

HOUSE BILL NO. 38
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE BROWN

Introduced: 1/11/93

Referred: Health, Education & Social Services, Labor & Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to accessibility for persons with disabilities, the aged, and the
2 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
7 create a governor's committee on employment of people with disabilities for Alaska
8 to carry on a continuing program to promote the employment of people of the state
9 with disabilities by

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

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

14 (3) eliminating physical barriers to facilities, including workplaces,

1 that hinder access and employment opportunities for persons with disabilities.

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

3 Sec. 23.15.230. COMPOSITION AND APPOINTMENT OF COMMITTEE.

4 (a) The governor's committee consists of not more than 12 members from
5 throughout the state appointed by the governor for staggered terms not exceeding
6 three years. The committee shall be composed of

7 (1) an architect;

8 (2) a representative of local government; and

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

13 (b) At least four members of the committee must be persons with
14 disabilities or persons who have immediate family members with disabilities.

15 (c) When the committee is performing the duties of the committee under
16 AS 35.50, a representative of the Department of Transportation and Public
17 Facilities, the administrative director of the court system, the executive director
18 of the legislative affairs agency, a representative of the University of Alaska, and
19 the chair of the Governor's Council for the Handicapped and Gifted shall serve
20 as ex-officio members of the committee. The ex-officio members are in addition
21 to the 12 members appointed by the governor, may not vote, and are not
22 considered when determining a quorum.

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

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

26 Sec. 23.15.245. DUTIES RELATING TO BARRIER FREE REMODELING
27 FUNDS. In addition to the other duties of the committee, the committee shall perform
28 the duties of the committee required under AS 35.50.

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

30 Sec. 23.15.260. MEETINGS. The committee shall meet at least annually,
31 The committee may hold additional meetings at the call of the chair, or [, BUT]

1 at the request of the governor [SPECIAL MEETINGS MAY BE CALLED].

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

3 CHAPTER 50. BARRIER FREE FUNDS.

4 Sec. 35.50.010. BARRIER FREE REMODELING ASSISTANCE FUND
5 ESTABLISHED. (a) The barrier free remodeling assistance fund is established in the
6 general fund. The assistance fund shall be administered by the department. The
7 assistance fund consists of money appropriated to it by the legislature. Money
8 appropriated to the assistance fund does not lapse.

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

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

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

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

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

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

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

27 Sec. 35.50.030. SPECIAL ACCOUNT ESTABLISHED. (a) The foreclosure
28 expense account is established as a special account in the barrier free remodeling loan
29 fund. The account is established from fund equity as a reserve.

30 (b) The commissioner of commerce and economic development may expend
31 money credited to the foreclosure expense account when necessary to protect the

1 state's security interest in collateral on loans made under this chapter or to defray
2 expenses incurred during foreclosure proceedings after a default by a recipient of a
3 loan under this chapter.

4 Sec. 35.50.040. DUTIES OF GOVERNOR'S COMMITTEE ON
5 EMPLOYMENT OF PEOPLE WITH DISABILITIES. The governor's committee on
6 employment of people with disabilities shall, in addition to its other duties,

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

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

11 (3) assist the department and the Department of Commerce and
12 Economic Development with providing information services under AS 35.50.120 and
13 adopting regulations under AS 35.50.200.

14 Sec. 35.50.050. IDENTIFICATION OF POTENTIAL STATE AGENCY
15 PROJECTS. (a) By June 1 of each year the department shall prepare a list of state
16 agency facilities controlled by the executive branch, except for the University of
17 Alaska and the Alaska Railroad Corporation, that are proposed for remodeling to make
18 them accessible to persons with disabilities, the aged, and the infirm.

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

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

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

30 (e) A list submitted under this section must be in the form and supply the
31 information requested by the department, including a proposed budget for the

1 remodeling costs.

2 Sec. 35.50.060. APPLICATION FOR REMODELING GRANTS AND
3 LOANS. (a) A local government, school district, or private nonprofit corporation may
4 apply to the department for a grant under this chapter to pay the remodeling costs of
5 a facility owned or leased by the local government, school district, or private nonprofit
6 corporation in order to make the facility accessible to persons with disabilities, the
7 aged, and the infirm.

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

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

17 Sec. 35.50.070. ELIGIBILITY REQUIREMENT. In order for a local
18 government or a school district to be eligible for a grant under this chapter, the local
19 government or school district must certify in its application under AS 35.50.060(c) that
20 it includes in the invitations to bid and requests for proposals that it issues to obtain
21 real property leases as a lessee a provision requiring the leased space to meet the ADA
22 Accessibility Guidelines found in Appendix B of the Americans with Disabilities Act
23 Handbook published in October 1991 by the Equal Employment Opportunity
24 Commission and the United States Department of Justice.

25 Sec. 35.50.080. REVIEW OF SUBMITTALS AND APPLICATIONS. (a)
26 The department shall review the remodeling projects identified on the lists submitted
27 under AS 35.50.050 and on the applications submitted under AS 35.50.060(a) to
28 determine if they are eligible to receive funds for remodeling under this chapter. The
29 Department of Commerce and Economic Development shall review the remodeling
30 projects identified on the applications submitted under AS 35.50.060(b) to determine
31 if they are eligible to receive loans for remodeling under this chapter.

1 (b) The review under (a) of this section must include a determination of the
2 accuracy and completeness of the information and budgets submitted for the projects.
3 By July 15 of each year, the department shall submit to the committee a list of the
4 state agency facility remodeling projects eligible for funds under this chapter and a list
5 of the local government, school district, and private nonprofit corporation facility
6 remodeling projects eligible for funds under this chapter. By July 15 of each year, the
7 Department of Commerce and Economic Development shall submit to the committee
8 a list of the remodeling projects eligible for loans under this chapter.

9 (c) The committee shall review the remodeling projects identified on the lists
10 submitted to the committee under (b) of this section. By November 15 of each year,
11 the committee shall make a prioritized list of the state agency remodeling projects that
12 the committee has approved to receive funds under this chapter, a prioritized list of the
13 local government, school district, and private nonprofit corporation remodeling projects
14 that the committee has approved to receive funds under this chapter, and a prioritized
15 list of the remodeling projects that the committee has approved to receive loans under
16 this chapter.

17 (d) When establishing priorities for the remodeling projects under (c) of this
18 section, the committee shall consider

19 (1) whether alternative sources of funding are available for the
20 remodeling project;

21 (2) the significance of the remodeling project for enhancing
22 employment opportunities for persons with disabilities, the aged, and the infirm;

23 (3) the significance of the remodeling project in terms of providing
24 access to basic services to persons with disabilities, the aged, and the infirm; and

25 (4) other criteria or factors considered appropriate by the committee.

26 (e) The lists made under (c) of this section must be written and must include
27 the amount approved by the committee for the remodeling of each facility and a
28 budget for the remodeling costs of each facility.

29 Sec. 35.50.090. REMODELING AMOUNTS. The amount approved by the
30 committee under AS 35.50.080(e) for a remodeling project may be for up to 100
31 percent of the total remodeling costs of the project.

1 **Sec. 35.50.100. AWARD AND DISBURSEMENT OF FUNDS.** (a) Subject
2 to the terms of the appropriation, the department shall

3 (1) in accordance with the priority established under AS 35.50.080(c),
4 award the grants that have been funded by an appropriation for award by the
5 department under this chapter;

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

8 (b) The Department of Commerce and Economic Development shall award the
9 loans approved under AS 35.50.080(c) for which funding is available and according
10 to the priority established under AS 35.50.080(c).

11 **Sec. 35.50.110. INTEREST PROHIBITED ON LOANS.** The Department of
12 Commerce and Economic Development may not require the recipient of a loan for
13 remodeling under this chapter to pay interest on the loan.

14 **Sec. 35.50.120. INFORMATION SERVICES.** The department and the
15 Department of Commerce and Economic Development shall, in cooperation with the
16 committee, provide the following information to state agencies, local governments,
17 school districts, and other persons who own or lease facilities that are open to or used
18 by the general public:

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

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

23 **Sec. 35.50.130. SERVICING OF LOANS.** The Department of Commerce and
24 Economic Development may contract out the servicing of loans made under this
25 chapter.

26 **Sec. 35.50.140. ADMINISTRATION OF GRANTS.** The department may
27 arrange for another state agency to award, administer, or award and administer a grant
28 made by the department under this chapter.

29 **Sec. 35.50.150. DISPOSAL OF PROPERTY ACQUIRED BY DEFAULT OR**
30 **FORECLOSURE.** The Department of Commerce and Economic Development shall
31 dispose of property acquired through default or foreclosure of a loan made under this

1 chapter. Disposal shall be made in a manner that serves the best interests of the state,
2 and may include the amortization of payments over a period of years.

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

10 Sec. 35.50.900. DEFINITIONS. In this chapter,

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

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

15 (3) "facility" means a facility whose construction was completed before
16 January 1, 1993, and includes vessels operated by the Alaska marine highway system,
17 places of public accommodation, and commercial facilities; in this paragraph, "public
18 accommodation" and "commercial facilities" have the meanings given in 42 U.S.C.
19 12181;

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

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

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

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

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

31 * Sec. 6. AS 36.30.080 is amended by adding a new subsection to read:

1 (f) The department may not lease space as a lessee unless the leased space
2 meets the ADA Accessibility Guidelines found in Appendix B of the Americans with
3 Disabilities Act Handbook published in October 1991 by the Equal Employment
4 Opportunity Commission and the United States Department of Justice.

5 * Sec. 7. AS 23.15.230(c), 23.15.245 and AS 35.50 are repealed July 1, 2000.

6 * Sec. 8. The composition of the governor's committee on the employment of people with
7 disabilities must comply with AS 23.15.230(a) - (b), as amended by sec. 2 of this Act, on and
8 after July 1, 1994.

9 * Sec. 9. AS 36.30.080(f), enacted by sec. 6 of the Act, does not apply to leases entered
10 into before the effective date of this Act.