

SB

1

HOUSE COMMITTEE REPORT

(7)

Date referred: 4/3/87

FURTHER REFERRALS: Judiciary

DATE: 4/28/87

The Health, Education and Social Services Committee has considered CSSB 1(Jud)

"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 notes published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

PAUL E. TULL
Ellis
Nita Koproske
Bill Hurd
Mark Munberg

SIGNING OTHER RECOMMENDATIONS:

George Huxley - No Rec
Dave Donley - NO REC

Nita Koproske
Co-Chairman's signature
Ellis

CSSB 1 - An Act relating to the rights of physically and mentally disabled persons.

File Contents

- 1) Copy of CSSB 1
- 2) Zero Fiscal Note, Office of the Governor, 3/31/87
- 3) Court Systemn Fiscal Note, 3/5/87
- 4) Zero Fiscal Note, DHSS, 3/5/87
- 5) Sectional Analysis, Edward Hein, 3/31/87
- 6) Memorandum, Senator Duncan, 4/4/87
- 7) Can Justice be Deaf Too?

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB - 1
Publish Date: 3-31

REQUEST: _____

Revision Date: _____
Title: Rights of Physically and Mentally Disabled Persons

Agency Affected: Office of the Governor
BRU: Commission, Special Issues

Sponsor: Duncan and Szymanski
Requestor: Health, Education and Social Services; Judiciary; Finance

Components: Human Rights Commission

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						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

As requested by Senator Paul Fischer

Prepared by: Michael A. Nizich, Director
Division: Div. of Administrative Services

Phone: 465-3616
Date: 3-6-87

Approved by Commissioner: Carol P. Kastelic
Agency: Exec. Assistant, Office of the Governor

Date: 3-6-87

Distribution (by preparer):

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

*Published
replaces
No 95
579 FY
1987*

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Jed
es SB 1 ~~1125~~
3-5-87

REQUEST:

Bill Version:
Publish Date:

Revision Date:
Title: Rights of physically and
mentally disabled persons
Sponsor: Duncan & Fischer
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	••••	••••	••••	••••	••••	••••
TOTAL OPERATING	0.0	4.6	4.6	4.6	4.6	4.6
CAPITAL	••••	••••	••••	••••	••••	••••
REVENUE	••••	••••	••••	••••	••••	••••

FUNDING:		(Thousands of Dollars)				
General Funds	0.0	4.6	4.6	4.6	4.6	4.6
Special Funds	••••	••••	••••	••••	••••	••••
Other	••••	••••	••••	••••	••••	••••
TOTAL	0.0	4.6	4.6	4.6	4.6	4.6

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 for

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

FISCAL IMPACT

This legislation allows physically and mentally disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. Providing interpreters for deaf persons will impact the Court's 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.

97

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version CS S.B. 1
Publish Date: 3-5-87

REQUEST: _____

Revision Date: _____
Title: An Act Relating To The Rights Of
Physically & mentally disabled persons.
Sponsor: Duncan
Requestor: _____

Agency Affected: Health & Social Services
BRU: Community Mental Health
and Developmental Disabilities
Components: Developmental Disabilities

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						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS :

Prepared by: Christine L. Hagmeier Phone: 465-3370
Division: Mental Health and Developmental Disabilities Date: 1/22/87

Approved by Commissioner: Karen Rudol Date: 1/20/87
Agency: Health and Social Services

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

STATE OF ALASKA
THE LEGISLATURE

POUCH 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. ~~4~~ 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.

Alaska State Legislature

SENATOR JIM DUNCAN

P.O. Box V JUNEAU, ALASKA 99811

(907) 465-4766

COMMITTEES:
FINANCE
RESOURCES
BUDGET AND AUDIT

MEMORANDUM

April 4, 1987

TO: REPRESENTATIVE JOHNNY ELLIS, CO-CHAIR
REPRESENTATIVE NILO KOPONEN, CO-CHAIR
HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

FROM: SENATOR JIM DUNCAN

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

CS Senate Bill 1 provides for the rights of the blind, deaf and otherwise physically or mentally disabled to the safe and equal use of public streets, sidewalks, transportation and public accommodations. In exercising these rights, the disabled person's use of a service animal would also be protected.

This bill places protection of the rights of physically or mentally disabled persons within the purview of the Human Rights Commission. It protects the disabled from discrimination in purchase, rental or lease of housing, employment and financing. It is supported by organizations for the deaf, blind, physically disabled, mentally disabled and the Governor's Council on the Handicapped and Gifted.

The purpose of this legislation is to eliminate or prevent discrimination or inequity resulting from ignorance or misconceptions about physical or mental disabilities.

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

Please schedule this important bill for a hearing as soon as possible. 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.

Senator Duncan
Page 2
March 31, 1987

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.

EHH:mkr
m10/073

No 179

STATE OF ALASKA 1987 LEGISLATIVE SESSION

FISCAL NOTE SENATE

BILL VERSION: CSSB 1(Jud)

PUBLISH DATE: 3/31/87

REQUEST:

Revision Date:

Title: Rights of Physically and Mentally Disabled Persons

Sponsor: Duncan and Szymanski

Requestor Health, Education and Social Services; Judiciary; Finance

Agency Affected: Office of the Governor

BRU: Commission, Special Issues

Components: Human Rights Commission

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						
TOTAL OPERATING		0	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS:

As requested by Senator Paul Fischer

Prepared by: Michael A. Nizich, Director

Division: Div. of Administrative Services

Phone: 465-3616

Date: 3-6-87

Approved by Commissioner: Carol P. Kastelic

Agency: Exec. Assistant, Office of the Governor

Date: 3-6-87

Distribution (by preparer):

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

Replaces No. 95 Fiscal Note

JUSTICE

Can Justice Be Deaf, Too?

A fight over jury service

When Allen Hammel was called to jury duty in Blair County, Pa., last month, he attracted more attention than the assault case he helped decide. The 3-year-old postal worker is deaf, and he was assisted throughout the two-day trial and jury deliberations by an interpreter using sign language. Hammel performed well, according to fellow jurors. "He was more observant than some people with all their senses," said foreman Josette Shiffler of Altoona. But Hammel is one of only a handful of hearing-impaired people who have been allowed to serve on juries. Earlier this month, JoAnn DeLong, a deaf assembly-line worker in the same county, filed suit in federal court challenging her exclusion from a jury by a different Blair County judge. "I didn't feel like an American citizen anymore," she says.

Only a few years ago exclusion of deaf



PAUL SINGER—ALTOONA MIRROR

"I didn't feel like a citizen": DeLong with interpreter

people from juries was automatic; Arkansas still has a court-approved ban on seating deaf jurors. "With so many people who don't want to serve on jury duty, it's really incredible that deaf people are still excluded," says Muriel Strassler of the National Association of the Deaf, which is lobbying states for new jury laws.

Few states have laws governing jury service by the deaf. Most, including Pennsylvania, leave the decision to individual trial judges, and practices differ widely,

premier may not be able to convey emotions or a witness's tone of voice. Some opponents also believe that the presence of a 13th person in the jury room violates the sanctity of deliberations.

Body posture: That's nonsense, contends Kenneth Rust, a board member of the Registry of Interpreters for the Deaf, which certifies translators. Through such tactics as body posture and speed of gestures, interpreters can convey the meaning of language as accurately as the spoken word, he says. Rust believes that the

presence of an extra person during deliberations is irrelevant, because interpreters are ethically bound to convey only the conversation, without injecting their feelings or opinions. Most states already require the courts to provide interpreters for deaf defendants and witnesses in criminal cases. "What's the difference?" Rust asks.

Opponents also fear that interpreters could prove costly. But advocates say the cost averages only around \$20 an hour. One deaf juror in Oregon answered that argument with finality. When the court refused to pay for his interpreter, he footed the \$400 bill himself.

That same brand of determination gave birth to JoAnn DeLong's lawsuit. "I've been fighting for my rights all my life," said DeLong, who lost her hearing at seven to spinal meningitis. "Maybe now I can help change things for other deaf people." If necessary, she says, she'll ask the U.S. Supreme Court to determine if justice can be deaf as well as blind.

GINNY CARROLL

RELIGION

The Condom Preacher—And His Pantless Past

Two weeks ago the Rev. Carl F. Thitchener became famous as the minister who handed out condoms at his church outside Buffalo, N.Y. (NEWSWEEK, Feb. 16). The point, said Thitchener, was not to promote promiscuity but to educate the public on the danger of AIDS and how to slow its deadly spread. Now the Unitarian Universalist's sudden notoriety has plunged him into deeper controversy: according to police files, Thitchener has an arrest record that stretches back 30 years.

Thitchener's last brush with the law occurred in 1984, when he was put on five years' probation following his second conviction for drunken driving. Two years earlier a woman Scout leader who was conducting a meet-

ing in a church with a group of Brownies told police that a man with no pants or underwear was parading outside. Later, police arrested Thitchener after he drove through a MacDonald's restaurant in a similar state of undress. He pleaded guilty to disorderly conduct and was fined \$75. His record also includes a conviction for public exposure in 1958. And the year before that, charged with attempted rape and attempted burglary, he had pleaded guilty to second-degree assault.

Thitchener, who was ordained in 1980 and hired a year later by the Unitarian Universalist church in Williamsville, N.Y., claimed the 82 incidents involve someone who stole his driver's license. The police disagree.

Nevertheless, the church's board of trustees unanimously voted to support their beleaguered preacher. "I think his message on AIDS is going to save lives," says former board member Victor Doyno. "If any of this material about his past is true, he was very brave for having gone ahead with his sermon."

Notorious: Thitchener

JOE TRAVER—GAMMA-LIAISON



NY Times Sunday Feb. 22, 1987

share of an additional 3 percent of cases with undetermined causes may have spread through heterosexual intercourse as well.

Part of the mystery and fear about AIDS arises from the fact that many carriers of the virus are not aware of it. The virus can lurk in the body without causing disease and, among those who develop AIDS, the average time between infection and diagnosis of AIDS may be five years or more.

While much remains to be learned about AIDS, scientists assert with confidence that studies of victims and disease patterns have provided a clear picture of how the virus has spread in this country, and how it has not.

Q. How does AIDS spread?

Many studies have documented the spread of the AIDS virus to an uninfected person through anal or vaginal

intercourse. Anal sex often involves breaks in rectal tissues, thus allowing easier entry of the virus into the bloodstream. Studies suggest that the receptive partner in anal sex is at greater risk. One study has suggested that the virus may be able to directly infect cells in the colon.

Q. Can the virus spread from an infected person in vaginal intercourse?

believe the virus may also enter through mucous membranes or other soft tissues in the genital areas. No one knows if the virus can penetrate the lining of the male urethra, the tubelike passage through which urine flows.

Q. What is the risk of getting the virus from a single act of vaginal intercourse with an infected person?

Precise data are lacking. From indirect evidence, Federal scientists judge the risk of transmission in a single encounter to be low. Quantification is complex: Some infected people have said they had only a single exposure, while other people who have had hundreds of exposures have escaped infection. Still, several studies have shown that with repeated intercourse, as many as half the sexual partners of infected men or women become infected.

In Africa, where vaginal intercourse is believed to be the major means of spreading AIDS, studies suggest that the virus may pass more easily among people who have had gonorrhea, genital herpes or other sexually transmitted diseases, perhaps as a result of open sores in the skin of the genital area and the presence there of larger than usual numbers of the types of white blood cells that the virus invades.

Q. Can the virus spread through oral sex?

and condoms are believed to offer a high degree of protection. However, condoms are not foolproof: They may tear, slip or be misused, and in one study two cases were documented in which the virus passed between partners who used condoms in intercourse over an extended period. Because the virus may be present in men's pre-ejaculation emissions and in vaginal secretions, experts recommend that

Bishops Say Condoms May Not Prevent AIDS

DALLAS, Feb. 14 (AP) — More than 150 Roman Catholic bishops meeting here have concluded that abstinence and marital fidelity are better weapons to fight AIDS than are condoms, which they believe create a false sense of security, a bishop said Friday.

The group determined that health officials, in promoting condoms, might be misleading the public since condoms do not always prevent transmission of the disease, said Bishop Leroy Matthesen of Amarillo. The Catholic church has long opposed artificial birth control.

Catholic bishops from the United States, Mexico and Central America took part in the conference this week on medical research. The group plans to develop an educational program emphasizing abstinence for single people and fidelity for married couples, the Bishop said.

At the conference, Dr. Lamber N. King of St. Vincent's Hospital in New York presented a paper citing studies that showed condoms offered 70 percent protection from acquired immune deficiency syndrome.

If condom advertisements are put on television, "it's going to boomerang with people who do not listen carefully," Bishop Matthesen said.

Msgr. William B. Smith, professor of moral theology at St. Joseph Seminary in New York, outlined an ethical pastoral approach for the bishops.

Bishop Matthesen said the monsignor's theme was that the bishops should be kind when dealing with AIDS victims. The Bishop said: "The way we phrased it is that is we don't condone sin, but neither do we condone self-righteousness, judging people. There's a natural temptation to do that."

"We want to have a strong emphasis on marital fidelity," he said, adding that the threat of AIDS was a new argument in support of fidelity. "And for those who are not married," he added, "we are going to emphasize celibacy."

Deaf Woman Sues Over Jury

PITTSBURGH, Feb. 14 (AP) — A woman barred from serving on a jury because she is deaf has sued the Blair County judge who dismissed her, alleging she was a victim of discrimination.

The woman, JoAnn DeLong, alleged in her suit that the judge, R. Bruce Brunbaugh, violated a Federal act that prohibits discrimination against the handicapped in any activity in which Federal funds are used when he dismissed her in October.

The lawsuit, filed Wednesday in Federal District Court, is intended to establish that Federal funds help finance county court operations, her lawyer, Robert W. Lape, said Thursday.

Ms. DeLong is seeking no financial damages, only a court order to permit the disabled to participate on juries.

Judge Brunbaugh did not return telephone calls made to his office.

Ms. DeLong was called as a potential juror for a civil case, but Judge Brunbaugh rejected her before lawyers for either side questioned her, Mr. Lape said.

Ms. DeLong had full hearing until the age of 7 and "can speak amazingly well," he said. An illness left her without any hearing.

She uses an interpreter who translates word by word under the Signed English system, Mr. Lape said. Under another system, American Sign Language, translators skip some words in favor of concepts, he said.

In dismissing Ms. DeLong, Judge Brunbaugh cited a Pennsylvania case in which a criminal defendant received a new trial after it was learned that one juror's hearing was impaired.

A general argument against seating deaf jurors is that jurors often must weigh the credibility of witnesses by subtle aspects of the way they answer questions.

"That's probably the major argument," Mr. Lape said. "We say the deaf are used to judging from facial expressions and other nonverbal demeanor. Deaf people may even be more perceptive visually."

Hearing impairment probably not discovered until after trial.



THE ALASKA ALLIANCE FOR THE MENTALLY ILL

"An affiliate of the National Alliance for the Mentally Ill"

February 7, 1987
Box 211247
Auke Bay, 199801

Senator Jim Duncan
Alaska State Senate
Juneau, Alaska, 99801

Dear Senator Duncan and Members of
the Senate Health and Social Services
Committee:

The Alaska State Alliance for the Mentally Ill endorses Senate Bill 1 as introduced this year. We believe the draft as presented offers substantial gains in equity for disabled persons in Alaska. By including the disabled populations in this Statute, discrimination is prohibited in many significant areas. Since this law is parallel to Federal legislation, the disabled have long been denied equal protection under the law.

In particular, we wish to commend you on solving some of the more difficult problems with the bill that were advanced last session. The decision to submit to the regulation process those details which caused concern to the banking and housing industries is a much fairer way to address the issue. To what extent and under what circumstances an employer, a lender, or landlord has a right to know of a person's disability, whether or not it is physical or mental, must be carefully determined on the greater need and we believe the Civil Rights Commission has the expertise to make that determination.

One of the most controversial parts of the bill last year was whether or not to include the mentally ill among the disabled population. We would like to advance the following supportive information on this issue:

* The mentally ill are no more "dangerous" than the general population, and courts are now supporting the civil rights of the mentally ill in cases involving zoning laws restricting group homes.

* Those with long time or serious mental illness are among the minority of those who have had mental illness. For example in the State of Alaska, of the 8,000 cases treated by the Community Mental Health Centers, only 613 of these have serious mental illness. Should those who just have one episode or who have a situational distress which causes them to receive treatment be required for the rest of their lives to disclose that treatment? Among those with even the most serious mental illness schizophrenia, about 1/3 of the cases recover after only one episode.

* The mentally ill are the most stigmatized of any subgroup in the United States. Last year our members reported several incidents of discrimination. One of them involved a person having to disclose being under treatment for mental illness on their drivers license and another was denied general health insurance because of a nervous breakdown. In both cases, the question was not related to the request. Being a safe driver does not necessarily relate to having had an incidence of mental illness whereas perhaps a more appropriate question would be " Are you under medication which would make you drowsy ?" Why should someone be a greater risk of breaking a leg or contracting cancer simply because they have experienced mental illness? We know of no research which supports this. Certainly having cancer would be of concern to lenders but there is no requirement for persons with illnesses which might be considered "terminal" to have to disclose their condition.

This is not to say that the mentally ill are all worthy of extended credit, every individual in our State must qualify according to the rules of the lending agency providing assurances of their assets etc. Decisions must be made on a case by case basis. However, to the extent that they are functioning members of society the mentally ill should have the same rights to seek employment, have access to public facilities and other rights afforded citizens of the State of Alaska.

Sincerely,

Sharron Lobaugh
Pres. Alaska Alliance
for the Mentally Ill



PEOPLE - ANIMAL - CONNECTION

February 11, 1987

Dear Senator Fischer:

I am president of People-Animal-Connection/Delta Society. This letter is in support of SB1. We are the group which in conjunction with Alaska SPCA train the service animals for the physically/mentally disabled individual. Alaska is the only state in the USA which does not have legislation regarding service animals.

We presently have 20 service animals in Alaska with requests for many more, but need the legislation before we can place these animals.

We define a service animal as an animal which is trained as a hearing/blind guide animal or as a support animal for a person who has physical disabilities such as stroke or accident patient. *WHO MAY BE CONFUSED TO DO W/2 WHEELCHAIR*

Our trainer is a certified obedience trainer who has trained with numerous other institutions that train and place service animals. Our main facility is at the training center of the Alaska SPCA and our trainers home kennel as well as field work areas.

These animals pass a vigorous physical/temperment test and upon completion of their training are certified by a committee from the PAC/Delta Society.

These animals are then provided with the proper ID colored collar/harness and the owner is given a certified card which states the animal to be a certified service animal. Our animals have been placed in Anchorage, Valdez, Palmer, and Fairbanks.

The animals provide a vital function for many people in our state. They provide physical support, mental support and love to persons who otherwise may not have any support network. These service dogs and their owners need this legislation as protection for their rights and abilities to work together and live together as a team.

If SB1 cannot find support for its passage then I encourage the HESS committee to take the service animal portion out of SB1 and introduce it as a separate bill. Originally, the service animal bill was separate legislation but in the last 2 years it has become "hung up" with other legislation. I urge strongly either the passage of SB1 or separate legislation for the service animal. Many people in Alaska are concerned with this and I hope they will be contacting the committee members over the next few days.

I would be willing to answer any questions regarding my letter or support of legislation for the service animal. *WE DO HAVE MODEL LEGISLATION FROM OTHER STATES ONLY ORGANIZATION WHICH WE WOULD BE HAPPY TO REVIEW*
Thank you very much.

Sincerely,

Joyce M. Murphy
Joyce M. Murphy, D.V.M.

Mainstreaming Group Homes

By Daniel Lauber

A recent U.S. Supreme Court decision put some new twists on zoning for group homes. Here, questions and answers about how to adapt to the changes.



Zoning made it to the U.S. Supreme Court this year in the form of a case regarding group homes for developmentally disabled adults. The result was a landmark decision that should change the way most zoning ordinances treat group homes. Further, the decision will force local officials to confront the popular misconceptions about group homes and their residents that so frequently lead to stiff neighborhood opposition.

Group homes pose a zoning challenge that nearly every community in the country eventually will face. Over the past decade, the number of group homes increased from 700 to over 6,000. There's no end in sight because the need for them remains so great. The disabled are living longer, thanks to better health care and increasing deinstitutionalization.

Local officials often are at a loss when it comes to zoning for group homes. Most zoning ordinances fail to provide for them, as cities typically (and improperly) treat group homes as hospitals for the insane or feeble-minded. In other places, ordinances contain exclusionary provisions that keep group homes out of the very residential districts in which they function best.

Here are answers to some of the most frequent questions local officials and planners ask about zoning for group homes, particularly in light of the Supreme Court's latest edict on this type of zoning provision.

What are they?

Q Before we go any further, what are group homes and who lives in them?

A A group home usually houses individuals who are mentally ill or developmentally disabled. Congress defines "developmental disability" as a severe, chronic, and permanent disability due to a mental and/or physical impairment, manifested before age 22, that results in substantial functional limitations in at least three of the following major life activities: self-care, language, learning, mobility, capacity for independent living, economic self-sufficiency, and self-direction.

Traditionally, these special, "service-dependent" individuals were warehoused in large institutions. But as the professionals who work with these special populations came to understand them, they realized that large institutions hindered the recovery of the mentally ill and the progress of the developmentally disabled. If they are ever to overcome or cope with their conditions, these people need to live in a relatively normal household environment in the community.

The group home provides that setting. Depending on the size of the house, anywhere from two to about 15 service-dependent people live in the group home with professional staff, who function as surrogate parents. Residents and staff seek to emulate a traditional family. The group

home constitutes a single housekeeping unit in which residents share responsibilities, meals, and recreation.

The group home's primary purpose is to provide supervision and support, in a family-like setting, for persons unable to live independently in the community. It is not a clinic or hospital, where treatment is the principal or essential service. While a treatment regime may be incorporated into the daily routine of handicapped persons wherever they live—whether with their own families, in an institution, or in a group home—treatment is merely incidental to the group home's primary purpose of helping residents adjust to community living, and in many cases, to live on their own in the community.

Q Then why are group homes a zoning problem?

A Many zoning ordinances simply don't provide for group homes. When a group home sponsor seeks to open a group home under such an ordinance, city officials often stretch their imaginations to fit the proposed group home under the zoning definition of some other use. Most often, they'll call the group home a nursing home or hospital for the insane or feeble-minded.

Q We have to do that all the time with uses that didn't exist when our zoning ordinances were written. What's so bad about that?

A Group homes are not nursing homes



Photograph by Michael Portney

An ordinary dinner table? That's exactly the point for group home residents functioning as a family.

or hospitals. A group home is a residential use—a place where inhabitants live as a family, albeit a generic family, as one court put it. In contrast, nursing homes and hospitals are primarily medical institutions that provide no education or simulated family setting for patients. Group homes are most appropriate in residential areas, while nursing homes and hospitals belong in commercial areas.

Q Didn't the U.S. Supreme Court case deal with a Texas city that treated group homes for the developmentally disabled as a hospital for the feeble-minded?

A Yes, the zoning ordinance for Cleburne, Texas, didn't provide for group homes. So city officials decided that the Cleburne Living Center's proposed group home for 13 developmentally disabled adults would be treated as a "hospital for the insane or feeble-minded."

Q How did that decision lead all the way to the Supreme Court?

A Cleburne's zoning ordinance allows all hospitals, except those for the "insane or feeble-minded or alcoholics or drug addicts," as permitted uses in the R-3 residential zone where the Cleburne Living Center (CLC) sought to locate its group home. It also allows apartments, boarding and lodging houses, and fraternities, sororities, and dormitories as of right in that zone.

Although the proposed group home complied with all federal and state licens-

ing regulations that ensured the house itself would be adequate to house the 13 mentally retarded residents plus staff, Cleburne denied the special use permit application. CLC sued. While the federal district court found that the city's denial "was motivated primarily by the fact that the residents of the homes would be persons who are mentally retarded," it held that no fundamental rights had been violated and that the ordinance, as written and applied, was rationally related to the city's legitimate interests in "the legal responsibility of CLC and its residents, . . . the safety and fears of residents in the adjoining neighborhood," and the number of people to be housed in the home.

After the Fifth Circuit U.S. Court of Appeals reversed in favor of CLC, the city appealed to the U.S. Supreme Court. The Court unanimously invalidated the zoning ordinance as applied to CLC (although three justices would have invalidated the ordinance on its face) in *City of Cleburne v. Cleburne Living Center*, 105 S.Ct. 3249 (1985).

The Court speaks

Q Why is this decision so important?

A The Court put cities on notice that they need a clear, rational reason if they want to treat group homes for the developmentally disabled (and probably for other service-dependent populations as

well) differently from other residential uses. The Court started its analysis by noting that the equal protection clause of the Fourteenth Amendment essentially requires that "all persons similarly situated should be treated alike."

Cleburne, though, had created a classification in which a group home for the mentally retarded must obtain a special use permit in an R-3 zone even though apartment houses, boarding and lodging houses, fraternity and sorority houses, nursing homes for the aged, and other specific uses were allowed as of right. Although a city's zoning ordinance is presumed valid, the classifications it creates must be "rationally related to a legitimate state interest" to be upheld.

The Court noted that while the "mentally retarded as a group are indeed different from others who don't share their misfortune" and are allowed to locate in an R-3 zone without a special use permit, this difference is largely irrelevant unless the [group] home and those who would occupy it would threaten legitimate interests of the city in a way that other permitted uses such as boarding houses and hospitals would not. The Court searched the trial record and could find no rational basis to believe that the group home would pose any threat to the city's legitimate interests.

Q You mean that none of the city's reasons for denying the special use permit were legitimate?

Open house at the Cleburne group home.



A Right. Opposition from neighbors, based on unsubstantiated fears, continues to be the major reason that cities deny special use permits for group homes. But the Court confirmed a long line of rulings that "mere negative attitudes, or fear, unsubstantiated by factors which are properly cognizable in a zoning proceeding, are not permissible bases for treating a home for the mentally retarded differently from apartment houses, multiple dwellings, and the like." While neighbors may have biases against group home residents, "the law cannot, directly or indirectly, give them effect."

The Court rejected all of the city's reasons for denying the permit. The city council had doubts about who had legal responsibility for the actions of the mentally retarded group home residents. But the Court found that the council had no concern about the legal responsibility for other uses permitted in the zoning district, such as boarding houses and fraternities. The Court could not see how the group home would present a hazard different from these other uses. Nor could the Court understand how the city could object to the location of the group home because it was on a 500-year floodplain, yet not be concerned about other uses located on the floodplain.

Q Given the Court's decision, for what reasons can a city deny a special use permit for a group home?

A Remember that the Court said the denial was based on prejudices and unsubstantiated fears. The most common fears are that group home residents will engage in criminal behavior, that the home will be poorly maintained, and that the mere presence of the home will depress property values in the neighborhood. If true, these are legitimate reasons to deny a special-use permit.

Q Can any of these fears be substantiated?

A So far, fairly extensive research says, "Not at all!" A large body of research shows that the mentally ill are no more criminally prone than the rest of us. And 66 years of studies have found the developmentally disabled to be harmless. The most pertinent study covered the state of Virginia. The *Report on the Incidence of Client Crime Within Community-Based Programming* (1979) found a crime rate of 0.8 percent among the developmentally disabled who lived in group homes, as compared to a four to six percent crime rate among the general population.

Q But what about property maintenance and property values?

A Every one of the 20 or so studies on this topic has found that group homes simply do not affect the selling prices of neighboring properties or the turnover rate of properties. The studies uniformly report that group homes are invariably well-maintained—often better maintained than

neighboring private homes. The few studies that have inquired have found that group homes are so inconspicuous that barely half the people on the same block know they exist, fewer than half on the next block know of them, and fewer than 30 percent of the residents three blocks away are aware of them. Small wonder that group homes have virtually no effect on property values.

Q If group homes are so innocuous, why regulate them at all?

A One study did find that five group homes on the same block might, in fact, have an adverse effect on the neighborhood. Further, if large numbers of group homes cluster on the same block or in the same neighborhood, they could undermine a basic premise of group homes—namely that, to be effective, they must locate in "normal" residential neighborhoods where role-free neighbors can serve as role models for the disabled or mentally ill.

At some indeterminate point, the capacity of the neighborhood to absorb service-dependent people—and to exceed, and the proportion of service-dependent persons in the neighborhood could become so great as to recreate the institutional atmosphere from which the group home is supposed to provide a escape. Therefore, a good measure for group homes is not cluster on the same block and that they are spread throughout



People who might once have been institutionalized receive closer attention in group homes. Below, a visiting nurse in a Detroit-area group home.



the safe neighborhoods of a city.

For a variety of reasons, however, group homes frequently have been forced to cluster. As a 1983 study by the U.S. General Accounting Office reported, more than a third of the group homes for developmentally disabled persons were located within two blocks of another group home or an institution. A disproportionately high number of group homes locate in poor neighborhoods because political opposition to them is weak there and because they are excluded from better neighborhoods due to well-organized and politically powerful community opposition or exclusionary zoning.

To protect the welfare of group home residents, it is essential to ensure that group home operators comply with state or local licensing requirements. A zoning ordinance should not allow a group home to open unless it is licensed or will be licensed by the proper authority.

The bottom line

Q Given the *Cleburne* ruling, what's the bottom line? How should my city or county zone for group homes?

A In a word, rationally. The *Cleburne* decision is a bit deceptive. While the Court says it is applying the standard "rational relationship" test, its inquiry into *Cleburne's* reasons for denying the special use permit is really an example of the sort of heightened judicial scrutiny

usually reserved for cases of discrimination based on sex, race, or religion. The lesson of *Cleburne* is that the zoning provisions for group homes must be based on the sound planning principles that call for zoning provisions grounded in an understanding of what group homes are, what their impacts are, and the types of neighborhoods in which they function best.

Q What are these sound principles on which we should base our zoning provisions for group homes?

A There are four. By following them, you'll be able to write zoning provisions that should withstand even the Supreme Court's new version of the rational relationship test.

- Group homes, being residential in nature, are appropriate uses in all residential zoning districts.

- Group home residents are service-dependent persons who require special protection to ensure their safety in the home. Those protections—that the group home meet adequate safety, sanitation, and program standards—form the subject matter of licensing requirements.

However, the zoning ordinance is not the place to specify licensing criteria—that's the business of the licensing agency. One of the simplest ways to require licensing is to include the licensing requirement in your ordinance's definition of a group home.

- Controls are needed to prevent concentrations of group homes. Two types of controls will prevent clustering and ensure dispersal throughout a community. The first is a spacing requirement by which the zoning ordinance imposes a minimum distance between group homes and between group homes and institutions.

It is vital, however, that there be some rational basis for this distance. According to one widely accepted theory, the most elementary form of social impact is the degree to which neighborhood residents become aware of a change. Because the research shows that few residents living three blocks from a group home even know it exists, it seems appropriate to establish a spacing requirement equal to at least three city blocks so that each group home will be beyond the impact area of any other group home or institution.

However, the ability of a neighborhood to absorb service-dependent residents is thought to vary with density. Higher-density neighborhoods have a higher absorption level that would warrant a shorter spacing requirement than lower-density neighborhoods.

The Westminster County Planning Department has suggested spacing requirements of 100 feet for group homes in low-density areas and 200 feet for group homes in medium-density areas. These requirements are based on the assumption that group homes are located in areas with a population density of 100 persons per acre.

Teaching residents to function in the community is an important aspect of group homes.



sities of 5,000 to 9,999; and 800 to 400 feet for densities over 10,000 persons per square mile. In contrast, Evanston, Illinois, has arbitrarily established an unusually high 2,500-foot spacing requirement between group homes. With no rational reason for that great a distance in an inner-ring suburb like Evanston, *Cleburne*-style judicial review could invalidate Evanston's requirement.

The second control is a dispersal or density requirement that establishes a cap on the total population permitted to live in group homes and institutions in a designated geographic area. Ideally, this figure should approximate the proportion of service-dependent individuals a neighborhood can absorb. For example, if three percent of a state's population is service-dependent, the proportion of service-dependent population per census tract could be limited to three percent.

• Zoning should recognize that group homes come in different sizes. The smaller home, for six or fewer residents, is roughly the size of a large family. There is no sound planning reason not to allow such "family homes" in all residential zoning districts as of right as long as they obtain or prove they are eligible for a license, meet the specified spacing and density requirements, and obtain an administrative occupancy permit.

This permit is needed to ensure that the home complies with these requirements and to provide a record for the planning

agency so it can enforce spacing and density requirements. The ordinance should provide a special use permit process to allow for circumstances that might justify exceptions to the spacing and dispersal requirements for family homes. These should be similar to those suggested below for larger group homes.

Because group homes for seven to 15 persons exceed the size of all but the very largest families, municipalities should subject proposals for these "family group homes" to somewhat greater scrutiny than the smaller family homes. Family group homes, however, should be allowed in all residential districts as special uses. There's no sound planning principle for excluding family group homes from even the largest-lot single-family district. In fact, when the sponsoring agency can afford the cost, the larger houses in lowest-density districts offer excellent sites.

However, to minimize subjectivity and lessen the influence of fear, prejudice, and political pressure on decisions about group homes, the zoning ordinance should state reasonably objective relevant standards by which the special use permit application is to be evaluated. Appropriate standards should require the applicant to: obtain a license or evidence of eligibility for a license from the appropriate agency; meet specified spacing and density requirements; register with the municipality's planning department; submit a statement of the

exact nature of the home planned, the qualifications of the home operator, the type and number of personnel, and the number of residents; conform to the general zoning requirements for the residential district, with the exception of the number of unrelated individuals permitted and the off-street parking requirements; and conform, to the extent possible, to the type and outward appearance of the residences in the area.

The ordinance should allow for a waiver of the spacing and dispersal requirements under certain conditions. Primarily, the decision-making body must find that the cumulative effect of allowing the group home (in addition to existing group homes and institutions for service-dependent populations) will not alter the residential character of the neighborhood, create an institutional setting, nor exceed the capacities of existing community recreational and social service facilities.

James Lauber, AIA President, is a planning consultant and attorney who has been involved in zoning for group homes since 1974. His recent draft paper, *Toward a Sound Zoning Framework for Group Homes for the Developmentally Disabled*, includes model definitions for a group home and a zoning ordinance. This paper is available from Planning Commission, 1111 North Franklin, Evanston, Illinois 60202.

Dear Senator Fisher,

My husband and I are in the process of setting up a training facility for hearing ear dogs in Homer. So we are concerned about Senate Bill 1060, which provides equal access for guide dogs. We have identified five short comings of in the bill as it is now written.

First of all, the definition of a service animal needs to be clarified. Dogs are being trained to aid people in the major life activities of seeing, hearing, and mobility. We favor limiting the definition of service animals to dogs only.

Secondly, the bill needs to clarify just what a training facility is. Both John Leedum (who trains support dogs in Anchorage) and I have studied under one of the original hearing dog trainers, Donald P. MacMunn. The American Humane Society in Denver, Colorado has a listing of hearing ear dog training

facilities through out the United States.

Third, the bill should include some way in which a support dog can be identified. A number of different systems exist now in other states. Bright yellow or orange harnesses are used, as well as brass name plates on plain harnesses. Photo identification cards which picture the dog and the dog's owner or trainer are widely used. The identification card also lists the training facility and cites the law which gives the dog equal access. We recommend that because there is no standardized identification among states, that all the above listed be allowed until support dog programs of the country recommend standardization.

Fourth, because the identification card cites the law which gives the support dog equal access, the law should have a statutory title which makes it easily recognized as a law that grants equal access to support dogs.

SE
1

Lastly, the bill should also grant the support dog equal access when it is accompanied by its trainer. It is important that while in training the dog be taught how to behave in public buildings.

We would appreciate your support in passing this bill, and your consideration of these recommendations, as there will be increasing numbers of dogs assisting physically handicapped people.

Sincerely,
Wendy Stamm

P.S. If you have any questions, please feel free to contact me at 235-7690.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 28, 1987

SUBJECT: Sectional analysis - HCSCSSB 78(HESS)
TO: Representative Niilo Koponen
FROM: Michael F. Ford *m.f.*
Legislative Counsel

The following is a section by section analysis of HCSCSSB 78(HESS):

Section 1 - Prohibits a person from using a handicapped parking permit except when transporting the disabled or handicapped person. Requires the permit be returned to the department upon death of the disabled or handicapped person.

Section 2 - Prohibits parking in a space reserved for the handicapped or disabled unless the person has special permit or license plate issued by the department or by another state, province, territory, or country. Establishes a penalty of not less than \$100 for each violation.

MFF:mkr
m11/080

5-0391X ✓
Ford
4/28/87

Original sponsor: Kerttula

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 78 (HESS)

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 unauthorized use of handicapped
7 parking."

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

9 * Section 1. AS 28.10.495(b) is amended to read:

10 (b) A person is not entitled to use the special permit provided
11 for in (a) of this section except when providing transportation for
12 the disabled or handicapped person with respect to whom the permit was
13 issued. Upon the death of the disabled or handicapped person, the
14 special permit shall be returned to the department.

15 * Sec. 2. AS 28.35 is amended by adding a new section to read:

16 Sec. 28.35.235. UNAUTHORIZED USE OF HANDICAPPED PARKING. (a) A
17 person may not park a motor vehicle in a parking place reserved for
18 disabled or medically handicapped persons unless the person has a
19 special permit issued by the department under AS 28.10.495 or the
20 motor vehicle displays a special license plate or permit issued to
21 disabled or handicapped persons by another state, province, territory,
22 or country.

23 (b) A person who violates this section is guilty of an infrac-
24 tion. Upon conviction the court shall impose a fine of not less than
25 \$100.