

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

CSSB 1, SB 2 *La. Finance* 2

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 Dwyer*  
 \_\_\_\_\_  
*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  
mentally disabled persons."

7

8

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

9

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

10

(b) A person is not 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 *11225*  
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.

*padcup*

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,  
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4 origin;

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

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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

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SOCIAL SERVICES COMMITTEE

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27 ments.

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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 18.80.255 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  
10 PROPERTY. It is unlawful for the owner, lessee, manager or other  
11 person having the right to sell, lease or rent real property

12 (1) to refuse to sell, lease or rent the real property to a  
13 person because of sex, 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 sources 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.

SB 2

SENATE COMMITTEE REPORT

FURTHER:

DATE TURNED INTO OFFICE 3/24/87

Mr. President:

FINANCE Committee considered SB 2

relating to deadlines for action on funding of public education; efd.

and recommended:

- replace with CS FOR \_\_\_\_\_ )  same title
- or adopt \_\_\_\_\_ CS FOR \_\_\_\_\_ )  new title
- attached amendment(s) and
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to \_\_\_\_\_
- letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)  
 new  updated or  previous  
 zero  fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*Chad ...*  
*Paul ...*  
*...*  
*...*  
*...*

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

*...* Do PASS  
 Chairman signature and recommendation

Committee Backup Attached

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

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

Bill Version : SB-2

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

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

Agency Affected : Education

Title : ...deadlines for action on  
funding of public education...

BRU : K-12, Debt Retirement

Sponsor : Senator Abood

Components : \_\_\_\_\_

Requestor : Senate HESS

**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

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

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

**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

The bill has no fiscal impact on this department.

Prepared by : Steve Hole  
Division : Commissioner's Office

Phone : 465-2800  
Date : January 23, 1987

Approved by Commissioner : Marshall L. Lind  
Agency : Education

Date : January 23, 1987

Distribution (by preparer) :

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

Introduced: 1/19/87  
Referred: Health, Education and  
Social Services and  
Finance

5-0127A

1 IN THE SENATE

BY ABOOD AND SZYMANSKI

2

SENATE BILL NO. 2

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 deadlines for action on funding  
7 of public education; and providing for an effective  
8 date."

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

10 \* Section 1. AS 14.11.100(c) is amended to read:

11 (c) The school construction account is established. Funds to  
12 carry out the provisions of this section may be appropriated annually  
13 by the legislature to the account. The legislature shall pass a  
14 budget before March 16 that establishes the amount of funds available  
15 to school districts under this section for the next fiscal year. If  
16 amounts in the account are insufficient for the purpose of providing  
17 the share to which a borough or city is entitled under this section,  
18 those funds that are available shall be distributed pro rata among the  
19 eligible local governments.

20 \* Sec. 2. AS 14.14.060(c) is amended to read:

21 (c) The borough school board shall submit the school budget for  
22 the following school year to the borough assembly by April 15 [1] for  
23 approval of the total amount. Within 30 days after receipt of the  
24 budget the assembly shall determine the total amount of money to be  
25 made available from local sources for school purposes and shall fur-  
26 nish the school board with a statement of the sum to be made avail-  
27 able. If the assembly does not, within 30 days, furnish the school  
28 board with a statement of the sum to be made available, the amount  
29 requested in the budget is automatically approved. By May 31, the

1 improvements section of the budget for the succeeding six years;  
2 (7) appropriate money for public education for school  
3 construction debt retirement under AS 14.11.100, public school founda-  
4 tion program under AS 14.17 and for the secondary formula account,  
5 pupil transportation, student lunch program, cigarette tax distribu-  
6 tion, tuition students, boarding home grants, youth in detention, and  
7 schools for the handicapped no later than March 16 of each year for  
8 the succeeding fiscal year.  
9 \* Sec. 5. This Act takes effect July 1, 1987.  
10

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

Introduced: 1/19/87  
Referred: Health, Education and  
Social Services and  
Finance

5-0:27A

1 IN THE SENATE

BY AROOD AND SZYMANSKI

2

SENATE BILL NO. 2

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 deadlines for action on funding  
7 of public education; and providing for an effective  
8 date."

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

10 \* Section 1. AS 14.11.100(c) is amended to read:

11 (c) The school construction account is established. Funds to  
12 carry out the provisions of this section may be appropriated annually  
13 by the legislature to the account. The legislature shall pass a  
14 budget before March 16 that establishes the amount of funds available  
15 to school districts under this section for the next fiscal year. If  
16 amounts in the account are insufficient for the purpose of providing  
17 the share to which a borough or city is entitled under this section,  
18 those funds that are available shall be distributed pro rata among the  
19 eligible local governments.

20 \* Sec. 2. AS 14.14.060(c) is amended to read:

21 (c) The borough school board shall submit the school budget for  
22 the following school year to the borough assembly by April 15 [1] for  
23 approval of the total amount. Within 30 days after receipt of the  
24 budget the assembly shall determine the total amount of money to be  
25 made available from local sources for school purposes and shall fur-  
26 nish the school board with a statement of the sum to be made avail-  
27 able. If the assembly does not, within 30 days, furnish the school  
28 board with a statement of the sum to be made available, the amount  
29 requested in the budget is automatically approved. By May 31, the

1 assembly shall appropriate the amount to be made available from local  
2 sources from money available for the purpose.

3 \* Sec. 3. AS 14.17.225(b) is amended to read:

4 (b) Funds to carry out the provisions of AS 14.17.010 - 14.17.-  
5 190 may be appropriated annually by the legislature into the public  
6 school foundation account. The legislature shall pass a budget before  
7 March 16 that establishes the amount of funds for direct and indirect  
8 services and other funding under this chapter for the next fiscal  
9 year. If amounts in the account are insufficient to meet the alloca-  
10 tions authorized under AS 14.17.010 - 14.17.190, such funds as are  
11 available shall be distributed pro rata among each district based upon  
12 the district's basic need.

13 \* Sec. 4. AS 37.07.030 is amended to read:

14 Sec. 37.07.030. RESPONSIBILITIES OF THE LEGISLATURE. The legis-  
15 lature shall

16 (1) provide for a budget review function;

17 (2) analyze the comprehensive operating and capital im-  
18 provements programs and financial plans recommended by the governor;

19 (3) adopt legislation to authorize implementation of the  
20 governor's comprehensive operating and capital improvements programs  
21 and financial plans or appropriate alternatives to those plans;

22 (4) provide for a post-audit function, to cover financial  
23 transactions, program accomplishment and compliance with legislative  
24 intent;

25 (5) adopt or revise the estimate or receipts required to  
26 balance the succeeding fiscal year's budget in order that proposed  
27 expenditures do not exceed estimated receipts for that fiscal year;

28 (6) adopt, revise, or initiate revenue measures in order to  
29 balance the succeeding fiscal year's budget and the capital

1 improvements section of the budget for the succeeding six years;  
2 (7) appropriate money for public education for school  
3 construction debt retirement under AS 14.11.100, public school founda-  
4 tion program under AS 14.17 and for the secondary formula account,  
5 pupil transportation, student lunch program, cigarette tax distribu-  
6 tion, tuition students, boarding home grants, youth in detention, and  
7 schools for the handicapped no later than March 16 of each year for  
8 the succeeding fiscal year.

9 \* Sec. 5. This Act takes effect July 1, 1987.  
10

SECTIONAL ANALYSIS FOR SB 2

"An Act relating to deadlines for action on funding of public education; and providing for an effective date."

SECTION 1 - Adds language which would set a deadline, of March 16, for passage of an education budget for the next fiscal year, including funds for the school construction account.

SECTION 2 - Changes the date from April 1 to April 15 for the borough school board to submit the following fiscal year's school budget to the borough assembly.

SECTION 3 - Adds language which would set a deadline, of March 16, for passage of an education budget for the school foundation account.

SECTION 4 - Includes, as a responsibility of the legislature, the appropriation of money for public education no later than March 16 for the following fiscal year.

SECTION 5 - Effective date of July 1, 1987.

**Municipality  
of  
Anchorage**



P.O. BOX 6650  
ANCHORAGE, ALASKA 99502-0650  
(907) 264-4311

ANCHORAGE ASSEMBLY

**RECEIVED**

DEC 09 1986

December 4, 1986

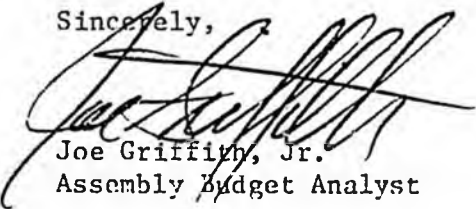
Senator Mitch Abood  
Senate District G-A  
1024 W. 6th Avenue  
Anchorage, AK 99501

Dear Senator Abood:

It was my pleasure to work with you on the revision of Title 14. I believe the document you have drafted will do much to solve various school district's difficulties; however, it may be difficult to get it through the Legislature.

Best of luck in the upcoming session and do not hesitate to call on me if I can be of further service.

Sincerely,

  
Joe Griffith, Jr.  
Assembly Budget Analyst

JG:jn

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 11th St. • Juneau, Alaska 99801-1510 • (907) 586-1083

December 2, 1986

Mitch Abood, Senator  
1024 West 6th Avenue  
Room 110  
Anchorage, AK 99501

Dear Senator Abood:

I have received the draft legislation you sent me relative to establishing a deadline for legislative action on state funding of public education.

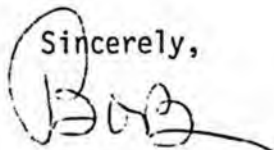
The draft looks fine to me with one apparent omission. I was under the impression that we were also going to consider moving the date contained in A.S. 14.14.060(c) to April fifteen instead of April one. I also recall that we discussed the language in that same section to read, ...for approval of the local effort. [total amount].

It was sort of my recollection that the Mat-Su folks thought that was O.K. Lee Sharp gave me that impression, anyway.

If this complicates anything, let me know.

Thank you again for your efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob", written over a circular stamp or mark.

Robert C. Graene  
Executive Director

# Alaska State Legislature

INTERIM OFFICE  
1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843

WHILE IN SESSION  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4747



CHAIRMAN  
STATE AFFAIRS  
MEMBER  
BUDGET & AUDIT  
TRANSPORTATION

Senator Mitch Abood  
SENATE DISTRICT G-A

November 20, 1986

Mr. Bob Cooksey  
NEA-Alaska  
147 S Franklin #407  
Juneau, AK 99801

Dear Bob:

Enclosed you will find the completed draft resulting from our recent meeting to discuss the education budget timelines.

I would appreciate your reviewing the draft and responding, with a letter to my office, no later than December 15, either approving or disapproving of the language. If you detect an error or have a question, please indicate it on the draft and return it with your letter. On the other hand, if you approve of the draft, please return the draft with an okay, signature, and date. Any back-up material or position papers which you would like to include with the bill package should be included with the returned draft -- as you are well aware, any additional information that can be provided to simplify explanation of the bill is helpful.

Thank you again for your time spent working with myself and the other individuals present at the meetings. Hopefully everyone's effort will pay off with an improvement to the education budgeting process.

Kindest regards,

*Mitch Abood*  
Mitch Abood  
Senator

/ds

Enclosure (1)

*Mitch, the draft looks good to me. Can support as is; however, if this version can't fly, hopefully we can support changes which would accomplish the same purpose...ie) make the school funding decision early.*

*Thank you again for including me in your effort with this issue.*  
*Bob Cooksey*



ANCHORAGE  
SCHOOL DISTRICT

4600 DeBarr Avenue  
P.O. Box 196614  
Anchorage, Alaska 99519-6614  
AREA CODE [907] 333-9561

SCHOOL BOARD

Jean Buchanan  
President

William Frick  
Vice President

Carol Stolpe  
Clerk

Bethye Davis  
Clerk Pro Tem  
Immediate Past President

Martha Rodorck  
Treasurer

Darryl Jordan  
Assistant Treasurer

Jim Robinson  
Parliamentarian  
Past President

SUPERINTENDENT

E.E. (Gene) Davis, Ed.D.

December 9, 1986

The Honorable Mitch Abood  
Alaska State Legislature  
1024 West Sixth Avenue  
Anchorage, Alaska 99501

Dear Senator Abood:

In regards to your letter of November 20 the following is suggested:

1. The community schools' funding should probably be included as revenue under Section 37.07.030.
2. Also note that the present statute states that city and borough school districts must submit their budgets not later than April 1 of each year to the local governments. At one point we discussed making that date April 15. This would allow the school districts ample time to make changes to their budgets.

Thank you for taking the lead in this particular problem. I believe it will help not only school districts but local governments and legislators. If I can be of further assistance, please contact me.

Sincerely,

L. T. Freeman  
Assistant Superintendent  
for Business Management



ANCHORAGE  
SCHOOL DISTRICT

4600 DeBarr Avenue  
P.O. Box 196614  
Anchorage, Alaska 99519-6614  
AREA CODE [907] 333-9561

SCHOOL BOARD

Jean Buchanan  
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Bettye Davis  
Clerk Pro Tem  
Immediate Past President

Martha Roderick  
Treasurer

Darryl Jordan  
Assistant Treasurer

Jim Robinson  
Parliamentarian  
Past President

SUPERINTENDENT

E.E. (Gene) Davis, Ed.D.

December 9, 1986

The Honorable Mitch Abood  
Alaska State Legislature  
1024 West Sixth Avenue  
Anchorage, Alaska 99501

Dear Senator Abood:

Thank you for considering the Anchorage School District to assist in this much needed legislation.

I believe that the timelines of this bill will assist school districts throughout the State in arriving at their budget figures.

If there is any further information you need, please do not hesitate to call upon us.

Sincerely,

E. E. (Gene) Davis, Ed.D.  
SUPERINTENDENT

c1

cc L. T. Freeman, Assistant Superintendent, Business Management

Alaska State Legislat



Senator Mitch Abood  
SENATE DISTRICT G-A

INTERIM OFFICE  
2024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843

WHILE IN SESSION  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4747

*Lee,  
Dorothy would  
like you to initial &  
do you concur w/ her  
statement? Return  
to Dorothy.*

November 20, 1986

The Honorable Dorothy Jones  
Mayor, Mat-Su Borough  
P.O. Box 1608  
Palmer, AK 99645

Dear Ms. Jones:

Enclosed you will find the completed dra:  
our recent meeting to discuss the educat:  
timelines.

I would appreciate your reviewing the dra:  
with a letter to my office, no later than  
either approving or disapproving of the language. If you  
detect an error or have a question, please indicate it on  
the draft and return it with your letter. On the other  
hand, if you approve of the draft, please return the draft  
with an okay, signature, and date. Any back-up material or  
position papers which you would like to include with the  
bill package should be included with the returned draft --  
as you are well aware, any additional information that can  
be provided to simplify explanation of the bill is helpful.

Thank you again for your time spent working with myself and  
the other individuals present at the meetings. Hopefully  
everyone's effort will pay off with an improvement to the  
education budgeting process.

Kindest regards,

Mitch Abood  
Senator

/ds

Enclosure (1)

*Dorothy,  
Looks good  
this earlier date  
would be helpful  
in setting up all  
pieces.  
Lee*

# Alaska State Legislature

INTERIM OFFICE  
1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843

WHILE IN SESSION  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4747



CHAIRMAN  
STATE AFFAIRS  
MEMBER  
BUDGET & AUDIT  
TRANSPORTATION

Senator Mitch Abood  
SENATE DISTRICT G-A

## MEMORANDUM

DATE: January 22, 1987

TO: Senator Paul Fischer  
Chairman, Senate Health, Education, and Social Services  
Committee

FROM: Senator Mitch Abood 

RE: SB 2 "An Act relating to deadlines for action on  
funding of public education; and providing for an  
effective date."

Over the last few years, while working with the National Education Association and the Association of Alaska School Boards, it was brought to my attention that there is a problem in the area of timelines for the education budget. Attached you will find a copy of SB 2, "An Act relating to deadlines for action on funding of public education; and providing for an effective date." which is currently in your committee. This legislation is the result of several work sessions held during the interim, in an attempt to alleviate the budgeting problem. Also, attached for your review is a sectional analysis and additional backup.

Should you have any questions, please give me a call.



# NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

## ANCHORAGE REGIONAL OFFICE

1411 W. 33RD AVENUE  
ANCHORAGE, ALASKA 99503  
(907) 274-0536

## JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302  
JUNEAU, ALASKA 99801  
(907) 586-3090

## FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET  
FAIRBANKS, ALASKA 99701  
(907) 456-4435

Jean Krause, President

Judy Selo  
Vice-President  
4510 Kenaitze Court  
Kenai, Alaska 99611

Susan Siltham  
NEA Director  
P.O. Box 80913, College Station  
Fairbanks, Alaska 99708

Alan Dill  
Region I Director  
P.O. Box 423  
Sitka, Alaska 99835

Phil Myerchin  
Region I Director  
717 Canyon Road  
Ketchikan, Alaska 99901

Teresa Benolkin  
Region II Director  
P.O. Box 874335  
Wasilla, Alaska 99687

Beverly Goad  
Region II Director  
443  
Copper Center, Alaska 99573

Don Oberg  
Region III Director  
Box 1084  
Kenai, Alaska 99611

Phil Brady  
Region IV Director  
Scammon Bay Schools  
Scammon Bay, Alaska 99662

Myra Poage  
Region IV Director  
Box 973  
Nome, Alaska 99762

Joann Walker  
Region IV Director  
Box 570  
Kotzebue, Alaska 99752

Mary Lou Brent  
Region V Director  
Box 80074  
Fairbanks, Alaska 99708

Carol Merritt  
Region V Director  
P.O. Box 60475  
Fairbanks, Alaska 99708

Loretta Christie  
Region VI Director  
2220 Yorkshire Lane  
Anchorage, Alaska 99504

Pam McCarl  
Region VI Director  
2115 Sorbus Way  
Anchorage, Alaska 99508

Pam Reynolds  
Region VI Director  
8031 Evans Circle  
Anchorage, Alaska 99507

Dave Schwantes  
Region VI Director  
8148 E. 4th Avenue  
Anchorage, Alaska 99504

Peg Stout  
Region VI Director  
6208 E. 34th Avenue  
Anchorage, Alaska 99504

January 26, 1987

To: Senator Mitch Abood, Chair  
Members, Senate State Affairs Committee

Re: Senate Bill No. 2, "An Act relating to dead-  
lines for action on funding of public educa-  
tion; and providing for an effective date."

NEA-Alaska strongly supports and encourages  
passage of this legislation.

Because local school district budgets are so  
dependent on the level of state funding support, it  
is essential that they know as early in the budget  
process as possible the level of State support.  
Effective program planning, collective bargaining  
relationships, and determination of the ability of  
the district to meet unique needs are all directly  
impacted by State funding decisions.

Further, the calendar chronology relative to  
the submission of school district budgets to the  
borough assembly is adversely effected when this  
submission must be done absent accurate knowledge of  
the State funding support.

SB 2 correctly focuses on the need for earlier  
knowledge of these levels of support. To move any  
of these dates "down" the calendar delays important  
decision making and makes the entire planning  
process far less effective than it needs to be.

We encourage your support of SB 2.

Respectively Submitted

*Robert Manners*

Robert Manners,  
Executive Secretary

BM30/d1

# Municipality of Anchorage

## MEMORANDUM

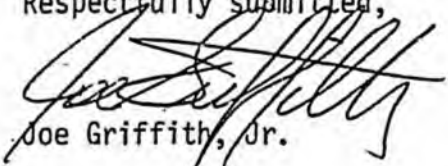
*D for*  
*SB 2*  
*(initials)*

DATE: January 27, 1987  
TO: Senator Mitch Abood  
FROM: Assembly Budget Analyst  
SUBJECT: SB 2

Thank you for the opportunity to address your committee on SB 2. As we discussed during the drafting phase, I believe this relatively minor change in the law will greatly aid our school district in their budgetary process and will have little deleterious effect on the Municipality's setting of the tax levy. In short I believe this is a positive step which will make government more efficient.

I have included a copy of the chart (which we referenced early) showing the various budgetary milestones and fiscal years which are influenced by SB 2. It is apparent from the graphic presentation that any action by the legislature to make the school funding allocation decision earlier aids the whole process. Of course, the principle benefit is to the school district; however, as I mentioned earlier, the fifteen-day shift would have little impact on the Municipal government budgeting process.

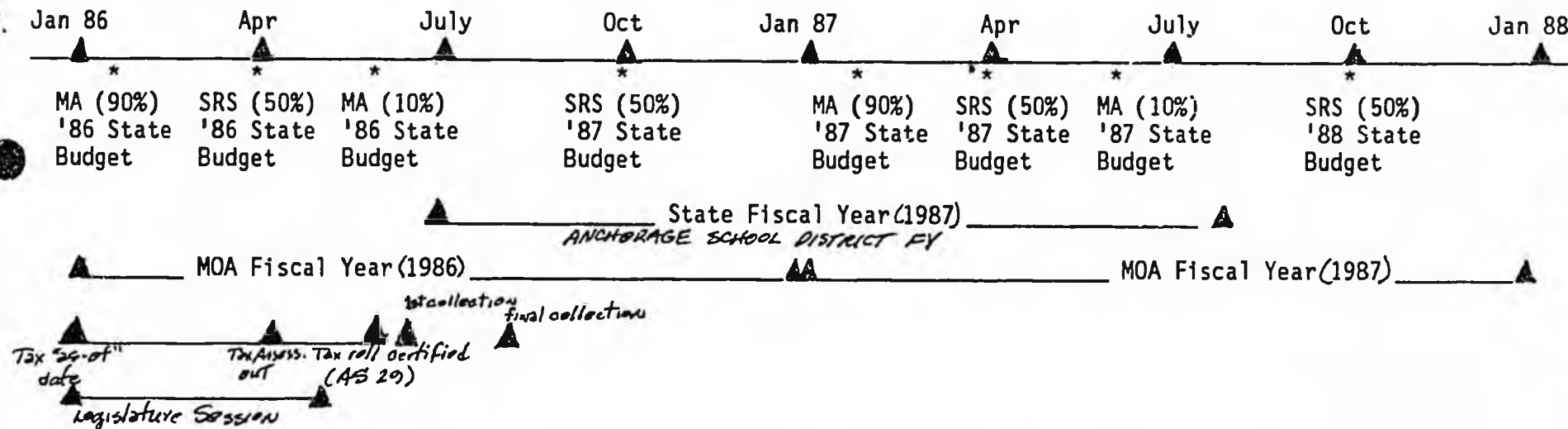
Respectfully submitted,

  
Joe Griffith, Jr.

1 Attachment  
Graphic display of Municipal budget process.

RECEIVED  
JAN 29 1986

MUNICIPAL BUDGET



Municipal Assistance (MA) payments received in February and June. MOA receives payment in the same numbered fiscal year as the State budget appropriating the funds. February payment is approximately 90% of the appropriated amount. Remainder in June subsequent to State receipt of data from all communities.

State Revenue Sharing (SRS) payments received in April and October of each year. From the State perspective, the first payment each fiscal year occurs in October and the second in April. Current State procedures (new for the State FY87 budget) evenly divides the appropriation between the two payments. Due to the overlapping fiscal years, each MOA fiscal year contains a Revenue Sharing payment from two State appropriations. The State Budget is generally passed in May.



Jan 30, 1987	Delivery of budget materials to School Board
Feb 2-6, 1987	Delivery of budget materials to: Budget Advisory Commission Schools and Departments Municipality of Anchorage Employee Bargaining Groups Libraries
Feb 3-12, 1987	Public Hearings on Preliminary Financial Plan Feb 3 (Tuesday) - 1st Hearing Feb 5 (Thursday) - 2nd Hearing Feb 10 (Tuesday) - 3rd Hearing Feb 12 (Thursday) - 4th Hearing
Feb 17, 1987	First School Board Reading (Tuesday)
Feb 24, 1987	Final Reading and Approval (Tuesday)
Feb 25-March 24	Revision of Preliminary Financial Plan (similar process to that of Jan 12 - Jan 31, 1987)
March 25-26, 1987	Printing of Proposed Financial Plan, Financial Plan Summary, and related budget materials
March 27, 1987	Delivery of Proposed Financial Plan, etc. to Municipal Assembly
April 1987	Municipal Assembly review, public hearings, and approval
May-June 1987	Revisions to Proposed Financial Plan expenditure budgets and revenue budget Preparation of Adopted Financial Plan
July-August 1987	Printing and distribution of Adopted Financial Plan

BASIS .

A/R Alaska Statute

A 14.11.100(C)

A 14.14.060(C)

A 14.17.225(B)

A 37.07.030

Statutes Modified by SB 2

A/R Alaska Statute

A/R Alaska Statute

Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU			BWD	FWD		FIRST	LAST	QUIT

(3) provide the governor with a copy of the report of the assembly, council, or regional school board that requested each project approved by the department;

(4) provide to the legislature within the first 10 days of each regular session a summary of the projects requested by each assembly, council, or regional school board.

(c) In establishing priorities among requested projects the department shall evaluate at least the following factors:

(1) priorities assigned by the assembly, council, or school board to the projects requested;

(2) emergency requirements;

(3) the number of students without classroom space;

(4) new local elementary or secondary programs;

(5) existing regional, community, and school facilities and the condition of the facilities;

(6) the economic and social stability of the municipality or region.

(d) The provisions of this section do not affect a municipality's eligibility for reimbursement under AS 14.11.100. (§ 3 ch 92 SLA 1982)

Editor's notes. — This section is set out above to correct a minor error in the title pamphlet.

**Sec. 14.11.100. State aid for retirement of school construction debt.** (a) During each fiscal year, the state shall allocate to a municipality that is a school district, the following sums:

(1) payments made by the municipality during the fiscal year two years earlier for the retirement of principal and interest on outstanding bonds, notes or other indebtedness incurred before July 1, 1977 to pay costs of school construction;

(2) 90 percent of

(A) payments made by the municipality during the fiscal year two years earlier for the retirement of principal and interest on outstanding bonds, notes or other indebtedness incurred after June 30, 1977 and before July 1, 1978 to pay costs of school construction;

(B) cash payments made after June 30, 1976 and before July 1, 1978 by the municipality during the fiscal year two years earlier to pay costs of school construction;

(3) 90 percent of

(A) payments made by the municipality during the fiscal year two years earlier for the retirement of principal and interest on outstanding bonds, notes or other indebtedness incurred after June 30, 1978 and before January 1, 1982 to pay costs of school construction projects approved under AS 14.07.020(11);

(B) cash payments made after June 30, 1978 and before July 1, 1982 by the municipality during the fiscal year two years earlier to

pay costs of school construction projects approved under AS 14.07.020(11);

(4) subject to (h) and (i) of this section up to 90 percent of

(A) payments made by the municipality during the current fiscal year for the retirement of principal and interest on outstanding bonds, notes or other indebtedness incurred after December 31, 1981, and authorized by the qualified voters of the municipality before July 1, 1983, to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000 and are approved under AS 14.07.020(11); and

(B) cash payments made after June 30, 1982, and before July 1, 1983, by the municipality during the fiscal year two years earlier to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000 and are approved under AS 14.07.020(11); and

(C) payments made by the municipality during the current fiscal year for the retirement of principal and interest on outstanding bonds, notes, or other indebtedness to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000 and are submitted to the Department of Education for approval under AS 14.07.020(11) before July 1, 1983, and approved by the qualified voters of the municipality before October 15, 1983, not to exceed a total project cost of (i) \$6,600,000 if the annual growth rate of average daily membership of the municipality is more than 7 percent but less than 12 percent, or (ii) \$20,000,000 if the annual a growth rate of average daily membership of the municipality is 12 percent or more; payments made by a municipality under this paragraph on total project costs that exceed the amounts set out in (i) and (ii) of this paragraph are subject to (a)(5)(A) of this section.

(5) subject to (h), (i), and (j) of this section, 80 percent of

(A) payments made by the municipality during the fiscal year for the retirement of principal and interest on outstanding bonds, notes or other indebtedness authorized by the qualified voters of the municipality after June 30, 1983, to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000 and are approved under AS 14.07.020(11); and

(B) cash payments made after June 30, 1983, by the municipality during the fiscal year two years earlier to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000 and are approved under AS 14.07.020(11).

(b) The commissioner shall administer the program of reimbursement authorized under this section and shall provide by regulation for the filing of applications for reimbursement, the form of proof of costs for which application for reimbursement is made, and other regulations necessary to administer the program. The commissioner shall exclude from the total school construction cost of the local district all

state and federal funds included in these costs except funds provided under this section and AS 43.50.140. In approving applications for reimbursement, the commissioner shall

(1) offset against the amount of reimbursement authorized the amount of any funds distributed to the borough or city in the second preceding fiscal year from the school fund provided for in AS 43.50.140;

(2) *[Repealed, § 10 ch 92 SLA 1982.]*

(c) The school construction account is established. Funds to carry out the provisions of this section may be appropriated annually by the legislature to the account. If amounts in the account are insufficient for the purpose of providing the share to which a borough or city is entitled under this section, those funds that are available shall be distributed pro rata among the eligible local governments.

(d) Money in the school construction account which, at the end of the fiscal year for which the money is appropriated, exceeds the amount required for the allocations authorized in this section reverts to the general fund.

(e) The commissioner shall annually provide a report to the legislature on allocations of state aid made under this section, including but not limited to, the amount of state aid paid on a per capita and per student basis and the resultant effect on the rate of levy of taxes by the municipality for educational purposes.

(f) *[Repealed, § 17 ch 147 SLA 1978.]*

(g) *[Repealed, § 47 ch 6 SLA 1984.]*

(h) An allocation under (a)(4) or (5) of this section for school construction begun after July 1, 1982, shall be reduced by the amount of money used for the construction of residential space, hockey rinks, planetariums, saunas, and other facilities for single purpose sporting or recreational uses that are not suitable for other activities and by the money used for construction that exceeds the amount needed for construction of a facility of efficient design as determined by the department. An allocation under (a) (4) or (5) of this section may not be reduced by the amount of money used for construction of a small swimming pool, tank, or water storage facility used for water sports. However, an allocation shall be reduced by the difference between the amount of money used to construct a swimming pool that exceeds the standards adopted by the department and the amount of money that would have been used to construct a small swimming pool, tank, or water storage facility, as determined by the commissioner.

(i) For the purposes of (a)(4) and (5) of this section

(1) an indebtedness for bonds is incurred after the bonds are sold;

(2) reimbursement for a cash payment may only be made after the payment is made to a vendor; and

(3) payments may not be made for costs that are incurred under a contract after the contract has been released.

(j) The state may not allocate money to a municipality for a school construction project under (a)(5) of this section unless the municipality complies with the requirements of (1) — (4) of this subsection and the project is approved by the commissioner before the local vote on the bond issue for the project. In approving a project under this subsection, the commissioner shall require

(1) the municipality to include on the ballot for the bond issue the estimated total cost of each project including estimated annual operation and maintenance costs and the estimated amounts that will be paid by the state and by the municipality;

(2) that the bonds may not be refunded unless the annual debt service on the refunding issue is not greater than the annual debt service on the original issue;

(3) that the bonds must be repaid in approximately equal annual principal payments or approximate equal debt service payments over a period of at least 10 years;

(4) the municipality to demonstrate need for the project by establishing that the school district has

(A) projected long-term student enrollment that indicates the district has inadequate facilities to meet present or projected enrollment; or

(B) facilities that require repair or replacement in order to meet health and safety laws or regulations or building codes.

(k) An amount equal to the interest earned on the investment of the proceeds of bonds issued for a school construction project shall be used by the municipality to

(1) pay the costs of the project;

(2) pay accrued interest on the bond issue;

(3) redeem all or part of the bonds; or

(4) pay the costs of issuing the bonds. (§ 1 ch 249 SLA 1970; am § 1 ch 93 SLA 1971; am § 2 ch 137 SLA 1972; am § 1 ch 28 SLA 1973; am § 47 ch 127 SLA 1974; am §§ 1 — 3 ch 120 SLA 1977; am §§ 12, 17 ch 147 SLA 1978; am § 25 ch 168 SLA 1978; am §§ 8 — 10 ch 92 SLA 1982; am §§ 1 — 3 ch 82 SLA 1983; am § 47 ch 6 SLA 1984; am § 1-5 ch 78 SLA 1985)

Revisor's notes. — Enacted as AS 43.18.100. Renumbered in 1983.

Cross references. — For present provisions of former subsection (g) of this section, see AS 14.11.135(f).

Effect of amendments. — The 1982 amendment, substituted "a municipality that" for "an organized borough or a city which" in the introductory language of subsection (a), substituted "the municipality" for "the borough or city" in para-

graphs (1), (2)(A) and (B), and (3)(A) and (B), substituted "90 percent" for "80 percent" in the introductory language of paragraphs (2) and (3), inserted "and before January 1, 1982" in paragraph (3)(A) and (B), and added paragraph (4). The amendment also repealed paragraph (2) of subsection (b), which read "required the borough or city to provide, with its application, a certified copy of the notice to taxpayers required by AS 43.18.030," and added subsections (h) and (i).

Revisor's notes. — The revisor of statutes, pursuant to AS 01.05.031 and § 4, ch. 58, SLA 1982, substituted "the official

custody of the officer" for "his official custody."

**Sec. 14.14.050. Annual audit.** (a) The school board in each school district shall, before October 1, of each year, provide for an audit of all school accounts for the school year ending the preceding June 30. To make the audit the school board shall contract with a public accountant who has no personal interest, direct or indirect, in the fiscal affairs of the district. One certified copy of the audit shall be filed with the commissioner and one certified copy shall be posted in a public place at the principal administrative office of the district.

(b) The audit shall conform in form to requirements established by the commissioner. The commissioner shall withhold all payments of state funds after November 15 to a school district which fails to file a certified copy of the audit with the department.

(c) The commissioner may provide for a reaudit or an audit check in a school district if in the commissioner's judgment it is necessary to substantiate the reported expenditures.

(d) The school board shall not make the audit if an audit which satisfies the requirements of this section and which is filed and posted as required by this section, is made according to AS 29.48.220. (§ 1 ch 98 SLA 1966; am § 22 ch 53 SLA 1973)

Editor's notes. — In subsection (c), "the commissioner's" was substituted for "his" by the revisor of statutes pursuant to AS 01.05.031 and § 4, ch. 58, SLA 1982.

Legislative history reports. — For report on ch. 53, SLA 1973 (CSHB 382), see 1973 House Journal, pp. 793, 885.

**Sec. 14.14.060. Relationship between borough school district and borough.** (a) The borough assembly may by ordinance require that all school money be deposited in a centralized treasury with all other borough money. The borough administrator shall have the custody of, invest and manage all money in the centralized treasury. However, the borough assembly, with the consent of the borough school board, may by ordinance delegate to the borough school board the responsibility of a centralized treasury.

(b) When the borough school board by resolution consents, the borough assembly may by ordinance provide a centralized accounting system for school and all other borough operations. The system shall be operated in accordance with accepted principles of governmental accounting. However, the assembly, with the consent of the borough school board, may by ordinance delegate to the borough school board the responsibilities of the accounting system.

(c) The borough school board shall submit the school budget for the following school year to the borough assembly by April 1 for approval of the total amount. Within 30 days after receipt of the budget the assembly shall determine the total amount of money to be made avail-

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able from local sources for school purposes and shall furnish the school board with a statement of the sum to be made available. If the assembly does not, within 30 days, furnish the school board with a statement of the sum to be made available, the amount requested in the budget is automatically approved. By May 31, the assembly shall appropriate the amount to be made available from local sources from money available for the purpose.

(d) The borough assembly shall determine the location of school buildings with due consideration to the recommendations of the borough school board.

(e) The borough school board is responsible for the design criteria of school buildings. To the maximum extent consistent with education needs, a design of a school building shall provide for multiple use of the building for community purposes. Subject to the approval of the assembly, the school board shall select the appropriate professional personnel to develop the designs. The school board shall submit preliminary and subsequent designs for a school building to the assembly for approval or disapproval; if the design is disapproved, a revised design shall be prepared and presented to the assembly. A design or revised design approved by the assembly shall be submitted by the board to the department in accordance with AS 14.07.020(11).

(f) The borough school board shall provide custodial services and routine maintenance for school buildings and shall appoint, compensate, and otherwise control personnel for these purposes. The borough assembly through the borough administrator, shall provide for all major rehabilitation, all construction and major repair of school buildings. The recommendations of the school board shall be considered in carrying out the provisions of this section.

(g) State law relating to teacher salaries and tenure, to financial support, to supervision by the department and other general laws relating to schools, governs the exercise of the functions by the borough. The school board shall appoint, compensate, and otherwise control all school employees and administration officers in accordance with this title.

(h) School boards within the borough may determine their own policy separate from the borough for the purchase of supplies and equipment. (§ 8 ch 118 SLA 1972; am § 11 ch 147 SLA 1978)

**Revisor's notes.** — In subsection (g), the words "of education" were deleted following "department" by the revisor of statutes under AS 01.05.031. See AS 14.60.010(4).

**Effect of amendments.** — The 1978 amendment added the last sentence of subsection (e).

**Opinions of attorney general.** — A borough mayor may veto a "local source" resolution adopted pursuant to subsection (c) of this section but may not exercise an item veto on it or on the school budget items in the subsequent appropriation for the schools. May 2, 1977, Op. Att'y Gen.

port of a regional educational attendance area school which becomes a city or borough district school.

(b) For each subsequent fiscal year, the state shall disburse to the city or borough school district only the money to which the district is entitled under the public school foundation program.

(c) [deleted]. (§ 5.02 ch 164 SLA 1962; am § 25 ch 53 SLA 1973; am § 13 ch 124 SLA 1975)

**Legislative history reports.** — For report on ch. 53, SLA 1973 (CSHB 382), see 1973 House Journal, pp. 793, 885.

**Sec. 14.17.215. State aid to districts affected by state activities.**

Repealed by § 20 ch 26 SLA 1980.

**Editor's notes.** — The repealed section derived from § 7, ch. 95, SLA 1969.

**Sec. 14.17.220. Purpose.** It is the intention of the legislature, in enacting this public school foundation program, to assure an adequate level of educational opportunities for those in attendance in the public schools of the state. This chapter shall not be interpreted as preventing a public school district from providing educational services and facilities beyond those assured by the foundation program. (§ 1.01 ch 164 SLA 1962)

**Sec. 14.17.225. Construction and implementation of chapter.**

(a) This chapter may not be construed so as to create a debt of the state.

(b) Funds to carry out the provisions of AS 14.17.010 — 14.17.190 may be appropriated annually by the legislature into the public school foundation account. If amounts in the account are insufficient to meet the allocations authorized under AS 14.17.010 — 14.17.190, such funds as are available shall be distributed pro rata among each district based upon the district's basic need.

(c) Repealed by § 1 ch 79 SLA 1971.

(d) The average daily membership allotment supplemental account is established. Funds to carry out the provisions of AS 14.17.215 may be appropriated annually by the legislature to the account. If amounts in the account are insufficient to meet the allocations authorized under AS 14.17.215, such funds as are available shall be distributed pro rata among eligible districts based upon AS 14.17.215.

(e) Repealed by § 1 ch 79 SLA 1971.

(f) Funds necessary to carry out the provisions of AS 14.17.205 may be appropriated annually to the Department of Education. If amounts appropriated are insufficient to meet the allocations authorized under AS 14.17.205, such funds as are available shall be distributed pro rata among eligible districts. (§ 8 ch 95 SLA 1969; am § 1 ch 79 SLA 1971; am § 12 ch 90 SLA 1977)

government. The budget submitted by the governor shall be organized so that the proposed expenditures for each agency are presented separately. The budget shall be accompanied by a general appropriation bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues.

(b) In addition to the budget and general appropriation bill, the governor shall submit a capital improvements program and financial plan covering the succeeding six fiscal years.

(c) Proposed expenditures may not exceed estimated revenues for the succeeding fiscal year. The expenditures proposed in the six-year capital improvements program and financial plan shall not exceed the estimated revenues and bond authorizations passed and proposed.

(d) The governor shall annually, before the convening of the legislature, report to the legislature through the Legislative Budget and Audit Committee the long-range fiscal and economic consequences of

(1) alternate levels of capitalization of the investment funds of the state; and

(2) alternative investment policy for the general fund surplus. (§ 1 ch 188 SLA 1970; am § 3 ch 168 SLA 1978; am § 4 ch 18 SLA 1980; am § 3 ch 2 SLA 1982)

*Effect of amendments.* — The 1980 amendment added subsection (d).

The 1982 amendment added the present second sentence of subsection (a).

**Sec. 37.07.030. Responsibilities of the legislature.** The legislature shall

(1) provide for a budget review function;

(2) analyze the comprehensive operating and capital improvements programs and financial plans recommended by the governor;

(3) adopt legislation to authorize implementation of the governor's comprehensive operating and capital improvements programs and financial plans or appropriate alternatives to those plans;

(4) provide for a post-audit function, to cover financial transactions, program accomplishment and compliance with legislative intent;

(5) adopt or revise the estimate or receipts required to balance the succeeding fiscal year's budget in order that proposed expenditures do not exceed estimated receipts for that fiscal year;

(6) adopt, revise, or initiate revenue measures in order to balance the succeeding fiscal year's budget and the capital improvements section of the budget for the succeeding six years. (§ 1 ch 188 SLA 1970; am § 4 ch 168 SLA 1978)

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 1/23/87 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: FINANCE

\*\*FISCAL NOTE(S) ATTACHED attached \*\*  
IN ACCORDANCE WITH AS 24.08.035  
(see below)

1/19/87

DATE TURNED INTO OFFICE \_\_\_\_\_

Mr. President:

HESS

Committee considered SB 2

relating to deadlines for action on funding of public education; efd.

and recommended:

[ ] replace with CS \_\_\_\_\_ [ ] same title  
[ ] attached amendment(s) and [ ] new title

[ ] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

[ ] letter of intent adopted and attached

\*\* Committee [ ] attached or [ ] adopted fiscal note(s)  
[ ] zero [ ] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

loyd Jones

Joe Amey

Rich Halford

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Paul Frick No Pass  
Chairman signature and recommendation

[ ] Committee Backup Attached