

**SB**

**242**

**Senator Hollis French**


Capitol Room 504  
465-3892  
465-6595 fax



**MEMORANDUM**

Date: February 10, 2006

To: Senator Fred Dyson, Chair  
HESS Committee

From: Senator Hollis French 

RE: Request for Hearing – SB 242 – “An Act updating the terminology in statutes for persons with disabilities; and providing for an effective date.”

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This is a request that you schedule a hearing on SB 242 – “An Act updating the terminology in statutes for persons with disabilities; and providing for an effective date” at the earliest possible date.

I have attached a copy of the bill, a sponsor statement, and a sectional analysis for your use. Additional materials will be made available to your committee aide prior to the hearing.

Attachments

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
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State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

January 25, 2006

**SUBJECT:** SB 242, a bill updating the terminology in statutes for persons with disabilities (Work Order No. 24-LS1496A)

**TO:** Senator Hollis French  
Attn: Max

**FROM:** *TB*  
Theresa Bannister  
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

**Section 1.** Provides legislative intent for the bill. Indicates that the legislature intends to modernize the terminology in the statutes without altering substantive provisions.

**Section 2.** Amends AS 14.30.630(b) to replace two occurrences of "handicapped" with forms of "disabled."

**Section 3.** Amends AS 18.15.210 to replace "handicaps" with "disabilities."

**Section 4.** Amends AS 18.55.130(b) to replace "handicaps" with "disabilities."

**Section 5.** Amends AS 23.15.080 to replace the occurrences of "handicapped" with a form of "disability."

**Section 6.** Amends AS 23.15.090 to replace "handicapped" with "with disabilities" and "severely handicapped" with "with severe disabilities."

**Section 7.** Amends AS 23.15.100 to replace "handicapped" and "severely handicapped" with "with disabilities" and "with severe disabilities."

**Section 8.** Amends AS 23.15.125(e)(2) to delete a reference to a "handicapped individual."

**Section 9.** Amends AS 23.15.133(a) to replace "severely handicapped" with forms of "severe disability" and to make a technical correction of a citation to federal law.

**Section 10.** Amends AS 23.15.134 to replace "severely handicapped" with "with severe disabilities."

**Section 11.** Amends AS 23.15.170 to replace "handicapped " with "with a disability."

**Section 12.** Amends AS 23.15.180(b) to replace "severely handicapped" with "with a severe disability."

**Section 13.** Amends AS 23.15.210(1) and (3) to make technical changes. Amends AS 23.15.210 to move the definition of "individual having a physical or mental disability" from (7) to (5). Amends (6) to replace the defined term, "handicapped individual," with "individual with a disability," makes a technical change, and changes "handicap" to "barrier." Rewrites former (8) to replace the reference to "severely handicapped " with "severe disability" and makes a stylistic change. Moves the definition for "severely handicapped person" at (10) to the definition of "person with a severe disability" at the new (8). In (11) and (12), replaces "handicapped" with forms of "disability."

**Section 14.** Amends AS 29.60.120(f)(1) to replace a reference to "the mentally or physically handicapped" with "persons with mental or physical disabilities."

**Section 15.** Amends AS 35.10.015(a) to replace "the physically handicapped" with "persons with disabilities and by the" and to make related stylistic changes.

**Section 16.** Amends AS 35.10.015(c) to replace "physically handicapped" with "persons with disabilities and by" and "person with a disability or an." Makes some stylistic changes.

**Section 17.** Amends AS 35.10.015(d) to replace "physically handicapped" with "persons with disabilities and by." Makes some stylistic changes.

**Section 18.** Amends AS 35.10.015(e) to replace "physically handicapped" with "persons with disabilities and by." Makes some stylistic changes.

**Section 19.** Amends AS 36.30.040(b)(16) to replace "handicap" with "disability."

**Section 20.** Amends AS 36.30.990(11) to replace "handicaps" with "barriers."

**Section 21.** Amends AS 39.25.160(f) to replace "handicap" with "disability" and to make a stylistic change.

**Section 22.** Amends AS 42.21.027(b)(10) to replace "handicapped" with "with disabilities."

**Section 23.** Amends AS 47.14.100(d)(1) to replace "physically or mentally

handicapped" with "with physical or mental disabilities" and adds "and."

**Section 24.** Amends AS 47.75.060(2) to make a stylistic change and to replace "the physically handicapped" with "persons with physical disabilities."

**Section 25.** Amends AS 47.80.010 to replace forms of "handicap" with forms of "disability."

**Section 26.** Amends AS 47.80.020 to replace "handicaps" with "disabilities."

**Section 27.** Amends AS 47.80.040(f) to replace "handicaps" with "disabilities."

**Section 28.** Amends AS 47.80.100(a) to replace "handicaps" with "disabilities."

**Section 29.** Amends AS 47.80.100(b) to replace "handicaps" with "disabilities."

**Section 30.** Amends AS 47.80.110(6) to replace "handicap" with "disability."

**Section 31.** Amends AS 47.80.120 to replace "handicap" and "handicapped" with words and phrases using "disabilities."

**Section 32.** Amends AS 47.80.130(a) to replace "handicaps" with "disabilities."

**Section 33.** Amends AS 47.80.150(a) to replace "handicap" with "disability."

**Section 34.** Amends AS 47.80.150(b) to replace "handicap" with "disability."

**Section 35.** Amends AS 47.80.150(e) to replace "handicap" with "disability."

**Section 36.** Amends AS 47.80.150(f) to replace "handicap" with "disability."

**Section 37.** Amends AS 47.80.900(3) to replace "handicaps" with "disabilities" and to make a technical change.

**Section 38.** Amends AS 47.80.900(4) to replace "the handicapped" with "persons with disabilities."

**Section 39.** Amends AS 47.80.900(5) to replace forms of "handicap" with "disability."

**Section 40.** Amends AS 47.80.900(6) to replace forms of "handicap" with "disability" and "disabled."

**Section 41.** Amends AS 47.80.900(8) to replace "handicaps" with "disabilities."

Senator Hollis French

January 25, 2006

Page 4

**Section 42.** Amends AS 47.80.900(9) to replace forms of "handicap" with "disability" and "disabled."

**Section 43.** Directs the revisor of statutes to change the catchline for AS 47.80.100. Directs the regulations attorney to change versions of the term "handicap" in the Alaska Administrative Code in a manner consistent with this bill.

**Section 44.** Gives the bill an immediate effective date.

If I may be of further assistance, please advise.

TLB:med

06-074.med

# ALASKA STATE LEGISLATURE

SENATOR HOLLIS FRENCH

## **SB 242 Updating the terminology in statutes for persons with disabilities**

### **Sponsor Statement**

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After the passage of the Americans with Disabilities Act of 1990, most states modified their statutes to change the word "handicapped" to "person with a disability." This bill changes all Alaska state statutes to rid them of this archaic reference that has negative connotations regarding a person's ability and potential. Using "a person with a disability" reflects language that is in Federal legislation.

These changes are being proposed in consultation with the Department of Labor and other state agencies, along with the Governor's Council on Disabilities and Special Education, and are supported by numerous organizations that represent people with disabilities.

This bill will not modify any existing requirements or exemptions.

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 242  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Education & Early Development  
 Title "An Act updating the terminology in statute for persons with disabilities;" RDU Teaching & Learning Support  
 Component Student and School Achievement  
 Sponsor French Component No. 2797  
 Requester Senate HESS

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	*	*	*	*	*	*

Estimate of any current year (FY2006) cost: 00

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill modernizes the terminology in statutes in recognition of the ability of individuals with disabilities to contribute to society and to the state. It does not change the manner in which funding for the educational programs which serve these individuals is determined.

There are no additional cost associated with this bill.

Prepared by: Barbara Thompson, Director  
 Division: Teaching & Learning Support  
 Approved by: Karen Rehfeld, Deputy Commissioner  
 Agency: Education & Early Development

Phone 465-8727  
 Date/Time 2/24/06 2:50 PM  
 Date 02/24/2006