

HPB

393

BILL CONTACT/ACTION

DATE	CONTACT/ACTION
10/22/85	Anchorage hearing -
1/7/86	see SB168 file - reference conversation with
	Senate HESS - hold HB393
	- will move HB172

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 18.06.02[^] 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

OP
Work
Copy

18.06 "Rights of
Blind + otherwise
Physically Disabled
Persons"

Does this conflict with chapter title?

change to class B misdemeanor?

not in
SB 168

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, ^{disability here?} 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.

SB168 says
"dwarf, blind or
disabled"

this not in SB168

What about definitions here?

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

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

House Judiciary Committee 5/1/85, 1:30

SECTIONAL ANALYSIS

DRAFT CS FOR HB 393 (JUDICIARY) - AN ACT RELATING TO THE RIGHTS OF PHYSICALLY AND MENTALLY DISABLED PERSONS.

SECTION 1 Amends Title 9 to provide that hearing and sight impaired persons may serve on juries, and that the court shall provide interpreters and readers to assist these people.

SECTION 2 Provides that the Human Rights Commission shall provide enforcement for AS 18.80 and AS 18.06.020, and that denial of the rights of a physically or mentally disabled person is a misdemeanor punishable of a fine of not more than \$1,000, imprisonment for 60 days, or both.

SECTION 3 Adds physically or mentally disabled persons to the section of the Human Rights Commission statute which prohibits discrimination by the state or its political subdivisions.

Provides that facilities may post notice that they cannot accommodate the disabled.

Provides that this section is not to be construed to imply that a state or political subdivision must alter the physical structure of a facility to comply with 18.80.255.

SECTION 4 Definitions.

NOTE: LAA legal drafting style demands that the definitions used in CSHB 172 be included in HB 393 in case this bill should pass first.

**STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: 5/1/85

REQUEST

Bill/Resolution No.: HB 393

Title: An Act Relating To Rights of Deaf, Blind, Disabled Persons

Sponsor: House Judiciary

Requestor: _____

Date of Request: 5/1/85

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
OPERATING						
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						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		14.0	14.8	15.7	16.7	17.7

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		14.0	14.8	15.7	16.7	17.7
FEDERAL FUNDS						
OTHER						
TOTAL		14.0	14.8	15.7	16.7	17.7

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert G. Fisher

Phone: 264-0561

Division: Fiscal Officer

Date: 5/1/85

Approved by Commissioner: 

Date: 5/1/85

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

ALASKA COURT SYSTEM
HB 393 - 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.

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.: HB 393
 Title: "An Act relating to the rights of physically and mentally disabled Person"
 Sponsor: Judiciary Committee
 Requestor: _____
 Date of Request: 4-30-85

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME none						
TEMPORARY required						

ANALYSIS: Attach a separate page if necessary

Prepared By: Mel Henry, Ph.D., M.P.A. *Mel Henry* Phone: 465-3370
 Division: Mental Health and Developmental Disabilities Date: 4-30-85

Approved by Commissioner: *John P. ...* Date: 5-1-85
 Agency: Health & Social Services *JCC*

Distribution (by Agency preparing fiscal note):

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

POSITION PAPER

HB 393

"An Act relating to the rights of physically and mentally disabled persons."

EFFECT OF HB 393:

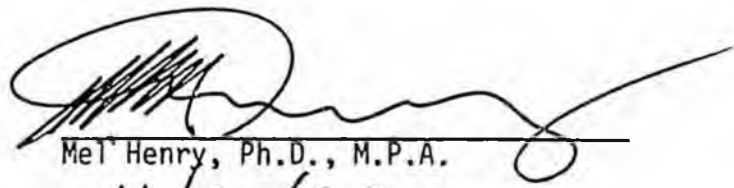
This bill seeks to expand the rights of physically and mentally disabled persons in the following areas:

1. It would amend A.S. 09.20.010 to allow persons with visual, hearing and mobility impairments to serve as jurors and require courts to pay for interpreter and /or reader services as needed for such jurors.
2. AS. 18.06 is amended by adding a new section which would require any department, office, agency or other organizational unit of state government or a political subdivision of the state, including the University of Alaska , from which a deaf person seeks access to funds, services, goods, facilities, advantages, or privileges, to pay the costs of and provide an interpreter for the person.
3. 18.80.255 is amended by expanding the prohibition against discrimination in the provision, notice and advertisement of goods, services, funds, facilities and advantages, to include protection for physically and mentally disabled persons.
4. AS 18.80.300 is amended by adding definitions for "major life activities" and "physical or mental disability"

RECOMMENDATION:

The Department of Health and Social Services supports passage of HB 393.

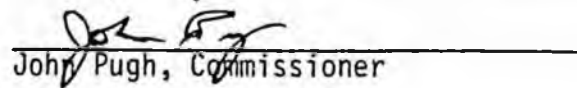
Recommended by:


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

Date:

4/30/85

Approved by:


John Pugh, Commissioner

Date:

5-1-85



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: File - SB168 & HB393

Conversation with Annie - Interpreter Referral Service
9/18/85

Interpreter requested for October 22 hearing on SB 168 and HB 393

Asked her about levels of interpreter certification -

Standard for court interpreter is the highest level - Comprehensive Skills Certificate (CSC). They typically have two years of training to reach that level. CSC-L is CSC-Legal; they have special training in legal terminology, and are screened and tested by a board.

There are four CSC level interpreters in the state - three with legal experience. This would not be enough to cover needs if legislation is passed to allow deaf on juries.

CSC-L interpreters usually charge \$28/hour with a 2 hour minimum

Interpreter for hearing will charge approximately \$20/hour.



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**
733 7th Ave.
Fairbanks, AK 99701
(907) 456-1070

April 30, 1985

Representative M. Mike Miller
Chairman House Judiciary Committee
Pouch V
Juneau, Alaska 99811

RE: HB 393

Dear Representative Miller:

Thank you for directing your staff to inform me about the Judiciary Committee's consideration of this bill. I cannot attend the hearing, so please include these comments in the record.

I believe it is essential that all sections of the bill become law. While they each have some fiscal impact, it is important to remember that each furthers an important element of what we all presume is involved in the concept of citizenship.

Being an American citizen presumes fulfillment of the responsibility of jury duty. Denying jury service to deaf, blind, and mobility impaired persons forecloses this important avenue of citizenship. It stigmatizes these disabled persons as second class citizens.

The only fiscal impact this bill should bear is the cost of interpreters for the deaf.(1) The court system has much experience using qualified interpreters for deaf parties and witnesses. New interpreters will have to be trained. Considering that there are only 200 deaf adults in Alaska, the actual number of deaf jurors should be quite small. Therefore, the cost of interpreters should be in the area of several thousand dollars per year. This is a small sum when compared to how the legislation will enhance both the dignity of the disabled and the integrity of the jury process.

(1) The court system's fiscal note of \$200,000 primarily deals with the cost of making buildings accessible to the mobility impaired. The court system is already required to render these buildings accessible under existing law. AS 35.10.015; AS 47.80.010; 17 AAC 50.10. Therefore HB 393 should not bear those cost.

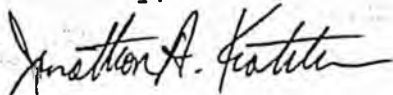
Section 3 of the bill addresses the Human Rights Commissions' jurisdiction over unlawful discrimination by the state and local governments. The Judiciary Committee deleted this section from CS HB 172 because of the fiscal impact. It would be inappropriate for the legislature to order private citizens to not discriminate against disabled persons, and yet allow the state to continue to discriminate.

I consider it ironic that when the state was awash in oil revenue, the community was politically unwilling to extend these protections to disabled persons. Now that the consciousness has been raised and the importance of these rights has been recognized, it is funding which is the stumbling block. It would be unthinkable for the legislature to say that due to diminishing revenue, discrimination on the basis of race is no longer prohibited. A legislative statement to the effect that disabled people are a minority deserving special protection from discrimination by private persons but not, due to funding, by the governments, should be likewise unthinkable. And, in light of the numerous essential services disabled people receive from the government, protection from this type of discrimination is even more critical.

Section 2 of HB 393 is also essential. Interpreters are an essential part of any deaf person's attempts to participate in the basic elements of citizenship. The absence of interpreters prevents deaf people from accessing all the programs and services that we have come to expect from our governments. Considering a deaf population of about 400 people, our state is not justified in failing to provide these services.

Thank you for this opportunity to present my comments on behalf of this important piece of legislation. I hope that the committee will pass out HB 393 intact. Please feel free to contact me if you have any questions or comments.

Sincerely,


Jonathon A. Katcher
Supervising Attorney

JAK:bk

cc: Judiciary Committee Members