

HOUSE BILL NO. 155

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES BROWN, Ellis, Koponen, Hudson, B.Davis

Introduced: 2/22/91

Referred: State Affairs, Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the remodeling of facilities to make them accessible by the physically
2 handicapped, aged, and infirm."

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

4 * Section 1. AS 35 is amended by adding a new chapter to read:

5 CHAPTER 50. BARRIER FREE REMODELING FUND.

6 Sec. 35.50.010. BARRIER FREE REMODELING FUND ESTABLISHED. (a) The
7 barrier free remodeling fund is established in the department. The fund consists of money
8 appropriated to it.

9 (b) The money in the fund shall be used to finance the remodeling of state agency,
10 municipal, school district, and private facilities open to or used by the general public in order to
11 make the facilities accessible by the physically handicapped, aged, and infirm.

12 Sec. 35.50.020. BARRIER FREE REMODELING ADVISORY COMMITTEE
13 ESTABLISHED. (a) There is established in the department the Barrier Free Remodeling
14 Advisory Committee composed of seven members appointed by the governor as follows:

1 (1) a representative of the Department of Education;
2 (2) an architect or an engineer registered under AS 08.48;
3 (3) a representative of local government;
4 (4) a member of the public from each judicial district of the state who is
5 physically handicapped, aged, or infirm, and whose handicap, age, or infirmity limits the person's
6 accessibility to facilities.

7 (b) The members serve staggered terms of three years.

8 (c) The members of the committee shall elect a member of the committee as chair.

9 (d) The board shall hold at least one meeting each year. The board may hold additional
10 meetings at the call of the chair or of a majority of the board members.

11 Sec. 35.50.030. COMMITTEE DUTIES. In addition to the other duties of the committee
12 under this chapter, the committee shall

13 (1) advise the department concerning the use and disposition of the money in the
14 fund; and

15 (2) establish by regulation the criteria for distributing the money in the fund.

16 Sec. 35.50.040. IDENTIFICATION OF POTENTIAL STATE AGENCY PROJECTS.

17 (a) Each year the department shall prepare a list of state agency facilities controlled by the
18 executive branch, except for the University of Alaska and the Alaska Railroad Corporation, that
19 are not accessible by the physically handicapped, aged, or infirm.

20 (b) The Legislative Affairs Agency may submit to the department for remodeling under
21 this chapter a list of state agency facilities controlled by the legislative branch that are not
22 accessible by the physically handicapped, aged, or infirm.

23 (c) The administrative director of the Alaska Court System may submit to the department
24 for remodeling under this chapter a list of state agency facilities controlled by the judicial branch
25 that are not accessible by the physically handicapped, aged, or infirm.

26 (d) The University of Alaska and the Alaska Railroad Corporation may submit to the
27 department for remodeling under this chapter a list of their facilities that are not accessible by
28 the physically handicapped, aged, or infirm.

29 (e) A list under this section shall be submitted to the department by July 1 of the year
30 preceding the fiscal year for which the grant is sought. The list must be in the form and supply
31 the information requested by the department, including a proposed budget for the remodeling costs.

1 Sec. 35.50.050. REMODELING GRANTS. (a) A municipality or school district may
2 apply to the department for a grant under this chapter to remodel a facility owned by the
3 municipality or school district to make the facility accessible by the physically handicapped,
4 aged, and infirm.

5 (b) A person other than a state agency, municipality, or school district may apply to the
6 department for a matching grant under this chapter to remodel a facility owned by the person and
7 open to or used by the public in order to make the facility accessible by the physically
8 handicapped, aged, and infirm.

9 (c) An application under this section shall be submitted to the department by July 1 of
10 the year preceding the fiscal year for which the grant is sought. The application must be in the
11 form and supply the information requested by the department, including a proposed budget for
12 the remodeling costs.

13 Sec. 35.50.060. REVIEW OF SUBMITTALS AND APPLICATIONS. (a) By July 15
14 of each year, the department shall submit to the committee the lists prepared under AS 35.50.040
15 and the applications received under AS 35.50.050.

16 (b) The committee shall review the lists and applications submitted under (a) of this
17 section and by October 1 of each year recommend to the commissioner

18 (1) the state agency facilities to be remodeled under this chapter during the
19 following fiscal year; and

20 (2) the grants to be awarded for remodeling under this chapter during the
21 following fiscal year.

22 (c) The commissioner shall review the recommendations of the committee made under
23 (b) of this section and by December 15 of each year make a final written determination of the
24 facilities whose remodeling costs are to be paid through grants or other disbursements from the
25 fund during the next fiscal year. The determination must include a budget for the remodeling
26 costs of each facility.

27 Sec. 35.50.070. AMOUNT OF REMODELING ASSISTANCE. (a) Remodeling
28 assistance approved under AS 35.50.060(c) for the facilities of state agencies, municipalities, and
29 school districts shall be for 100 percent of the total projected costs of the remodeling.

30 (b) Remodeling grants for persons not covered by (a) of this section may not exceed 50
31 percent of the total projected costs of the remodeling, and the grant shall be matched by an equal

1 amount contributed by the person.

2 Sec. 35.50.080. AWARD OF GRANTS. The department shall award the grants approved
3 under AS 35.50.060(c).

4 Sec. 35.50.090. REMODELING BY DEPARTMENT. Using the money from the fund
5 that has been budgeted for the remodeling of the facilities, the department shall remodel to
6 provide access for the physically handicapped, aged, and infirm

7 (1) the state agency facilities in the executive branch, except for the University
8 of Alaska and the Alaska Railroad Corporation, that are identified in the final determination made
9 by the commissioner under AS 35.50.060(c); and

10 (2) if requested by the Legislative Affairs Agency, the Alaska Court System, the
11 University of Alaska, or the Alaska Railroad Corporation, the state agency facilities controlled
12 by the requestor and identified in the final determination by the commissioner.

13 Sec. 35.50.100. REMODELING BY OTHER STATE AGENCIES. If the Legislative
14 Affairs Agency, Alaska Court System, the University of Alaska, or the Alaska Railroad
15 Corporation does not request the department to perform the remodeling, the department shall
16 disburse to the branch or agency from the fund the amount budgeted for the remodeling costs for
17 each facility of the branch or agency identified in the final determination of the commissioner
18 under AS 35.50.060(c), and the branch or agency shall perform the remodeling for the facility.

19 Sec. 35.50.110. REGULATIONS. The department shall adopt regulations under the
20 Administrative Procedure Act (AS 44.62) to implement this chapter.

21 Sec. 35.50.900. DEFINITIONS. In this chapter,

22 (1) "commissioner" means the commissioner of transportation and public facilities;

23 (2) "committee" means the Barrier Free Remodeling Advisory Committee
24 established under AS 35.50.020;

25 (3) "facility" means a facility whose construction was completed before January 1,
26 1991, and includes vessels operated by the Alaska marine highway system;

27 (4) "fund" means the barrier free remodeling fund established under
28 AS 35.50.010;

29 (5) "school district" means a regional educational attendance area or a municipal
30 school district;

31 (6) "state agency" means a state department or agency in the executive, legislative,

1 or judicial branch, and includes the University of Alaska and the Alaska Railroad Corporation;

2 (7) "state agency facility" means a facility owned by the state.

3 * Sec. 2. AS 35.50 is repealed July 1, 2000.