

**CS FOR HOUSE BILL NO. 155 (STATE AFFAIRS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION**

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 1/24/92

Referred: Health, Education & Social Services, Finance

Sponsor(s): REPRESENTATIVES BROWN, Ellis, Koponen, Hudson, B.Davis

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to facility and vehicle accessibility for persons with disabilities, the aged,
2 and the infirm, and to the governor's committee on the employment of people with
3 disabilities."

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

5 * **Section 1.** AS 23.15.220 is amended to read:

6 Sec. 23.15.220. **PURPOSE.** The purpose of AS 23.15.220 - 23.15.320 is to create a
7 governor's committee on employment of people with disabilities for Alaska to carry on a
8 continuing program to promote the employment of people of the state with disabilities by

9 (1) creating statewide interest in the rehabilitation and employment of people with
10 disabilities;

11 (2) [, AND BY] obtaining and maintaining cooperation with public and private
12 groups and individuals in this field; and

13 (3) eliminating physical barriers to facilities, including workplaces, that
14 hinder access and employment opportunities for persons with disabilities.

1 * Sec. 2. AS 23.15.230 is amended to read:

2 Sec. 23.15.230. COMPOSITION AND APPOINTMENT OF COMMITTEE. (a) The
3 governor's committee consists of not more than 12 members from throughout the state
4 appointed by the governor for staggered terms not exceeding three years. The committee shall
5 be composed of

6 (1) an architect;

7 (2) a representative of local government; and

8 (3) state leaders of industry, business, agriculture, labor, veterans, women,
9 religious, educational, civic, fraternal, welfare, scientific, military, medical, and other professions,
10 or as many of these and like categories as may be feasibly represented.

11 (b) At least four members of the committee must be persons with physical
12 disabilities.

13 (c) When the committee is performing the duties of the committee under AS 35.50,
14 a representative of the Department of Transportation and Public Facilities and the chair
15 of the Governor's Council for the Handicapped and Gifted shall serve as ex-officio members
16 of the committee. The ex-officio members are in addition to the 12 members appointed by
17 the governor, may not vote, and are not considered when determining a quorum.

18 (d) A member may be reappointed and a vacancy shall be filled by the governor.

19 * Sec. 3. AS 23.15 is amended by adding a new section to read:

20 Sec. 23.15.245. DUTIES. In addition to the other duties of the committee, the committee
21 shall perform the duties of the committee established under AS 35.50.

22 * Sec. 4. AS 23.15.260 is amended to read:

23 Sec. 23.15.260. MEETINGS. The committee shall meet at least annually. The
24 committee may hold additional meetings at the call of the chair, or [, BUT] at the request
25 of the governor special meetings may be called.

26 * Sec. 5. AS 35 is amended by adding a new chapter to read:

27 CHAPTER 50. BARRIER FREE REMODELING FUND.

28 Sec. 35.50.010. BARRIER FREE REMODELING FUND ESTABLISHED. (a) The
29 barrier free remodeling fund is established in the department. The fund consists of money
30 appropriated to it and repayment of the principal of the loans made from it.

31 (b) The money in the fund shall be used to

1 (1) finance the remodeling of state agency, local government, school district, and
2 private facilities open to or used by the general public in order to make the facilities accessible
3 by persons with physical disabilities, the aged, and the infirm;

4 (2) pay the costs of implementing this chapter.

5 Sec. 35.50.020. ADDITIONAL COMMITTEE DUTIES. The governor's committee on
6 employment of people with disabilities shall, in addition to its other duties,

7 (1) advise the department concerning the use and disposition of the money in the
8 fund;

9 (2) establish by regulation the criteria for distributing the money in the fund; and

10 (3) assist the department with information services under AS 35.50.100.

11 Sec. 35.50.030. IDENTIFICATION OF POTENTIAL STATE AGENCY PROJECTS.

12 (a) By June 1 of each year the department shall prepare a list of state agency facilities controlled
13 by the executive branch, except for the University of Alaska and the Alaska Railroad
14 Corporation, that are not accessible by persons with physical disabilities, the aged, or the infirm.

15 (b) The Legislative Affairs Agency may submit to the department for remodeling under
16 this chapter a list of state agency facilities controlled by the legislative branch that are not
17 accessible by persons with physical disabilities, the aged, or the infirm.

18 (c) The administrative director of the Alaska Court System may submit to the department
19 for remodeling under this chapter a list of state agency facilities controlled by the judicial branch
20 that are not accessible by persons with physical disabilities, the aged, or the infirm.

21 (d) By June 1 of each year, the University of Alaska and the Alaska Railroad Corporation
22 shall submit to the department for remodeling under this chapter a list of their facilities that are
23 not accessible by persons with physical disabilities, the aged, or the infirm.

24 (e) A list submitted under this section must be in the form and supply the information
25 requested by the department, including a proposed budget for the remodeling costs.

26 Sec. 35.50.040. REMODELING ASSISTANCE. (a) A local government, school district,
27 or private nonprofit corporation may apply to the department for a grant under this chapter to
28 remodel a facility owned or leased by the local government, school district, or private nonprofit
29 corporation in order to make the facility accessible by persons with physical disabilities, the aged,
30 and the infirm.

31 (b) A person other than a state agency, local government, school district, or private

1 nonprofit corporation may apply to the department for a loan under this chapter to remodel a
2 facility owned or leased by the person and open to or used by the public in order to make the
3 facility accessible by persons with physical disabilities, the aged, and the infirm.

4 (c) An application under this section shall be submitted to the department by June 1 of
5 the year preceding the fiscal year for which the grant or loan is sought. The application must
6 be in the form and supply the information requested by the department, including a proposed
7 budget for the remodeling costs.

8 Sec. 35.50.050. REVIEW OF SUBMITTALS AND APPLICATIONS. (a) By July 15
9 of each year, the department shall submit to the committee the lists prepared under AS 35.50.030
10 and the applications received under AS 35.50.040.

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

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

15 (2) the grants and loans to be made for remodeling under this chapter during the
16 following fiscal year.

17 (c) When making its recommendations to the commissioner under (b) of this section, the
18 committee may consider whether alternative sources of funding are available to an applicant.

19 (d) The commissioner shall review the recommendations of the committee made under
20 (b) of this section and by December 15 of each year make a final written determination of the
21 facilities whose remodeling costs are to be paid through grants under AS 35.50.060(a) or loans
22 under AS 35.50.060(b) from the fund during the next fiscal year. The determination must include
23 a budget for the remodeling costs of each facility.

24 Sec. 35.50.060. TYPE OF REMODELING ASSISTANCE. (a) Remodeling grants
25 approved under AS 35.50.050(d) for the facilities of state agencies, local governments, school
26 districts, and private nonprofit corporations shall be for up to 100 percent of the total remodeling
27 costs approved for the facility by the department.

28 (b) Remodeling loans approved under AS 35.50.050(d) for the facilities of persons other
29 than state agencies, local governments, school districts, and private nonprofit corporations shall
30 be made for up to 100 percent of the total remodeling costs approved for the facility by the
31 department. The department may not require the recipient of the loan to pay interest on the loan.

1 Sec. 35.50.070. AWARD OF GRANTS AND LOANS. The department shall award the
2 grants and loans approved under AS 35.50.050(d).

3 Sec. 35.50.080. REMODELING BY DEPARTMENT. Using the money from the fund
4 that has been budgeted for the remodeling of the facilities, the department shall remodel to
5 provide access for persons with disabilities, the aged, and the infirm

6 (1) the state agency facilities in the executive branch, except for the University
7 of Alaska and the Alaska Railroad Corporation, that are identified in the final determination made
8 by the commissioner under AS 35.50.050(d); and

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

12 Sec. 35.50.090. REMODELING BY OTHER STATE AGENCIES. If the Legislative
13 Affairs Agency, Alaska Court System, the University of Alaska, or the Alaska Railroad
14 Corporation does not request the department to perform the remodeling, the department shall
15 disburse to the branch or agency from the fund the amounts budgeted for the remodeling costs
16 for the facilities of the branch or agency that were identified in the final determination of the
17 commissioner under AS 35.50.050(d), and the branch or agency shall perform the remodeling of
18 the facilities.

19 Sec. 35.50.100. INFORMATION SERVICES. The department shall, in cooperation with
20 the committee, provide the following information to state agencies, local governments, school
21 districts, and other persons who own or lease facilities that are open to or used by the general
22 public:

23 (1) the standards established under 42 U.S.C. 12101 - 12213 (Americans with
24 Disabilities Act of 1990) for the accessibility of the facilities; and

25 (2) the availability of grants and loans under this chapter for remodeling the
26 facilities.

27 Sec. 35.50.110. SERVICING OF LOANS. The department may contract out the
28 servicing of loans made under this chapter.

29 Sec. 35.50.120. REGULATIONS. The department shall adopt regulations under the
30 Administrative Procedure Act (AS 44.62) to implement this chapter, including regulations
31 establishing minimum standards of accessibility and reasonable fees for making and servicing the

1 loans made under this chapter.

2 Sec. 35.50.900. DEFINITIONS. In this chapter,

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

4 (2) "committee" means the governor's committee on employment of people with
5 disabilities established under AS 23.15.220 - 23.15.320;

6 (3) "facility" means a facility whose construction was completed before January 1,
7 1991, and includes vessels operated by the Alaska marine highway system, places of public
8 accommodation, and commercial facilities; in this paragraph, "public accommodation" and
9 "commercial facilities" have the meanings given in 42 U.S.C. 12181;

10 (4) "fund" means the barrier free remodeling fund established under
11 AS 35.50.010;

12 (5) "remodeling costs" mean the costs of the alterations required to meet the
13 minimum standards of accessibility established by the department under AS 35.50.120, and
14 includes administrative costs;

15 (6) "school district" means a regional educational attendance area or a municipal
16 school district;

17 (7) "state agency" means a state department or agency in the executive, legislative,
18 or judicial branch, and includes the University of Alaska and the Alaska Railroad Corporation;

19 (8) "state agency facility" means a facility owned by the state.

20 * Sec. 6. AS 23.15.230(c), 23.15.245 and AS 35.50 are repealed July 1, 2000.

21 * Sec. 7. The composition of the governor's committee on the employment of people with disabilities
22 must comply with AS 23.15.230(a) - (b), as amended by sec. 2 of this Act, on and after July 1, 1994.