

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

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/9/92
Referred: Rules

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 FUNDS.**

30 **Sec. 35.50.010. BARRIER FREE REMODELING ASSISTANCE FUND**
31 **ESTABLISHED.** (a) The barrier free assistance fund is established in the general fund. The

1 assistance fund shall be administered by the department. The assistance fund consists of money
2 appropriated to it by the legislature. Money appropriated to the fund does not lapse.

3 (b) The legislature may appropriate money from the assistance fund to

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

7 (2) pay the costs of the department and the committee to implement this chapter.

8 Sec. 35.50.020. BARRIER FREE REMODELING LOAN FUND. (a) The barrier free
9 remodeling loan fund is established in the general fund and shall be administered by the
10 Department of Commerce and Economic Development. The loan fund consists of money
11 appropriated to it and the repayment of the principal of the loans made from it.

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

13 (1) finance the remodeling of private facilities, other than facilities of private
14 nonprofit corporations, open to or used by the general public in order to make the facilities
15 accessible by persons with disabilities, the aged, and the infirm;

16 (2) pay the costs of the department, the Department of Commerce and Economic
17 Development, and the committee to implement this chapter.

18 Sec. 35.50.025. SPECIAL ACCOUNT ESTABLISHED. (a) The foreclosure expense
19 account is established as a special account in the barrier free remodeling loan fund. The account
20 is established as a reserve from fund equity.

21 (b) The commissioner of commerce and economic development may expend money
22 credited to the foreclosure expense account when necessary to protect the state's security interest
23 in collateral on loans made under this chapter or to defray expenses incurred during foreclosure
24 proceedings after a default by a recipient of a loan under this chapter.

25 Sec. 35.50.030. ADDITIONAL COMMITTEE DUTIES. The governor's committee on
26 employment of people with disabilities shall, in addition to its other duties,

27 (1) advise the department regarding the use and disposition of the money in the
28 assistance fund;

29 (2) advise the Department of Commerce and Economic Development regarding
30 the use and disposition of the money in the loan fund; and

31 (3) assist the department and the Department of Commerce and Economic

1 Development with providing information services under AS 35.50.100 and adopting regulations
2 under AS 35.50.200.

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

4 (a) By June 1 of each year the department shall prepare a list of state agency facilities controlled
5 by the executive branch, except for the University of Alaska and the Alaska Railroad
6 Corporation, that are proposed for remodeling to make them accessible to persons with
7 disabilities, the aged, or the infirm.

8 (b) The Legislative Affairs Agency may submit to the department a list of state agency
9 facilities controlled by the legislative branch that are proposed for remodeling to make them
10 accessible to persons with disabilities, the aged, or the infirm.

11 (c) The administrative director of the Alaska court system may submit to the department
12 a list of state agency facilities controlled by the judicial branch that are proposed for remodeling
13 to make them accessible to persons with disabilities, the aged, or the infirm.

14 (d) By June 1 of each year, the University of Alaska and the Alaska Railroad Corporation
15 shall submit to the department a list of their facilities that are proposed for remodeling to make
16 them accessible to persons with disabilities, the aged, or the infirm.

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

19 Sec. 35.50.050. APPLICATION FOR REMODELING GRANTS AND LOANS. (a) A
20 local government, school district, or private nonprofit corporation may apply to the department
21 for a grant under this chapter to pay the remodeling costs of a facility owned or leased by the
22 local government, school district, or private nonprofit corporation in order to make the facility
23 accessible to persons with disabilities, the aged, and the infirm.

24 (b) A person other than a state agency, local government, school district, or private
25 nonprofit corporation may apply to the Department of Commerce and Economic Development
26 for a loan under this chapter to pay the remodeling costs of a facility owned or leased by the
27 person and open to or used by the public in order to make the facility accessible to persons with
28 disabilities, the aged, and the infirm.

29 (c) An application under this section shall be submitted by June 1. The application must
30 be in the form and supply the information requested by the department or the Department of
31 Commerce and Economic Development, including a proposed budget for the remodeling costs.

1 **Sec. 35.50.060. ELIGIBILITY REQUIREMENT.** In order for a local government or a
2 school district to be eligible for a grant under this chapter, the local government or school district
3 must certify in its application under AS 35.50.050(c) that the invitations to bid and requests for
4 proposals that it issues for property leases include a provision requiring the leased space to
5 comply with 42 U.S.C. 12101 - 12213 (Americans with Disabilities Act of 1990) regarding
6 access to the leased space by persons with disabilities, the aged, and the infirm.

7 **Sec. 35.50.070. REVIEW OF SUBMITTALS AND APPLICATIONS.** (a) The
8 department shall review for accuracy and completeness the information and budgets in the lists
9 submitted under AS 35.50.040 and the applications submitted under AS 35.50.050(a). The
10 Department of Commerce and Economic Development shall review for accuracy and
11 completeness the information and budgets in the applications submitted under AS 35.50.050(b).
12 By July 15 of each year, the department and the Department of Commerce and Economic
13 Development shall submit to the committee from the lists prepared under AS 35.50.040 and the
14 applications received under AS 35.50.050 a list of the projects for which the information and
15 budgets have been determined to be complete and accurate.

16 (b) The committee shall review the lists and applications submitted under (a) of this
17 section and by November 15 of each year make a list of state agency facilities whose facilities
18 are eligible for remodeling funds under this chapter, a list of the facilities whose remodeling costs
19 are eligible for grants under AS 35.50.080(a), and a list of the facilities whose remodeling costs
20 are eligible for loans under AS 35.50.080(b).

21 (c) When making the lists under (b) of this section, the committee shall consider
22 (1) whether alternative sources of funding are available to an applicant;
23 (2) the significance of the proposed remodeling project for enhancing employment
24 opportunities for persons with disabilities, the aged, and the infirm;
25 (3) the significance of the remodeling project in terms of providing access to basic
26 services to persons with disabilities, the aged, and the infirm; and
27 (4) other criteria or factors considered appropriate by the committee.

28 (d) The lists made under (b) of this section must be written and prioritized and must
29 include the amount approved by the committee for the remodeling of each facility and a budget
30 for the remodeling costs of each facility.

31 **Sec. 35.50.080. REMODELING AMOUNTS.** (a) Remodeling projects approved under

1 AS 35.50.070(b) for the facilities of state agencies, local governments, school districts, and
2 private nonprofit corporations shall be for up to 100 percent of the total remodeling costs of the
3 facility.

4 (b) Remodeling loans approved under AS 35.50.070(b) for the facilities of persons other
5 than state agencies, local governments, school districts, and private nonprofit corporations shall
6 be made for up to 100 percent of the total remodeling costs of the facility. The Department of
7 Commerce and Economic Development may not require the recipient of the loan to pay interest
8 on the loan.

9 Sec. 35.50.090. AWARD AND DISBURSEMENT OF FUNDS. (a) Subject to the terms
10 of the appropriation, the department shall

11 (1) in accordance with the priority established under AS 35.50.070(b), award the
12 grants that have been funded by the appropriation for award by the department under this chapter;

13 (2) disburse to the appropriate state agency the funds appropriated to the
14 remodeling fund for a state agency other than the department.

15 (b) The Department of Commerce and Economic Development shall award the loans
16 approved under AS 35.50.070(b) for which funding is available and according to the priority
17 established under AS 35.50.070(b).

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

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

24 (2) the availability of funds under this chapter for remodeling the facilities.

25 Sec. 35.50.110. SERVICING OF LOANS. The Department of Commerce and Economic
26 Development may contract out the servicing of loans made under this chapter.

27 Sec. 35.50.120. ADMINISTRATION OF GRANTS. The department may arrange for
28 another state agency to award, administer, or award and administer a grant made by the
29 department under this chapter.

30 Sec. 35.50.130. DISPOSAL OF PROPERTY ACQUIRED BY DEFAULT OR
31 FORECLOSURE. The Department of Commerce and Economic Development shall dispose of

1 property acquired through default or foreclosure of a loan made under this chapter. Disposal
2 shall be made in a manner that serves the best interests of the state, and may include the
3 amortization of payments over a period of years.

4 Sec. 35.50.200. REGULATIONS. In consultation with the committee, the department
5 and the Department of Commerce and Economic Development shall jointly adopt regulations
6 under the Administrative Procedure Act (AS 44.62) to implement this chapter, including
7 regulations establishing criteria including loan security requirements, for distributing the
8 remodeling funds under this chapter, minimum standards of accessibility, and reasonable fees for
9 making and servicing the loans made under this chapter.

10 Sec. 35.50.900. DEFINITIONS. In this chapter,

11 (1) "assistance fund" means the barrier free remodeling assistance fund established
12 under AS 35.50.010;

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) "loan fund" means the barrier free remodeling loan fund established under
20 AS 35.50.020;

21 (5) "remodeling costs" mean the costs of the alterations required to meet the
22 minimum standards of accessibility established under AS 35.50.200, and includes administrative
23 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.