

CS FOR HOUSE BILL NO. 155 (HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

**Offered: 2/13/92
Referred: 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 disabilities or
12 persons who have immediate family members with 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, the
15 administrative director of the court system, the executive director of the legislative affairs
16 agency, a representative of the University of Alaska, and the chair of the Governor's
17 Council for the Handicapped and Gifted shall serve as ex-officio members of the committee.
18 The ex-officio members are in addition to the 12 members appointed by the governor, may
19 not vote, and are not considered when determining a quorum.

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

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

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

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

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

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

29 CHAPTER 50. BARRIER FREE REMODELING FUND.

30 Sec. 35.50.010. BARRIER FREE REMODELING FUND ESTABLISHED. (a) The
31 barrier free remodeling fund is established in the department. The fund consists of money

1 appropriated to it and repayment of the principal of the loans made from it.

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

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

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

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

9 (1) advise the department concerning the use and disposition of the money in the
10 fund;

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

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

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

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

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

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

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

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

28 Sec. 35.50.040. REMODELING ASSISTANCE. (a) A local government, school district,
29 or private nonprofit corporation may apply to the department for a grant under this chapter to
30 pay the remodeling costs of a facility owned or leased by the local government, school district,
31 or private nonprofit corporation in order to make the facility accessible by persons with

1 disabilities, the aged, and the infirm.

2 (b) A person other than a state agency, local government, school district, or private
3 nonprofit corporation may apply to the department for a loan under this chapter to pay the
4 remodeling costs of a facility owned or leased by the person and open to or used by the public
5 in order to make the facility accessible by persons with disabilities, the aged, and the infirm.

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

10 Sec. 35.50.045. ELIGIBILITY REQUIREMENT. In order for a local government or a
11 school district to be eligible for a grant under this chapter, the local government or school district
12 must certify in its application under AS 35.50.040(c) that the invitations to bid and requests for
13 proposals that it issues for property leases include a provision requiring the leased space to
14 comply with 42 U.S.C. 12101 - 12213 (Americans with Disabilities Act of 1990) regarding
15 access to the leased space by persons with disabilities, the aged, and the infirm.

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

19 (b) The committee shall review the lists and applications submitted under (a) of this
20 section and by November 1 of each year recommend to the commissioner a prioritized list of

21 (1) the state agency facilities to be remodeled under this chapter; and

22 (2) the grants and loans to be made for remodeling under this chapter.

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

25 (d) The commissioner shall review the recommendations of the committee made under
26 (b) of this section and by December 15 of each year make a final written prioritized list of the
27 facilities whose remodeling costs are eligible for grants under AS 35.50.060(a) or loans under
28 AS 35.50.060(b) from the fund. The list must include a budget for the remodeling costs of each
29 facility.

30 Sec. 35.50.060. TYPE OF REMODELING ASSISTANCE. (a) Remodeling grants
31 approved under AS 35.50.050(d) for the facilities of state agencies, local governments, school

1 districts, and private nonprofit corporations shall be for up to 100 percent of the total remodeling
2 costs approved for the facility by the department.

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

7 Sec. 35.50.070. AWARD OF GRANTS AND LOANS. The department shall award the
8 grants and loans approved under AS 35.50.050(d) for which funding is available and according
9 to the priority established under AS 35.50.050(d).

10 Sec. 35.50.080. REMODELING BY DEPARTMENT. Using the money from the fund
11 that has been budgeted for the remodeling of the facilities in accordance with the prioritized list
12 made by the commissioner under AS 35.50.050(d), the department shall remodel to provide
13 access for persons with disabilities, the aged, and the infirm

14 (1) the state agency facilities in the executive branch, except for the University
15 of Alaska and the Alaska Railroad Corporation, that are identified in the final prioritized list
16 made by the commissioner under AS 35.50.050(d); and

17 (2) if requested by the Legislative Affairs Agency, the Alaska Court System, the
18 University of Alaska, or the Alaska Railroad Corporation, the state agency facilities controlled
19 by the requestor and identified in the final prioritized list made by the commissioner under
20 AS 35.50.050(d).

21 Sec. 35.50.090. REMODELING BY OTHER STATE AGENCIES. If the Legislative
22 Affairs Agency, Alaska Court System, the University of Alaska, or the Alaska Railroad
23 Corporation does not request the department to perform the remodeling, the department shall
24 disburse to the branch or agency from the fund the amounts budgeted for the remodeling costs
25 for the facilities of the branch or agency according to the final prioritized list made by the
26 commissioner under AS 35.50.050(d), and the branch or agency shall perform the remodeling of
27 the facilities.

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

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

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

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

7 Sec. 35.50.120. REGULATIONS. The department shall adopt regulations under the
8 Administrative Procedure Act (AS 44.62) to implement this chapter, including regulations
9 establishing minimum standards of accessibility and reasonable fees for making and servicing the
10 loans made under this chapter.

11 Sec. 35.50.900. DEFINITIONS. In this chapter,

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

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

15 (3) "facility" means a facility whose construction was completed before January 1,
16 1991, and includes vessels operated by the Alaska marine highway system, places of public
17 accommodation, and commercial facilities; in this paragraph, "public accommodation" and
18 "commercial facilities" have the meanings given in 42 U.S.C. 12181;

19 (4) "fund" means the barrier free remodeling fund established under
20 AS 35.50.010;

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

24 (6) "school district" means a regional educational attendance area or a municipal
25 school district;

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

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

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

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