commissioner : Laura J. Herman Date : Feb. 10, 1986  
 Agency : Office of the Governor

**Distribution (by Agency preparing fiscal note):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

1.	POSITION TITLE Human Rights Field Rep. III			RANGE/STEP 18A	BARG. UNIT X	PAGE/LINE	COY.	APPROV.	DATE
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anch.	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL			JUSTIFICATION					
4.	ADDITION								
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	37.6							
6.	Benefits	11.0							
7.	Supplemental Benefits								
8.	Fixed Benefits								
9.	TOTAL PERSONAL SERVICES	01	48.6						
10.	Travel	02	7.5						
11.	Contractual	03							
12.	Commodities	04	.5						
13.	Equipment	05							
14.	Other								
15.	TOTAL COST		56.6						
16.	RECEIPT CODE	FUNDING SOURCE							
17.		Federal Receipts 1002							
18.		G.F. Match 1003							
19.		General Funds 1004		56.6					
20.		I-A Receipts 1005							
21.		Program Receipts 1028							
		Other							
FOR BSM USE ONLY									
KEY NUMBER _____									

This position will handle increased caseload (intake and processing) of complaints anticipated to be filed by disabled persons due to CSHB 172 (HESS).

**REQUEST FOR  
NEW POSITION**

AGENCY Office of the Governor  
 PROGRAM Commissions/Special Offices  
 BRU Human Rights Commission  
 COMPONENT \_\_\_\_\_

Page 2 of 2  
 Revised Date 2/10/86

**FY 86**

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : SCS CSHB 172 (HESS)  
 Title : An act Relating To Rights of Deaf, Blind, Disabled Persons  
 \_\_\_\_\_  
 Sponsor : HESS  
 Requestor : \_\_\_\_\_  
 Date of Request : 2/5/86

**FISCAL DETAIL**

Agency Affected : ALASKA COURT SYSTEM  
 BRU : Trial Courts  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		5.1	5.4	5.7	6.0	6.4
SUPPLIES		9.5	10.1	10.7	11.3	12.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		14.6	15.5	16.4	17.3	18.4

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		14.6	15.5	16.4	17.3	18.4
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		14.6	15.5	16.4	17.3	18.4

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

SEE ATTACHED ANALYSIS

Prepared by : Robert G. Fisher Phone : 264-8215  
 Division : Fiscal Officer Date : 2/6/86

Approved by Commissioner : J. Cole for Art Anwarden Date : 2/6/86  
 Agency : Alaska Court System

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

ALASKA COURT SYSTEM  
SCS CSHB 172 (HESS) - RIGHTS OF DEAF, BLIND,  
AND DISABLED PERSONS

FISCAL IMPACT

This legislation allows deaf, blind, and disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. Providing interpreters for deaf persons will impact the Court's travel and contractual budget categories. The other aspects of the legislation should not impact the Court.

Historically, seven to eight percent of all eligible persons are required to perform jury duty. Jury service typically averages slightly more than one and one-half days in length. The Division of Vocational Rehabilitation has estimated that 250 deaf persons would be eligible for jury duty. Based on past experience, it is estimated that approximately 17 deaf individuals could be called for service in a year. Each deaf juror would require an interpreter for all activities in the court.

The geographical distribution of the adult deaf population is not known. To estimate the cost of providing interpreters, the court used 1984 jury statistics to estimate the probability of serving in each of the court locations statewide. These probabilities were applied to the estimated costs of providing an interpreter for the average length of jury service in each location. For locations other than Anchorage, one day of travel time was added to the average length of service. It was assumed that all interpreters are based in Anchorage. The summation of the costs for each court provided an estimate of the total cost of providing interpreters.

Interpreter fees are calculated to cost \$9,500 per year. Interpreter travel is estimated to cost \$5,100.

Cost estimates for subsequent fiscal years reflect inflation at the rate of six percent.

Senate HESS Committee  
February 11, 1986

HB 172, rights of the physically and mentally disabled persons

Has been called a "bill of rights" for the deaf, blind, physically disabled and mentally ill.

House version sponsored by DUNCAN

Senate bill (SB 168) sponsored by RODEY

This CS has the support of all original sponsors.

FISCAL NOTES:

- 1) DHSS \*\*\* -0- fiscal note, supports
- 2) COURT SYSTEM - \$14,600 for interpreter services and travel
- 3) HUMAN RIGHTS COMMISSION - \$56,600 for an additional position to handle increased caseload
- 4) DEPARTMENT OF LAW - opposes juror section, increase staff time

ISSUES:

- 1) Department of Law is opposed to including this new class of jurors.
- 2) Human Rights Commission is concerned about the responsibilities of new ENFORCEMENT powers, and effect of not requiring alteration or modification of existing buildings unless required by other law.

People:

563-4713 Al Berke  
Executive Secretary  
Alaska Association of the Deaf  
PO BOX 4-64  
Anchorage, AK 99509

initially asked Pat to find \$46,000 for a survey of 200 people  
request was way out of line

Pat recommended him and he was appointed to the Governor's  
committee on the Employment of the Handicapped

throws temper tantrums

wants only the deaf included in the bill. does not want  
deaf included in "physically disabled" because the blind  
are not. The blind are mentioned separately so he wants  
to be mentioned separately. In the interests of clear  
statutes and legislation, Pat wants to include both  
deaf and blind in physically disabled.

274-3658 David Maltman *Jesse* -  
Executive Director  
PADD Protection & Advocacy for the Developmentally Disabled  
325 East 3rd 2nd Floor  
Anchorage, AK 99501

very reasonable, very knowledgeable  
good politically, wants corresponding bill in the house

staff attorney for PADD  
drew up amendments for us  
good, knowledgeable

243-2146 Jim Cox  
interpreter for Al Berke and legislative liaison for Asso of Deaf  
calm, reasonable, knowledgeable person  
talk to him before talking to Al

Louise Rude  
Alaska Association of the Blind  
check with Louise about including blind in definition of  
physically disabled. They should have no objection because  
the result will stay the same for them.

Barbara Herman  
11000 Ridgcrest  
Anchorage AK 99516

Dr. Wempe  
Arctic Animal Hospital  
1600 E. Tudor Road  
Anchorage AK 99507

Christine Hagmaier  
Department of Health and Social  
Services  
P.O. Box H-04  
Juneau AK 99811

AMENDMENT

Offered in the SENATE

By Gruenberg

TO: CSHB 172 (JUD)

Add a new section to amend AS 12.55.155(c)(22) to read:

(22) the defendant knowingly directed conduct constituting the offense at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin.

Commentary:

This amendment amends 12.55.155(c), which lists the aggravating factors a court may consider in increasing a presumptive sentence. Subsection (22) presently permits the court to consider if the defendant directed the crime against the victim because of the victim's race, sex, color, creed, ancestry or national origin. The amendment will also permit the court to consider if the crime was committed because of the victim's physical or mental disability.



**PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED**

**MAIN OFFICE**  
325 East 3rd, 2nd Floor  
Anchorage, AK 99501  
(907) 274-3658

**SOUTHEAST  
REGIONAL OFFICE**  
127 S. Franklin, Suite 2  
Juneau, AK 99801  
(907) 586-1627

**NORTHERN  
REGIONAL OFFICE**  
763 7th Ave.  
Fairbanks, AK 99701  
(907) 456-1070

March 8, 1985

Ms. Sandra Schubert Pence  
Office of Senator Betty Fahrenkamp  
Pouch V  
Juneau, Alaska 99811

RE: SB168: An Act Relating to the Rights of Deaf, Blind,  
and Disabled Persons.

Dear Ms. Pence:

As per our phone call of March 8, 1985 I am enclosing some information about SB168. First is a position paper I drafted with Mr. Al Berke, Executive Secretary of the Alaska Association of the Deaf. It is addressed to the Governor's Council for the Handicapped & Gifted. It solicits the Governor's Council's support of SB168. The position paper briefly explains all the sections of the bill as well as their likely impact.

I have also enclosed a law review article that addresses the constitutional and practical impacts of deaf jurors upon the court system and litigants. I believe this law review article persuasively refutes all arguments against deaf jurors. It also provides a very compelling argument for why jury service is a constitutional right that should not be denied to deaf jurors. Please note that California has amended their statutes to allow for deaf people to serve on the jury. Cal. Civ. Proc. Code §198(2).

I have also been informed by Janet Bradley, Executive Director of Alaska Human Rights Committee that the Human Rights Commission intends to support SB168.

Thank you for this opportunity to provide information to the Senator. Please feel free to contact me if you have any questions or comments.

Sincerely,

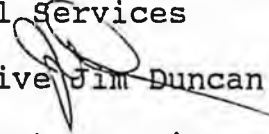
*Jonathon A. Katcher*  
Jonathon A. Katcher  
Supervising Attorney

JAK:bk

ALASKA  
STATE LEGISLATURE  
**MEMORANDUM**

January 8, 1986

TO: Senator Bettye Fahrenkamp  
Chair, Senate Health, Education  
and Social Services

FROM: Representative  Jim Duncan

Subject: CSHB 172 (JUD) AM, Rights of Physically  
and Mentally Disabled

CSHB 172 (JUD) AM provides for the rights of the blind, deaf and otherwise physically or mentally disabled to the safe and equal use of public streets, sidewalks, transportation and public accommodations. In exercising these rights, the disabled person's use of a service animal would also be protected.

This bill also places enforcement of discrimination based on physical or mental disability within the authority of the Human Rights Commission and protects the disabled from discrimination in purchase, rental or lease of housing; employment, and financing. It is supported by organizations for the deaf, blind, physically and mentally disabled and the Governor's Council on the Handicapped and Gifted.

I would appreciate your scheduling this bill for a hearing as soon as possible. If I can be of assistance, please let me know. My staff contact on this bill is Roxanne Stewart at 465-4766.

HB 172 has S. HESS, S. Fin referral  
Sen Jud waived referral (they were to get it 1st)

file

Sandra

STATE OF ALASKA  
THE LEGISLATURE  
LEGISLATIVE AFFAIRS AGENCY

Rodey is plan to let SB 168 sit & move HB 172 through?

Jan 3 1987  
Arch 276-6131

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

MEMORANDUM

May 9, 1985

Greenberg supports. Is melding of HB 172 & HB 393

SUBJECT: SCS CSHB 172 (Jud) Sectional Analysis  
TO: Senator Pat Rodey, Chair  
Senate Judiciary Committee  
FROM: Michael F. Ford M.F.  
Legislative Counsel

The following is a section by section analysis of SCS CSHB 172 (Jud):

same as SB 168

Section 1 - Provides that persons with sight, hearing, or mobility impairment cannot be disqualified as jurors. Also requires the court system to provide an interpreter or reader for persons with hearing or sight impairment.

SB 168 used "deaf, blind, disabled" but defined same. ADDED IN H.B. Allows for hearing aids.

Section 2 - Replaces the phrase "blind, visually handicapped and otherwise disabled", with a broader term "physically and mentally disabled", which is defined in section 14. Also substitutes the term "service animal" in place of "guide dog", and requires that the animal be certified as able to function in a public setting.

HB adds service animals

Section 3 - Substitutes the term "physically and mentally disabled" for "totally or partially blind", and "service animal" for "guide dog". Deletes the reference to "contributory" negligence in conformity with existing negligence law.

same as SB - Added in HB. Implicit in SB.

Section 4 - ~~Penalty for interference~~ "access to public facilities - class B misdemeanor" Establishes that enforcement of these rights is through the state Human Rights Commission. Replaces the term "totally or partially blind or otherwise disabled" with "physically or mentally disabled".

same SB

Section 5 - References the definition in AS 18.80.300 for "physically or mentally disabled". Deletes the existing definition of "totally blind" or "partially blind".

differ from HB - see next page ->

Section 7 - Provides that the state Human Rights Commission has the duty to eliminate discrimination because of "physical or mental disability" and has the duty to enforce AS 18.06.

Same SB  
Sec 4

Section 7<sup>8</sup> - Includes "physical or mental disability" among those types of discrimination that are a matter of public concern and should be eliminated from the areas of employment, financing, and public accommodations.

Same SB  
Sec 5

Section 8<sup>9</sup> Includes "physical or mental disability" among those things for which a person has a civil right to certain opportunities without discrimination.

Same SB  
Sec 6

Section 8<sup>10</sup> - Prohibits discrimination in employment matters as to those individuals with a "physical or mental disability".

Same SB  
Sec 7

Section 10<sup>11</sup> - Prohibits discrimination in places of public accommodation as to those individuals with a "physical or mental disability".

Same SB  
Sec 8

Section 11<sup>12</sup> - Prohibits discrimination in the sale or rental of real property to those individuals with a "physical or mental disability".

Same SB  
Sec 9

Section 12<sup>13</sup> Prohibits discrimination in credit and financing matters against those with a "physical or mental disability".

Same SB  
Sec 10

Section 13<sup>14</sup> Prohibits discrimination by the state or its political subdivisions in various matters because of a "physical or mental disability". *Clarifies that this section does not require remodeling or deterioration of bldgs.*

added HB →

Section 14 - Definitions section. (Tracks Fed DHSS regs.)

Same SB 12

Section 15<sup>16</sup> - Repeals the existing definition of "physical handicap".

MFF:csh  
c4/036

some prefer to have  
handicap specifically  
mentioned

Differ from SB

broader term - "phys or mental disability" vs. "deaf, blind, disabled" BUT DEFINED SAME SO NO REAL DIFFERENCE.

[guide dog] service animal - allow hearing dogs

SB requires gov. units + Univ to pay costs of interpreter for deaf persons seeking access to their services.

SECTIONAL ANALYSIS FOR CS FOR HB 172 (HESS) - RIGHTS OF PHYSICALLY AND MENTALLY DISABLED PERSONS

- SECTION 1 Provides that a person cannot be denied the opportunity to serve on a jury because of a disability, and that an interpreter or reader will be provided for a sight or hearing impaired person.
- SECTION 2 Changes wording in the general rights section to read physically and mentally disabled, and changes service dog to services animal, and provides that a certified animal has the right to accompany a disabled person in a public place.
- SECTION 3 Changes language in Rights of a Pedestrian to physically and mentally disabled, and includes use of special equipment for mobility and a service animal.
- SECTION 4 Provides that the provisions in AS 18.06 are to be enforced by the Human Rights Commission.
- SECTION 5 Changes existing definitions by reference to AS 18.80.300.
- SECTION 6 Adds to the general powers section of the Human Rights Commission statute in which the commission studies discrimination, the basis of physical or mental disability.
- SECTION 7 Adds physical or mental disability to the purpose clause of the Human Rights Commission.
- SECTION 8 Adds physical or mental disability to the civil rights section of the Human Rights Commission.
- SECTION 9 Adds physical or mental disability to the section in the Human Rights Commission statute which prohibits discrimination in employment.
- SECTION 10 Adds physical and mental disability to the section in the Human Rights Commission statute which prohibits discrimination in public accommodations.
- SECTION 11 Adds physical or mental disability to the section of the Human Rights Commission statute which prohibits discrimination in the sale or rental of real property.
- SECTION 12 Adds physical and mental disability to the section of the Human Rights Commission statute which prohibits discrimination by financial institutions.
- SECTION 13 Adds physical and mental disability to the section of the Human Rights Commission statute which prohibits discrimination by the state or its political

subdivisions.

SECTION 14      DEFINITIONS

PLEASE NOTE: On Page 11, lines 17-19, the words "emotional and mental illness" which were in SB 168 were deleted from this section because of the committee's reluctance to deal with mental illness.

SECTION 15      Repeals existing definition of "physical handicap"

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465.3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*HESS 4-11-85 1:36pm*

COMMITTEE REPORT

HOUSE

7/17

*RLC*

(7)

FURTHER:

3/22/85

Date: \_\_\_\_\_

The Committee on JUDICIARY has had 7-17

"An Act relating to the rights of blind, hearing impaired, disabled, and physically handicapped persons."

under consideration and recommends:

do pass  do not pass

do pass with attached amendments(s)

replace with CS for HR 172 (JUD)  same title  new title.

and recommends *do pass*

AND attaches a "Letter of Intent"  New Fiscal Note

reports it back without recommendation  Zero Fiscal Note Attached

referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*AMENDED* *VS 100*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN

sent copy to Sen. Rodgers 4/12/85

941 then file

APR 11 1985

BILL SHEFFIELD, GOVERNOR

### HUMAN RIGHTS COMMISSION

April 11, 1985

The Honorable Bettye M. Fahrenkamp  
Chair  
Senate Health, Education & Social  
Services Committee  
Room 125 Capitol  
Juneau, AK 99811

- AGENCY HEADQUARTERS  
431 W. 7th AVENUE, SUITE 105  
ANCHORAGE, ALASKA 99501  
(907) 276-7474
- NORTHERN REGION  
675 SEVENTH AVENUE, STA H  
FAIRBANKS, ALASKA 99701  
(907) 452-1561
- SOUTHCENTRAL REGION  
431 W. 7th AVENUE, SUITE 101  
ANCHORAGE, ALASKA 99501  
(907) 274-4692
- SOUTHEASTERN REGION  
POUCH AH  
314 GOLDSTEIN BUILDING  
JUNEAU, ALASKA 99811  
(907) 465-3560

Dear Senator Fahrenkamp:

At their annual meeting in Juneau on March 1, 1985, the Human Rights Commissioners considered SB 168 "An Act relating to rights of deaf, blind, and disabled persons" and passed the following resolution:

To support that part of the legislation which applies to our agency and the state law and express our concern that the portion which deals with jury duty be permissive but not mandatory.

The Commissioners are aware of the need for broader protection from the unfair discrimination suffered by the deaf, blind and disabled in Alaska. Although the Commission's current jurisdiction on the basis of physical handicap is limited to the employment section of our statute, the Commission has been active in the enforcement of this limited protection. Most recently, the Commissioners took a strong advocacy position in the Williams v Union Chemical decision after a public hearing on the matter, holding that an applicant capable of performing all the required duties of a job could not be denied employment on the grounds that his prior medical history made him an industry risk without evidence establishing a likelihood of injury.

With respect to SB 168, the Commission supports the proposed definition of disability found at Section 11 AS 18.80.300 because of its broader coverage affording greater protections than under our present definition, repealed at Section 12 AS 18.80.300(13). Furthermore, the harmonizing of state law with the federal protections for the disabled provides a consistency beneficial to both complainants and respondents who must comply with state and federal law.

The Commissioners' concern about Section 1 amending AS 09.20.210 reflects their hesitation to compel a blind, deaf or disabled

Fahrenkamp  
Page 2  
April 11, 1985

person to act as a juror. The Commission supports this section so long as it is interpreted as a permissive but not mandatory responsibility.

If you or the Committee desire further information about the Commission's position on this bill, please do not hesitate to call me.

Sincerely,

*Janet L. Bradley by PMA*

Janet L. Bradley  
Executive Director

JLB/b

Anchor Daily News  
Wed, Jan 15, 1986

# Sharing ears, sharing lives

## Dog gives more than hearing to master

By Tug  
ment  
gery.

By H



By ANDREW PERALA  
Daily News community editor

**L**ying anesthetized on the operating table like a limp, black, curly-haired throw rug, Tug the poodle twitches slightly as veterinarian Jim Wempe inserts a pair of forceps deep into the ear canal.

"Poodles and terriers grow hair naturally inside their ears," Wempe explains. "It restricts the airflow, moisture builds up and infections begin. In any dog it is detrimental and extremely uncomfortable."

Wempe extracts the forceps, a minuscule bunch of black hair clamped tightly in its tip. "Infection can cause hearing loss, which in this case would be disastrous."

Tug is a hearing guide dog, one of only four in Alaska. A founding member turned in last year to the Society for the Prevention of Cruelty to Animals, Tug is now worth at least \$3,000.

But to his partially deaf owner, Jerry Lemmon, Tug is worth a whole lot more.

While Tug sleeps, Lemmon sits in a waiting room outside the operating arena. A former logger, laborer, farm hand and sewer system planner, the 6-2, 300-pounder idles quietly in his chair.

"I can't watch," he says about the surgery. "I'd probably cry."

Lemmon has an 85 percent hearing loss in both ears, the result of a bout with spinal meningitis when he was 5.

Now 45 years old, Lemmon says he spent decades filled with anger at insensitive teachers and employers who called him dumb and retarded because he couldn't hear what was being said to him.

"I withdrew from everything

he says.

That changed last September, when Tug came into his life. "He and I are pretty close. You might say we're best friends."

Tug's job is to act as Lemmon's ears, to listen and react to sounds that Lemmon cannot hear.

Tug responds to the doorbell by running to the door, then dashes back to Lemmon and runs back to the door again. If Lemmon doesn't follow, Tug returns, jumps up and hits Lemmon with his paws.

"It's something, I tell you," Lemmon says. "In the morning in bed, it's a little like having a heart attack."

After less than a year of training, Tug already knows how to respond to a dozen different sounds and situations.

When the household smoke alarm sounds off, Tug runs to his master. When Lemmon drops his set of car keys, Tug picks them up.

Eventually, says SPCA trainer John Ledum, Tug should be able to learn how to respond up to 90 different sounds.

"But half the service of a guide dog is giving disabled persons a chance to work outside the self," says Ledum, who assisted with Tug's surgery. "Even if the dog were never to work again, he has done his job."

Lemmon and his wife of 28 years, Nancy, moved to Alaska from Oregon in 1983. Throughout his working life, says Lemmon, he was relegated to a series of heavy-lifting jobs and was often fired or laid off because of his hearing loss.

He's unemployed now, and is undergoing job training with the state's vocational rehabilitation department.

"I withdrew from everything

See Page J-3, HEARING



Above, a monitor keeps track of Tug's heartbeat while John Ledum helps Dr. Jim Wempe trim Tug's toenails after his ears were cleaned. Left, Dr. Wempe peers 2 1/2 inches into Tug's ear canal.

## Hearing dog has ear surgery

Continued from Page J-1

Life in Alaska is much better than other places he has lived, he says. "The people are friendlier here, especially in the smaller towns."

But frustrations with his hearing loss continue. He is often asked to leave local stores and offices because of Tug.

"What's a dog gonna do in a hardware store?" Lemmon asks. "He's well trained. He's not going to piddle. If he does, I'm going to clean it up. Small kids piddle, too. He's never had an accident."

Lemmon has won a few of the standoffs, however.

"I was in one store and they asked me to leave and I told them, 'You're going to have call the police and arrest me 'cause I'm not leaving.'"

"I just want to be accepted for what I am, nothing more, nothing less."

Still, the frustrations continue. Store owners are not legally obligated to give Tug

the same consideration they must give to seeing eye dogs.

But there is a bill pending in the state legislature to allow hearing-impaired people to use guide dogs in public. It is Lemmon's fervent hope that the bill, HB 107, passes quickly.

"All handicapped people have to work twice as hard just to keep up," he says.

"It's not fair. If I can do something to stop the torment, grief and frustration of just one handicapped person — it's all worth it."

Tug's surgery last week was successful, says Wempe, although it will need to be repeated about twice a year.

"It's a funny thing," says Lemmon, after watching his dog recover from the anesthesia. "An animal is unlike people. You can beat a dog — I don't. — but you can beat a dog and he will come back and lick your hand."

"If all people could learn lessons from a dog, wouldn't it be a nice world to live in?"



# Backgrounder

States Information Center  
The Council of State Governments  
Iron Works Pike  
P.O. Box 11910  
Lexington, KY 40578  
(606) 252-2291

**Date:** June, 1984

**Topic:** Civil Rights

**Infokey:** Civil Liberties and Civil Rights

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LEGISLATIVE AFFAIRS  
Reference Library

## The Civil Rights Act of 1984: An Anti-Discrimination Law for all 50 States

Over the past 20 years, Congress has enacted four laws to prevent discrimination on the basis of race, color, national origin, sex, disabilities and age. These laws have been made applicable to the states and to private institutions by tying them to federal money. Technically, no state institution is required to obey the civil rights laws, but the cost of disobedience is ineligibility for federal aid. Only a few individualists have chosen to turn down money offered by Washington.

When the U.S. Supreme Court decided the case of Grove City College v. Bell (104 S.Ct. 1211) earlier this year, it narrowly interpreted the coverage of one of the civil rights laws, Title IX. Many observers feared that the case would serve as a precedent that would lead to a restriction on the coverage of the other three acts protecting civil liberties. One member of Congress called the Grove City decision "a telling blow against our national policy of eliminating unfair discrimination,"<sup>1</sup> and another said that it "pierced a gaping hole in Federal civil rights protections".<sup>2</sup>

The Senate responded quickly to the decision, when 61 of its members co-sponsored S.2568, a bill to amend the first four civil rights acts to avoid the interpretation set down by the Supreme Court in Grove City. Entitled "The Civil Rights Act of 1984," the bill is certain to pass the Senate. A similar bill passed the House on June 26 by a 375 to 32 vote.<sup>3</sup>

*did this pass the Senate?*

---

\*This CSG Backgrounder was compiled by Mark Ford, States Information Center.

**Note:** *Backgrounder* information is the latest available at the time of publication, but for updates, you should contact the appropriate state or federal agency directly. This material does not represent the position of The Council of State Governments. Information is included based on relevance to the topic. Some material, as noted, is copyrighted and may not be reproduced further without permission of the original publisher. Contact the States Information Center or the writer at CSG.

## Background

Title VI of the Civil Rights Act of 1964 prohibited discrimination on the grounds of race, color, or national origin in "any program or activity receiving federal financial assistance." The principle "that the federal government should not subsidize those who violate its laws or allow public tax dollars to underwrite discrimination"<sup>4</sup> was extended later to prevent discrimination on the basis of sex (Title IX of the Educational Amendments Act of 1972), physical or mental disability (section 504 of the Rehabilitation Act of 1973) and age (Age Discrimination Act of 1975). All three acts outlawed discrimination in "any program or activity" that received federal funds.

The Grove City decision came six years after the U.S. Department of Education and a private college in Pennsylvania first clashed over the school's compliance with federal regulations banning sex discrimination (based on Title IX). Grove City College had a policy of rejecting direct federal aid, but some of its students received federally-backed education grants, and so, the government argued that the indirect aid gave it the right to enforce its regulations.<sup>5</sup> The Supreme Court agreed unanimously with the argument, but it went one step further. It construed the words forbidding discrimination in "any program or activity receiving federal financial assistance" to mean that Title IX applied only to those programs that received federal funding (in Grove City, only the financial aid office was found to be getting federal aid). This meant that any school program that did not receive money from Washington did not have to obey antidiscrimination laws.

Since the "program or activity" language is present in all four civil rights statutes, the narrow reading given to Title IX in Grove City could be applied to the other acts. Fears that "the court's logic would open the door to widespread discrimination,"<sup>6</sup> prompted Edward Kennedy and Bob Packwood to co-sponsor the Senate act designed to change the language that led to the narrow ruling.

## What the Civil Rights Act of 1984 Will Mean

Basically, the new Civil Rights Act alters the words of the laws of 1964, 1972, 1973 and 1975. Where once the acts prohibited discrimination "under any program or activity receiving federal financial assistance," they now will prohibit discrimination "by any recipient of federal financial assistance."<sup>7</sup>

The new definition of "recipient" will include "any state or political subdivision thereof, or any instrumentality of a state or political subdivision thereof" which gets federal aid directly or indirectly, "or which receives support from the extension of Federal financial assistance to any of its subunits."<sup>8</sup> Money provided from Washington to any state governmental unit could automatically place all state programs under the jurisdiction of federal laws and regulations concerning civil rights. However, the penalty for violating the law is not a total denial of aid; instead, "only the particular assistance supporting noncompliance will be subject to termination."<sup>9</sup>

## Arguments in Favor of the Civil Rights Act of 1984

Proponents of the Civil Rights Act of 1984 argue that:

°The four major civil rights statutes that mandate equal treatment for all Americans in programs receiving federal aid, regardless of race, color, national origin, sex, handicap or age "have been among the most proven and effective tools for eliminating discriminatory practices in our society" (Senator Kennedy, D-MA)<sup>10</sup> Their effectiveness, however, has been called into question by Grove City, and can only be restored by corrective legislation.

°The Civil Rights Act of 1984 is necessary if only to restore the civil rights laws to the position they held before the language of Title IX was "misinterpreted" by the Supreme Court in Grove City. "It is now incumbent upon the Congress to do what it should have done 20 years ago when it passed the prototype for these laws, Title VI. The protections afforded by these civil rights provisions are too precious to millions ... for Congress to delay any longer in removing the ambiguity and making explicit its true intent." (Senator Dole, R-Kansas)<sup>11</sup>

°The act will pave the way for "a full partnership between the States and Federal Government to abolish discrimination in our country," says Senator Bingaman of New Mexico<sup>12</sup>, in response to fears of "creeping federalism". Senator Mitchell of Maine adds that "if constitutional rights are to be preserved, then it is up to the National Government to set the example by vigorous enforcement of those laws [which give strength to constitutional guarantees]."<sup>13</sup> In other words, the Civil Rights Act of 1984 will be a burden only if the individual states choose to make it one.

## Arguments Against the Civil Rights Act of 1984

While they are in favor of legislation forbidding discrimination among equally qualified persons on the basis of ethnic background, skin color, gender, handicaps or age, some observers object to the new act, saying that it forces the states to submit to statutes and regulations dictated from Washington, D.C. They argue that:

°The act represents "an unparalleled opportunity to extend the federal regulatory reach much further into the organizations and institutions of American society than ever before," according to Professor Chester Finn of Vanderbilt University.<sup>14</sup> Mike Horowitz, General Counsel of the federal Office of Management and Budget, pointed out that the new act will have the effect of "extending Federal mandates to State and local activities and agencies which receive no federal funds whatever."<sup>15</sup>

Nationally-syndicated columnist James J. Kilpatrick says, "The doctrine of federalism is one of the foundation stones on which our whole structure of government rests. This is the doctrine, embedded in the 10th Amendment, that teaches us the value of diversity in political experiment," and he adds, "the trend toward pervasive federal power is eroding the old good stone of federalism."<sup>16</sup>

- o The regulatory burden on state and private organizations will increase as the states become subject to differing interpretations of the civil rights laws that will be handed down by federal courts and federal agencies. The agency regulations tend to be more strict than the civil rights laws under which they are passed -- Horowitz notes that while Title VI only prohibits intentional discrimination, Department of Education regulations prohibit practices "having a 'disproportionate impact', regardless of their intent." As a result, those who receive money that can be traced to the federal government will have to design their programs in order to comply with every agency's notion of what is fair or unfair.
- o Finn also notes that, "the new legislation puts powerful new tools into the hands of those opposed to quotas and set-asides as well as those favoring such mechanisms." A host of private and state-sponsored affirmative action programs will become vulnerable to lawsuits inspired by Bakke v. Board of Regents, the famous "reverse discrimination" case.
- o Finally, Horowitz points out that a federal court may award "reasonable attorneys' fees" to a plaintiff who wins litigation brought under one of the civil rights acts. With this existing incentive, combined with the opening of new avenues for suits brought in the name of civil rights, Finn argues that the Civil Rights Act of 1984 "could well turn out to be the largest windfall ever for the legal profession."

#### CONCLUSION

Whether for good or for bad, the Civil Rights Act of 1984 will increase the role of the federal government in the 50 states. The act is supported by a majority of senators, and an identical bill has already been passed by the House of Representatives. This new civil rights legislation is almost certain to be signed into law by President Reagan before he faces re-election in November.

Offered: 5/3/85  
Referred: Finance

Original sponsor: Judiciary Committee

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 393 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to the rights of physically and  
7 mentally disabled persons."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 09.20.010 is amended by adding new subsections to read:  
10 (b) A person is not disqualified to act as a juror solely be-  
11 cause of the loss of hearing or sight in any degree or a disability  
12 that substantially impairs or interferes with the person's mobility.  
13 (c) The court shall provide, and pay the cost of services of, an  
14 interpreter or reader when necessary to enable a person with impaired  
15 hearing or sight to act as a juror.  
16 \* Sec. 2. AS 18.06.040 is amended to read:  
17 Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS].  
18 Enforcement of this chapter shall be by the state Human Rights Commis-  
19 sion under AS 18.80.010 - 18.80.145. A person who denies or inter-  
20 feres with admittance to or enjoyment of the public facilities set out  
21 in AS 18.06.020 or otherwise interferes with the rights of a physical-  
22 ly or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE] disabled  
23 person is guilty of a misdemeanor and upon conviction is punishable by  
24 a fine of not more than \$1,000, or by imprisonment for not more than  
25 60 days, or by both.  
26 \* Sec. 3. AS 18.80.255 is amended to read:  
27 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL  
28 SUBDIVISIONS. It is unlawful for the state or any of its political  
29 subdivisions

1           (1) to refuse, withhold from or deny to a person any local,  
2 state or federal funds, services, goods, facilities, advantages or  
3 privileges because of race, religion, sex, color or national origin;

4           (2) to publish, circulate, issue, display, post or mail a  
5 written or printed communication, notice or advertisement which states  
6 or implies that any local, state or federal funds, services, goods,  
7 facilities, advantages or privileges of the office or agency will be  
8 refused, withheld from or denied to a physically or mentally disabled  
9 person or a person of a certain race, religion, sex, color or national  
10 origin or that the patronage of a physically or mentally disabled  
11 person or a person belonging to a particular race, creed, sex, color  
12 or national origin is unwelcome, not desired or solicited; it is not  
13 unlawful to post notice that facilities to accommodate the physically  
14 or mentally disabled are not available;

15           (3) to refuse or deny to a person any local, state, or  
16 federal funds, services, goods, facilities, advantages or privileges  
17 because of physical or mental disability; however, this paragraph may  
18 not be construed to require alteration or remodeling of buildings or  
19 facilities owned or operated by the state or its political subdi-  
20 visions to any extent not required by other law.

SB 168, Rights of deaf, blind and disabled persons.

SB 168 would amend AS 09.02.010, qualifications of jurors, to clarify that a person is not unqualified to act as a juror solely because of deafness, blindness or physical immobility. It would also require that services of an interpreter for a deaf juror be paid by the court, and that the state, its political subdivisions, and the University make available and pay for interpreters for deaf persons seeking access to their services.

SB 168 would also amend AS 18.06.040, interference with the use of a public facility by the blind or physically disabled, to include as punishable interference the use of facilities by deaf persons.

The Human Rights Commission has statutory authority to investigate and prescribe remedies to eliminate discrimination based on conditions such as race, religion, and marital status in the areas of civil rights, employment, housing, and financial practices. SB 186 would include deafness, blindness, and physical and mental disabilities as an inappropriate basis for discrimination, and provide a definition for disability.

SB 230, Relating to education.

SB 230 is a response to an anticipated reduction in the amount of state funding available for schools, and the reduction in district staffs that this may necessitate. Tenured teachers could be "nonretained" (i.e. contracts not renewed) in the event of an anticipated loss of funds, and a reduction in the number of teachers would be matched by a reduction in administrative personnel. The basis for acquiring tenure would be extended from two years to three.

The bill also provides for the legislature to annually advise the Department of Education of the amount it expects to appropriate to the school foundation program for the following fiscal year.

A sectional analysis is attached. The Association of School Administrators will propose an amendment (attached) that would allow for dismissal of teachers in the event of an anticipated loss of funds.

HB 215, State assistance for community health aide programs.

CSHB 215 (Fin) would provide financial assistance to nonprofit health organizations for training and supervising of community health aides. Historically, the community health aide program has been sponsored and funded by the federal Indian Health Service. Since FY 82, selected health corporations have received state grants through direct legislative appropriation. HB 215 would establish an equitable funding formula,

# MEMORANDUM

## State of Alaska

TO: Representative Jim Duncan  
House of Representatives

FROM: F. Pat Young *3*  
Deputy Director  
Vocational Rehabilitation

DATE: February 12, 1985

FILE NO:

TELEPHONE NO: (907) 465-2814

SUBJECT: House Bill 172

The Division of Vocational Rehabilitation strongly supports House Bill 172 which safeguards the rights of the disabled to full use of public places, public transportation, accommodations, and the right to be accompanied by a service animal. To date, very few disabled individuals within Alaska use service animals. The division is hopeful that legislation protecting an individual's right to use and house a service animal will enhance the opportunity for individuals who desire a service animal to have one. This law would also allow these animals to be insured which is an added incentive.

We appreciate your concern for the handicapped and your continuing support of them.

RECEIVED  
FEB 14 1985

# MEMORANDUM

State of Alaska

TO: Jim Duncan  
Representative

DATE: February 12, 1985

FILE NO:

TELEPHONE NO: (907) 465-2814

FROM: F. Pat Young *3/*  
Deputy Director  
Vocational Rehabilitation

SUBJECT: House Bill 172

In addition to the comments made previously concerning House Bill 172, we are sending a copy of the Congressional Record of January 31, 1985. The subject is the right of mentally retarded persons to live in the community. As in the Clayborne case in Texas, many Alaskan communities including Juneau have zoning ordinances which create problems of group homes for the developmentally disabled. I am mentioning this because your bill particularly addresses physically handicapped in terms of rental or purchase of property but it does not address the developmentally disabled or the mentally retarded. This is a whole other area of concern to us and I am sure that other individuals are concerned about it also.

Good luck with House Bill 172.

RECEIVED  
FEB 14 1985

POSITION PAPER

HOUSE BILL 172

"An Act relating to the rights of blind, hearing impaired, disabled, and physically handicapped persons."

SUMMARY OF CURRENT LAW:

AS 18.06 entitles a visually and otherwise physically disabled person full and equal accommodations, advantages, facilities and privileges on all common carriers, airplanes, motor vehicles, trains, buses, street cars, boats or other public conveyance, hotels lodging, places of public accommodation, amusement, or resort and other places to which the general public is invited.

A.S. 18.06 also establishes that blind persons have the right to be accompanied by guide dogs in the above locations and describes rights of blind people (and their guide dogs) as pedestrians.

In addition A.S. 18.06 defines unlawful practices in the sale or rental of real property on the basis of sex, marital status, pregnancy, race, religion, color or national origin.

EFFECT OF HOUSE BILL 172:

House Bill 172 extends A.S. 18.06 by allowing persons with impaired hearing, and otherwise disabled persons to be assisted by "service animals" in the same manner and with the same rights as visually impaired persons currently have in the use of guide dogs.

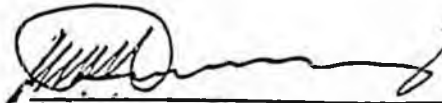
House Bill 172 also extends the rights of visually impaired pedestrians to include "otherwise disabled" pedestrians.

House Bill 172 also expands description of illegal practices in the sale or rental of real property to include illegal practices to a person because of physical handicaps, use of a prosthesis or service animal.

RECOMMENDATION:

The Department of Health and Social Services supports the passage of of House Bill 172.

Recommended by:

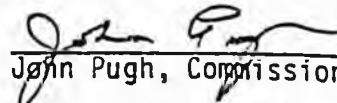


Mel Henry, Ph.D., M.P.A.

Date:

2-15-85

Approved by:



John Pugh, Commissioner

Date:

2/15/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 172  
 Title: An Act relating to the rights blind, hearing impaired, disabled  
 Sponsor: Juncan  
 Requestor: \_\_\_\_\_  
 Date of Request: 2-07-85

FISCAL DETAIL

Department of Health  
 Agency Affected: and Social Services  
 Program Category Affected: Division of Mental Health & Developmental Disabilities  
 BRU, Program or Subprogram(s) Affected: Community Developmental Disabilities

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0
<b>CAPITAL</b>						
<b>REVENUE</b>						


FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

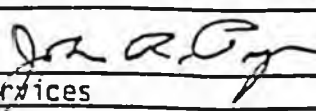
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert P. Gregovich, Ph.D.   
 Division: Mental Health & Developmental Disabilities

Phone: 465-3370

Date: 2-13-85

Approved by Commissioner:   
 Agency: Health & Social Services

Date: 2/15/85

JCC  
J

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget



STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: CS HB 172  
 Title: "An Act relating to the rights of physically & mentally disabled persons"  
 Sponsor: HFSS  
 Requestor: \_\_\_\_\_  
 Date of Request: 3-22-85

**FISCAL DETAIL**

Department of Health  
 Agency Affected: and Social Services  
 Program Category Affected: Division of Mental Health and Developmental Disabilities  
 BRU, Program or Subprogram(s) Affected: Community Developmental Disabilities

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL</b>	0	0	0	0	0	0
<b>REVENUE</b>	0	0	0	0	0	0

**FUNDING: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS:**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME N/A						
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary

Prepared By: Mel Henry, Ph.D., M.P.A. Phone: 465-3370  
 Division: Mental Health & Developmental Disabilities Date: 3-28-85

Approved by Commissioner: John R. By Date: 3/31/85 fcc  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CSHB 172  
 Title: An Act Relating to Rights of Deaf, Blind, and Disabled  
 Sponsor: Duncan/Collins/Gruenberg  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Alaska Court System  
 Program Category Affected: Due Process  
 Program or Subprogram(s) Affected: Trial Courts

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						-
200 TRAVEL		4.1	4.3	4.6	4.9	5.2
300 CONTRACTUAL		9.9	10.5	11.1	11.8	12.5
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES		212.3				
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>226.3</b>	<b>14.8</b>	<b>15.7</b>	<b>16.7</b>	<b>17.7</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND	226.3	14.8	15.7	16.7	17.7
FEDERAL FUNDS					
OTHER					
<b>TOTAL</b>	<b>226.3</b>	<b>14.8</b>	<b>15.7</b>	<b>16.7</b>	<b>17.7</b>

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert G. Fisher  
 Division: Alaska Court System  
 Approved by Commissioner: [Signature]  
 Agency: Alaska Court System

Phone: 264-0561  
 Date: 3/20/85  
 Date: 3/20/85

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

ALASKA COURT SYSTEM  
CSHB 172 - RIGHTS OF DEAF, BLIND, AND DISABLED PERSONS  
FISCAL IMPACT

This legislation allows deaf, blind, and disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. This legislation will impact the Court's travel, contractual, and leasehold improvements budget categories.

Historically, seven percent of all eligible persons are selected for jury service, which typically averages one and one-half days in length. The Division of Vocational Rehabilitation has estimated that 250 deaf persons would be eligible for jury duty. Based on past experience, approximately 17 deaf individuals could be called for service in a year. Each deaf juror would require an interpreter for all activities in the court. Interpreter fees are calculated to cost \$9,900 per year. Depending upon availability, interpreters may have to travel to the court locations around the state. This travel is estimated to cost \$4,100.

Providing access to court facilities and restrooms for disabled individuals will require remodeling of certain courts. The remodeling will provide barrier-free access routes to court buildings, expansion of jury boxes, and enlarged toilet facilities for individuals in wheelchairs. For those locations where remodeling is feasible, the cost is estimated at \$212,300. In a few locations, such as Nome, modifications cannot be made, except at a substantial cost. Many urban courts are already equipped to handle disabled persons.

Cost estimates for subsequent fiscal years reflect inflation at the rate of six percent.

# STATE OF ALASKA

## HUMAN RIGHTS COMMISSION

BILL SHEFFIELD, GOVERNOR

AGENCY HEADQUARTERS  
431 W. 7th AVENUE, SUITE 105  
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SOUTHCENTRAL REGION  
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ANCHORAGE, ALASKA 99501  
(907) 274-4692

SOUTHEASTERN REGION:  
POUCH AH  
314 GOLDSTEIN BUILDING  
JUNEAU, ALASKA 99811  
(907) 465-3560

April 15, 1985

The Honorable M. Mike Miller  
Chair  
House Judiciary Committee  
Juneau, AK 99811

Dear Representative Miller:

At its annual meeting on February 28 - March 1 in Juneau the Human Rights Commissioners reviewed HB 172 and SB 168 and took the following positions:

HB 172 - The Commissioners supported this bill and agreed "the more comprehensive coverage of SB 168 is preferable in terms of our statute."

SB 168 - "To support that part of the legislation which applies to our agency and the state law and express a concern that the portion which deals with jury duty be permissive but not mandatory."

More recently, we have reviewed CSHB 172 which passed out of House Health Education, and Social Services Committee with significant changes which affect the Commission's position on this bill.

The Commission now offers the following comments on CSHB 172:

1. The Commission does not support the extension of its jurisdiction in Section 18.06.202(a)-(c) and Section 18.06.030 to include streets, highways, sidewalks, walkways and the rights of the disabled as pedestrians. These areas fall outside the parameters of the agency's expertise and are not compatible with our program.

2. The Commission continues to support the extension of its jurisdiction on the basis of disability to include sale or rental of real property, places of public accommodation, financial practices, and practices by the state or its political subdivisions. The Commission presently investigates complaints filed by other protected classes alleging violations of these sections. Based on our experience in investigations of physical handicap discrimination in employment, we are prepared to offer our services giving broader protections for the disabled under the proposed legislation.

Miller  
Page 2  
April 15, 1985

3. The Commission supports the definition of disability as proposed in SB 168, Section 11, AS 18.80.300. The Commission recommends the substitution of SB 168's definition of disability in CSHB 172.

4. The Commission requests that the fiscal note prepared by the Office of the Governor dated 3/20/85 be reattached to this legislation. The Commission supports added protections from discrimination for the disabled in Alaska; however, the Commission's FY 85 staff is already stretched to the limits as more persons continue to file complaints of discrimination under the present statute. To extend the Commission's jurisdiction without additional resources to enforce those jurisdictions would result in larger caseloads for investigators and delays in processing cases. In 1984, the agency increased case production by 17% despite a 29% increase in the number of new filings. This increase in case resolutions was especially significant in light of the reduction of 2.5 staff investigators since FY 83; the Commission has, in fact, met the challenge to do more with less. Unfortunately, the Commission's increased productivity has now reached its maximum. Adding new protections as the filing rate continues to climb will result in decreased case production. We, therefore urge you to adopt the Office of the Governor's fiscal note dated 3/20/85.

Please do not hesitate to contact me if you or members of your Committee have questions about our position on this bill.

Sincerely,

Janet L. Bradley  
Executive Director

JLB/b

ALASKA COURT SYSTEM  
SB 168 - RIGHTS OF DEAF, BLIND, AND DISABLED PERSONS  
FISCAL IMPACT

This legislation allows deaf, blind, and disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. This legislation will impact the Court's travel, contractual, and leasehold improvements budget categories.

Historically, seven percent of all eligible persons are selected for jury service, which typically averages one and one-half days in length. The Division of Vocational Rehabilitation has estimated that 250 deaf persons would be eligible for jury duty. Based on past experience, approximately 17 deaf individuals could be called for service in a year. Each deaf juror would require an interpreter for all activities in the court. Interpreter fees are calculated to cost \$9,900 per year. Depending upon availability, interpreters may have to travel to the court locations around the state. This travel is estimated to cost \$4,100.

Providing access to court facilities and restrooms for disabled individuals will require remodeling of certain courts. The remodeling will provide barrier-free access routes to court buildings, expansion of jury boxes, and enlarged toilet facilities for individuals in wheelchairs. For those locations where remodeling is feasible, the cost is estimated at \$212,300. In a few locations, such as Nome, modifications cannot be made, except at a substantial cost. Many urban courts are already equipped to handle disabled persons.

Cost estimates for subsequent fiscal years reflect inflation at the rate of six percent.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: SB 168  
 Title: An Act Relating to Rights of Deaf, Blind, and Disabled  
 Sponsor: Rodey/Fischer  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Alaska Court System  
 Program Category Affected: Due Process  
 BRU, Program or Subprogram(s) Affected: Trial Courts

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL		4.1	4.3	4.6	4.9	5.2
300 CONTRACTUAL		9.9	10.5	11.1	11.8	12.5
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES		212.3				
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>226.3</b>	<b>14.8</b>	<b>15.7</b>	<b>16.7</b>	<b>17.7</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND	226.3	14.8	15.7	16.7	17.7
FEDERAL FUNDS					
OTHER					
<b>TOTAL</b>	<b>226.3</b>	<b>14.8</b>	<b>15.7</b>	<b>16.7</b>	<b>17.7</b>

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert G. Fisher Phone: 264-0561  
 Division: Alaska Court System Date: 3/20/85  
 Approved by Commissioner: [Signature] Date: 3/20/85  
 Agency: Alaska Court System

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

7/1/84

# State of Alaska

(Edie)

## COMMITTEES

HOUSE HEALTH, EDUCATION  
AND SOCIAL SERVICES  
(Co-Chairman)  
HOUSE JUDICIARY  
HOUSE COMMUNITY AND  
REGIONAL AFFAIRS



POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4968

914 CLAY COURT  
ANCHORAGE, ALASKA 99503  
(907) 276-6844

Representative Max F. Gruenberg, Jr.  
District 11  
Spenard, Upper Midtown Anchorage

May 15, 1985

Senator Bettye Fahrenkamp  
Chairman, Senate HESS Committee  
Pouch V  
Juneau, AK 99811

RE: HB 172 and HB 393

Dear Senator Fahrenkamp:

The above bills, relating to rights of the handicapped, were the two bills I discussed with you and Sandra. They have both passed the House and are intended to be incorporated into one bill. Senator Rodey had a committee substitute prepared to do this, and in the final days of the session, in an attempt to speed passage of the legislation, waived HB 172. I would be very grateful if you would take up HB 172, which is now in your committee, and consider the originally proposed Senate Judiciary Committee substitute, incorporating both bills.

I would be very grateful if you could schedule an early hearing on this legislation at the beginning of the next session. I know I am speaking on behalf of both Representative Duncan and myself.

Cordially,

A handwritten signature in dark ink, appearing to read "Max F. Gruenberg, Jr.", written over a horizontal line.

Max F. Gruenberg, Jr.

MFG/ke

cc: Senator Rodey  
Representative Duncan

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 10/15/85

REQUE... FISCAL DETAIL  
 Bill/Resolution No.: SB 168 Agency Affected: Due Process  
 Title: Rights of Deaf, Blind and Disabled Persons / Josephson Program Category Affected: \_\_\_\_\_  
 Sponsor: Rodey, V. Fischer, Kerttulainen Human Rights Commission  
 Requestor: Fahrenkamp BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING			49.1			
100 PERSONAL SERVICES			7.5			
200 TRAVEL						
300 CONTRACTUAL			.5			
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING			57.1			
CAPITAL			-0-			
REVENUE			-0-			

FUNDING: (Thousands of Dollars)

GENERAL FUND			57.1			
FEDERAL FUNDS			-0-			
OTHER			-0-			
TOTAL			57.1			

POSITIONS:

FULL-TIME			1.0			
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Michael A. Nizich, Director Phone: 465-3616  
 Division: Administrative Services Date: 10/15/85

Approved by Commissioner: Laura J. Herman Date: 10-16-85  
 Agency: Office of the Governor

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

new position to handle increased caseload of complaints

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ARLISS STURGULEWSKI, Vice Chairman  
JOE JOSEPHSON  
PAUL FISCHER  
EDNA ARMSTRONG-DE VRIES



P. O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3762

## Senate Committee on Health, Education and Social Services

### SECTIONAL ANALYSIS FOR SCS CSHB 172 (HESS)

Section 1 Provides that persons with sight, hearing, or mobility impairment cannot be disqualified as jurors. Also requires the court system to provide an interpreter or reader for persons with hearing or sight impairment.

Section 2 Includes as an aggravating factor under presumptive sentencing, offense at a victim because of that person's physical or mental disability.

Section 3 Includes mentally disabled persons under the state policy of encouraging and enabling disabled persons to participate fully in the social and economic life of the state and to engage in remunerative employment.

Section 4 Replaces the phrase "blind, visually handicapped and otherwise disabled" with a broader term "physically and mentally disabled", which is defined in section 16. Protects the rights of these persons to use public streets, sidewalks, transportation and public accommodations. Also substitutes the term "service animal" in place of "guide dog" and requires that the animal be certified as able to function in a public setting.

Section 5 Extends the rights of pedestrians to include the "physically and mentally disabled" and allows the use of "service animals" and "special equipment for mobility". Deletes the reference to "contributory" negligence in conformity with existing negligence law.

Section 6 Establishes that enforcement of physically and mentally disabled persons' rights is by the state Human Rights Commission. Provides that persons interfering with the rights of disabled persons are guilty of a class B misdemeanor.

Section 7 Deletes the existing definition of "totally blind" or "partially blind" and references the definition in Section 16 for "physically or mentally disabled".

Section 8 Provides that the state Human Rights Commission has the duty to eliminate discrimination based on "physical or mental disability" and has the duty to enforce the rights of disabled persons.

Section 9 Includes "physical or mental disability" among those types of discrimination that are a matter of public concern and should be eliminated from the areas of employment, financing, public accommodations, and transfers of real property.

Section 10 Includes "physical or mental disability" among those things for which a person has a civil right to certain opportunities without discrimination.

Section 11 Prohibits discrimination in employment matters as to those individuals with a "physical or mental disability".

Section 12 Prohibits discrimination in places of public accommodation as to those individuals with a "physical or mental disability".

Section 13 Prohibits discrimination in the sale or rental of real property to those individuals with a "physical or mental disability".

Section 14 Prohibits discrimination in credit and financing matters against those with a "physical or mental disability".

Section 15 Prohibits discrimination by the state or its political subdivisions in providing federal funds, services, goods, facilities, advantages, or privileges, because of a "physical or mental disability". Clarifies that alteration or remodeling of buildings, facilities or vehicles is not required unless required by other law.

Section 16 Defines "physical or mental disability" as a physical or mental impairment that limits or is perceived as limiting a major life activity.

Section 17 Repeals the existing definition of "physical handicap". This term is no longer used in these statutes.

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ARLISS STURGULEWSKI, Vice Chairman  
JOE JOSEPHSON  
PAUL FISCHER  
EDNA ARMSTRONG-DE VRIES



P O BOX 1  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3762

## Senate Committee on Health, Education and Social Services

### M E M O R A N D U M

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Committee Staff

RE: Committee Meeting, March 18, 1986

DATE: March 14, 1986

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On Tuesday, March 18, 1986 from 1:30-3:30 p.m. in the Beltz Room, the Senate Committee on Health, Education and Social Services will hear the following bills:

CSHB 114 (Jud) am Relating to correctional facilities and the imprisonment and rehabilitation of offenders.

HB 114 was heard by the committee on March 11 and is scheduled for a work session on Monday, March 17. In general, the bill is a comprehensive attempt to update Alaska's laws on correctional facilities. A copy of the bill and proposed amendments are attached; a sectional analysis was distributed previously.

HB 172, Relating to the rights of the physically and mentally disabled.

HB 172 was last considered by the committee on February 25. A committee substitute has been prepared that would:

- 1) require the Human Rights Commission to adopt regulations indicating under what circumstances it is appropriate to consider a person's physical or mental disability,
- 2) clarify that the purpose of the bill is to prevent unjustified discrimination resulting from misconceptions about mental and physical disabilities, and

3) clarify that alteration or remodeling of facilities is not required by the bill.

Offered: 3/22/85  
Referred: Judiciary

*Changes made in  
(H) JWB*

Original sponsors: Duncan, Collins  
and Gruenberg

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 172 (HESS)

3 OF THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the rights of physically and  
7 mentally disabled persons."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 09.20.010 is amended by adding new subsections to read:

10 (b) A person is not disqualified to act as a juror solely  
11 because of the <sup>mark</sup> loss of hearing or sight in any degree or a disability  
12 that substantially impairs or interferes with the person's mobility.

13 (c) The court shall provide, and pay the cost of services of, an  
14 interpreter or reader when necessary to enable a person with impaired  
15 hearing or sight to act as a juror.

16 \* Sec. 2. AS 18.06.020 is amended to read:

17 Sec. 18.06.020. RIGHTS. (a) The [BLIND, THE VISUALLY HANDI-  
18 CAPPED, AND THE OTHERWISE] physically and mentally disabled have the  
19 same right as the able-bodied to the full and free pedestrian use of  
20 the streets, highways, sidewalks, walkways, public buildings, public  
21 facilities, and other public places.

22 (b) The [BLIND, THE VISUALLY HANDICAPPED, AND THE OTHERWISE]  
23 physically and mentally disabled are entitled to full and equal accom-  
24 modations, advantages, facilities, and privileges of all common  
25 carriers, airplanes, motor vehicles, railroad trains, motor buses,  
26 street cars, boats or any other public conveyances or modes of trans-  
27 portation, hotels, lodging places, places of public accommodation,  
28 amusement or resort, and other places to which the general public is  
29 invited, subject only to the conditions and limitations established by

*18.06  
Rts. of Blind  
& Otherwise Physically  
Disabled Persons*

1 law and applicable alike to all persons.

2 (c) Persons who are physically and mentally disabled [TOTALLY OR  
3 PARTIALLY BLIND PERSONS] have the right to be accompanied or assisted  
4 by a service animal that is certified by a training facility for  
5 service animals as being able to function in a public setting [GUIDE  
6 DOG, ESPECIALLY TRAINED FOR THE PURPOSE], in any of the places listed  
7 in (b) of this section without being required to pay an extra charge  
8 for the service animal [GUIDE DOG]; however, the person with the  
9 animal [GUIDE DOG] is liable for any damage done to the premises or  
10 facilities by the animal [DOG].

11 \* Sec. 3. AS 18.06.030 is amended to read:

12 Sec. 18.06.030. RIGHTS AS PEDESTRIANS. The driver of a motor  
13 vehicle approaching a physically or mentally disabled [TOTALLY OR  
14 PARTIALLY BLIND] pedestrian who is carrying a cane predominantly white  
15 or metallic in color, with or without a red tip, using special equip-  
16 ment for mobility, or using a service animal [GUIDE DOG] shall take  
17 all necessary precautions to avoid injury to the pedestrian, and a  
18 driver who fails to take all necessary precautions and causes injury  
19 to the pedestrian is liable in damages for the injury caused. A  
20 physically or mentally disabled [TOTALLY BLIND OR PARTIALLY BLIND]  
21 pedestrian not carrying a cane as described in this section or using a  
22 service animal [GUIDE DOG] in any of the places, accommodations or  
23 conveyances set out under AS 18.06.020 has all of the rights and  
24 privileges conferred by law upon other persons, and the failure of a  
25 physically or mentally disabled [TOTALLY OR PARTIALLY BLIND] pedestri-  
26 an to carry a cane as described in this section or to use a service  
27 animal [GUIDE DOG] is not by itself evidence of [CONTRIBUTORY] negli-  
28 gence.

29 \* Sec. 4. AS 18.06.040 is amended to read:

*crim. enforcement*

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Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS].  
Enforcement of this chapter shall be by the state Human Rights Commis-  
sion under AS 18.80.010 - 18.80.145. A person who denies or inter-  
feres with admittance to or enjoyment of the public facilities set out  
in AS 18.06.020 or otherwise interferes with the rights of a  
physically or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE]  
disabled person is guilty of a misdemeanor <sup>class B</sup> ~~and upon conviction is~~  
~~punishable by a fine of not more than \$1,000, or by imprisonment for~~  
~~not more than 60 days, or by both.~~

\* Sec. 5. AS 18.06.050 is amended to read:

Sec. 18.06.050. DEFINITIONS. In this chapter "physically or  
mentally disabled" has the meaning given in AS 18.80.300 [TOTALLY  
BLIND" OR "PARTIALLY BLIND" MEANS A PERSON WHOSE VISUAL ACUITY DOES  
NOT EXCEED 20/200 IN THE BETTER EYE WITH CORRECTING LENSES OR WHOSE  
WIDEST DIAMETER OF VISUAL FIELD SUBTENDS AN ANGLE NO GREATER THAN 20  
DEGREES].

\* Sec. 6. AS 18.80.060(a) is amended to read:

- (a) In addition to the other powers and duties prescribed by  
this chapter the commission shall
- (1) appoint an executive director approved by the governor;
  - (2) hire other administrative staff as may be necessary to  
the commission's function;
  - (3) exercise general supervision and direct the activities  
of the executive director and other administrative staff;
  - (4) accept complaints under AS 18.80.100;
  - (5) study the problems of discrimination in all or specific  
fields of human relationships, and foster through community effort or  
goodwill, cooperation and conciliation among the groups and elements  
of the population of the state, and publish results of investigations

1 substantially limit a person's major life activities but  
2 that is treated by the person as constituting such a limita-  
3 tion;

4 (ii) a physical or mental impairment that sub-  
5 stantially limits a person's major life activities only as a  
6 result of the attitudes of others toward the impairment; or

7 (iii) none of the impairments defined in this  
8 paragraph but being treated by others as having such an  
9 impairment;

10 (D) a condition that may require the use of a  
11 prosthesis, special equipment for mobility or service animal;

12 (17) "physical or mental impairment" means

13 (A) physiological disorder or condition, cosmetic  
14 disfigurement, or anatomical loss affecting one or more of the  
15 following body systems: neurological, musculoskeletal, special  
16 sense organs, respiratory including speech organs, cardiovascu-  
17 lar, reproductive, digestive, genito-urinary, hemic and lymph-  
18 atic, skin, and endocrine; or

19 (B) mental or psychological disorder, including mental  
20 retardation, organic brain syndrome, <sup>emotional or mental illness,</sup> and specific learning dis-  
21 abilities.

22 \* Sec. 15. AS 18.80.300(13) is repealed.  
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Introduced: 2/20/85  
Referred: Health, Education and  
Social Services and  
Judiciary

BY RODEY, V. FISCHER,  
JOSEPHSON AND KERTTULA

1 IN THE SENATE

2

SENATE BILL NO. 168

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to rights of deaf, blind, and  
disabled persons."

7

8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9

\* Section 1. AS 09.20.010 is amended by adding new subsections to read:

10

(b) A person is not unqualified to act as a juror solely because

11

of the loss of hearing or sight in any degree or a disability that

12

substantially impairs or interferes with the person's mobility.

13

(c) The court shall provide, and pay the cost of services of, an

14

interpreter when necessary to enable a person with impaired hearing to

15

act as a juror.

16

\* Sec. 2. AS 18.06 is amended by adding a new section to read:

17

Sec. 18.06.015. INTERPRETERS FOR DEAF PERSONS. A department,

18

office, agency, or other organizational unit of the state government,

19

or a political subdivision of the state, including the University of

20

Alaska, from which a deaf person seeks access to funds, services,

21

goods, facilities, advantages, or privileges shall pay the costs of

22

and provide an interpreter for the person.

23

\* Sec. 3. AS 13.06.040 is amended to read:

24

Sec. 18.06.040. PENALTY FOR DENYING RIGHTS. A person who

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denies or interferes with admittance to or enjoyment of the public

26

facilities set out in AS 18.06.020 or otherwise interferes with the

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rights of a totally or partially blind or deaf or otherwise physically

28

disabled person is guilty of a misdemeanor and upon conviction is

29

punishable by a fine of not more than \$1,000, or by imprisonment for

Introduced: 2/20/85  
Referred: Health, Education and  
Social Services and  
Judiciary

BY RODEY, V. FISCHER,  
JOSEPHSON AND KERTTULA

1 IN THE SENATE

2 SENATE BILL NO. 168

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to rights of deaf, blind, and  
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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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11 of the loss of hearing or sight in any degree or a disability that  
12 substantially impairs or interferes with the person's mobility.

13 (c) The court shall provide, and pay the cost of services of, an  
14 interpreter when necessary to enable a person with impaired hearing to  
15 act as a juror.

16 \* Sec. 2. AS 18.06 is amended by adding a new section to read:

17 Sec. 18.06.015. INTERPRETERS FOR DEAF PERSONS. A department,  
18 office, agency, or other organizational unit of the state government,  
19 or a political subdivision of the state, including the University of  
20 Alaska, from which a deaf person seeks access to funds, services,  
21 goods, facilities, advantages, or privileges shall pay the costs of  
22 and provide an interpreter for the person.

23 \* Sec. 3. AS 18.06.040 is amended to read:

24 Sec. 18.06.040. PENALTY FOR DENYING RIGHTS. A person who  
25 denies or interferes with admittance to or enjoyment of the public  
26 facilities set out in AS 18.06.020 or otherwise interferes with the  
27 rights of a totally or partially blind or deaf or otherwise physically  
28 disabled person is guilty of a misdemeanor and upon conviction is  
29 punishable by a fine of not more than \$1,000, or by imprisonment for

1 not more than 60 days, or by both.

2 \* Sec. 4. AS 18.80.200 is amended to read:

3 Sec. 18.80.200. PURPOSE. (a) It is determined and declared as  
4 a matter of legislative finding that discrimination against an inhabi-  
5 tant of the state because of race, religion, color, national origin,  
6 age, sex, deafness, blindness, disability, marital status, changes in  
7 marital status, pregnancy or parenthood is a matter of public concern  
8 and that such discrimination not only threatens the rights and  
9 privileges of the inhabitants of the state but also menaces the  
10 institutions of the state and threatens peace, order, health, safety  
11 and general welfare of the state and its inhabitants.

12 (b) Therefore, it is the policy of the state and the purpose of  
13 this chapter to eliminate and prevent discrimination in employment, in  
14 credit and financing practices, in places of public accommodation, in  
15 the sale, lease, or rental of real property because of race, religion,  
16 color, national origin, sex, age, deafness, blindness, disability,  
17 marital status, changes in marital status, pregnancy or parenthood.  
18 It is not the purpose of this chapter to supersede laws pertaining to  
19 child labor, the age of majority or other age restrictions or  
20 requirements.

21 \* Sec. 5. AS 18.80.210 is amended to read:

22 Sec. 18.80.210. CIVIL RIGHTS. The opportunity to obtain em-  
23 ployment, credit and financing, public accommodations, housing accom-  
24 modations and other property without discrimination because of sex,  
25 deafness, blindness, disability, marital status, changes in marital  
26 status, pregnancy, parenthood, race, religion, color or national  
27 origin is a civil right.

28 \* Sec. 6. AS 18.80.220(a) is amended to read:

29 (a) It is unlawful for

1 (1) an employer to refuse employment to a person, or to bar  
2 a person [HIM] from employment, or to discriminate against a person  
3 [HIM] in compensation or in a term, condition, or privilege of employ-  
4 ment because of [HIS] race, religion, color or national origin, or  
5 because of [HIS] age, [PHYSICAL HANDICAP,] sex, deafness, blindness,  
6 disability, marital status, changes in marital status, pregnancy or  
7 parenthood when the reasonable demands of the position do not require  
8 distinction on the basis of age, [PHYSICAL HANDICAP,] sex, deafness,  
9 blindness, disability, marital status, changes in marital status,  
10 pregnancy or parenthood;

11 (2) a labor organization, because of a person's sex,  
12 deafness, blindness, disability, marital status, changes in marital  
13 status, pregnancy, parenthood, age, race, religion, color or national  
14 origin, to exclude or to expel the person [HIM] from its membership,  
15 or to discriminate in any way against one of its members or an  
16 employer or an employee;

17 (3) an employer or employment agency to print or circulate  
18 or cause to be printed or circulated a statement, advertisement, or  
19 publication, or to use a form of application for employment or to make  
20 an inquiry in connection with prospective employment, that [WHICH]  
21 expresses, directly or indirectly, a limitation, specification or  
22 discrimination as to sex, deafness, blindness, disability, marital  
23 status, changes in marital status, pregnancy, parenthood, age, race,  
24 creed, color or national origin, or an intent to make the limitation,  
25 unless based upon a bona fide occupational qualification;

26 (4) an employer, labor organization or employment agency to  
27 discharge, expel or otherwise discriminate against a person because  
28 the person [HE] has opposed any practices forbidden under AS 18.80.200  
29 - 18.80.280 or because the person [HE] has filed a complaint,

1 testified or assisted in a proceeding under this chapter;

2 (5) an employer to discriminate in the payment of wages as  
3 between the sexes, or to employ a female in an occupation in this  
4 state at a salary or wage rate less than that paid to a male employee  
5 for work of comparable character or work in the same operation, busi-  
6 ness or type of work in the same locality; or

7 (6) a person to print, publish, broadcast or otherwise  
8 circulate a statement, inquiry or advertisement in connection with  
9 prospective employment that [WHICH] expresses directly, a limitation,  
10 specification or discrimination as to sex, deafness, blindness,  
11 disability, marital status, changes in marital status, pregnancy,  
12 parenthood, age, race, religion, color or national origin, unless  
13 based upon a bona fide occupational qualification.

14 \* Sec. 7. AS 18.80.230 is amended to read:

15 Sec. 18.80.230. UNLAWFUL PRACTICES IN PLACES OF PUBLIC ACCOMMO-  
16 DATION. It is unlawful for the owner, lessee, manager, agent or  
17 employee of a public accommodation

18 (1) to refuse, withhold from or deny to a person any of its  
19 services, goods, facilities, advantages or privileges because of sex,  
20 deafness, blindness, disability, marital status, changes in marital  
21 status, pregnancy, parenthood, race, religion, color or national  
22 origin;

23 (2) to publish, circulate, issue, display, post or mail a  
24 written or printed communication, notice or advertisement that [WHICH]  
25 states or implies

26 (A) that any of the services, goods, facilities,  
27 advantages or privileges of the public accommodation will be  
28 refused, withheld from or denied to a person of a certain race,  
29 religion, sex, deafness, blindness, disability, marital status,

1 color or national origin or because of pregnancy, parenthood, or  
2 a change in marital status, or

3 (B) that the patronage of a person belonging to a  
4 particular race, creed, sex, marital status, color or national  
5 origin or who, because of pregnancy, parenthood, deafness,  
6 blindness, disability, or a change in marital status, is  
7 unwelcome, not desired or solicited.

8 \* Sec. 8. AS 18.80.240 is amended to read:

9 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF  
10 REAL PROPERTY. It is unlawful for the owner, lessee, manager or other  
11 person having the right to sell, lease or rent real property

12 (1) to refuse to sell, lease or rent the real property to a  
13 person because of sex, deafness, blindness, disability, marital  
14 status, changes in marital status, pregnancy, race, religion, color or  
15 national origin; however, nothing in this paragraph prohibits the  
16 sale, lease or rental of classes of real property commonly known as  
17 housing for "singles" or "married couples" only;

18 (2) to discriminate against a person because of sex,  
19 deafness, blindness, disability, marital status, changes in marital  
20 status, pregnancy, race, religion, color or national origin in a term,  
21 condition or privilege relating to the use, sale, lease or rental of  
22 real property; however, nothing in this paragraph prohibits the sale,  
23 lease or rental of classes of real property commonly known as housing  
24 for "singles" or "married couples" only;

25 (3) to make a written or oral inquiry or record of the sex,  
26 deafness, blindness, disability, marital status, changes in marital  
27 status, race, religion, color or national origin of a person seeking  
28 to buy, lease or rent real property;

29 (4) to offer, solicit, accept, use or retain a listing of

1 real property with the understanding that a person may be discriminat-  
2 ed against in a real estate transaction or in the furnishing of facil-  
3 ities or sources in connection therewith because of a person's sex,  
4 deafness, blindness, disability, marital status, changes in marital  
5 status, pregnancy, race, religion, color, national origin or age;

6 (5) to represent to a person that real property is not  
7 available for inspection, sale, rental, or lease when in fact it is so  
8 available, or to refuse to allow a person to inspect real property  
9 because of the race, religion, color, national origin, age, sex,  
10 deafness, blindness, disability, marital status, change in marital  
11 status or pregnancy of that person or of any person associated with  
12 that person;

13 (6) to engage in blockbusting;

14 (7) to make, print or publish, or cause to be made, printed  
15 or published, any notice, statement or advertisement, with respect to  
16 the sale or rental of real property that indicates any preference,  
17 limitation, or discrimination based on race, color, religion, sex,  
18 deafness, blindness, disability or national origin, or an intention to  
19 make the preference, limitation or discrimination.

20 \* Sec. 9. AS 18.80.250(a) is amended to read:

21 (a) It is unlawful for a financial institution or other commer-  
22 cial institution extending secured or unsecured credit, upon receiving  
23 an application for financial assistance or credit for the acquisition,  
24 construction, rehabilitation, repair or maintenance of a housing  
25 accommodation or other property or services, or the acquisition or  
26 improvement of unimproved property, or upon receiving an application  
27 for any sort of loan of money, to permit one of its officials or  
28 employees during the execution of the official's or the employee's  
29 [HIS] duties

1 (1) to discriminate against the applicant because of sex,  
2 deafness, blindness, disability, marital status, changes in marital  
3 status, pregnancy, parenthood, race, religion, color or national  
4 origin in a term, condition or privilege relating to the obtainment or  
5 use of the institution's financial assistance or credit, except to the  
6 extent of a federal statute or regulation applicable to a transaction  
7 of the same character;

8 (2) to make or cause to be made a written or oral inquiry  
9 or record of the sex, deafness, blindness, disability, marital status,  
10 changes in marital status, pregnancy, parenthood, race, religion,  
11 color or national origin of a person seeking the institution's  
12 financial assistance or credit, unless the inquiry is for the purpose  
13 of ascertaining the creditor's rights and remedies applicable to the  
14 particular extension of credit and is not made or used in order to  
15 discriminate in a determination of creditworthiness;

16 (3) to refuse to extend credit, issue a credit card or make  
17 a loan to a married person, who is otherwise creditworthy, if so  
18 requested by the person;

19 (4) to refuse to issue a credit card to a married person in  
20 that person's name, if so requested by the person, provided, however,  
21 that the person so requesting a card may be required to open an ac-  
22 count in that name.

23 \* Sec. 10. AS 18.80.255 is amended to read:

24 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITI-  
25 CAL SUBDIVISIONS. It is unlawful for the state or any of its politi-  
26 cal subdivisions

27 (1) to refuse, withhold from or deny to a person any local,  
28 state or federal funds, services, goods, facilities, advantages or  
29 privileges because of race, religion, sex, deafness, blindness,

1 disability, color or national origin;

2 (2) to publish, circulate, issue, display, post or mail a  
3 written or printed communication, notice or advertisement which states  
4 or implies that any local, state or federal funds, services, goods,  
5 facilities, advantages or privileges of the office or agency will be  
6 refused, withheld from or denied to a deaf, blind, or disabled person  
7 or a person of a certain race, religion, sex, color or national origin  
8 or that the patronage of a deaf, blind, or disabled person or a person  
9 belonging to a particular race, creed, sex, color or national origin  
10 is unwelcome, not desired or solicited.

11 \* Sec. 11. AS 18.80.300 is amended by adding new paragraphs to read:

12 (15) "disability" means

13 (A) a physical or mental impairment that substantially  
14 limits one or more major life activities,

15 (B) a history of, or a misclassification as having, a  
16 mental or physical impairment that substantially limits one or  
17 more major life activities; or

18 (C) having

19 (i) a physical or mental impairment that does not  
20 substantially limit a person's major life activities but  
21 that is treated by the person as constituting such a limita-  
22 tion;

23 (ii) a physical or mental impairment that sub-  
24 stantially limits a person's major life activities only as a  
25 result of the attitudes of others toward the impairment; or

26 (iii) none of the impairments defined in this  
27 paragraph but being treated by others as having such an  
28 impairment;

29 (16) "major life activities" means functions such as caring

1 for one's self, performing manual tasks, walking, seeing, hearing,  
2 speaking, breathing, learning, and working;

3 (17) "physical or mental impairment" means

4 (A) physiological disorder or condition, cosmetic  
5 disfigurement, or anatomical loss affecting one or more of the  
6 following body systems: neurological, musculoskeletal, special  
7 sense organs, respiratory including speech organs, cardiovascu-  
8 lar, reproductive, digestive, genito-urinary, hemic and  
9 lymphatic, skin, and endocrine; or

10 (B) mental or psychological disorder, including mental  
11 retardation, organic brain syndrome, emotional or mental illness,  
12 and specific learning disabilities.

13 \* Sec. 12. AS 18.80.300(13) is repealed.