

CSSB 1

# HOUSE COMMITTEE REPORT

(11)

Date referred: 5/8/87

FURTHER REFERRALS:

3/5  
Rule

DATE: 5-15-87

CSSB 1(Jud)

The Finance Committee has considered

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

### RECOMMENDS:

- replace with \_\_\_\_\_  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

### ATTACHES NEW FISCAL NOTE(S):

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

### SIGNING DO PASS:

*Ed Widom*  
 \_\_\_\_\_  
*Pat Farnsworth*  
 \_\_\_\_\_  
*Ronald J. Farnsworth*  
 \_\_\_\_\_  
*Tom Sawyer*  
 \_\_\_\_\_  
*W. Hank Boyer*  
 \_\_\_\_\_  
*Steve King*  
 \_\_\_\_\_  
*Al J. ...*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### SIGNING OTHER RECOMMENDATIONS:

*Stan ...* - do Rec  
 \_\_\_\_\_  
*Ray Brown* - No Rec  
 \_\_\_\_\_  
*Mike Davis* NO Rec  
 \_\_\_\_\_  
*Kay Wallis*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Robert M. ...*  
 \_\_\_\_\_  
 Chairman's signature

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:** \_\_\_\_\_

Bill Version: CS SB 1 (JUD)  
Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: Rights of physically and  
mentally disabled persons  
Sponsor: Duncan and Fischer  
Requestor: House Finance Committee

Agency Affected: Alaska Court System  
BRU: Trial Courts  
Components: \_\_\_\_\_

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

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0

<b>CAPITAL</b>		0	0	0	0	0
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<b>REVENUE</b>		0	0	0	0	0
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS		0	0	0	0	0
OTHER		0	0	0	0	0
<b>TOTAL</b>		0	0	0	0	0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by: Al Adams, Chair *APA* Phone: 465-3706  
Division: House Finance Committee Date: 5/13/87

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
Agency: \_\_\_\_\_

Distribution (by preparer):

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

Original sponsors: Duncan, Szymanski,  
Uehling and Sturgulewski

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 1 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH 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 from serving as a juror solely  
11 because 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 09.65 is amended by adding a new section to read:

17 Sec. 09.65.150. DUTY TO DISABLED PEDESTRIANS. (a) The driver  
18 of a vehicle approaching a physically disabled pedestrian who is  
19 carrying a white or metallic-colored cane, or using special equipment  
20 for mobility, or using a service animal, shall take precautions neces-  
21 sary to avoid injury to the pedestrian or the service animal. A  
22 driver who fails to take necessary precautions and, as a result,  
23 causes injury to the pedestrian or the service animal is liable in  
24 damages for the injury caused.

25 (b) In this section

26 (1) "physically disabled pedestrian" means a person who has  
27 a physical condition that limits the person's ability to function as a  
28 pedestrian without the assistance of another person, a service animal,  
29 a cane, or other equipment or device;

1           (2) "service animal" means a dog guide or other animal that  
2 assists a physically disabled person to function as a pedestrian.

3 \* Sec. 3. AS 11.76 is amended by adding a new section to read:

4           Sec. 11.76.130. INTERFERENCE WITH RIGHTS OF DISABLED PERSON.

5           (a) A person commits the crime of interference with the rights of a  
6 disabled person if the person prevents or restricts

7                 (1) a physically or mentally disabled person from having  
8 full and free pedestrian use of a street, highway, sidewalk, walkway,  
9 or other thoroughfare, to the same extent that any other person has a  
10 right to pedestrian use; or

11                 (2) a physically disabled person from being accompanied or  
12 assisted by a certified service animal, without an extra charge for  
13 the service animal, in a common carrier, place of public accommoda-  
14 tion, or other place to which the general public is invited, except as  
15 provided in (b) of this section.

16           (b) A physically disabled person who is accompanied or assisted  
17 by a certified service animal in a common carrier, place of public  
18 accommodation, or other place to which the general public is invited,  
19 is liable for property damage done by the animal.

20           (c) In this section

21                 (1) "certified service animal" means an animal trained to  
22 assist a physically disabled person and certified by a school or  
23 training facility for service animals as having completed such train-  
24 ing;

25                 (2) "physically or mentally disabled" has the meaning given  
26 in AS 18.80.300.

27           (d) Interference with the rights of a disabled person is a class  
28 B misdemeanor.

29 \* Sec. 4. AS 12.55.155(c)(22) is amended to read:

1 (22) the defendant knowingly directed the conduct consti-  
2 tuting the offense at a victim because of that person's race, sex,  
3 color, creed, physical or mental disability, ancestry, or national  
4 origin;

5 \* Sec. 5. AS 18.80.050 is amended by adding a new subsection to read:

6 (b) The commission shall adopt regulations relating to dis-  
7 crimination because of physical and mental disability. The regula-  
8 tions shall furnish guidance concerning the circumstances under which  
9 it is necessary to make a reasonable accommodation for a physically or  
10 mentally disabled person when providing employment, financing or  
11 credit, public accommodations, the sale or rental of real property, or  
12 other goods, services, facilities, advantages, or privileges under  
13 this chapter.

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

15 (a) In addition to the other powers and duties prescribed by  
16 this chapter the commission shall

17 (1) appoint an executive director approved by the governor;

18 (2) hire other administrative staff as may be necessary to  
19 the commission's function;

20 (3) exercise general supervision and direct the activities  
21 of the executive director and other administrative staff;

22 (4) accept complaints under AS 18.80.100;

23 (5) study the problems of discrimination in all or specific  
24 fields of human relationships, and foster through community effort or  
25 goodwill, cooperation and conciliation among the groups and elements  
26 of the population of the state, and publish results of investigations  
27 and research as in its judgment will tend to eliminate discrimination  
28 because of race, religion, color, national ancestry, physical or  
29 mental disability [HANDICAP], age, sex, marital status, changes in

1 marital status, pregnancy or parenthood;

2 (6) make an overall assessment, at least once every three  
3 years, of the progress made toward equal employment opportunity by  
4 every department of state government; results of the assessment shall  
5 be included in the annual report made under AS 18.80.150.

6 \* Sec. 7. AS 18.80.200 is amended to read:

7 Sec. 18.80.200. PURPOSE. (a) It is determined and declared as  
8 a matter of legislative finding that discrimination against an inhabi-  
9 tant of the state because of race, religion, color, national origin,  
10 age, sex, physical or mental disability, marital status, changes in  
11 marital status, pregnancy or parenthood is a matter of public concern  
12 and that this discrimination not only threatens the rights and privi-  
13 leges of the inhabitants of the state but also menaces the institu-  
14 tions of the state and threatens peace, order, health, safety and  
15 general welfare of the state and its inhabitants.

16 (b) Therefore, it is the policy of the state and the purpose of  
17 this chapter to eliminate and prevent discrimination in employment, in  
18 credit and financing practices, in places of public accommodation, in  
19 the sale, lease, or rental of real property because of race, religion,  
20 color, national origin, sex, age, physical or mental disability,  
21 marital status, changes in marital status, pregnancy or parenthood.  
22 It is also the policy of the state to encourage and enable physically  
23 and mentally disabled persons to participate fully in the social and  
24 economic life of the state and to engage in remunerative employment.  
25 It is not the purpose of this chapter to supersede laws pertaining to  
26 child labor, the age of majority or other age restrictions or require-  
27 ments.

28 \* Sec. 8. AS 18.80.210 is amended to read:

29 Sec. 18.80.210. CIVIL RIGHTS. The opportunity to obtain

1 employment, credit and financing, public accommodations, housing  
2 accommodations and other property without discrimination because of  
3 sex, physical or mental disability, marital status, changes in marital  
4 status, pregnancy, parenthood, race, religion, color or national  
5 origin is a civil right.

6 \* Sec. 9. AS 18.80.220(a) is amended to read:

7 (a) It is unlawful for

8 (1) an employer to refuse employment to a person, or to bar  
9 a person from employment, or to discriminate against a person in  
10 compensation or in a term, condition, or privilege of employment  
11 because of the person's race, religion, color or national origin, or  
12 because of the person's age, physical or mental disability [HANDICAP],  
13 sex, marital status, changes in marital status, pregnancy or parent-  
14 hood when the reasonable demands of the position do not require dis-  
15 tinction on the basis of age, physical or mental disability [HANDI-  
16 CAP], sex, marital status, changes in marital status, pregnancy or  
17 parenthood;

18 (2) a labor organization, because of a person's sex, mari-  
19 tal status, changes in marital status, pregnancy, parenthood, age,  
20 race, religion, physical or mental disability, color or national  
21 origin, to exclude or to expel a person from its membership, or to  
22 discriminate in any way against one of its members or an employer or  
23 an employee;

24 (3) an employer or employment agency to print or circulate  
25 or cause to be printed or circulated a statement, advertisement, or  
26 publication, or to use a form of application for employment or to make  
27 an inquiry in connection with prospective employment, which expresses,  
28 directly or indirectly, a limitation, specification or discrimination  
29 as to sex, physical or mental disability, marital status, changes in

1 marital status, pregnancy, parenthood, age, race, creed, color or  
2 national origin, or an intent to make the limitation, unless based  
3 upon a bona fide occupational qualification;

4 (4) an employer, labor organization or employment agency to  
5 discharge, expel or otherwise discriminate against a person because  
6 the person has opposed any practices forbidden under AS 18.80.200 -  
7 18.80.280 or because the person has filed a complaint, testified or  
8 assisted in a proceeding under this chapter;

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

14 (6) a person to print, publish, broadcast or otherwise  
15 circulate a statement, inquiry or advertisement in connection with  
16 prospective employment that expresses directly, a limitation, speci-  
17 fication or discrimination as to sex, physical or mental disability,  
18 marital status, changes in marital status, pregnancy, parenthood, age,  
19 race, religion, color or national origin, unless based upon a bona  
20 fide occupational qualification.

21 \* Sec. 10. AS 18.80.230 is amended to read:

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

25 (1) to refuse, withhold from or deny to a person any of its  
26 services, goods, facilities, advantages or privileges because of sex,  
27 physical or mental disability, marital status, changes in marital  
28 status, pregnancy, parenthood, race, religion, color or national  
29 origin;

1 (2) to publish, circulate, issue, display, post or mail a  
2 written or printed communication, notice or advertisement that states  
3 or implies

4 (A) that any of the services, goods, facilities,  
5 advantages or privileges of the public accommodation will be  
6 refused, withheld from or denied to a person of a certain race,  
7 religion, sex, physical or mental disability, marital status,  
8 color or national origin or because of pregnancy, parenthood, or  
9 a change in marital status, or

10 (B) that the patronage of a person belonging to a  
11 particular race, creed, sex, marital status, color or national  
12 origin or who, because of pregnancy, parenthood, physical or  
13 mental disability, or a change in marital status, is unwelcome,  
14 not desired or solicited.

15 \* Sec. 11. AS 18.80.240 is amended to read:

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

19 (1) to refuse to sell, lease or rent the real property to a  
20 person because of sex, marital status, changes in marital status,  
21 pregnancy, race, religion, physical or mental disability, color or  
22 national origin; however, nothing in this paragraph prohibits the  
23 sale, lease or rental of classes of real property commonly known as  
24 housing for "singles" or "married couples" only;

25 (2) to discriminate against a person because of sex, mari-  
26 tal status, changes in marital status, pregnancy, race, religion,  
27 physical or mental disability, color or national origin in a term,  
28 condition or privilege relating to the use, sale, lease or rental of  
29 real property; however, nothing in this paragraph prohibits the sale,

1 lease or rental of classes of real property commonly known as housing  
2 for "singles" or "married couples" only;

3 (3) to make a written or oral inquiry or record of the sex,  
4 marital status, changes in marital status, race, religion, physical or  
5 mental disability, color or national origin of a person seeking to  
6 buy, lease or rent real property;

7 (4) to offer, solicit, accept, use or retain a listing of  
8 real property with the understanding that a person may be discrimin-  
9 ated against in a real estate transaction or in the furnishing of  
10 facilities or sources in connection therewith because of a person's  
11 sex, marital status, changes in marital status, pregnancy, race,  
12 religion, physical or mental disability, color, national origin or  
13 age;

14 (5) to represent to a person that real property is not  
15 available for inspection, sale, rental, or lease when in fact it is so  
16 available, or to refuse to allow a person to inspect real property  
17 because of the race, religion, physical or mental disability, color,  
18 national origin, age, sex, marital status, change in marital status or  
19 pregnancy of that person or of any person associated with that person;

20 (6) to engage in blockbusting;

21 (7) to make, print or publish, or cause to be made, printed  
22 or published, any notice, statement or advertisement, with respect to  
23 the sale or rental of real property that indicates any preference,  
24 limitation, or discrimination based on race, color, religion, physical  
25 or mental disability, sex, or national origin, or an intention to make  
26 the preference, limitation or discrimination.

27 \* Sec. 12. AS 18.80.250(a) is amended to read:

28 (a) It is unlawful for a financial institution or other commer-  
29 cial institution extending secured or unsecured credit, upon receiving

1 an application for financial assistance or credit for the acquisition,  
2 construction, rehabilitation, repair or maintenance of a housing  
3 accommodation or other property or services, or the acquisition or  
4 improvement of unimproved property, or upon receiving an application  
5 for any sort of loan of money, to permit one of its officials or  
6 employees during the execution of the official's or the employee's  
7 duties

8 (1) to discriminate against the applicant because of sex,  
9 physical or mental disability, marital status, changes in marital  
10 status, pregnancy, parenthood, race, religion, color or national  
11 origin in a term, condition or privilege relating to the obtainment or  
12 use of the institution's financial assistance or credit, except to the  
13 extent of a federal statute or regulation applicable to a transaction  
14 of the same character;

15 (2) to make or cause to be made a written or oral inquiry  
16 or record of the sex, physical or mental disability, marital status,  
17 changes in marital status, pregnancy, parenthood, race, religion,  
18 color or national origin of a person seeking the institution's finan-  
19 cial assistance or credit, unless the inquiry is for the purpose of  
20 ascertaining the creditor's rights and remedies applicable to the  
21 particular extension of credit and is not made or used in order to  
22 discriminate in a determination of creditworthiness;

23 (3) to refuse to extend credit, issue a credit card or make  
24 a loan to a married person or a person with a physical or mental  
25 disability, who is otherwise creditworthy, if so requested by the  
26 person;

27 (4) to refuse to issue a credit card to a married person in  
28 that person's name, if so requested by the person, provided, however,  
29 that the person so requesting a card may be required to open an

1 account in that name.

2 \* Sec. 13. AS 18.80.250 is amended by adding a new subsection to read:

3 (d) This section does not prohibit an institution described in  
4 (a) of this section from refusing to contract with a person if the  
5 person lacks the legal capacity to contract or if the institution is  
6 reasonably in doubt about the person's legal capacity to contract.

7 \* Sec. 14. AS 18.80.255 is amended to read:

8 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL  
9 SUBDIVISIONS. It is unlawful for the state or any of its political  
10 subdivisions

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

14 (2) to publish, circulate, issue, display, post or mail a  
15 written or printed communication, notice or advertisement that states  
16 or implies that any local, state or federal funds, services, goods,  
17 facilities, advantages or privileges of the office or agency will be  
18 refused, withheld from or denied to a physically or mentally disabled  
19 person or a person of a certain race, religion, sex, color or national  
20 origin or that the patronage of a physically or mentally disabled  
21 person or a person belonging to a particular race, creed, sex, color  
22 or national origin is unwelcome, not desired or solicited; it is not  
23 unlawful to post notice that facilities to accommodate the physically  
24 or mentally disabled are not available;

25 (3) to refuse or deny to a person any local, state, or  
26 federal funds, services, goods, facilities, advantages or privileges  
27 because of physical or mental disability.

28 \* Sec. 15. AS 18.80.300 is amended by adding new paragraphs to read:

29 (15) "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 (16) "physical or mental disability" means

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

6 (B) a history of, or a misclassification as having, a  
7 mental or physical impairment that substantially limits one or  
8 more major life activities; or

9 (C) having

10 (i) a physical or mental impairment that does not  
11 substantially limit a person's major life activities but  
12 that is treated by the person as constituting such a limita-  
13 tion;

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

17 (iii) none of the impairments defined in this  
18 paragraph but being treated by others as having such an  
19 impairment;

20 (D) a condition that may require the use of a prosthe-  
21 sis, special equipment for mobility or service animal;

22 (17) "physical or mental impairment" means

23 (A) physiological disorder or condition, cosmetic  
24 disfigurement, or anatomical loss affecting one or more of the  
25 following body systems: neurological, musculoskeletal, special  
26 sense organs, respiratory including speech organs, cardiovascu-  
27 lar, reproductive, digestive, genito-urinary, hemic and lymph-  
28 atic, skin, and endocrine; or

29 (B) mental or psychological disorder, including mental

1           retardation, organic brain syndrome, emotional or mental illness,  
2           and specific learning disabilities.

3       \* Sec. 16. AS 18.06 and AS 18.80.300(11) are repealed.

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version:  
Publish Date:

CS SB 1 *1125*  
3-5-87

**REQUEST:**

Revision Date:  
Title: Rights of physically and  
mentally disabled persons  
Sponsor: Duncan & Fisher  
Requestor:

Agency Affected: Alaska Court System  
BRU: Trial Courts

Components:

EXPENDITURES/REVENUES:		(Thousands of Dollars)					
OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92	
Personal Services	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Travel	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Contractual	. . . .	4.6	4.6	4.6	4.6	4.6	
Supplies	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Equipment	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Land & Structures	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Grants & Claims	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>4.6</b>	<b>4.6</b>	<b>4.6</b>	<b>4.6</b>	<b>4.6</b>	
<b>CAPITAL</b>	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
<b>REVENUE</b>	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	

FUNDING:		(Thousands of Dollars)					
General Funds	0.0	4.6	4.6	4.6	4.6	4.6	
Special Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
<b>TOTAL</b>	<b>0.0</b>	<b>4.6</b>	<b>4.6</b>	<b>4.6</b>	<b>4.6</b>	<b>4.6</b>	

POSITIONS:							
Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	

**ANALYSIS:**

See attached analysis.

Prepared by: Robert G. Fisher, Fiscal Officer  
Division: Alaska Court System

Phone: 264-8215  
Date: 2-24-87

Approved by: *Stephanie J. Cole*  
Stephanie J. Cole, Deputy Director  
Agency: Alaska Court System

Date: 2-24-87

- Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management & Budget  
 Impacted Agency(ies)  
 Senate Secretary

*OK to go Fin*

ALASKA COURT SYSTEM  
SB 1 - RIGHTS OF PHYSICALLY AN  
AND DISABLED PERSONS

FISCAL IMPACT

This legislation allows physically and mentally handicapped individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. Provision for interpreters for deaf persons will impact the Court's contractual budget. The other aspects of the legislation will not impact the Court.

Historically, six to eight percent of all eligible persons are required to perform jury duty. The Center for Deaf Adults estimates that between 250 and 300 deaf individuals would be eligible for jury duty. The Center estimates that 200 are located in Anchorage, 10 are in Juneau, and 10 are in Fairbanks. The remainder live outside urban areas. To be eligible for jury service, the deaf juror would have to be proficient in the use of sign language. Each deaf juror would require an interpreter for all activities in the court.

Based on past experience, it is estimated that approximately fourteen deaf individuals could be called for service in a year. Based on probabilities of jury service for 1986, it is projected that thirteen of the jurors would be called for service in Anchorage and the other juror would be called in either Fairbanks or Juneau. Qualified interpreters are available in these locations.

Interpreter fees are estimated to cost \$4,600 per year.



# Alaska State Legislature

SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811

(907) 465-4766

COMMITTEES  
FINANCE  
RESOURCES  
BUDGET AND AUDIT

## MEMORANDUM

MAY 11, 1987

TO: REPRESENTATIVE AL ADAMS  
HOUSE FINANCE COMMITTEE

FROM: SENATOR JIM DUNCAN

SUBJ: CS Senate Bill 1 (Jud), An Act relating to the rights of physically and mentally disabled persons.

I urge you to move Senate Bill 1, relating to the rights of the physically or mentally disabled, as soon as possible. Due to a procedural error in Senate Finance, we did not zero out the Court System's \$4,600 fiscal note. I recommend you correct this oversight and move SB 1 along as expeditiously as possible.

This bill moved through the House and Senate during the 14th Session of the Alaska Legislature as House Bill 172, so the intent and substance of the bill are already familiar to many legislators.

If you desire further information on the bill, my staff contact on SB 1 is Roxanne Stewart at 465-4766.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 31, 1987

SUBJECT: Sectional analysis of CSSB 1(Jud) -- rights  
of physically and mentally disabled persons

TO: Senator Jim Duncan

FROM: Edward H. Hein *EHA*  
Legislative Counsel

Section 1 adds two new subsections to AS 09.20.010, relating to qualifications of jurors. Subsection (b) provides that persons who suffer from loss of hearing, sight, or mobility are not automatically disqualified from jury service. Subsection (c) requires the court system to provide and pay for interpreters and readers for deaf and blind jurors.

Sec. 2 is the so-called "white cane" law that imposes on motor vehicle drivers a higher duty of care with respect to pedestrians who are physically disabled and identifiable because they are using a white or metallic cane, a wheel chair, crutches or other mobility equipment, or a service animal, such as a dog guide. This provision has been placed in AS 09, the Code of Civil Procedure, because it relates to civil liability. The mentally disabled are omitted from this section because they do not use white canes, mobility equipment, or service animals, and are not readily identifiable by motorists. Definitions are inserted for "physically disabled pedestrian" and "service animal".

Sec. 3 establishes the crime of interference with the rights of a disabled person. This provides that it is a class B misdemeanor to prevent or restrict a physically or mentally disabled person from using streets, sidewalks, and walkways to the same extent as any other pedestrian. It is also a class B misdemeanor under this section to refuse to allow a physically disabled person to bring his or her service animal into a common carrier or other place open to the public. The service animal must be certified as having completed a training course, and the disabled person is liable for any damage the animal does to the property.

*padup*

Sec. 4 amends the criminal presumptive sentencing provisions by making it an aggravating factor to commit certain felonies against a physically or mentally disabled person because of the person's disability. The finding of an aggravating factor allows the court to increase what would otherwise be the presumptive sentence.

Sec. 5 directs the state Human Rights Commission to adopt regulations about when reasonable accommodations must be made for disabled persons in employment, financing, credit, public accommodations, housing, and government of services. The commission would have the authority to adopt regulations requiring some alteration necessary to make reasonable accommodation for a disabled person.

Secs. 6 - 12 and 14 amend various sections of AS 18.80 to ensure that those sections cover physically and mentally disabled persons. The amended sections require the State Human Rights Commission to study problems of discrimination. The sections amended also make certain discriminatory practices unlawful. These include discrimination in housing, employment, public accommodation, sale and rental of real property, lending, and the provision of state or federal funds, services, goods, facilities, advantages, and privileges. Sec. 7 also transfers to AS 18.80.200 the statement of state policy in AS 18.06 and amends it to say that it is the state's policy to encourage and enable mentally disabled persons, as well as physically disabled persons, to participate fully in the social and economic life of the state and to be employed. Sec. ~~13~~ also provides that it is not unlawful to post notice that facilities to accommodate the physically or mentally disabled are not available.

Sec. 13 provides that a financial institution may refuse to contract with someone if the institution has reasonable doubts about the person's legal capacity to contract, despite the fact that the institution may not otherwise consider a person's mental or physical disability.

Sec. 15 adds new definitions to AS 18.80 in order to incorporate federal definitions of "physical and mental disability".

Sec. 16 repeals AS 18.06. The provisions of that chapter have been transferred to AS 09, AS 11, and AS 18.80. Sec. 16 also repeals AS 18.80.300(11), which is the definition of "physical handicap" for purposes of AS 18.80.

Original sponsors: Duncan, Szymanski,  
Uehling and Sturgulewski

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 CS FOR SENATE BILL NO. 1 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH 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 from serving as a juror solely  
11 because 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 09.65 is amended by adding a new section to read:

17 Sec. 09.65.150. DUTY TO DISABLED PEDESTRIANS. (a) The driver  
18 of a vehicle approaching a physically disabled pedestrian who is  
19 carrying a white or metallic-colored cane, or using special equipment  
20 for mobility, or using a service animal, shall take precautions neces-  
21 sary to avoid injury to the pedestrian or the service animal. A  
22 driver who fails to take necessary precautions and, as a result,  
23 causes injury to the pedestrian or the service animal is liable in  
24 damages for the injury caused.

25 (b) In this section

26 (1) "physically disabled pedestrian" means a person who has  
27 a physical condition that limits the person's ability to function as a  
28 pedestrian without the assistance of another person, a service animal,  
29 a cane, or other equipment or device;

1 (2) "service animal" means a dog guide or other animal that  
2 assists a physically disabled person to function as a pedestrian.

3 \* Sec. 3. AS 11.76 is amended by adding a new section to read:

4 Sec. 11.76.130. INTERFERENCE WITH RIGHTS OF DISABLED PERSON.

5 (a) A person commits the crime of interference with the rights of a  
6 disabled person if the person prevents or restricts

7 (1) a physically or mentally disabled person from having  
8 full and free pedestrian use of a street, highway, sidewalk, walkway,  
9 or other thoroughfare, to the same extent that any other person has a  
10 right to pedestrian use; or

11 (2) a physically disabled person from being accompanied or  
12 assisted by a certified service animal, without an extra charge for  
13 the service animal, in a common carrier, place of public accommoda-  
14 tion, or other place to which the general public is invited, except as  
15 provided in (b) of this section.

16 (b) A physically disabled person who is accompanied or assisted  
17 by a certified service animal in a common carrier, place of public  
18 accommodation, or other place to which the general public is invited,  
19 is liable for property damage done by the animal.

20 (c) In this section

21 (1) "certified service animal" means an animal trained to  
22 assist a physically disabled person and certified by a school or  
23 training facility for service animals as having completed such train-  
24 ing;

25 (2) "physically or mentally disabled" has the meaning given  
26 in AS 18.80.300.

27 (d) Interference with the rights of a disabled person is a class  
28 B misdemeanor.

29 \* Sec. 4. AS 12.55.155(c)(22) is amended to read:

1           (22) the defendant knowingly directed the conduct consti-  
2 tuting the offense at a victim because of that person's race, sex,  
3 color, creed, physical or mental disability, ancestry, or national  
4 origin;

5 \* Sec. 5. AS 18.80.050 is amended by adding a new subsection to read:

6           (b) The commission shall adopt regulations relating to dis-  
7 crimination because of physical and mental disability. The regula-  
8 tions shall furnish guidance concerning the circumstances under which  
9 it is necessary to make a reasonable accommodation for a physically or  
10 mentally disabled person when providing employment, financing or  
11 credit, public accommodations, the sale or rental of real property, or  
12 other goods, services, facilities, advantages, or privileges under  
13 this chapter.

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

15           (a) In addition to the other powers and duties prescribed by  
16 this chapter the commission shall

17                 (1) appoint an executive director approved by the governor;

18                 (2) hire other administrative staff as may be necessary to  
19 the commission's function;

20                 (3) exercise general supervision and direct the activities  
21 of the executive director and other administrative staff;

22                 (4) accept complaints under AS 18.80.100;

23                 (5) study the problems of discrimination in all or specific  
24 fields of human relationships, and foster through community effort or  
25 goodwill, cooperation and conciliation among the groups and elements  
26 of the population of the state, and publish results of investigations  
27 and research as in its judgment will tend to eliminate discrimination  
28 because of race, religion, color, national ancestry, physical or  
29 mental disability [HANDICAP], age, sex, marital status, changes in

1 marital status, pregnancy or parenthood;

2 (6) make an overall assessment, at least once every three  
3 years, of the progress made toward equal employment opportunity by  
4 every department of state government; results of the assessment shall  
5 be included in the annual report made under AS 18.80.150.

6 \* Sec. 7. AS 18.80.200 is amended to read:

7 Sec. 18.80.200. PURPOSE. (a) It is determined and declared as  
8 a matter of legislative finding that discrimination against an inhabi-  
9 tant of the state because of race, religion, color, national origin,  
10 age, sex, physical or mental disability, marital status, changes in  
11 marital status, pregnancy or parenthood is a matter of public concern  
12 and that this discrimination not only threatens the rights and privi-  
13 leges of the inhabitants of the state but also menaces the institu-  
14 tions of the state and threatens peace, order, health, safety and  
15 general welfare of the state and its inhabitants.

16 (b) Therefore, it is the policy of the state and the purpose of  
17 this chapter to eliminate and prevent discrimination in employment, in  
18 credit and financing practices, in places of public accommodation, in  
19 the sale, lease, or rental of real property because of race, religion,  
20 color, national origin, sex, age, physical or mental disability,  
21 marital status, changes in marital status, pregnancy or parenthood.  
22 It is also the policy of the state to encourage and enable physically  
23 and mentally disabled persons to participate fully in the social and  
24 economic life of the state and to engage in remunerative employment.  
25 It is not the purpose of this chapter to supersede laws pertaining to  
26 child labor, the age of majority or other age restrictions or require-  
27 ments.

28 \* Sec. 8. AS 18.80.210 is amended to read:

29 Sec. 18.80.210. CIVIL RIGHTS. The opportunity to obtain

1 employment, credit and financing, public accommodations, housing  
2 accommodations and other property without discrimination because of  
3 sex, physical or mental disability, marital status, changes in marital  
4 status, pregnancy, parenthood, race, religion, color or national  
5 origin is a civil right.

6 \* Sec. 9. AS 18.80.220(a) is amended to read:

7 (a) It is unlawful for

8 (1) an employer to refuse employment to a person, or to bar  
9 a person from employment, or to discriminate against a person in  
10 compensation or in a term, condition, or privilege of employment  
11 because of the person's race, religion, color or national origin, or  
12 because of the person's age, physical or mental disability [HANDICAP],  
13 sex, marital status, changes in marital status, pregnancy or parent-  
14 hood when the reasonable demands of the position do not require dis-  
15 tinction on the basis of age, physical or mental disability [HANDI-  
16 CAP], sex, marital status, changes in marital status, pregnancy or  
17 parenthood;

18 (2) a labor organization, because of a person's sex, mari-  
19 tal status, changes in marital status, pregnancy, parenthood, age,  
20 race, religion, physical or mental disability, color or national  
21 origin, to exclude or to expel a person from its membership, or to  
22 discriminate in any way against one of its members or an employer or  
23 an employee;

24 (3) an employer or employment agency to print or circulate  
25 or cause to be printed or circulated a statement, advertisement, or  
26 publication, or to use a form of application for employment or to make  
27 an inquiry in connection with prospective employment, which expresses,  
28 directly or indirectly, a limitation, specification or discrimination  
29 as to sex, physical or mental disability, marital status, changes in

1 marital status, pregnancy, parenthood, age, race, creed, color or  
2 national origin, or an intent to make the limitation, unless based  
3 upon a bona fide occupational qualification;

4 (4) an employer, labor organization or employment agency to  
5 discharge, expel or otherwise discriminate against a person because  
6 the person has opposed any practices forbidden under AS 18.80.200 -  
7 18.80.280 or because the person has filed a complaint, testified or  
8 assisted in a proceeding under this chapter;

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

14 (6) a person to print, publish, broadcast or otherwise  
15 circulate a statement, inquiry or advertisement in connection with  
16 prospective employment that expresses directly, a limitation, speci-  
17 fication or discrimination as to sex, physical or mental disability,  
18 marital status, changes in marital status, pregnancy, parenthood, age,  
19 race, religion, color or national origin, unless based upon a bona  
20 fide occupational qualification.

21 \* Sec. 10. AS 18.80.230 is amended to read:

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

25 (1) to refuse, withhold from or deny to a person any of its  
26 services, goods, facilities, advantages or privileges because of sex,  
27 physical or mental disability, marital status, changes in marital  
28 status, pregnancy, parenthood, race, religion, color or national  
29 origin;

1           (2) to publish, circulate, issue, display, post or mail a  
2 written or printed communication, notice or advertisement that states  
3 or implies

4                   (A) that any of the services, goods, facilities,  
5 advantages or privileges of the public accommodation will be  
6 refused, withheld from or denied to a person of a certain race,  
7 religion, sex, physical or mental disability, marital status,  
8 color or national origin or because of pregnancy, parenthood, or  
9 a change in marital status, or

10                   (B) that the patronage of a person belonging to a  
11 particular race, creed, sex, marital status, color or national  
12 origin or who, because of pregnancy, parenthood, physical or  
13 mental disability, or a change in marital status, is unwelcome,  
14 not desired or solicited.

15 \* Sec. 11. AS 18.80.240 is amended to read:

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

19                   (1) to refuse to sell, lease or rent the real property to a  
20 person because of sex, marital status, changes in marital status,  
21 pregnancy, race, religion, physical or mental disability, color or  
22 national origin; however, nothing in this paragraph prohibits the  
23 sale, lease or rental of classes of real property commonly known as  
24 housing for "singles" or "married couples" only;

25                   (2) to discriminate against a person because of sex, mari-  
26 tal status, changes in marital status, pregnancy, race, religion,  
27 physical or mental disability, color or national origin in a term,  
28 condition or privilege relating to the use, sale, lease or rental of  
29 real property; however, nothing in this paragraph prohibits the sale,

1 lease or rental of classes of real property commonly known as housing  
2 for "singles" or "married couples" only;

3 (3) to make a written or oral inquiry or record of the sex,  
4 marital status, changes in marital status, race, religion, physical or  
5 mental disability, color or national origin of a person seeking to  
6 buy, lease or rent real property;

7 (4) to offer, solicit, accept, use or retain a listing of  
8 real property with the understanding that a person may be discrimin-  
9 ated against in a real estate transaction or in the furnishing of  
10 facilities or sources in connection therewith because of a person's  
11 sex, marital status, changes in marital status, pregnancy, race,  
12 religion, physical or mental disability, color, national origin or  
13 age;

14 (5) to represent to a person that real property is not  
15 available for inspection, sale, rental, or lease when in fact it is so  
16 available, or to refuse to allow a person to inspect real property  
17 because of the race, religion, physical or mental disability, color,  
18 national origin, age, sex, marital status, change in marital status or  
19 pregnancy of that person or of any person associated with that person;

20 (6) to engage in blockbusting;

21 (7) to make, print or publish, or cause to be made, printed  
22 or published, any notice, statement or advertisement, with respect to  
23 the sale or rental of real property that indicates any preference,  
24 limitation, or discrimination based on race, color, religion, physical  
25 or mental disability, sex, or national origin, or an intention to make  
26 the preference, limitation or discrimination.

27 \* Sec. 12. AS 18.80.250(a) is amended to read:

28 (a) It is unlawful for a financial institution or other commer-  
29 cial institution extending secured or unsecured credit, upon receiving

1 an application for financial assistance or credit for the acquisition,  
2 construction, rehabilitation, repair or maintenance of a housing  
3 accommodation or other property or services, or the acquisition or  
4 improvement of unimproved property, or upon receiving an application  
5 for any sort of loan of money, to permit one of its officials or  
6 employees during the execution of the official's or the employee's  
7 duties

8 (1) to discriminate against the applicant because of sex,  
9 physical or mental disability, marital status, changes in marital  
10 status, pregnancy, parenthood, race, religion, color or national  
11 origin in a term, condition or privilege relating to the obtainment or  
12 use of the institution's financial assistance or credit, except to the  
13 extent of a federal statute or regulation applicable to a transaction  
14 of the same character;

15 (2) to make or cause to be made a written or oral inquiry  
16 or record of the sex, physical or mental disability, marital status,  
17 changes in marital status, pregnancy, parenthood, race, religion,  
18 color or national origin of a person seeking the institution's finan-  
19 cial assistance or credit, unless the inquiry is for the purpose of  
20 ascertaining the creditor's rights and remedies applicable to the  
21 particular extension of credit and is not made or used in order to  
22 discriminate in a determination of creditworthiness;

23 (3) to refuse to extend credit, issue a credit card or make  
24 a loan to a married person or a person with a physical or mental  
25 disability, who is otherwise creditworthy, if so requested by the  
26 person;

27 (4) to refuse to issue a credit card to a married person in  
28 that person's name, if so requested by the person, provided, however,  
29 that the person so requesting a card may be required to open an

1 account in that name.

2 \* Sec. 13. AS 18.80.250 is amended by adding a new subsection to read:

3 (d) This section does not prohibit an institution described in  
4 (a) of this section from refusing to contract with a person if the  
5 person lacks the legal capacity to contract or if the institution is  
6 reasonably in doubt about the person's legal capacity to contract.

7 \* Sec. 14. AS 18.80.255 is amended to read:

8 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL  
9 SUBDIVISIONS. It is unlawful for the state or any of its political  
10 subdivisions

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

14 (2) to publish, circulate, issue, display, post or mail a  
15 written or printed communication, notice or advertisement that states  
16 or implies that any local, state or federal funds, services, goods,  
17 facilities, advantages or privileges of the office or agency will be  
18 refused, withheld from or denied to a physically or mentally disabled  
19 person or a person of a certain race, religion, sex, color or national  
20 origin or that the patronage of a physically or mentally disabled  
21 person or a person belonging to a particular race, creed, sex, color  
22 or national origin is unwelcome, not desired or solicited; it is not  
23 unlawful to post notice that facilities to accommodate the physically  
24 or mentally disabled are not available;

25 (3) to refuse or deny to a person any local, state, or  
26 federal funds, services, goods, facilities, advantages or privileges  
27 because of physical or mental disability.

28 \* Sec. 15. AS 18.80.300 is amended by adding new paragraphs to read:

29 (15) "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 (16) "physical or mental disability" means

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

6 (B) a history of, or a misclassification as having, a  
7 mental or physical impairment that substantially limits one or  
8 more major life activities; or

9 (C) having

10 (i) a physical or mental impairment that does not  
11 substantially limit a person's major life activities but  
12 that is treated by the person as constituting such a limita-  
13 tion;

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

17 (iii) none of the impairments defined in this  
18 paragraph but being treated by others as having such an  
19 impairment;

20 (D) a condition that may require the use of a prosthe-  
21 sis, special equipment for mobility or service animal;

22 (17) "physical or mental impairment" means

23 (A) physiological disorder or condition, cosmetic  
24 disfigurement, or anatomical loss affecting one or more of the  
25 following body systems: neurological, musculoskeletal, special  
26 sense organs, respiratory including speech organs, cardiovascu-  
27 lar, reproductive, digestive, genito-urinary, hemic and lymph-  
28 atic, skin, and endocrine; or

29 (B) mental or psychological disorder, including mental

1           retardation, organic brain syndrome, emotional or mental illness,  
2           and specific learning disabilities.

3       \* Sec. 16. AS 18.06 and AS 18.80.300(11) are repealed.

Original sponsors: Duncan, Szymanski,  
Uehling and Sturgulewski

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 1 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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24 damages for the injury caused.

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12 and that this discrimination not only threatens the rights and privi-  
13 leges of the inhabitants of the state but also menaces the institu-  
14 tions of the state and threatens peace, order, health, safety and  
15 general welfare of the state and its inhabitants.

16 (b) Therefore, it is the policy of the state and the purpose of  
17 this chapter to eliminate and prevent discrimination in employment, in  
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19 the sale, lease, or rental of real property because of race, religion,  
20 color, national origin, sex, age, physical or mental disability,  
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2 accommodations and other property without discrimination because of  
3 sex, physical or mental disability, marital status, changes in marital  
4 status, pregnancy, parenthood, race, religion, color or national  
5 origin is a civil right.

6 \* Sec. 9. AS 18.80.220(a) is amended to read:

7 (a) It is unlawful for

8 (1) an employer to refuse employment to a person, or to bar  
9 a person from employment, or to discriminate against a person in  
10 compensation or in a term, condition, or privilege of employment  
11 because of the person's race, religion, color or national origin, or  
12 because of the person's age, physical or mental disability [HANDICAP],  
13 sex, marital status, changes in marital status, pregnancy or parent-  
14 hood when the reasonable demands of the position do not require dis-  
15 tinction on the basis of age, physical or mental disability [HANDI-  
16 CAP], sex, marital status, changes in marital status, pregnancy or  
17 parenthood;

18 (2) a labor organization, because of a person's sex, mari-  
19 tal status, changes in marital status, pregnancy, parenthood, age,  
20 race, religion, physical or mental disability, color or national  
21 origin, to exclude or to expel a person from its membership, or to  
22 discriminate in any way against one of its members or an employer or  
23 an employee;

24 (3) an employer or employment agency to print or circulate  
25 or cause to be printed or circulated a statement, advertisement, or  
26 publication, or to use a form of application for employment or to make  
27 an inquiry in connection with prospective employment, which expresses,  
28 directly or indirectly, a limitation, specification or discrimination  
29 as to sex, physical or mental disability, marital status, changes in

1 marital status, pregnancy, parenthood, age, race, creed, color or  
2 national origin, or an intent to make the limitation, unless based  
3 upon a bona fide occupational qualification;

4 (4) an employer, labor organization or employment agency to  
5 discharge, expel or otherwise discriminate against a person because  
6 the person has opposed any practices forbidden under AS 18.80.200 -  
7 18.80.280 or because the person has filed a complaint, testified or  
8 assisted in a proceeding under this chapter;

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

14 (6) a person to print, publish, broadcast or otherwise  
15 circulate a statement, inquiry or advertisement in connection with  
16 prospective employment that expresses directly, a limitation, speci-  
17 fication or discrimination as to sex, physical or mental disability,  
18 marital status, changes in marital status, pregnancy, parenthood, age,  
19 race, religion, color or national origin, unless based upon a bona  
20 fide occupational qualification.

21 \* Sec. 10. AS 18.80.230 is amended to read:

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

25 (1) to refuse, withhold from or deny to a person any of its  
26 services, goods, facilities, advantages or privileges because of sex,  
27 physical or mental disability, marital status, changes in marital  
28 status, pregnancy, parenthood, race, religion, color or national  
29 origin;

1 (2) to publish, circulate, issue, display, post or mail a  
2 written or printed communication, notice or advertisement that states  
3 or implies

4 (A) that any of the services, goods, facilities,  
5 advantages or privileges of the public accommodation will be  
6 refused, withheld from or denied to a person of a certain race,  
7 religion, sex, physical or mental disability, marital status,  
8 color or national origin or because of pregnancy, parenthood, or  
9 a change in marital status, or

10 (B) that the patronage of a person belonging to a  
11 particular race, creed, sex, marital status, color or national  
12 origin or who, because of pregnancy, parenthood, physical or  
13 mental disability, or a change in marital status, is unwelcome,  
14 not desired or solicited.

15 \* Sec. 11. AS 18.80.240 is amended to read:

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

19 (1) to refuse to sell, lease or rent the real property to a  
20 person because of sex, marital status, changes in marital status,  
21 pregnancy, race, religion, physical or mental disability, color or  
22 national origin; however, nothing in this paragraph prohibits the  
23 sale, lease or rental of classes of real property commonly known as  
24 housing for "singles" or "married couples" only;

25 (2) to discriminate against a person because of sex, mari-  
26 tal status, changes in marital status, pregnancy, race, religion,  
27 physical or mental disability, color or national origin in a term,  
28 condition or privilege relating to the use, sale, lease or rental of  
29 real property; however, nothing in this paragraph prohibits the sale,

1 lease or rental of classes of real property commonly known as housing  
2 for "singles" or "married couples" only;

3 (3) to make a written or oral inquiry or record of the sex,  
4 marital status, changes in marital status, race, religion, physical or  
5 mental disability, color or national origin of a person seeking to  
6 buy, lease or rent real property;

7 (4) to offer, solicit, accept, use or retain a listing of  
8 real property with the understanding that a person may be discrimin-  
9 ated against in a real estate transaction or in the furnishing of  
10 facilities or sources in connection therewith because of a person's  
11 sex, marital status, changes in marital status, pregnancy, race,  
12 religion, physical or mental disability, color, national origin or  
13 age;

14 (5) to represent to a person that real property is not  
15 available for inspection, sale, rental, or lease when in fact it is so  
16 available, or to refuse to allow a person to inspect real property  
17 because of the race, religion, physical or mental disability, color,  
18 national origin, age, sex, marital status, change in marital status or  
19 pregnancy of that person or of any person associated with that person;

20 (6) to engage in blockbusting;

21 (7) to make, print or publish, or cause to be made, printed  
22 or published, any notice, statement or advertisement, with respect to  
23 the sale or rental of real property that indicates any preference,  
24 limitation, or discrimination based on race, color, religion, physical  
25 or mental disability, sex, or national origin, or an intention to make  
26 the preference, limitation or discrimination.

27 \* Sec. 12. AS 18.80.250(a) is amended to read:

28 (a) It is unlawful for a financial institution or other commer-  
29 cial institution extending secured or unsecured credit, upon receiving

1 an application for financial assistance or credit for the acquisition,  
2 construction, rehabilitation, repair or maintenance of a housing  
3 accommodation or other property or services, or the acquisition or  
4 improvement of unimproved property, or upon receiving an application  
5 for any sort of loan of money, to permit one of its officials or  
6 employees during the execution of the official's or the employee's  
7 duties

8 (1) to discriminate against the applicant because of sex,  
9 physical or mental disability, marital status, changes in marital  
10 status, pregnancy, parenthood, race, religion, color or national  
11 origin in a term, condition or privilege relating to the obtainment or  
12 use of the institution's financial assistance or credit, except to the  
13 extent of a federal statute or regulation applicable to a transaction  
14 of the same character;

15 (2) to make or cause to be made a written or oral inquiry  
16 or record of the sex, physical or mental disability, marital status,  
17 changes in marital status, pregnancy, parenthood, race, religion,  
18 color or national origin of a person seeking the institution's finan-  
19 cial assistance or credit, unless the inquiry is for the purpose of  
20 ascertaining the creditor's rights and remedies applicable to the  
21 particular extension of credit and is not made or used in order to  
22 discriminate in a determination of creditworthiness;

23 (3) to refuse to extend credit, issue a credit card or make  
24 a loan to a married person or a person with a physical or mental  
25 disability, who is otherwise creditworthy, if so requested by the  
26 person;

27 (4) to refuse to issue a credit card to a married person in  
28 that person's name, if so requested by the person, provided, however,  
29 that the person so requesting a card may be required to open an

1 account in that name.

2 \* Sec. 13. AS 18.80.255 is amended to read:

3 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL  
4 SUBDIVISIONS. It is unlawful for the state or any of its political  
5 subdivisions

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

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

20 (3) to refuse or deny to a person any local, state, or  
21 federal funds, services, goods, facilities, advantages or privileges  
22 because of physical or mental disability.

23 \* Sec. 14. AS 18.80.300 is amended by adding new paragraphs to read:

24 (15) "major life activities" means functions such as caring  
25 for one's self, performing manual tasks, walking, seeing, hearing,  
26 speaking, breathing, learning, and working;

27 (16) "physical or mental disability" means

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

1 (B) a history of, or a misclassification as having, a  
2 mental or physical impairment that substantially limits one or  
3 more major life activities; or

4 (C) having

5 (i) a physical or mental impairment that does not  
6 substantially limit a person's major life activities but  
7 that is treated by the person as constituting such a limita-  
8 tion;

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

12 (iii) none of the impairments defined in this  
13 paragraph but being treated by others as having such an  
14 impairment;

15 (D) a condition that may require the use of a prosthe-  
16 sis, special equipment for mobility or service animal;

17 (17) "physical or mental impairment" means

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

24 (B) mental or psychological disorder, including mental  
25 retardation, organic brain syndrome, emotional or mental illness,  
26 and specific learning disabilities.

27 \* Sec. 15. AS 18.06 and AS 18.80.300(11) are repealed.

1 IN THE SENATE

BY DUNCAN AND SZYMANSKI

2

SENATE BILL NO. 1

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH 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 from serving as a juror solely  
11 because 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 12.55.155(c)(22) is amended to read:

17 (22) the defendant knowingly directed the conduct consti-  
18 tuting the offense at a victim because of that person's race, sex,  
19 color, creed, physical or mental disability, ancestry, or national  
20 origin;

21 \* Sec. 3. AS 18.06.010 is amended to read:

22 Sec. 18.06.010. STATE POLICY. It is the policy of this state to  
23 encourage and enable the [BLIND, THE VISUALLY HANDICAPPED, AND THE  
24 OTHERWISE] physically or mentally disabled to participate fully in the  
25 social and economic life of the state and to engage in remunerative  
26 employment.

27 \* Sec. 4. AS 18.06.020 is amended to read:

28 Sec. 18.06.020. RIGHTS. (a) The [BLIND, THE VISUALLY HANDI-  
29 CAPPED, AND THE OTHERWISE] physically or mentally disabled have the

1 same right as the able-bodied to the full and free pedestrian use of  
2 the streets, highways, sidewalks, walkways, public buildings, public  
3 facilities, and other public places.

4 (b) The [BLIND, THE VISUALLY HANDICAPPED, AND THE OTHERWISE]  
5 physically or mentally disabled are entitled to full and equal accom-  
6 modations, advantages, facilities, and privileges of all common carri-  
7 ers, airplanes, motor vehicles, railroad trains, motor buses, street  
8 cars, boats or any other public conveyances or modes of transporta-  
9 tion, hotels, lodging places, places of public accommodation, amuse-  
10 ment or resort, and other places to which the general public is invit-  
11 ed, subject only to the conditions and limitations established by law  
12 and applicable alike to all persons.

13 (c) Persons who are physically or mentally disabled [TOTALLY OR  
14 PARTIALLY BLIND PERSONS] have the right to be accompanied or assisted  
15 by a service animal that is certified by a training facility for  
16 service animals as being able to function in a public setting [GUIDE  
17 DOG, ESPECIALLY TRAINED FOR THE PURPOSE], in any of the places listed  
18 in (b) of this section without being required to pay an extra charge  
19 for the service animal [GUIDE DOG]; however, the person with the  
20 animal [GUIDE DOG] is liable for any damage done to the premises or  
21 facilities by the animal [DOG].

22 \* Sec. 5. AS 18.06.030 is amended to read:

23 Sec. 18.06.030. RIGHTS AS PEDESTRIANS. The driver of a motor  
24 vehicle approaching a physically or mentally disabled [TOTALLY OR  
25 PARTIALLY BLIND] pedestrian who is carrying a cane predominantly white  
26 or metallic in color, with or without a red tip, using special equip-  
27 ment for mobility, or using a service animal [GUIDE DOG] shall take  
28 all necessary precautions to avoid injury to the pedestrian. A [, AND  
29 A] driver who fails to take all necessary precautions and causes

1 injury to the pedestrian is liable in damages for the injury caused.  
2 A physically or mentally disabled [TOTALLY BLIND OR PARTIALLY BLIND]  
3 pedestrian not carrying a cane as described in this section or using  
4 special equipment for mobility or a service animal [GUIDE DOG] in any  
5 of the places, accommodations or conveyances set out under  
6 AS 18.06.020 has all of the rights and privileges conferred by law  
7 upon other persons. The [, AND THE] failure of a physically or  
8 mentally disabled [TOTALLY OR PARTIALLY BLIND] pedestrian to carry a  
9 cane as described in this section or to use special equipment for  
10 mobility or a service animal [GUIDE DOG] is not by itself evidence of  
11 [CONTRIBUTORY] negligence.

12 \* Sec. 6. AS 18.06.040 is amended to read:

13 Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS].  
14 The state Human Rights Commission shall enforce this chapter. A  
15 person who denies or interferes with admittance to or enjoyment of the  
16 public facilities set out in AS 18.06.020 or otherwise interferes with  
17 the rights of a physically or mentally [TOTALLY OR PARTIALLY BLIND OR  
18 OTHERWISE] disabled person is guilty of a class B misdemeanor [AND  
19 UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR BY  
20 IMPRISONMENT FOR NOT MORE THAN 60 DAYS, OR BY BOTH].

21 \* Sec. 7. AS 18.06.050 is amended to read:

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

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

29 (b) The commission shall adopt regulations relating to

1 discrimination because of physical and mental disability. The regula-  
2 tions shall furnish guidance concerning the circumstances under which  
3 it is permissible, appropriate, and relevant to consider a person's  
4 physical or mental disability in deciding whether to provide the  
5 person with employment, credit, financing, public accommodations,  
6 housing accommodations, or other goods or services under this chapter.

7 \* Sec. 9. AS 18.80.060(a) is amended to read:

8 (a) In addition to the other powers and duties prescribed by  
9 this chapter the commission shall

10 (1) appoint an executive director approved by the governor;

11 (2) hire other administrative staff as may be necessary to  
12 the commission's function;

13 (3) exercise general supervision and direct the activities  
14 of the executive director and other administrative staff;

15 (4) accept complaints under AS 18.80.100;

16 (5) study the problems of discrimination in all or specific  
17 fields of human relationships, and foster through community effort or  
18 goodwill, cooperation and conciliation among the groups and elements  
19 of the population of the state, and publish results of investigations  
20 and research as in its judgment will tend to eliminate discrimination  
21 because of race, religion, color, national ancestry, physical or  
22 mental disability [HANDICAP], age, sex, marital status, changes in  
23 marital status, pregnancy or parenthood;

24 (6) make an overall assessment, at least once every three  
25 years, of the progress made toward equal employment opportunity by  
26 every department of state government; results of the assessment shall  
27 be included in the annual report made under AS 18.80.150;

28 (7) enforce AS 18.06.

29 \* Sec. 10. AS 18.80.200 is amended to read:

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

10           (b) Therefore, it is the policy of the state and the purpose of  
11 this chapter to eliminate and prevent discrimination in employment, in  
12 credit and financing practices, in places of public accommodation, in  
13 the sale, lease, or rental of real property because of race, religion,  
14 color, national origin, sex, age, physical or mental disability,  
15 marital status, changes in marital status, pregnancy or parenthood.  
16 It is also the purpose of this chapter to eliminate or prevent dis-  
17 crimination resulting from ignorance or misconceptions concerning the  
18 nature and effects of physical and mental disabilities. It is not the  
19 purpose of this chapter to supersede laws pertaining to child labor,  
20 the age of majority or other age restrictions or requirements.

21 \* Sec. 11. 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 physical or mental disability, marital status, changes in marital  
26 status, pregnancy, parenthood, race, religion, color or national  
27 origin is a civil right.

28 \* Sec. 12. 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 from employment, or to discriminate against a person in  
3 compensation or in a term, condition, or privilege of employment  
4 because of the person's race, religion, color or national origin, or  
5 because of the person's age, physical or mental disability [HANDICAP],  
6 sex, marital status, changes in marital status, pregnancy or parent-  
7 hood when the reasonable demands of the position do not require dis-  
8 tinction on the basis of age, physical or mental disability [HANDI-  
9 CAP], sex, marital status, changes in marital status, pregnancy or  
10 parenthood;

11           (2) a labor organization, because of a person's sex, mari-  
12 tal status, changes in marital status, pregnancy, parenthood, age,  
13 race, religion, physical or mental disability, color or national  
14 origin, to exclude or to expel a person from its membership, or to  
15 discriminate in any way against one of its members or an employer or  
16 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, which expresses,  
21 directly or indirectly, a limitation, specification or discrimination  
22 as to sex, physical or mental disability, marital status, changes in  
23 marital status, pregnancy, parenthood, age, race, creed, color or  
24 national origin, or an intent to make the limitation, unless based  
25 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 has opposed any practices forbidden under AS 18.80.200 -  
29 13.80.280 or because the person [HE] has filed a complaint, testified

1 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 expresses directly, a limitation, speci-  
10 fication or discrimination as to sex, physical or mental disability,  
11 marital status, changes in marital status, pregnancy, parenthood, age,  
12 race, religion, color or national origin, unless based upon a bona  
13 fide occupational qualification.

14 \* Sec. 13. 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 physical or mental 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 states  
25 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, physical or mental 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, physical or  
6 mental disability, or a change in marital status, is unwelcome,  
7 not desired or solicited.

8 \* Sec. 14. AS 18.80.240 is amended to read:

9 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL  
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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, marital status, changes in marital status,  
14 pregnancy, race, religion, physical or mental disability, 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, mari-  
19 tal status, changes in marital status, pregnancy, race, religion,  
20 physical or mental disability, 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 marital status, changes in marital status, race, religion, physical or  
27 mental disability, color or national origin of a person seeking to  
28 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 discrimi-  
2 ated against in a real estate transaction or in the furnishing of  
3 facilities or services in connection therewith because of a person's  
4 sex, marital status, changes in marital status, pregnancy, race,  
5 religion, physical or mental disability, color, national origin or  
6 age;

7 (5) to represent to a person that real property is not  
8 available for inspection, sale, rental, or lease when in fact it is so  
9 available, or to refuse to allow a person to inspect real property  
10 because of the race, religion, physical or mental disability, color,  
11 national origin, age, sex, marital status, change in marital status or  
12 pregnancy of that person or of any person associated with 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, physical  
18 or mental disability, sex, or national origin, or an intention to make  
19 the preference, limitation or discrimination.

20 \* Sec. 15. 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 duties

1           (1) to discriminate against the applicant because of sex,  
2           physical or mental 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, physical or mental disability, marital status,  
10          changes in marital status, pregnancy, parenthood, race, religion,  
11          color or national origin of a person seeking the institution's finan-  
12          cial assistance or credit, unless the inquiry is for the purpose of  
13          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 or a person with a physical or mental  
18          disability, who is otherwise creditworthy, if so requested by the  
19          person;

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

24       \* Sec. 16. AS 18.80.255 is amended to read:

25               Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL  
26               SUBDIVISIONS. It is unlawful for the state or any of its political  
27               subdivisions

28               (1) to refuse, withhold from or deny to a person any local,  
29               state or federal funds, services, goods, facilities, advantages or

1 privileges because of race, religion, sex, color or national origin;  
2 (2) to publish, circulate, issue, display, post or mail a  
3 written or printed communication, notice or advertisement that 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 physically or mentally disabled  
7 person or a person of a certain race, religion, sex, color or national  
8 origin or that the patronage of a physically or mentally disabled  
9 person or a person belonging to a particular race, creed, sex, color  
10 or national origin is unwelcome, not desired or solicited; it is not  
11 unlawful to post notice that facilities to accommodate the physically  
12 or mentally disabled are not available;

13 (3) to refuse or deny to a person any local, state, or  
14 federal funds, services, goods, facilities, advantages or privileges  
15 because of physical or mental disability.

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

17 Sec. 18.80.256. ALTERATIONS NOT REQUIRED. This chapter may not  
18 be construed to require, or affect other laws that require or provide  
19 for, the alteration or remodeling of buildings, facilities, or vehi-  
20 cles in order to provide access to or accommodate the needs of a  
21 person with a physical disability.

22 \* Sec. 18. AS 18.80.300 is amended by adding new paragraphs to read:

23 (15) "major life activities" means functions such as caring  
24 for one's self, performing manual tasks, walking, seeing, hearing,  
25 speaking, breathing, learning, and working;

26 (16) "physical or mental disability" means

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

29 (B) a history of, or a misclassification as having, a

1           mental or physical impairment that substantially limits one or  
2           more major life activities; or

3                   (C) having

4                           (i) a physical or mental impairment that does not  
5                           substantially limit a person's major life activities but  
6                           that is treated by the person as constituting such a limita-  
7                           tion;

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

11                           (iii) none of the impairments defined in this  
12                           paragraph but being treated by others as having such an  
13                           impairment;

14                   (D) a condition that may require the use of a prosthe-  
15                   sis, special equipment for mobility or service animal;

16                   (17) "physical or mental impairment" means

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

23                           (B) mental or psychological disorder, including mental  
24                           retardation, organic brain syndrome, emotional or mental illness,  
25                           and specific learning disabilities.

26           \* Sec. 19. AS 18.80.300(13) is repealed.