

ALASKA LEGISLATURE COMMITTEE FILES 1903-1900 00/2

4142 SJUD HB 157 - HB 172 1020



# RECORDS CERTIFICATION



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*James O. Smith*  
Signature of Camera Operator

*11/7/89*  
Date

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BILL FILE LOG

BILL # HB 157

3/8 David ~~David~~ Dierdorff notified - will testify  
3/15 " " " " " 3/21

Bill passed out 3/21

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

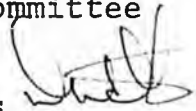
POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

MEMORANDUM

April 30, 1985

SUBJECT: Revisor's Bill

TO: Senator Pat Rodey, Chairman  
Senate Judiciary Committee

FROM: David R. Dierdorff   
Revisor of Statutes

I want to thank you, the members of your committee, and your staff for the cooperation and assistance that resulted in the passage this session of HB 157 (the revisor's bill). As I said in February, by making this an annual, rather than biennial, event, we can keep the bill shorter and spend more time on revision projects that have been sitting on the back burner for many years. We should also be able to make more timely corrections to the statutes.

Thank you again for your courtesies and cooperation.

KBL:ojb  
J4/080

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 26, 1985

SUBJECT: 1985 Revisor's Bill

TO: Senator Patrick M. Rodey  
Chairman, Senate Judiciary

FROM: David R. Dierdorff   
Revisor of Statutes

Enclosed is a sectional analysis of CSHB 157 (Judiciary) am, the 1985 revisor's bill. I would be pleased to discuss the bill with you or your staff at your convenience.

Your prompt consideration of this technical bill would be greatly appreciated. It is our hope that we can make this an annual bill, rather than a biennial bill. This practice will keep the bills shorter and allow more timely correction of the technical problems we discover in the Alaska Statutes.

Thank you for your cooperation and consideration.

DRD:ojb  
J12/018

# STATE OF ALASKA THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

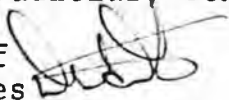
## LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 26, 1985

SUBJECT: CSHB 157 (Judiciary) am  
(1985 Revisor's Bill)

TO: Senator Patrick M. Rodey  
Chairman, Senate Judiciary Committee

FROM: David R. Dierdorff   
Revisor of Statutes

This bill was prepared by the revisor of statutes under AS 01.05.036, which provides, in part, that the revisor of statutes shall

. . . prepare for submission to the legislature legislation for the correction or removal of . . . deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of . . . the statute law of this state.

This memorandum discusses the version of the bill that was passed by the House on February 25, 1985.

### Sectional Analysis

Section 1. The section proposed for repeal contains a penalty provision for violations of AS 03.40.160, made obsolete by the repeal of that section by ch. 81, SLA 1984.

Sec. 2. Reflects the organizational changes made by E.O. 58, 1984. A simple substitution of "department" for "division" could not be made, as both departments require access to these records from time to time.

Sec. 3. In the recent case of Valdez v. 18.99 acres, 686 P2d 682 (June 22, 1984), the Alaska supreme court held AS 09.55.440(a) unconstitutional in that it provided a different rate of interest for judgments in condemnation actions using declaration of taking procedures. The amendment proposed by this section cures that problem and

provides for the same interest rate paid on all other judgments, including all other condemnation actions.

Sec. 4. The repeal and reenactment of AS 12.30.020 in 1966 created a problem that has never been addressed. That section no longer relates to arrest, although it does provide for the issuance of an arrest warrant upon violation of a condition of release. The proposed language also eliminates an ambiguity in the use of "therein" with three possible referents, but does not substitute a specific reference for the manner of exoneration, as neither AS 12.30 or the Court Rules expressly provide for exoneration. Exoneration, however, is clearly contemplated under law and the Criminal Forms include a form for a motion for exoneration of bail, citing Cr.R. 41.

Sec. 5. Updates an obsolete departmental reference.

Secs. 6 and 7. Both sections merely correct an incomplete spanned reference.

Sec. 8. Adds reference to correct an omission when AS 44.81.210 was amended by sec. 6, ch. 109, SLA 1981.

Sec. 9. Deletes references to the Alaska Council on science and Technology and the Alaska Renewable Resources Corporation. The former expired in 1983 and the latter is being phased out and will be finally dissolved in 1989.

Sec. 10. This section deletes material that was made obsolete by the approval of Initiative 83-02.

Sec. 11. Repeals an obsolete provision that had no application after July 1, 1977.

Sec. 12. Repeals the definition for a chapter of a term, "director," that is defined for the title in AS 21.90.

Sec. 13. This section repeals two sections in AS 21.33 that should have been repealed as a part of ch. 117, SLA 1984, which made substantial revisions to the insurance code and set up a new chapter (AS 21.34) to cover surplus lines. The matters dealt with in both sections are covered in AS 21.34, so these sections are redundant and confusing.

Sec. 14. Corrects obsolete reference to a repealed section by substituting a reference to present similar provisions enacted at the same time the other was repealed.

Sec. 15. Rewrites a sentence to reflect current style and deletes a sentence made meaningless by the enactment of ch. 245, SLA 1970. AS 21.42.080 no longer sets out the rights of minors.

Sec. 16. This corrects an error in the 1982 Act and clarifies the language.

Sec. 17. This section contains a definition of a term for AS 21. The definition is included in new AS 21.90.900, proposed for enactment in sec. 24 of this bill, to place it with the other definitions for AS 21.

Sec. 18. Repeals the definition for a chapter of a term, "director," that is defined for the title in AS 21.90.

Sec. 19. Deletes obsolete material.

Sec. 20. Repeals definition for a chapter of a term, "commissioner," that is defined for the title in AS 21.90.

Sec. 21. Conforms the provision to the current age of majority and makes other changes to conform the language to current style.

Sec. 22. Conforms the provision to the current age of majority.

Sec. 23. Repeals a series of definition sections. The enactment of AS 21.90.900, proposed by sec. 24 of this bill, would reenact them and consolidate all of the definitions for AS 21 in one section.

Sec. 24. Reenacts, with minor style changes, the definitions previously found in the sections repealed by secs. 12, 17, 18 and 23 of this bill.

Sec. 25. The repealed provision imposed a duty on district court judges and magistrates that was related to the former recording duties of the courts. In sec. 64 of this bill, the same duties are placed in the Department of Natural Resources, which now administers recording.

Sec. 26. Simply rewrites the section to remove archaic material and reflect changes in administrative procedures.

Sec. 27. Reflects changes in departmental organization.

Sec. 28. Updates the reference to federal law.

Sec. 29. The paragraphs proposed for repeal defined "commissioner," "contributions" and "department" for AS 23.20. The first and last terms are defined for AS 23 in AS 23.45.010(1) and (2). The term defined in (9) is also defined in AS 23.20.520(10). Thus, the definitions proposed for repeal are redundant. AS 23.20.520(10) is amended in the next section of this bill.

Sec. 30. Rewrites the definition to conform to current style and eliminates unnecessary language.

Sec. 31. Both paragraphs are nothing more than cross-references to the next two sections, which define "employment" and "wages".

Sec. 32. The existing language of the provision is cumbersome and confusing. The section is rewritten for clarity and to conform to present style.

Sec. 33. The proposed amendments to (a) and (b) of this section clean up a problem created by amendments to AS 25.30.020(a)(2). See the editor's notes to AS 25.30.070. The proposed language does not change the legal effect of the section, but it does clarify confusion created by the fact that AS 25.30.020(a)(2) does not set out reasons. It does, however, establish grounds for jurisdiction over a child in need of aid.

Sec. 34. This repeals a section made obsolete by the termination of the Alaska State Mortgage Association in 1975.

Secs. 35 and 36. AS 42.15 was repealed in 1980, and AS 42.10 was repealed by initiative 83-02, approved in 1984. Both sections update other provisions to reflect those repeals.

Sec. 37. The first section proposed for repeal is obsolete. Subsections (a), (d) and (e) of AS 28.10.105 are obsolete, and AS 28.10.105(b) is apparently redundant or obsolete, or

both. The provisions of AS 28.10.105(f)-(h) are incorporated in new AS 28.10.108, proposed for enactment in the following section of the bill. The provisions of AS 28.10.105(i) are redundant to those of AS 28.05.011(4). A small portion of AS 28.10.107 is obsolete. Operative provisions of AS 28.10.107 are included in new AS 28.10.108.

Sec. 38. This new section combines the provisions of AS 28.10.101, 28.10.105 and 28.10.107, eliminating the obsolete material and placing the operative language in current form and style.

Secs. 39 and 40. The changes are to reflect the repeal of AS 42.15 in 1980 and AS 42.10 in 1984.

Sec. 41. Changes the internal reference to reflect changes made by secs. 37 and 38 of this bill.

Sec. 42. Substitutes a reference to present provisions for a reference to provisions repealed in 1978.

Sec. 43. AS 28.15.220 was repealed in 1978. The present provisions for discretionary court limitation of a license are found in AS 28.15.201, and it is not necessary that this section refer to those powers in order to give the court the right to limit a license after a conviction for negligent driving.

Sec. 44. The section proposed for repeal is obsolete, as it applied only in 1972-1974.

Sec. 45. To reflect the repeal of AS 29.33.090(d) (zoning of state land for homesite entry) in 1979.

Sec. 46. The word "former" is inserted to indicate that AS 43.18.010 has been repealed (in 1980) and avoid confusion. The section also includes a minor style change.

Sec. 47. AS 29.23.100 was repealed in 1972. It had provided for reapportionment by the assembly. The provisions were repealed upon adoption of an amendment to Article X, sec. 4 of the Alaska Constitution, and the contemporaneous enactment of new statutory procedures relating to apportionment. The proposed amendment merely updates the section.

Secs. 48 and 49. AS 43.58.170 provided that the tax imposed by AS 43.58 terminated December 31, 1977. AS 43.58 was

repealed in 1984. The deleted material, therefore, has no meaning and is obsolete.

Secs. 50 and 51. Conforms the language of the sections to the 1980 changes in the election code.

Sec. 52. Deletes references to provisions repealed when the new probate code was enacted in 1972. New references are not substituted, as there are provisions in AS 13 relating to title, and conveyances by will are not covered by this chapter. See AS 34.40.130.

Sec. 53. Reflects repeal of AS 38.05.058 in 1983.

Sec. 54. Clarifies reference to the division of agriculture.

Sec. 55. This makes the provisions of AS 39.05.060(c), repealed by sec. 56 of this bill, applicable to all multi-member bodies filled by gubernatorial appointment. The section adds provisions dealing with four and nine member bodies, which had not been covered in AS 39.05.060(c).

Sec. 56. This provision, which sets out the staggered terms for the initial appointees to the boards, councils and commissions listed in AS 39.05.060(a), is obsolete and is also superceded by a general provision proposed for enactment in sec. 55 of this bill. The new provision would apply to all executive branch multi-member agencies and avoid the necessity of enacting a temporary law provision every time a new group is formed.

Sec. 57. Deletes material that is obsolete.

Sec. 58. Corrects an oversight. AS 47.07.190 places the executive director in the exempt service, but the position was not added to the list in AS 39.25.110.

Sec. 59. Deletes a reference to the expired Alaska Council on Science and Technology.

Sec. 60. All sections proposed for repeal are obsolete.

Sec. 61. Updates a provision to reflect organizational changes.

Sec. 62. The repealed section was made obsolete by the 1982 enactment requiring all vending machine contracts to be entered into through the Department of Education. See AS 23.15.132.

Sec. 63. Repeals statutes related to the Alaska Council on Science and Technology, which expired June 30, 1983 under AS 44.66.010(a)(6).

Sec. 64. Adds to the Department of Natural Resources' duties the duty previously assigned to district judges and magistrates under AS 22.15.110(4), repealed by sec. 25 of this bill.

Sec. 65. Incorporates the only operative provision of obsolete AS 44.81.030, which is repealed in the next section of the bill.

Sec. 66. The section is obsolete, except for the provision amended into an "active" section by the preceding section of the bill.

Sec. 67. The section referred to in the last clause was repealed in 1980.

Sec. 68. Repeals a provision made obsolete by the repeal of AS 42.15 and AS 42.25 in 1980 and of AS 02.05 and AS 42.10 in 1984.

Sec. 69. The section proposed for repeal was made obsolete by the termination of the Alaska State Mortgage Association in 1975.

Sec. 70. Effective date provision.

DRD:ojb  
J11/114



BILLS PASSED IN THE HOUSE (cont'd)

CSHB 157 (JUD)(AM), (cont'd)

Sec. 63. Repeals statutes related to the Alaska Council on Science and Technology, which expired June 30, 1983 under AS 44.66.010(a)(6).

Sec. 64. Adds to the Department of Natural Resources' duties the duty previously assigned to district judges and magistrates under AS 22.15.110(4), repealed by sec. 25 of this bill.

Sec. 65. Incorporates the only operative provision of obsolete AS 44.81.030, which is repealed in the next section of the bill.

The section is obsolete, except for the provision amended to an "active" section by the preceding section of the bill.

Sec. 67. The section referred to in the last clause was repealed in 1980.

Sec. 68. Repeals a provision made obsolete by the repeal of AS 42.15 and AS 42.25 in 1980 and of AS 02.05 and AS 42.10 in 1984.

Sec. 69. The section proposed for repeal was made obsolete by the termination of the Alaska State Mortgage Association in 1975.

Sec. 70. Effective date provision.

On February 20 the Judiciary substitute was adopted. Amendment 1 by Marrou was adopted. The Marrou amendment deletes a section of the bill that repeals AS 19.40.100(b)(3) (James Dalton Highway. Use of the Highway by Industrial or Commercial Traffic. "(b) 'Industrial or commercial traffic' means (3) motor carriers engaged in commerce which are common carriers or contract carriers regulated by the Alaska Transportation Commission."), and replaces with a rewrite of that section with subsection (3) now reading: "motor carriers engaged in commerce." (reflects repeal of the Alaska Transportation Commission by initiative last November).

The bill then passed the House, 38-1-1. Nay: Furnace. Excused: Martin. The effective date clause was adopted. Rep. M. M. Miller gave notice of reconsideration, and on 2/22 reconsideration was held until 2/25.

Library  
Records  
(confidential)

CS FOR HOUSE BILL NO. 180 (JUD), (see page 233). Reported back to the House February 20 by Judiciary recommending it be replaced with a substitute and that it do pass. Concurring: M. M. Miller (Chair), Gruenberg, Clocksin, Pettyjohn and Taylor.

The Judiciary substitute provides the names, addresses, or other personal identifying information of people who have used library materials be kept confidential, except on court order (underlined language added).

On February 20 the Judiciary substitute was adopted and the bill passed, 38-1-1. Nay: Furnace. Excused: Martin. Rep. Furnace gave notice of reconsideration. Furnace brought up reconsideration on February 22 and offered an amendment that would have inserted a section allowing records of elementary or secondary school libraries identifying a minor child to be available on request to a parent or guardian. The amendment failed, 16-19-5. The bill then passed the House, 31-4-5. Nays: Boucher, Furnace, Hanley, Pignalberi. Excused: Binkley, Collins, Jenkins, Martin,

CSHB 3(Jud)am

Representative Hanley moved and asked unanimous consent that Amendment No. 2 be withdrawn. There being no objection, it was so ordered.

Representative Clocksin moved and asked unanimous consent that CSHB 3(Jud)am be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 3(Jud)am was read the third time.

The question being: "Shall CSHB 3(Jud)am pass the House?"  
The roll was taken with the following result:

## CSHB 3(JUD)AM

Yeas:	33	Adams, Binkley, Boucher, Cato, Clocksin, Collins, Cotten, Davis, Duncan, Frank, Fuller, Furnace, Goll, Gruenberg, Grussendorf, Hurley, Jenkins, Koponen, Larson, Miller, M.M., Miller, M.W., Navarre, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Ringstad, Sund, Szymanski, Taylor, Thompson, Uehling
Nays:	6	Hanley, Herrmann, Marrou, Pearce, Shu, Wallis
Excused:	1	Marrou
Absent:	0	

And so, CSHB 3(Jud)am passed the House.

Representative Davis gave notice of reconsideration of his vote on CSHB 3(Jud)am.

HB 157

HOUSE BILL NO. 157 (making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; effective date) was read the second time with the Judiciary Committee report (page 391).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 157 (Judiciary) (same title) be adopted in lieu of the original bill.

HB 157

Representative Goll objected and withdrew his objection.

Representative Phillips objected and withdrew his objection.

There being no further objection, it was so ordered.

CSHB 157(Jud)

Amendment No. 1 by Marrou:

Page 3, line 22:

Delete all material and insert:

"Sec. 10. AS 19.40.100(b)(3) is repealed and reenacted to read:

(3) motor carriers engaged in commerce."

Representative Marrou moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative M.M. Miller objected and withdrew his objection. There being no further objection, Amendment No. 1 was adopted.

CSHB 157(Jud)am

Representative Clocksin moved and asked unanimous consent that CSHB 157(Jud)am be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 157(Jud)am was read the third time.

The question being: "Shall CSHB 157(Jud)am pass the House?" The roll was taken with the following result:

CSHB 157(Jud)am

## CSHB 157(JUD)AM

Yeas: 38 Adams, Binkley, Boucher, Cato,  
Clocksin, Collins, Cotten, Davis,  
Duncan, Frank, Fuller, Goll,  
Gruenberg, Grussendorf, Hanley,  
Herrmann, Hurley, Jenkins,  
Koponen, Larson, Marrou,  
Miller, M.M., Miller, M.W., Navarre,  
Pearce, Pettyjohn, Phillips,  
Pignalberi, Pourchot, Rieger,  
Ringstad, Shultz, Sund, Szymanski,  
Taylor, Thompson, Uehling, Wallis

Nays: 1 Furnace

Excused: 1 Martin

Absent: 0

And so, CSHB 157(Jud)am passed the House.

Representative Clocksin moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

Representative M.M. Miller gave notice of reconsideration of his vote on CSHB 157(Jud)am.

*reconsideration not taken up.*

HB 180

HOUSE BILL NO. 180 (relating to the confidentiality of certain library records) was read the second time with the Judiciary Committee report (page 391).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 180 (Judiciary) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 180(Jud)

Representative Clocksin moved and asked unanimous consent that CSHB 180(Jud) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 180(Jud)

CSHB 180((Jud) was read the third time.

The question being: "Shall CSHB 180(Jud) pass the House?"  
The roll was taken with the following result:

## CSHB 180(JUD)

Yeas: 38 Adams, Binkley, Boucher, Cato,  
Clocksin, Collins, Cotten, Davis,  
Duncan, Frank, Fuller, Goll,  
Gruenberg, Grussendorf, Hanley,  
Herrmann, Hurley, Jenkins,  
Koponen, Larson, Marrou,  
Miller, M.M., Miller, M.W., Navarre,  
Pearce, Pettyjohn, Phillips,  
Pignalberi, Pourchot, Rieger,  
Ringstad, Shultz, Sund, Szymanski,  
Taylor, Thompson, Uehling, Wallis

Nays: 1 Furnace

Excused: 1 Martin

Absent: 0

And so, CSHB 180(Jud) passed the House.

Representative Furnace gave notice of reconsideration of his vote on CSHB 180(Jud).

UNFINISHED BUSINESS

Representative Clocksin moved and asked unanimous consent that the following members be excused from a call of the House:

Representative Hurley -- from 4:30 p.m.,  
February 22 through plane time, February 26,  
1985 (an extension from February 25, 1985)

Representative Jenkins -- from 5:00 p.m.,  
February 21 through plane time, February 25,  
1985

Representative Binkley -- February 21 through  
plane time, February 25, 1985

Representative Pearce -- February 23 through  
plane time, February 26, 1985

There being no objection, it was so ordered.

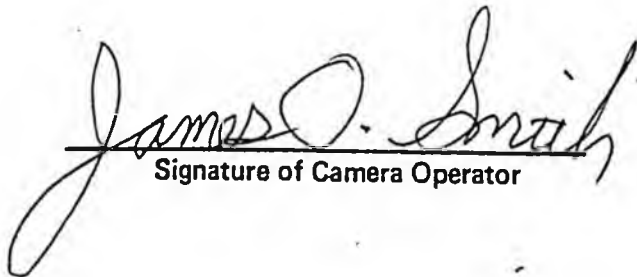
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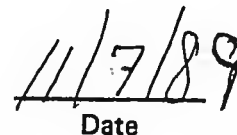
Pages : 200; 327; 355; 383



# RECORDS CERTIFICATION

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Signature of Camera Operator

  
Date

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168



Original sponsors: Sund, Taylor  
and Roucher

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 168 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to construction contractors; and  
7 providing for an effective date."

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

9 \* Section 1. AS 08.18.011 is amended by adding a new subsection to  
10 read:

11 (b) A general contractor may not allow a person required to be  
12 registered under this chapter to work for the general contractor as a  
13 specialty contractor unless the person is registered under this chap-  
14 ter.

15 \* Sec. 2. AS 08.18.031 is amended by adding a new subsection to read:

16 (b) The commissioner may not issue a certificate of registration  
17 or renew the registration of an applicant whose registration has been  
18 revoked or suspended or against whom a fine has been imposed under  
19 this chapter until the period of revocation or suspension has expired  
20 and any fine has been paid.

21 \* Sec. 3. AS 08.18.051 is amended to read:

22 Sec. 08.18.051. IDENTIFICATION REQUIREMENTS [REGISTERED NAME].

23 (a) Except as provided otherwise by [STATE] law, a [NO] person who  
24 has registered under one name as required by this chapter may not act  
25 in the capacity of a contractor under any other name unless that name  
26 also is registered.

27 (b) All advertising, contracts, correspondence, cards, signs,  
28 posters, papers and documents prepared by a contractor for the con-  
29 tracting business shall [WHICH] show the contractor's name, mailing

1 [AND] address, and address of the contractor's principal place of  
2 business. Advertising and contracts shall also include the contrac-  
3 tor's registration number [SHALL SHOW THE NAME AND ADDRESS AS REGIS-  
4 TERED UNDER THIS CHAPTER].

5 (c) Individual contractors and partners, associates, agents,  
6 salesmen, solicitors, officers and employees of contractors shall use  
7 their true names and addresses and the true name of the contractor  
8 firm at all times while acting in the capacity of a contractor or  
9 performing related activities.

10 \* Sec. 4. AS 08.18.071(b) is amended to read:

11 (b) If the applicant is a general contractor the amount of the  
12 bond shall be \$10,000 [\$5,000]; if the applicant is a specialty con-  
13 tractor the amount of the bond shall be \$5,000 [\$2,000]. In lieu of  
14 the surety bond the applicant may file with the commissioner a cash  
15 deposit or other negotiable security acceptable to the commissioner  
16 [OF COMMERCE,] in the amount specified for bonds.

17 \* Sec. 5. AS 08.18 is amended by adding new sections to article 3 to  
18 read:

19 Sec. 08.18.116. INVESTIGATIONS. Either the Department of Com-  
20 merce and Economic Development or the Department of Labor may investi-  
21 gate alleged or apparent violations of this chapter. These depart-  
22 ments, upon showing proper credentials, may enter, during regular  
23 hours of work, a construction site where it appears that contracting  
24 work is being done. The departments may make inquiries about the  
25 identity of the contractor or the person acting in the capacity of a  
26 contractor. Upon demand, a contractor or person acting in the capac-  
27 ity of a contractor, or that person's representative, shall produce  
28 evidence of current registration.

29 Sec. 08.18.117. ISSUANCE OF CITATIONS. Either the Department of

1 Commerce and Economic Development or the Department of Labor may issue  
2 a citation for a violation if there is probable cause to believe a  
3 person has violated this chapter. Each day a violation continues  
4 after a citation for the violation has been issued constitutes a  
5 separate violation.

6 Sec. 08.18.118. PROCEDURE AND FORM OF CITATION ISSUANCE AND  
7 PROCEDURE. (a) A citation issued under this chapter shall be in  
8 writing. A person receiving the citation is not required to sign a  
9 notice to appear in court.

10 (b) The time specified in the notice to appear on a citation  
11 issued under this chapter shall be at least five days, not including  
12 weekends and holidays, after the issuance of the citation, unless the  
13 person cited requests an earlier hearing.

14 (c) The Department of Commerce and Economic Development and the  
15 Department of Labor are responsible for the issuance of books contain-  
16 ing appropriate citations, and each shall maintain a record of each  
17 book issued and each citation contained in it. Each department shall  
18 require and retain a receipt for every book issued to an employee of  
19 that department.

20 (d) The department that issues a citation under this chapter  
21 shall deposit the original or a copy of the citation with a court  
22 having jurisdiction over the alleged offense. Upon its deposit with  
23 the court, the citation may be disposed of only by trial in the court  
24 or other official action taken by the magistrate, judge, or  
25 prosecutor. The department that issued the citation may not dispose  
26 of it or copies of it or of the record of its issuance except as  
27 required under this subsection and (e) of this section.

28 (e) The Department of Commerce and Economic Development and the  
29 Department of Labor shall require the return of a copy of every

1 citation issued by the respective department under this chapter, and  
2 of all copies of every citation that has been spoiled or upon which an  
3 entry has been made and not issued to an alleged violator. The  
4 departments shall also maintain, in connection with every citation  
5 issued by the respective department, a record of the disposition of  
6 the charge by the court where the original or copy of the citation was  
7 deposited.

8 (f) If the form of citation issued under this chapter includes  
9 the essential facts constituting the offense charged, and if the  
10 citation is sworn to as required under the laws of this state for a  
11 complaint charging commission of the offense alleged in the citation,  
12 then the citation when filed with a court having jurisdiction is  
13 considered to be a lawful complaint for the purpose of prosecution.

14 Sec. 08.18.119. FAILURE TO OBEY CITATION. Unless the citation  
15 has been voided or otherwise dismissed by the magistrate, judge, or  
16 prosecutor, a person who without lawful justification or excuse fails  
17 to appear in court to answer a citation issued under this chapter, re-  
18 gardless of the disposition of the charge for which the citation was  
19 issued, is guilty of a class B misdemeanor.

20 \* Sec. 6. AS 08.18.121(f) is amended to read:

21 (f) If the Department of Commerce and Economic Development or  
22 the Department of Labor [COMMISSIONER OF LABOR] determines that a con-  
23 tractor or a person [IS] acting in the capacity of [AS] a contractor,  
24 is in violation of this chapter, that department may [THE COMMISSIONER  
25 SHALL] give written notice to the person prohibiting further action by  
26 the person as a contractor. The prohibition continues until the  
27 person has submitted evidence acceptable to that department [THE  
28 COMMISSIONER OF LABOR] showing that the violation has been corrected.

29 \* Sec. 7. AS 08.18.121(g) is amended to read:

1 (g) A person affected by an order issued under this chapter may  
2 seek equitable relief preventing the Department of Commerce and Eco-  
3 nomic Development or the Department of Labor [COMMISSIONER OF LABOR]  
4 from enforcing the order.

5 \* Sec. 8. AS 08.18.131 is amended to read:

6 Sec. 08.18.131. INJUNCTION. In an action instituted in the  
7 superior court by the Department of Commerce and Economic Development  
8 or the Department of Labor, the court may enjoin [COMMISSIONER OF  
9 LABOR OR THE COMMISSIONER'S REPRESENTATIVE,] a person from acting in  
10 the capacity of a contractor in violation of this chapter. In  
11 addition to other relief, the court may impose a civil penalty of not  
12 more than \$250 for each violation. Each day that an unlawful act  
13 continues constitutes a separate violation [MAY BE ENJOINED FROM DOING  
14 SO].

15 \* Sec. 9. AS 08.18.141 is amended to read:

16 Sec. 08.18.141. MISDEMEANOR. (a) A contractor or a person  
17 acting in the capacity of a contractor in violation of AS 08.13.011  
18 [THIS CHAPTER] is guilty of a class B misdemeanor. A person who  
19 violates another provision of this chapter is guilty of a violation  
20 punishable under AS 12.

21 (b) Criminal prosecution for a violation of this chapter does  
22 not preclude the Department of Commerce and Economic Development or  
23 the Department of Labor from seeking available civil remedies.

24 \* Sec. 10. AS 08.18.171 is amended by adding a new paragraph to read:

25 (4) "department" means the Department of Commerce and  
26 Economic Development, unless the context indicates otherwise.

27 \* Sec. 11. Sections 1, 2 and 4 - 10 of this Act take effect July 1,  
28 1985.

29 \* Sec. 12. Section 3 of this Act takes effect July 1, 1986.

1 \* Sec. 13. Section 4 of this Act applies to general contractor and  
2 specialty contractor licenses that are issued or renewed by the Department  
3 of Commerce and Economic Development after July 1, 1985.  
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April 24, 1985

Senate CS for CSHB168 (L&C)- An act relating to construction contractors and providing for an effective date.

OVERVIEW prepared by Rep. John Sund's office

#### HISTORY OF THE BILL

As the law now stands, anyone wishing to work as contractor must have a license. General contractors must have a \$5,000 bond and specialty contractors must have a \$2,000 bond.

Little protection is provided to the consumer who receives shoddy work from an unlicensed contractor. He is likely to find that the contractor has left the state and did not post a bond. Also, an unlicensed contractor who does not comply with the law can operate more cheaply and is likely to outbid a licensed contractor.

Enforcement is the job of the Department of Commerce and Economic Development. However, enforcement has been lax for two reasons:

- 1) a lack of enforcement powers. Cease and desist orders can be issued to a contractor who does not have proper bonding or a license, but criminal prosecution is rare.
- 2) a lack of personnel. Once a cease and desist order has been issued, the investigator might not return to the site until work has been completed and the contractor has left. The department is not able to effectively monitor contractors at their current staffing level.

HB610, introduced in 1984, began as a vehicle for creating a Board of Builders and, as CSHB610, focused on changes which were substantially similar to HB168. It passed the House with a vote of 34 yeas and 6 nays and was left in the Senate upon adjournment.

#### PURPOSE OF THE BILL

Under CSHB168, a general contractor must post a \$10,000 bond and a specialty contractor must post a \$5,000 bond. This essentially doubles the current level required and will allow more adequate compensation for unacceptable work, since the licensing procedure in itself does not guarantee competency.

A contractor must show his registration number in all ads. This is intended to heighten consumer awareness of licensing and bonding requirements when choosing a contractor.

The Department of Commerce and Economic Development and the Department of Labor will have citation authority. They will have the authority to enter work sites to inspect licenses. Working without a license will be a Class B misdemeanor.

A \$117,000 fiscal note provides 2 Investigator positions, in Anchorage and Fairbanks, and travel monies for two existing Juneau positions, to enforce contractor requirements. These provisions will strengthen the enforcement of current regulations.

Senate Committee Substitute for Committee Substitute  
for House Bill 168 (L&C)  
Section-by-Section Analysis

Section 1 imposes criminal and civil liability upon a general contractor for allowing an unlicensed specialty contractor to work for him or her. The unlicensed specialty contractor, of course, would also be in violation of the law as provided by existing statutes [AS 08.18.011(a)].

Section 2 prohibits registration during the period of a previous revocation or suspension of a contractor's license and until a fine imposed under this chapter has been paid.

Section 3 adds the requirement that all advertising, contracts, correspondence, cards, signs, posters, papers, and documents prepared by a contractor for the contractor's business include the mailing address and the address of his or her principal place of business, in addition to the already required name and address. The bill also adds a new requirement that all advertising and contracts include the contractor's registration number.

Section 4 increases the bonding amount required for general contractors from \$5,000 to \$10,000 and for specialty contractors from \$2,000 to \$5,000.

Section 5 gives authority to investigators from the Department of Commerce and Economic Development and the Department of Labor to enter construction sites and issue citations for violations of the construction contracting laws, with special emphasis placed on licensing violations. The form and issuance of citation will be similar to that used by peace officers in their issuance of fish and game citations, park citations and traffic citations. Commerce and Labor investigators will not have the authority to arrest, however.

Sections 6 and 7 of the bill work to give separate enforcement authority to the Department of Labor and the Department of Commerce and Economic Development in the issuance of a stop order.

Section 8 establishes that both departments can institute an injunctive proceeding in the Superior Court. It also sets out that, in addition to other relief and any criminal penalties that may be imposed, a civil penalty not to exceed \$250 may be imposed for each violation as AS 08.18, and that each day an unlawful act continues after an injunction has been issued constitutes a separate violation.

Section 9 provides that an unlicensed person acting in the capacity of a contractor, or a general contractor who hires an unlicensed specialty contractor, is guilty of a class B misdemeanor. A class B misdemeanor carries maximum penalties of 90 days in jail and \$1,000 fine. A criminal prosecution under AS 08.18 does not preclude the department from seeking civil remedies, as well. All other violations of AS 08.18, such as failure to put a mailing address on a business card, will be considered a violation and subject to a fine of no more than \$300.

Sections 10-13 pertain to definitions and effective dates. The amendments made by section 3 would require reprinting of documents used by contractors. Accordingly, the July 1, 1986, effective date for that section will allow current supplies to be used and arrangements to be made for reprinting.

February 18, 1985

SUMMARY OF CONSUMER COMPLAINTS  
INVOLVING CONTRACTOR DISPUTES  
Received by the Consumer Protection Section  
Department of Law

Fiscal year 1984

We received a total of 136 consumer complaints in FY 84 that involved a contractor or specialty contractor. Six of those consumer complaint files are still pending in our section.

We recovered a total of \$15,423.30 for consumers on these complaints. We estimate that we recover only about 10% to 20% of the money consumers claim is due them in these types of complaints, so that the amount actually claimed as consumer loss is estimated to have been approximately \$75,000 - \$150,000. Because of our questionable jurisdiction over real property transactions we believe many consumers do not file complaints with our office who otherwise would. Our overall recovery rate on all types of consumer complaints is near 50%.

Fiscal year 1985

To date in FY 85 we have received 114 consumer complaints and have recovered \$15,448.31 for consumers. Of the 114 complaints filed in FY 85, 41 are still pending. We estimate the total value of these 114 claims as \$60,000 - \$100,000 on the same basis as explained in the FY 84 summary.

Background Info.

Bill No. Senate Committee Substitute for Committee  
Substitute for House Bill No. 168 (L&C)

Date April 22, 1985

Title "An Act relating to construction  
contractors; and providing for an  
effective date."

Contact: Eileen Plate  
465-2700  
Robert J. Bacolas  
465-4870

Senate Committee Substitute for Committee Substitute for House Bill No. 168 seeks to strengthen the contractor licensing enforcement powers of the Department of Labor and the Department of Commerce and Economic Development.

Currently, the Department of Commerce is responsible for the registration of construction contractor, with enforcement being provided by the Department of Labor. The Department of Labor's enforcement is primarily carried out in connection with other inspection/enforcement responsibilities (mechanical inspections, occupational safety and health inspections, and wage and hour investigations). This bill extends enforcement authority to the Department of Commerce in order that it may focus on residential construction and other areas where the Department of Labor is not highly visible. This would bridge the gap that presently exists in contractor licensing enforcement.

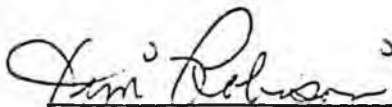
In addition, this bill increases the bonding requirements for both general and specialty contractors, and provides for the issuance of citations, the assessment of civil penalties, and the imposition of injunctive relief for violations of the contractor licensing laws.

The provisions of this bill are designed to combat the proliferation of unlicensed contractors in the state in order to better protect the public from unlicensed and unbonded construction contractors.

A section-by-section analysis of this bill is attached.

The Department of Labor supports passage of this bill. It will not have a fiscal impact on the Department.

APPROVED:

  
Jim Robison, Commissioner  
Department of Labor

**POSITION PAPER/Department of Labor**

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST SCS CSHB 168 (L&C)  
 Bill/Resolution No.: \_\_\_\_\_  
 Title: "An Act relating to  
 construction contractors..."  
 Sponsor: Sund and Taylor  
 Requestor: Senate Judiciary  
 Date of Request: 4/19/85

FISCAL DETAIL  
 Agency Affected: Labor  
 Program Category Affected: Public  
 Protection  
 BRU, Program or Subprogram(s) Affected:  
 Labor Standards & Safety  
 Wage and Hour Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert J. Bacolas, Sr. Phone: 465-4870  
 Division: Labor Standards & Safety Date: 4/22/85  
 Approved by Commissioner: Jim Robison Date: 4/22/85  
 Agency: Labor

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

STATE OF ALASKA, 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

Page 1 of 2

REQUEST

FISCAL DETAIL

Bill/Resolution No.: CSHB 168 (L&C)

Agency Affected: Commerce & Economic Dev.

Title: Act relating to \_\_\_\_\_

Program Category Affected: \_\_\_\_\_

Construction Contractors; \_\_\_\_\_

Consumer Protection \_\_\_\_\_

Sponsor: Representative Sund

BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

Requestor: House Finance Committee

Date of Request: March 19, 1985

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		69.3	96.9	101.7	106.8	112.2
200 TRAVEL		13.8	15.7	16.5	17.3	18.2
300 CONTRACTUAL		22.8	23.9	25.1	26.4	27.7
400 SUPPLIES		2.7	3.8	4.0	4.2	4.4
500 EQUIPMENT		8.4	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		117.0	140.3	147.3	154.7	162.5
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND	117.0	140.3	147.3	154.7	162.5
FEDERAL FUNDS					
OTHER					
<b>TOTAL</b>	117.0	140.3	147.3	154.7	162.5

POSITIONS:

FULL-TIME	2.0	2.0	2.0	2.0	2.0
PART-TIME	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-

ANALYSIS: Attach a separate page if necessary

See page 2 Attached for analysis.

Prepared By: Al Adams - Chairman

Phone: 465-3706

Division: House Finance Committee

Date: March 19, 1985

Approved by Commissioner: \_\_\_\_\_

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

Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

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

*@ Eden*  
*Consumer Protection*  
7/1/84

Current revenues generated by licensing fees charged construction contractors approximate \$436.7. HB 78 provides for additional revenues should costs exceed those presently incurred.

This note provides two positions, one in Anchorage and one in Fairbanks to implement the citation procedure. Existing Headquarters staff from Juneau will service Southeast.

COST ANALYSIS FY 86 - Variable costs @ 9 months.

	<u>ANCHORAGE</u>	<u>FAIRBANKS</u>	<u>JUNEAU</u>
100	Investigator I - 28.0	Investigator III 41.3 <sup>(1)</sup>	-0-
200	3.8	5.0	5.0
300	7.0	9.8 (1)	6.0
400	0.9	0.9	0.9
500	4.2	4.2	-0-

(1) Fairbanks office stands alone, hence higher level investigator and cost of new office space.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**

Bill/Resolution No.: CSHB 168 (L&C)  
 Title: An Act relating to  
Construction Contractors  
 Sponsor: Rep. Sund  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Commerce & Economic Dev.  
 Program Category Affected: \_\_\_\_\_  
Consumer Protection  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Occupational Licensing

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

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		151.8	159.4	167.4	175.8	184.6
200 TRAVEL		40.8	42.8	45.0	47.2	49.6
300 CONTRACTUAL		31.8	33.4	35.1	36.8	38.7
400 SUPPLIES		3.6	3.8	4.0	4.2	4.4
500 EQUIPMENT		13.1	0	0	0	0
600 LAND & STRUCTURES		12.2	0	0	0	0
700 CRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>253.3</b>	<b>239.4</b>	<b>251.5</b>	<b>264.0</b>	<b>277.3</b>

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

GENERAL FUND		253.3	239.4	251.5	264.0	277.3
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>253.3</b>	<b>239.4</b>	<b>251.5</b>	<b>264.0</b>	<b>277.3</b>

**POSITIONS:**

FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

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

This bill will enhance the enforcement of unlicensed construction contractors by implementing a citation procedure. The positions requested would provide additional support to the joint enforcement efforts of the Department of Labor and the Department of Commerce and Economic Development. The bill also requires violators to be answerable to a court of law, and makes unlicensed activity a "Class B" misdemeanor.

Prepared By: Jennifer Strickler, Management Analyst Phone: 465-2144  
 Division: Occupational Licensing Date: 2-21-85

Approved by Commissioner: Loren H. Lounsbury Date: 2/21/85  
 Agency: Commerce and Economic Development

**Distribution (by Agency preparing fiscal note):**

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

*Comm. Eco. Dev.*  
*Occupational Licensing*  
 7/1/84

HOUSE JOURNAL

House Finance Committee  
Letter of Intent  
for  
CSHB 168 (Labor and Commerce)

This bill intends to expand the enforcement authority over contractors by both the Department of Labor and the Department of Commerce and Economic Development. It is the intent that funds provided by the fiscal note be shared by both departments taking into account existing enforcement personnel, capabilities, and office locations.



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Al Adams, Chairman  
House Finance Committee

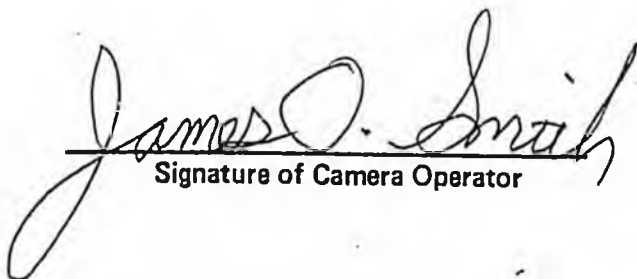
House Letter of Intent Adopted 3/22/85

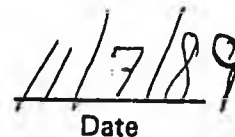


# RECORDS CERTIFICATION



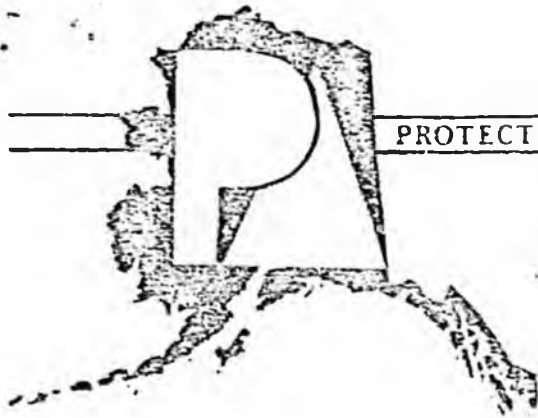
I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

H B

1 7 2



PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED

MAIN OFFICE  
325 East 3rd, 2nd Floor  
Anchorage, AK 99501  
(907) 274-3658

SOUTHEAST  
REGIONAL OFFICE  
127 S. Franklin, Suite 2  
Juneau, AK 99801  
(907) 586-1627

NORTHERN  
REGIONAL OFFICE  
763 7th Ave.  
Fairbanks, AK 99701  
(907) 456-1079

March 28, 1985

Ms. Nancy Bennett  
Office of Rep. Max Gruenberg  
Pouch V  
Juneau, Alaska 99811

RE: HB 172

Dear Nancy:

As per our phone call of March 28, 1985, I am expressing in writing P.A.D.D.'s position on HB172.

First, I am disappointed that the committee chose to delete SB168's amendment to 18.06.015 requiring interpreters for the deaf seeking access to funds, services, goods, facilities, advantages or privileges from state or local governments. The deaf cannot meaningfully participate as citizens without the use of an interpreter. Interpreters are necessary in order for the deaf to have access to their government. I am aware that this provision would have some fiscal impact. However, in my opinion, this does not justify denying these basic opportunities to deaf people.

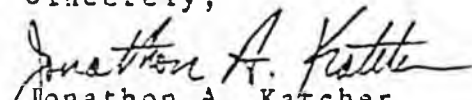
Second, HB172 changes SB 168's "Deafness, blindness, or disability" to "physical or mental disability." I agree that "physical or mental disability" has the same meaning as disability. However, in my opinion, "disability" is a cleaner, more generic word, that avoids the problem of every disabled group wanting their condition mentioned in the bill. I have no objections to "physical or mental disability", I just think "disability" is simpler. Please be forewarned that advocates for the deaf and blind community are likely to be disappointed that their particular conditions were deleted from the bill. In any event, the rights are much more important than the label. HB172 continues to vindicate those rights in much the same way as SB168.

There is however, one exception to how well the rights of the mentally disabled are protected. Subsection 18.80.255 (17)(b) of HB172 (Pg. 11 of the workraft) deletes "emotional or mental illness" from the definition of "physical or mental impairment". I strongly disagree with this deletion of the emotionally or mentally ill from the protection of the statute. Please consider that this deletion would justify discrimination against a person who has any kind of emotional or mental illness. Consequently, if a person is seeing a psychotherapist or counselor to deal with an emotional problem, under the bill an employer could fire them, a landlord could evict them, or a bank could deny them financial services without any recourse to the Human Rights Commission. There is more to mental illness than which is found at API. The bill's deletion of emotional and mental illness would affect middle American's as well. I feel that the biases against the mentally ill are based upon inappropriate stereotypes. The purpose of Civil Rights legislation is to force people to surrender their prejudices and to work together to come to know one another as people, rather than as labels. At the time of the Civil Rights legislation on behalf of blacks, numerous stereotypes circulated about the danger of the blacks as a race. After the passage of the legislation and the prohibition of discrimination, all races were compelled to come together. It was through this interaction that the stereotypes were proven falacious and the biases were destroyed. At present, numerous stereotypes exist about the danger of the mentally ill. These are as unjustified as those based on race. Only through prohibiting discrimination against all people can we as a society grow.

Thank you for this opportunity to give input to this very important piece of legislation. I would appreciate being informed in the future about any hearings or actions in relation to this bill.

Please feel free to contact me if you have any other questions or comments.

Sincerely,

  
Jonathon A. Katcher  
Supervising Attorney

JAK:bk

Offered: 4/17/85  
Referred: Rules

In. (5)

Hess

Original sponsors: Duncan, Collins  
and Gruenberg

Judiciary Referral  
Waived

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 172 (Judiciary) am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the rights of physically and  
mentally disabled persons."

7

8

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

9

\* Section 1. AS 18.06.020 is amended to read:

10

Sec. 18.06.020. RIGHTS. (a) The [BLIND, THE VISUALLY HANDI-

11

CAPPED, AND THE OTHERWISE] physically or mentally disabled have the  
same right as the able-bodied to the full and free pedestrian use of  
the streets, highways, sidewalks, walkways, public buildings, public  
facilities, and other public places.

12

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15

(b) The [BLIND, THE VISUALLY HANDICAPPED, AND THE OTHERWISE]

16

physically or mentally disabled are entitled to full and equal accom-  
modations, advantages, facilities, and privileges of all common  
carriers, airplanes, motor vehicles, railroad trains, motor buses,  
street cars, boats or any other public conveyances or modes of trans-  
portation, hotels, lodging places, places of public accommodation,  
amusement or resort, and other places to which the general public is  
invited, subject only to the conditions and limitations established by  
law and applicable alike to all persons.

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(c) Persons who are physically or mentally disabled [TOTALLY OR

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PARTIALLY BLIND PERSONS] have the right to be accompanied or assisted  
by a service animal that is certified by a training facility for  
service animals as being able to function in a public setting [GUIDE  
DOG, ESPECIALLY TRAINED FOR THE PURPOSE], in any of the places listed  
in (b) of this section without being required to pay an extra charge

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1 for the service animal [GUIDE DOG]; however, the person with the  
2 animal [GUIDE DOG] is liable for any damage done to the premises or  
3 facilities by the animal [DOG].

4 \* Sec. 2. AS 18.06.030 is amended to read:

5 Sec. 18.06.030. RIGHTS AS PEDESTRIANS. The driver of a motor  
6 vehicle approaching a physically or mentally disabled [TOTALLY OR  
7 PARTIALLY BLIND] pedestrian who is carrying a cane predominantly white  
8 or metallic in color, with or without a red tip, using special equip-  
9 ment for mobility, or using a service animal [GUIDE DOG] shall take  
10 all necessary precautions to avoid injury to the pedestrian, and a  
11 driver who fails to take all necessary precautions and causes injury  
12 to the pedestrian is liable in damages for the injury caused. A  
13 physically or mentally disabled [TOTALLY BLIND OR PARTIALLY BLIND]  
14 pedestrian not carrying a cane as described in this section or using a  
15 service animal [GUIDE DOG] in any of the places, accommodations or  
16 conveyances set out under AS 18.06.020 has all of the rights and  
17 privileges conferred by law upon other persons, and the failure of a  
18 physically or mentally disabled [TOTALLY OR PARTIALLY BLIND] pedestri-  
19 an to carry a cane as described in this section or to use a service  
20 animal [GUIDE DOG] is not by itself evidence of [CONTRIBUTORY] negli-  
21 gence.

22 \* Sec. 3. AS 18.06.040 is amended to read:

23 Sec. 18.06.040. PENALTY FOR DENYING RIGHTS. A person who denies  
24 or interferes with admittance to or enjoyment of the public facilities  
25 set out in AS 18.06.020 or otherwise interferes with the rights of a  
26 physically or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE]  
27 disabled person is guilty of a Class B misdemeanor [AND UPON  
28 CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR BY  
29 IMPRISONMENT FOR NOT MORE THAN 60 DAYS, OR BY BOTH].

1 \* Sec. 4. AS 18.06.050 is amended to read:

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

8 \* Sec. 5. AS 18.80.060(a) is amended to read:

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

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

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

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

16                   (4) accept complaints under AS 18.80.100;

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

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

29                   (7) enforce AS 18.06.

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

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

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

20 \* Sec. 7. AS 18.80.210 is amended to read:

21       Sec. 18.80.210. CIVIL RIGHTS. The opportunity to obtain em-  
22 ployment, credit and financing, public accommodations, housing accom-  
23 modations and other property without discrimination because of sex,  
24 physical or mental disability, marital status, changes in marital  
25 status, pregnancy, parenthood, race, religion, color or national  
26 origin is a civil right.

27 \* Sec. 8. AS 18.80.220(a) is amended to read:

28       (a) It is unlawful for

29               (1) an employer to refuse employment to a person, or to bar

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

10                (2) a labor organization, because of a person's sex, mari-  
11                tal status, changes in marital status, pregnancy, parenthood, age,  
12                race, religion, physical or mental disability, color or national  
13                origin, to exclude or to expel the person [HIM] from its membership,  
14                or to discriminate in any way against one of its members or an  
15                employer or an employee;

16                (3) an employer or employment agency to print or circulate  
17                or cause to be printed or circulated a statement, advertisement, or  
18                publication, or to use a form of application for employment or to make  
19                an inquiry in connection with prospective employment, which expresses,  
20                directly or indirectly, a limitation, specification or discrimination  
21                as to sex, physical or mental disability, marital status, changes in  
22                marital status, pregnancy, parenthood, age, race, creed, color or  
23                national origin, or an intent to make the limitation, unless based  
24                upon a bona fide occupational qualification;

25                (4) an employer, labor organization or employment agency to  
26                discharge, expel or otherwise discriminate against a person because  
27                the person [HE] has opposed any practices forbidden under AS 18.80.-  
28                200 - 18.80.280 or because the person [HE] has filed a complaint,  
29                testified or assisted in a proceeding under this chapter;

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

6           (6) a person to print, publish, broadcast or otherwise  
7 circulate a statement, inquiry or advertisement in connection with  
8 prospective employment which expresses directly, a limitation, speci-  
9 fication or discrimination as to sex, physical or mental disability,  
10 marital status, changes in marital status, pregnancy, parenthood, age,  
11 race, religion, color or national origin, unless based upon a bona  
12 fide occupational qualification.

13 \* Sec. 9. AS 18.80.230 is amended to read:

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

17           (1) to refuse, withhold from or deny to a person any of its  
18 services, goods, facilities, advantages or privileges because of sex,  
19 physical or mental disability, marital status, changes in marital  
20 status, pregnancy, parenthood, race, religion, color or national  
21 origin;

22           (2) to publish, circulate, issue, display, post or mail a  
23 written or printed communication, notice or advertisement that [WHICH]  
24 states or implies

25           (A) that any of the services, goods, facilities,  
26 advantages or privileges of the public accommodation will be  
27 refused, withheld from or denied to a person of a certain race,  
28 religion, sex, physical or mental disability, marital status,  
29 color or national origin or because of pregnancy, parenthood, or

1 a change in marital status, or

2 (B) that the patronage of a person belonging to a  
3 particular race, creed, sex, marital status, color or national  
4 origin or who, because of pregnancy, parenthood, physical or  
5 mental disability, or a change in marital status, is unwelcome,  
6 not desired or solicited.

7 \* Sec. 10. AS 18.80.240 is amended to read:

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

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

17 (2) to discriminate against a person because of sex, mari-  
18 tal status, changes in marital status, pregnancy, race, religion,  
19 physical or mental disability, color or national origin in a term,  
20 condition or privilege relating to the use, sale, lease or rental of  
21 real property; however, nothing in this paragraph prohibits the sale,  
22 lease or rental of classes of real property commonly known as housing  
23 for "singles" or "married couples" only;

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

28 (4) to offer, solicit, accept, use or retain a listing of  
29 real property with the understanding that a person may be

1 discriminated against in a real estate transaction or in the furnish-  
2 ing of facilities or sources in connection therewith because of a  
3 person's sex, marital status, changes in marital status, pregnancy,  
4 race, religion, physical or mental disability, color, national origin  
5 or age;

6 (5) to represent to a person that real property is not  
7 available for inspection, sale, rental, or lease when in fact it is so  
8 available, or to refuse a person to inspect real property because of  
9 the race, religion, physical or mental disability, color, national  
10 origin, age, sex, marital status, change in marital status or preg-  
11 nancy of that person or of any person associated with that person;

12 (6) to engage in blockbusting;

13 (7) to make, print or publish, or cause to be made, printed  
14 or published, any notice, statement or advertisement, with respect to  
15 the sale or rental of real property that indicates any preference,  
16 limitation, or discrimination based on race, color, religion, physical  
17 or mental disability, sex, or national origin, or an intention to make  
18 the preference, limitation or discrimination.

19 \* Sec. 11. AS 18.80.250(a) is amended to read:

20 (a) It is unlawful for a financial institution or other commer-  
21 cial institution extending secured or unsecured credit, upon receiving  
22 an application for financial assistance or credit for the acquisition,  
23 construction, rehabilitation, repair or maintenance of a housing  
24 accommodation or other property or services, or the acquisition or  
25 improvement of unimproved property, or upon receiving an application  
26 for any sort of loan of money, to permit one of its officials or  
27 employees during the execution of the official's or the employee's  
28 [HIS] duties

29 (1) to discriminate against the applicant because of sex,

1       physical or mental disability, marital status, changes in marital  
2 status, pregnancy, parenthood, race, religion, color or national  
3 origin in a term, condition or privilege relating to the obtainment or  
4 use of the institution's financial assistance or credit, except to the  
5 extent of a federal statute or regulation applicable to a transaction  
6 of the same character;

7               (2) to make or cause to be made a written or oral inquiry  
8 or record of the sex, physical or mental disability, marital status,  
9 changes in marital status, pregnancy, parenthood, race, religion,  
10 color or national origin of a person seeking the institution's finan-  
11 cial assistance or credit, unless the inquiry is for the purpose of  
12 ascertaining the creditor's rights and remedies applicable to the  
13 particular extension of credit and is not made or used in order to  
14 discriminate in a determination of creditworthiness;

15               (3) to refuse to extend credit, issue a credit card or make  
16 a loan to a married person, who is otherwise creditworthy, if so  
17 requested by the person;

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

22 \* Sec. 12. 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. 13. AS 18.80.300(13) is repealed.

# MEMORANDUM

# State of Alaska

TO: Jim Duncan  
Representative

DATE: February 12, 1985

FILE NO:

TELEPHONE NO: (907) 465-2814

FROM: F. Pat Young *3/*  
Deputy Director  
Vocational Rehabilitation

SUBJECT: House Bill 172

In addition to the comments made previously concerning House Bill 172, we are sending a copy of the Congressional Record of January 31, 1985. The subject is the right of mentally retarded persons to live in the community. As in the Clayborne case in Texas, many Alaskan communities including Juneau have zoning ordinances which create problems of group homes for the developmentally disabled. I am mentioning this because your bill particularly addresses physically handicapped in terms of rental or purchase of property but it does not address the developmentally disabled or the mentally retarded. This is a whole other area of concern to us and I am sure that other individuals are concerned about it also.

Good Luck with House Bill 172.

RECEIVED  
FEB 14 1985

## Senate

### RESOLUTION BY THE PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

● Mr. WEICKER. Mr. President, I would like to call the attention of my colleagues to an important resolution recently adopted unanimously by the President's Committee on Mental Retardation [PCMR]. This resolution reaffirms the fundamental right of mentally retarded persons to live in the community.

The Supreme Court will shortly consider the Cleburne case where a local zoning ordinance has excluded mentally retarded persons from living in the community, unless a special zoning permit is issued. The Fifth Circuit Court of Appeals has correctly upheld the right of mentally retarded persons to reside in the community. It is incumbent upon the Supreme Court to do the same.

While I commend PCMR for demonstrating the courage of their convictions in working toward securing and maintaining the inalienable rights of mentally retarded persons, I am once again disheartened by the action taken by the U.S. Department of Justice. Rather than leading the march for the rights of America's handicapped citizens, it has positioned itself as an obstacle in that march. By filing an amicus brief supporting the reversal of the court of appeals decision, the Department of Justice has placed one more hurdle in the road to independence for America's retarded citizens.

I urge my colleagues to carefully review the President's Committee on Mental Retardation resolution, and I ask that this resolution be printed in today's RECORD at the conclusion of these remarks.

The resolution follows:

#### PCMR RESOLUTION CONCERNING THE CLEBURNE CASE

Whereas mentally retarded persons have historically been subjected to State imposed exclusion from education, employment and housing and denied the opportunity to participate fully in American community life; and

Whereas systematic State imposed exclusion and hostile differential treatment continues to prevent mentally retarded persons from full enjoyment of the rights and opportunities guaranteed to other citizens such as the right to associate actively within the social and economic fabric of families, neighborhoods, and communities, unrestrained by prejudice or stereotype; and

Whereas the zoning ordinance passed by the City of Cleburne, Texas, in 1947, excluding except by special use permit from apartment districts and other areas of the city where congregated living is permitted, "feeble minded" persons, is an integral part of this type of systematic State exclusion of and hostile treatment towards mentally retarded citizens; and

Whereas the President's Committee on Mental Retardation has consistently supported all efforts to combat and overcome the effects of State imposed exclusion and hostility toward mentally retarded Americans and to establish the right of mentally retarded persons to choose their living arrangements; and

Whereas Group Homes currently are the principal community living alternatives for persons who are mentally retarded and the availability of such a home in communities is an essential ingredient of normal living patterns for mentally retarded persons; and

Whereas the President's Committee on Mental Retardation has long recognized that mentally retarded citizens lack sufficient political power to effectively access or use the political and legislative process to assert and to protect their basic rights; and

Whereas the President's Committee on Mental Retardation has vigorously supported both legislative and judicial action to ensure Equal Protection under the laws of state and localities; and

Whereas the Fifth Circuit Court of Appeals has struck down the Cleburne Ordinance as contrary to the Equal Protection guarantees of the Fourteenth Amendment of the U.S. Constitution; and

Whereas the Supreme Court of the United States now has before it a challenge to the validity of this zoning ordinance under the Equal Protection Clause;

Now therefore be it resolved that: The President's Committee on Mental Retardation express its view that the application of the Cleburne Ordinance to Americans with Mental Retardation represents a type of unlawful invidious discrimination existing across the Nation which is barred by the U.S. Constitution.●



# THE ALASKA ALLIANCE FOR THE MENTALLY ILL

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

April 24, 1985

MEMBERS OF THE ALASKA HOUSE  
OF REPRESENTATIVES

Juneau, Alaska

Before you on Thursday is a bill to assure the civil rights of handicapped persons. The Alaska State Alliance for the Mentally Ill urges you to act favorably on CSSHB 172. This bill is modeled after federal law.

Persons who are or who have been mentally ill have frequently been discriminated against in employment and housing. It is our major concern that society begin to understand the nature of mental illness and remove the stigma associated with it.

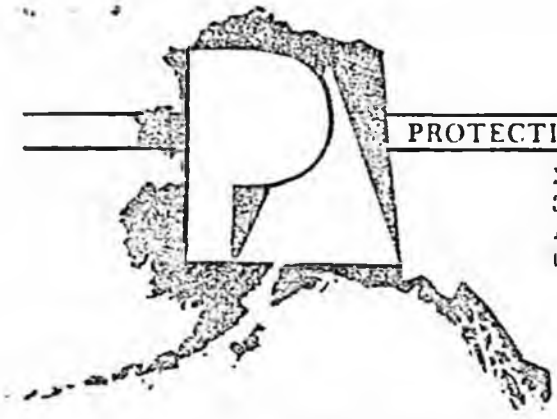
Some facts which will help to understand why persons who are mentally ill or who have been should not be discriminated against are:

- Schizophrenia accounts for over 60% of mental illness and 25% of persons who become ill with this condition recover after one episode.
- 90% of those with schizophrenia can be treated with medication which has a profound effect in controlling symptoms
- Manic Depression accounts for about 12% of mental illness and 95% of persons suffering from this condition can take lithium which eliminates all symptoms

Certainly there are laws in existence which allows action when behavior is disruptive and inappropriate, but the behavior must be seperated from the illness for those unfortunate persons in our society who must deal with this situation most of their life.

Sincerely,

Sharron Lohaugh



PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED

MAIN OFFICE  
325 East 3rd, 2nd Floor  
Anchorage, AK 99501  
(907) 274-3633

SOUTHEAST  
REGIONAL OFFICE  
127 S. Franklin, Suite 2  
Juneau, AK 99801  
(907) 586-1627

NORTHERN  
REGIONAL OFFICE  
763 7th Ave.  
Fairbanks, AK 99701  
(907) 456-1070

PROPOSED LEGISLATION WITH GUARANTEE RIGHTS OF THE DISABLED

Senator Patrick Rodey (D. Anch.) will be submitting to the 1985 Alaska Legislature a bill which will very favorably affect the rights of disabled persons in Alaska. The bill will address two important areas: 1) assuring the rights of disabled persons to sit on juries; 2) extending to disabled persons the general civil rights which are enforced by the Alaska Human Rights Commission.

JURIES

Under present Alaska law, a person may not serve as a juror if they are not in possession of their "natural faculties". This has been interpreted to disqualify deaf, blind, and mobility impaired persons from jury services. The injustice of this provision was recently brought to the public's attention when jury service was denied to Mr. Al Berke. Berke is deaf and is the Executive Director of the Alaska Association for the Deaf. Had the court provided Berke with an interpreter, he would have been perfectly capable of serving as a juror.

Senator Rodey's bill would prevent similar discrimination by changing the definition of what is a qualified juror. The bill states that deafness, blindness, or mobility impairment do not alone disqualify a person from jury service. The bill further requires the court system to pay for an interpreter to enable a deaf person to act as a juror.

Similar laws prohibiting discrimination against disabled jurors are in effect in a number of states including California, Colorado, Oklahoma, Washington, and Texas.

HUMAN RIGHTS COMMISSION

The Alaska Human Rights Commission was created by the legislature to eliminate and prevent discrimination against all Alaskans on the basis of their race, religion, color, national origin, age, sex, marital status, change in marital status, and pregnancy or parenthood. The Human Rights Commission is charged with eliminating and preventing discrimination in employment, credit and financing practices, places of public accommodations, and the sale, lease or rental of real property.

In recent years, disabled persons and their advocates have felt the need for similar protection. Senator Rodey's bill affirmatively states that discrimination based on disability is contrary to the general welfare of

the state and its inhabitants. Senator Rodey's bill adds "disability" to the list of other classes, such as race and religion, and prohibits discrimination against the disabled.

The bill's definition of a "person with a disability" closely tracks the Federal Department of Health & Human Service's Non-Discrimination on the Basis of Handicapped Regulations which were promulgated pursuant to Section 504 of the Rehabilitation Act of 1973. This is intended to tie into the large body of federal case law that has addressed the issue.

In addition, the bill makes it an affirmative obligation on the part of a state or local government to provide and pay the cost of an interpreter when a deaf person seeks access to local or state funds, services, goods, facilities, advantages or privileges.

The extension of basic civil rights to disabled persons will enhance their ability to more meaningfully participate in all aspects of our society and thereby enrich the lives of every citizen of our state. We at P.A.D.D. sincerely hope that the unified front on the part of all concerned will help bring about the passage of this very important piece of legislation. For more information on how you can assist in this process, contact Al Berke at the Alaska Association for the Deaf, 563-4713, or David Maltman or Jon Katcher at P.A.D.D.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: CSHB 172  
 Title: An Act Relating to Rights of Deaf, Blind, and Disabled  
 Sponsor: Duncan/Collins/Gruenberg  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Alaska Court System  
 Program Category Affected: Due Process  
 RU, Program or Subprogram(s) Affected: Trial Courts

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL		4.1	4.3	4.6	4.9	5.2
300 CONTRACTUAL		9.9	10.5	11.1	11.8	12.5
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES		212.3				
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>226.3</b>	<b>14.8</b>	<b>15.7</b>	<b>16.7</b>	<b>17.7</b>

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	226.3	14.8	15.7	16.7	17.7
FEDERAL FUNDS					
OTHER					
<b>TOTAL</b>	<b>226.3</b>	<b>14.8</b>	<b>15.7</b>	<b>16.7</b>	<b>17.7</b>

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert G. Fisher  
 Division: Alaska Court System

Phone: 264-0561  
 Date: 3/20/85

Approved by Commissioner: [Signature]  
 Agency: Alaska Court System

Date: 3/20/85

Distribution (by Agency preparing fiscal note):

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

7/1/84

ALASKA COURT SYSTEM  
CSHB 172 - RIGHTS OF DEAF, BLIND, AND DISABLED PERSONS  
FISCAL IMPACT

This legislation allows deaf, blind, and disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. This legislation will impact the Court's travel, contractual, and leasehold improvements budget categories.

Historically, seven percent of all eligible persons are selected for jury service, which typically averages one and one-half days in length. The Division of Vocational Rehabilitation has estimated that 250 deaf persons would be eligible for jury duty. Based on past experience, approximately 17 deaf individuals could be called for service in a year. Each deaf juror would require an interpreter for all activities in the court. Interpreter fees are calculated to cost \$9,900 per year. Depending upon availability, interpreters may have to travel to the court locations around the state. This travel is estimated to cost \$4,100.

Providing access to court facilities and restrooms for disabled individuals will require remodeling of certain courts. The remodeling will provide barrier-free access routes to court buildings, expansion of jury boxes, and enlarged toilet facilities for individuals in wheelchairs. For those locations where remodeling is feasible, the cost is estimated at \$212,300. In a few locations, such as Nome, modifications cannot be made, except at a substantial cost. Many urban courts are already equipped to handle disabled persons.

Cost estimates for subsequent fiscal years reflect inflation at the rate of six percent.

COMMITTEE REPORT

HOUSE

5/7

(11)

5/3/85

FURTHER:

Rules

Date:

5-7-85

The Committee on FINANCE has had HB 393  
"An Act relating to <sup>the</sup>rights of physically and mentally disabled persons."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 393 (Jud)  same title  
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached  
5-1-85
- referred to the \_\_\_\_\_ *Some previous*  
Committee

MEMBERS SIGNING  
DO PASS

Arthur P. Coker

[Signature]

Michael J. [Signature]

[Signature]

[Signature]

Donald J. [Signature]

Pat [Signature]

Jan [Signature]

[Signature]

[Signature]

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Arthur P. Coker  
CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Page 1 of 2

Revision Date: 5/1/85

<p><u>REQUEST</u>                  Bill/Resolution No.: <u>HB 393</u>                  Title: <u>An Act Relating To Rights of Deaf, Blind, Disabled Persons</u>                  Sponsor: <u>House Judiciary</u>                  Requestor: _____                  Date of Request: <u>5/1/85</u></p>	<p><u>FISCAL DETAIL</u>                  Agency Affected: <u>ALASKA COURT SYSTEM</u>                  Program Category Affected: _____                  Due Process                  BRU, Program or Subprogram(s) Affected: <u>Trial Courts</u></p>
--	--

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

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL		4.1	4.3	4.6	4.9	5.2
300 CONTRACTUAL		9.9	10.5	11.1	11.8	12.5
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
900 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>14.0</b>	<b>14.8</b>	<b>15.7</b>	<b>16.7</b>	<b>17.7</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		14.0	14.8	15.7	16.7	17.7
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>14.0</b>	<b>14.8</b>	<b>15.7</b>	<b>16.7</b>	<b>17.7</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared By: Robert G. Fisher  
 Division: Fiscal Officer

Phone: 264-0561  
 Date: 5/1/85

Approved by Commissioner: [Signature]  
 Agency: ALASKA COURT SYSTEM

Date: 5/1/85

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

7/1/84

ALASKA COURT SYSTEM  
HB 393 - RIGHTS OF DEAF, BLIND, AND DISABLED PERSONS  
FISCAL IMPACT

Page 2 of 2

This legislation allows deaf, blind, and disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. This legislation will impact the Court's travel, contractual, and leasehold improvements budget categories.

Historically, seven percent of all eligible persons are selected for jury service, which typically averages one and one-half days in length. The Division of Vocational Rehabilitation has estimated that 250 deaf persons would be eligible for jury duty. Based on past experience, approximately 17 deaf individuals could be called for service in a year. Each deaf juror would require an interpreter for all activities in the court. Interpreter fees are calculated to cost \$9,900 per year. Depending upon availability, interpreters may have to travel to the court locations around the state. This travel is estimated to cost \$4,100.

Cost estimates for subsequent fiscal years reflect inflation at the rate of six percent.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: HB 393

Title: "An Act relating to the rights of physically and mentally disabled Person" (and Developmental Disabilities

Sponsor: Judiciary Committee

Requestor: \_\_\_\_\_

Date of Request: 4-30-85

FISCAL DETAIL

Department of Health

Agency Affected: and Social Services

Program Category Affected: Division of Mental Health and Developmental Disabilities

BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

Central Office Division of Mental Health and Developmental Disabilities

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

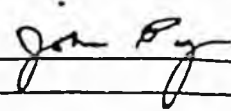
POSITIONS:

FULL-TIME						
PART-TIME none						
TEMPORARY required						

ANALYSIS: Attach a separate page if necessary

Prepared By: Mel Henry, Ph.D., M.P.A.  Phone: 465-3370

Division: Mental Health and Developmental Disabilities Date: 4-30-85

Approved by Commissioner:  Date: 5-1-85

Agency: \_\_\_\_\_ *JCC*

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget



Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE  
General Counsel

303 K Street  
Anchorage, AK 99501

April 10, 1985

Representative Max Gruenberg  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Representative Gruenberg:

You asked if the court system could provide a more complete breakdown of the estimated expense for interpreters for deaf jurors.

I have attached a cost projection sheet which is based upon the chances of a deaf juror being called for service at a given court location. Bob Fisher, Fiscal Officer, can answer any questions about these figures (264-0561).

I hope this information is helpful.

Sincerely,

Karla L. Forsythe  
General Counsel

KLF:smh

cc: Arthur H. Snowden, II  
Senator Pat Rodey  
Bob Fisher

TRIAL LENGTH DAYS 2.54 \*One day is added to trial length for travel time for interpreter\*

# OF DEAF 250 \*Estimated number of jury eligible deaf persons\*  
 JURORS SERVED 28,235 \*Number of jurors in 1983\*  
 TOTAL JURORS 406,000 \*Estimated juror population\*  
 % SERVED 0.069544 \*Percent of persons called for jury service\*

INTERPRETER FEE/DAY 225 \*Interpreter fees at \$30 per hour per 7.5 hour day per Administrative Rule 6\*

\*\*\*\*\* INTERPRETER \*\*\*\*\*

LOCATION	# OF JURORS	TOTAL PAY	AVERAGE PAY	AVERAGE SERVICE	JUROR DISTR.	PER DIEM	AIRFARE COST	FEEES	TRIAL COST	TRAVEL	PROBABLE COSTS FEES	TOTAL
ANCHORAGE **	14,636	477,940.00	32.66	1.31	51.84%	0	0	572	572	0	5,155	5,155
ANIAK	42	612.50	14.58	0.58	0.15%	85	346	572	1,136	15	15	30
BARROW	884	66,637.50	75.38	3.02	3.13%	106	576	572	1,417	460	311	771
BETHEL	562	40,000.00	71.17	2.85	1.99%	106	268	572	1,109	186	198	384
CORDOVA	205	7,150.00	34.88	1.40	0.73%	80	130	572	905	42	73	115
CRAIG	6	87.50	14.58	0.58	0.02%	80	424	572	1,199	2	2	4
DELTA JUNC.	134	7,300.00	54.48	2.18	0.47%	80	140	572	915	28	47	75
DILLINGHAM	283	9,987.50	35.29	1.41	1.00%	85	198	572	986	72	99	171
FAIRBANKS	5,327	209,750.00	39.37	1.57	18.87%	90	222	572	1,023	1,478	1,877	3,355
FT. YUKON	150	7,037.50	46.92	1.88	0.53%	90	372	572	1,173	55	53	108
GALENA	33	825.00	25.00	1.00	0.12%	90	307	572	1,108	11	12	23
GLENNALLEN	26	412.50	15.87	0.63	0.09%	80	100	572	875	5	9	14
HAINES	14	362.50	25.89	1.04	0.05%	80	366	572	1,141	5	5	10
HEALY	36	600.00	16.67	0.67	0.13%	90	125	572	926	8	13	21
HOMER	204	5,737.50	28.13	1.13	0.72%	80	115	572	890	40	72	112
HOONAH	15	262.50	17.50	0.70	0.05%	80	412	572	1,187	5	5	10
JUNEAU	527	30,775.00	58.40	2.34	1.87%	80	352	572	1,127	181	186	367
KAKE	15	250.00	16.67	0.67	0.05%	80	452	572	1,227	6	5	11
KENAI	830	42,512.50	51.22	2.05	2.94%	80	64	572	839	137	292	429
KETCHIKAN	558	28,150.00	50.45	2.02	1.98%	80	452	572	1,227	226	197	423
KOBUK	24	375.00	15.63	0.63	0.09%	90	604	572	1,405	13	9	22
KODIAK	697	33,162.50	47.58	1.90	2.47%	80	222	572	997	183	246	429
KOTZEBUE	478	21,287.50	44.53	1.78	1.69%	90	524	572	1,325	221	168	389
NAKNEK	30	437.50	14.58	0.58	0.11%	85	304	572	1,092	10	11	21
NENANA	167	5,462.50	32.71	1.31	0.59%	90	252	572	1,053	49	59	108
NOME	364	10,700.00	29.40	1.18	1.29%	90	426	572	1,227	147	128	275
NOORVIK	33	412.50	12.50	0.50	0.12%	90	604	572	1,405	17	12	29
PALMER	681	41,525.00	60.98	2.44	2.41%	80	25	572	800	96	240	336
PETERSBURG	144	4,912.50	34.11	1.36	0.51%	80	420	572	1,195	55	51	106
PT. HOPE	21	262.50	12.50	0.50	0.07%	90	604	572	1,405	10	7	17
SELAWIK	47	587.50	12.50	0.50	0.17%	90	604	572	1,405	25	17	42
SELDOVIA	30	600.00	20.00	0.80	0.11%	80	139	572	914	7	11	18
SEWARD	121	2,187.50	18.08	0.72	0.43%	80	69	572	844	20	43	63
SITKA	282	13,350.00	47.34	1.89	1.00%	80	352	572	1,127	97	99	196
SKAGWAY	18	675.00	37.50	1.50	0.06%	80	492	572	1,267	7	6	13
TOK	181	4,850.00	26.80	1.07	0.64%	80	175	572	950	42	64	106
UNALAKLEET	29	675.00	23.28	0.93	0.10%	85	294	572	1,082	9	10	19
UNALASKA	140	3,625.00	25.89	1.04	0.50%	85	594	572	1,382	70	50	120
VALDEZ	101	3,800.00	37.62	1.50	0.36%	80	148	572	923	22	36	58
WRANGELL	119	4,000.00	33.61	1.34	0.42%	80	420	572	1,195	46	42	88
YAKUTAT	41	987.50	24.09	0.96	0.15%	80	300	572	1,075	13	15	28
<b>TOTAL</b>	<b>28,235</b>	<b>1,090,265.00</b>	<b>38.61</b>	<b>1.54</b>	<b>100.02%</b>					<b>4,121</b>	<b>9,950</b>	<b>14,071</b>

POSITION PAPER

CS HB 172

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

EFFECT OF CS HB 172:

A.S. 18.06 entitles a physically or mentally disabled person full and equal accommodations, advantages, facilities and privileges on all common carriers, airplanes, motor vehicles, trains, buses, street cars, boats or other public conveyance, hotels lodging, places of public accommodations, amusement, or resort and other places to which the general public is invited.

A.S. 18.06 also establishes physically or mentally disabled persons have the right to be accompanied by service animals in the above locations and describes rights of physically and mentally disabled persons (and their service animals) as pedestrians.

- Under A.S. 18.80, all areas of the Human Right Law would be expanded to provide equal protection to "physically and mentally disabled persons" as defined.

RECOMMENDATION:

The Department of Health and Social Services supports passage of CS HB 172.

Recommended by: Thomas R. Braxton for  
Mel Henry, Ph.D., M.P.A.

Date: 4-23-85

Approved by: John Pugh  
John Pugh, Commissioner

Date: 4-25-85

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**

Bill/Resolution No.: CS HB 172

Title: "An Act relating to the rights of physically & mentally disabled persons"

Sponsor: Ducan

Requestor: \_\_\_\_\_

Date of Request: 4-18-85

**FISCAL DETAIL**

Department of Health

Agency Affected: and Social Services

Program Category Affected: Division of Mental Health and Developmental Disabilities

BRU, Program or Subprogram(s) Affected:

Community Developmental Disabilities

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

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

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

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

*John R. Henry*

Prepared By: Mel Henry, Ph.D., M.A.

Phone: 465-3370

Division: Mental Health and Developmental Disabilities

Date: 4-23-85

Approved by Commissioner: *John R. Henry*

Date: 4-25-85 JCC

Agency: Health & Social Services

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: March 20, 1985

REQUEST

Bill/Resolution No CSHB 172 (HESS)  
Title: Rights of physically and  
mentally disabled persons  
Sponsor: Duncan  
Requestor: House HESS  
Date of Request: March 20, 1985

FISCAL DETAIL

Agency Affected: Court System  
Program Category Affected: \_\_\_\_\_  
BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		2.700	2.835	2.970	3.100	
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		2.700	2.835	2.970	3.100	

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND		2.700	2.835	2.970	3.100	
FEDERAL FUNDS						
OTHER						
TOTAL		2.700	2.835	2.970	3.100	

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The funds are to provide interpreters for the deaf to the court system so that these people can serve on juries. There are 450 deaf adults in Alaska who use sign language, the assumption being that 300 are physically capable of serving, and 5% of those might serve in any given year. The cost is \$20.00/hour for interpreter fees figured on a 9 hour per juror factor and a 5% increase per year in the number of deaf jurors.

Prepared By: Representative Max Gruenberg Phone: 465-4986  
Division: House of Representatives Date: 3/20/85

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

Distribution (by Agency preparing fiscal note):

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

7/1/84

DUNCAN /

CSHB 172 (JUD)

CSHB 172 (JUD) provides protection for the rights of the blind, deaf and otherwise physically and mentally disabled to the safe and equal use of public streets, sidewalks, transportation and public accommodations. In exercising these rights, the disabled person's use of a service animal would also be protected.

This bill also places enforcement of discrimination based on physical or mental disability within the authority of the Human Rights Commission.

It will protect the disabled from discrimination in purchase, rental or lease of housing; employment, and financing.

This bill is supported by organizations for the deaf, blind, physically and mentally disabled and the Governor's Council on the Handicapped and Gifted. I urge you to vote yes on this long overdue Legislation.

## State

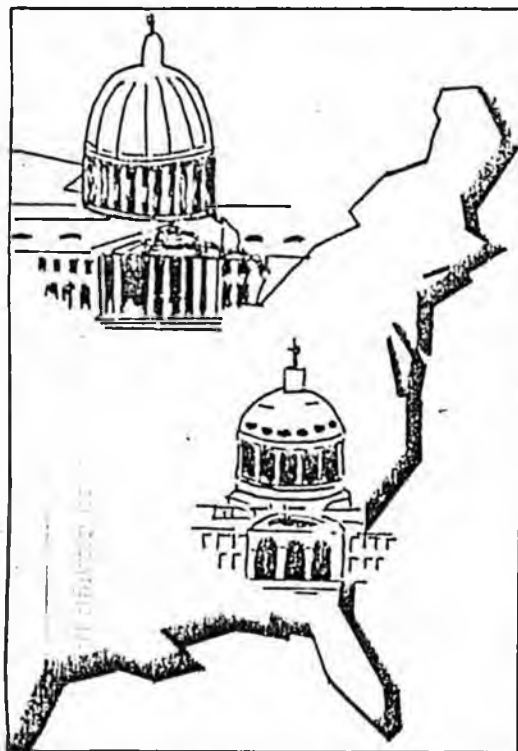
Bill (1983) Mass. or Dakota, and Bill authorizes purchase and in for their aided feeding where a meeting that the Bill sets strict provisions in a) Dogs and the for Businesses. (those who

192) which the state bers whose can 2007, of the the TDDs. equan of ot health and verion's of the possession

Using a State of Impaired

ould make the Deafness of Health Code ch is now before ating to those ie Senate bill that would

the House and or, will



## State Interpreter Chart

The NCLD has developed a chart summarizing state interpreter laws. This chart is not intended to be comprehensive, and those in need of specific information should check their state citations.

In a criminal situation, where the state law authorizes the provision of an interpreter, the state will pay for it. The same can be said for administrative proceedings. Where an interpreter is provided, the appointing authority will be responsible for the payment.

STATE	SCOPE					CIVIL COURT PAYMENT	CITATIONS
	CRIMINAL	CIVIL	ADMINISTRATIVE	COURT PAYS	TAXID AS COSTS		
ALABAMA	X	X	X				Ala. Code §12 21 131, Ala. Rules of Civil Proc. 43 (1978)
ALASKA						X	Alaska Administrative Rules 6 (1981)
ARIZONA	X	X	X	X			Ariz. Rev. Stat. Ann. §§11 601, 12 241, 12 242, 36 1946 Ariz. Rules for Criminal Proceedings, 12 5 (1982)
ARKANSAS	X	X	X	X			Ark. Stat. Ann. §§ 175, 5 175 1, 27 835, 43 2101 1, 22 148 to 154 (1981)
CALIFORNIA	X	X	X	X			Cal. Evid. Code §§750 54 (West) Cal. Gov't Code §§68500 68564 (West 1978)
COLORADO	X		X				Colo. Rev. Stat. §§13 90 113 13 90 114, 13 90 201 205 (1978)
CONNECTICUT	X	X	X				Conn. Gen. Stat. Ann. §§17 137(k) thru (p), 1 25 (West 1983)
DELAWARE	X	X			X		Del. Code Ann. tit. 10 §8907 (1976)
DISTRICT OF COLUMBIA			X				D.C. Code Ann. §1 1509, §1 1511 (1982)
FLORIDA	X	X	X			X	Fla. Stat. Ann. §§90 606, 905 15, 90 6063, 901 245 (West 1981)
GEORGIA	X	X	X	X			Ga. Code Ann. §§24 9 100 thru 108, 24 1 5 (1983)
HAWAII	X	X	X				Hawaii Rev. Stat. §60 9 (1979)
IDAHO	X	X		X			Idaho Code §§ 9 205, 19 1111, 9 1603 (1975)
ILLINOIS	X	X		X			Ill. Ann. Stat. ch. 28 §§165 11 thru 13, 51§47, 51§48 01 Ill. Code Civ. Proc. ch. 110 §8 1402 (1982)
INDIANA	X	X	X				Ind. Code Ann. §4 22 1 22 5, 34 1 14 3 (Burns 1972) Ind. R. Tr. P. 43(i)
IOWA	X	X	X				Iowa Code Ann. §§622A 1, §622B 1, §622B appendix (West 1980)
KANSAS	X	X	X		X		Kan. Stat. Ann. §§60 243, 60 243(c) 75 4351 4355, 60 417 (1972)
KENTUCKY	X	X	X				Ky. Rev. Stat. §§30A 400 to 435 (L. 1979)
LOUISIANA	X	X	X		X		La. Rev. Stat. Ann. 15 §270, 49§181, 46 2361 to 46 2372, La. Code Crim. Proc. Ann. art. 433, 441, La. Code Civ. Proc. Ann. art. 192 1 (West 1982)
MAINE	X	X	X				Me. Rev. Stat. Ann. tit. 5§48, Rules of Civ. Proc. §43(L), Rules of Crim. Proc. §6(D), §28 (1979)
MARYLAND	X	X	X			X	Md. Cts. & Jud. Proc. §9 114; Md. Ann. Code art. 27§623A, art. 30 §1, art. 30 §2A (1979)
MASSACHUSETTS	X	X	X	X			Mass. Gen. Laws Ann. ch. 221 §92 to 92A, ch. 234A §69 (West 1983)
MICHIGAN	X						Mich. Comp. Laws Ann. §391 501 509 (West 1982)
MINNESOTA	X	X	X	X			Minn. Stat. Ann. §§546 42 544, 611 30 611 34, 15 44, 204C 15 (West 1981)
MISSISSIPPI	X	X	X		X		Miss. Code Ann. §§13 1 16, 99 17 7, 11 7 153 (1972)
MISSOURI	X	X					Mo. Ann. Stat. §§476 060, 490 630, 491 300, 510 150, 546 025 (Vernon 1965)
MONTANA	X	X	X	X			Mont. Code Ann. §§49 4 501 to 49 4 511, 25 404, 25 413, 93 514, ch. 245 §§1 14 Mont. R. Civ. Pr. Rule 43 (i) (1979)
NEBRASKA	X	X	X	X			Neb. Rev. Stat. §§25 2401 to 2406 (1974)
NEVADA	X	X			X		Nev. Rev. Stat. §§50 045, 50 050, 171 15 15 to 171 15 38 (1979) Rules of Cr.

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

SUBJECT: SCS CSHB 172 (Jud) (5/9/85 draft)

TO: Sen. Pat Rodey  
Chairman, Senate Judiciary Committee

FROM: Ed Hein, LAA

Attached is a corrected version of the draft CS you requested merging HB 393 with CSHB 172 (Jud). The 5/8/85 draft inadvertently included two bill sections amending AS 18.06.040. I have deleted sec. 4 of the earlier draft and renumbered the bill sections accordingly. Sec. 4 of the new draft is the version that appears in HB 393. I apologize for any confusion or inconvenience this may have caused. Note also that Mike Ford of our office has written the sectional analysis because he worked on HB 172 until this CS. You may direct future questions and requests concerning the bill to me.

EJA

Hein  
5/9/85 ✓

Original sponsors: Duncan, Collins  
and Gruenberg

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 172 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the rights of physically and  
7 mentally disabled persons."

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

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

10 (b) A person is not disqualified to act as a juror solely be-  
11 cause of the loss of hearing or sight in any degree or a disability  
12 that substantially impairs or interferes with the person's mobility.

13 (c) The court shall provide, and pay the cost of services of, an  
14 interpreter or reader when necessary to enable a person with impaired  
15 hearing or sight to act as a juror.

16 \* Sec. 2. AS 18.06.020 is amended to read:

17 Sec. 18.06.020. RIGHTS. (a) The [BLIND, THE VISUALLY HANDI-  
18 CAPPED, AND THE OTHERWISE] physically or mentally disabled have the  
19 same right as the able-bodied to the full and free pedestrian use of  
20 the streets, highways, sidewalks, walkways, public buildings, public  
21 facilities, and other public places.

22 (b) The [BLIND, THE VISUALLY HANDICAPPED, AND THE OTHERWISE]  
23 physically or mentally disabled are entitled to full and equal accom-  
24 modations advantages, facilities, and privileges of all common  
25 carriers, airplanes, motor vehicles, railroad trains, motor buses,  
26 street cars, boats or any other public conveyances or modes of trans-  
27 portation, hotels, lodging places, places of public accommodation,  
28 amusement or resort, and other places to which the general public is  
29 invited, subject only to the conditions and limitations established by

1 law and applicable alike to all persons.

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

11 \* Sec. 3. AS 18.06.030 is amended to read:

12 Sec. 18.06.030. RIGHTS AS PEDESTRIANS. The driver of a motor  
13 vehicle approaching a physically or mentally disabled [TOTALLY OR  
14 PARTIALLY BLIND] pedestrian who is carrying a cane predominantly white  
15 or metallic in color, with or without a red tip, using special equip-  
16 ment for mobility, or using a service animal [GUIDE DOG] shall take  
17 all necessary precautions to avoid injury to the pedestrian, and a  
18 driver who fails to take all necessary precautions and causes injury  
19 to the pedestrian is liable in damages for the injury caused. A  
20 physically or mentally disabled [TOTALLY BLIND OR PARTIALLY BLIND]  
21 pedestrian not carrying a cane as described in this section or using a  
22 service animal [GUIDE DOG] in any of the places, accommodations or  
23 conveyances set out under AS 18.06.020 has all of the rights and  
24 privileges conferred by law upon other persons, and the failure of a  
25 physically or mentally disabled [TOTALLY OR PARTIALLY BLIND] pedestri-  
26 an to carry a cane as described in this section or to use a service  
27 animal [GUIDE DOG] is not by itself evidence of [CONTRIBUTORY] negli-  
28 gence.

29 \* Sec. 4. AS 18.06.040 is amended to read:

1           Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS].  
2 Enforcement of this chapter shall be by the state Human Rights Commis-  
3 sion under AS 18.80.010 - 18.80.145. A person who denies or inter-  
4 feres with admittance to or enjoyment of the public facilities set out  
5 in AS 18.06.020 or otherwise interferes with the rights of a physical-  
6 ly or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE] disabled  
7 person is guilty of a misdemeanor and upon conviction is punishable by  
8 a fine of not more than \$1,000, or by imprisonment for not more than  
9 60 days, or by both.

10 \* Sec. 5. AS 18.06.050 is amended to read:

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

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

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

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

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

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

25                   (4) accept complaints under AS 18.80.100;

26                   (5) study the problems of discrimination in all or specific  
27 fields of human relationships, and foster through community effort or  
28 goodwill, cooperation and conciliation among the groups and elements  
29 of the population of the state, and publish results of investigations

1 and research as in its judgment will tend to eliminate discrimination  
2 because of race, religion, color, national ancestry, physical or  
3 mental disability [HANDICAP], age, sex, marital status, changes in  
4 marital status, pregnancy or parenthood;

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

9 (7) enforce AS 18.06.

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

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

20 (b) Therefore, it is the policy of the state and the purpose of  
21 this chapter to eliminate and prevent discrimination in employment, in  
22 credit and financing practices, in places of public accommodation, in  
23 the sale, lease, or rental of real property because of race, religion,  
24 color, national origin, sex, age, physical or mental disability,  
25 marital status, changes in marital status, pregnancy or parenthood.  
26 It is not the purpose of this chapter to supersede laws pertaining to  
27 child labor, the age of majority or other age restrictions or require-  
28 ments.

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

1           Sec. 18.80.210.    CIVIL RIGHTS.    The opportunity to obtain em-  
2           ployment, credit and financing, public accommodations, housing accom-  
3           modations and other property without discrimination because of sex,  
4           physical or mental disability, marital status, changes in marital  
5           status, pregnancy, parenthood, race, religion, color or national  
6           origin is a civil right.

7           \* Sec. 9.   AS 18.80.220(a) is amended to read:  
8

9           (a)   It is unlawful for

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

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

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

1 as to sex, physical or mental disability, marital status, changes in  
2 marital status, pregnancy, parenthood, age, race, creed, color or  
3 national origin, or an intent to make the limitation, unless based  
4 upon a bona fide occupational qualification;

5 (4) an employer, labor organization or employment agency to  
6 discharge, expel or otherwise discriminate against a person because  
7 the person [HE] has opposed any practices forbidden under AS 18.80.-  
8 200 - 18.80.280 or because the person [HE] has filed a complaint,  
9 testified or assisted in a proceeding under this chapter;

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

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

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

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

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

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origin;

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

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

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

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

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

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

(2) to discriminate against a person because of sex, marital status, changes in marital status, pregnancy, race, religion, physical or mental disability, color or national origin in a term, condition or privilege relating to the use, sale, lease or rental of

1 real property; however, nothing in this paragraph prohibits the sale,  
2 lease or rental of classes of real property commonly known as housing  
3 for "singles" or "married couples" only;

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

8 (4) to offer, solicit, accept, use or retain a listing of  
9 real property with the understanding that a person may be discrimin-  
10 ated against in a real estate transaction or in the furnishing of  
11 facilities or sources in connection therewith because of a person's  
12 sex, marital status, changes in marital status, pregnancy, race, religion,  
13 physical or mental disability, color, national origin or 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 a person to inspect real property because of  
17 the race, religion, physical or mental disability, color, national  
18 origin, age, sex, marital status, change in marital status or preg-  
19 nancy 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 [HIS] 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, who is otherwise creditworthy, if so  
25 requested by the person;

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

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

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

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

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

19           (3) to refuse or deny to a person any local, state, or  
20 federal funds, services, goods, facilities, advantages or privileges  
21 because of physical or mental disability; however, this paragraph may  
22 not be construed to require alteration or remodeling of buildings or  
23 facilities owned or operated by the state or its political subdi-  
24 visions to any extent not required by other law.

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

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

29           (16) "physical or mental disability" means

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

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

6 (C) having

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

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

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

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

19 (17) "physical or mental impairment" means

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

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

29 \* Sec. 15. AS 18.80.300(13) is repealed.

#

STATE OF ALASKA  
THE LEGISLATURE

FOUCHY STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 9, 1985

SUBJECT: SCS CSHB 172 (Jud) Sectional Analysis

TO: Senator Pat Rodey, Chair  
Senate Judiciary Committee

FROM: Michael F. Ford *M.F.*  
Legislative Counsel

The following is a section by section analysis of SCS CSHB 172 (Jud):

Section 1 - Provides that persons with sight, hearing, or mobility impairment cannot be disqualified as jurors. Also requires the court system to provide an interpreter or reader for persons with hearing or sight impairment.

Section 2 - Replaces the phrase "blind, visually handicapped and otherwise disabled", with a broader term "physically and mentally disabled", which is defined in section 14. Also substitutes the term "service animal" in place of "guide dog", and requires that the animal be certified as able to function in a public setting.

Section 3 - Substitutes the term "physically and mentally disabled" for "totally or partially blind", and "service animal" for "guide dog". Deletes the reference to "contributory" negligence in conformity with existing negligence law.

Section 4 - Establishes that enforcement of these rights is through the state Human Rights Commission. Replaces the term "totally or partially blind or otherwise disabled" with "physically or mentally disabled".

Section 5 - References the definition in AS 18.80.300 for "physically or mentally disabled". Deletes the existing definition of "totally blind" or "partially blind".

Section 6 - Provides that the state Human Rights Commission has the duty to eliminate discrimination because of "physical or mental disability" and has the duty to enforce AS 18.06.

Section 7 - Includes "physical or mental disability" among those types of discrimination that are a matter of public concern and should be eliminated from the areas of employment, financing, and public accommodations.

Section 8 - Includes "physical or mental disability" among those things for which a person has a civil right to certain opportunities without discrimination.

Section 9 - Prohibits discrimination in employment matters as to those individuals with a "physical or mental disability".

Section 10 - Prohibits discrimination in places of public accommodation as to those individuals with a "physical or mental disability".

Section 11 - Prohibits discrimination in the sale or rental of real property to those individuals with a "physical or mental disability".

Section 12 - Prohibits discrimination in credit and financing matters against those with a "physical or mental disability".

Section 13 - Prohibits discrimination by the state or its political subdivisions in various matters because of a "physical or mental disability".

Section 14 - Definitions section.

Section 15 - Repeals the existing definition of "physical handicap".