

HB-225

An Act relating to the elimination of architectural barriers in public buildings and facilities for physically handicapped, aged or infirm persons; e.d."

REVISED COMMITTEE REPORT

4/17/75

HOUSE

Mr. Speaker:

Date _____

The Committee on HESS
FINANCE has had SSHB 225

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back ^{ind.} WITHOUT RECOMMENDATION *no/str. am.*

() "other"

Members signing the Majority report:

Susan Sullivan Do Pass

Members NOT concurring in the Majority report:

John Hadeney recommends: NO REC
John Hadeney recommends: NO REC
John Hadeney recommends: _____
Leo J. Sugrue recommends: Do Not Pass
Leo J. Sugrue recommends: Do Not Pass

Susan Sullivan Chairman

"An Act relating to the elimination of architectural barriers in public buildings and facilities for physically handicapped, aged or infirm persons; and providing for an effective date."

COMMITTEE REPORT

4/11/75

HOUSE

FINANCE

Mr. Speaker:

Date 4/14/75

The Committee on HESS has had SSHB 225

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR _____ AND THAT
CS FOR _____ DO PASS

() "and" recommends it BE REFERRED TO THE _____
COMMITTEE

reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

<u>Susan Sullivan</u>	<u>Do Pass</u>	_____
<u>Helen Quinn</u>	<u>Do Pass</u>	_____
<u>Richard Stucky</u>	<u>Do Pass</u>	_____
_____	_____	_____

Members NOT concurring in the Majority report:

<u>Lawrence Davis</u>	recommends:	<u>Do not Pass</u>
<u>John Sweeney</u>	recommends:	<u>Do not Pass</u>
<u>Tom Jackson</u>	recommends:	<u>NO REC</u>
<u>Alvin Osterwald</u>	recommends:	<u>DO NOT PASS</u>
<u>Charles H. ...</u>	recommends:	<u>no recommendation</u>

Susan Sullivan Chairman

AMENDMENT

OFFERED IN THE HOUSE:

By: HESS COMMITTEE

To: _____ HOUSE BILL No. _____

SENATE BILL No. _____

(1)	PAGE: <u>1</u>	LINE: <u>8</u>
(2)	PAGE : <u>1</u>	LINE : <u>19</u>
(3)	PAGE : <u>1</u>	LINE : <u>17</u>
(4)	PAGE : <u>2</u>	LINE : <u>25 & 26</u>

(1) Delete "infirm" and add "infirmid"

(2) Delete "infirm" and add "infirmid"

(3) After the word "federal," add "state or other public funds,"

(4) Delete sentence after "be" through "operation" on Line 25 and insert "initiated for planning, design, finance, and construction,"



Alaska State Legislature

House

JUNEAU ALASKA

HESS COMMITTEE MEETING

3-27-75

Members Present:

Beirne	Ostrosky
Davis	Sullivan
Hackney	Swanson
Osterback	

HB 311

Chairman Sullivan called the meeting to order at 11:00am. HB 311 was brought up for the second time and Chairman asked if there was any objection to passing it out.

Swanson I object unless we move it out with individual recommendations.

Ostrosky I vote to move this bill out with individual recommendations.

Chairman How many do passes do we have, we have a majority to the bill will be passed out with a 'do pass'.

HB 221, HB 231

Rep. Ted Smith was sponsor of the bills and gave briefing of each. Will provide facilities for campgrounds usable by handicapped people. These bills appropriate general fund money and matching federal monies.

Hackney Can this be paid for with soft money?

Smith No, 50% matching funds. I might mention this money doesn't provide full facilities but things like wheel chairs to help handicapped people to manuver.

Chairman Are there any other questions, do we have a motion to move?

Beirne I would move and ask unanimous consent that we move these bills out with a 'do pass'.

Chairman Without hearing objection, so ordered.

HB 225

Beirne gave briefing of bill and brought up the fact that there was no fiscal note.

Hackney I am wondering what this bill will do to two story buildings. Since you can't have a ramp, does it force an elevator have to be put in?

• Page Two
HESS Meeting
3-27-75

Beirne No, it doesn't mandate putting an elevator in because there are many alternatives to this problem.

Chairman Any further discussion?

Hackney Sect. 4 Pg 2 - with this I couldn't vote for the bill, it means we would be renovating a boat in 10 years that we built now.

Beirne - It really doesn't involve much money, maybe only a matter of hand rails or wider doors.

Swanson What is the effective date on this bill?

Chairman It takes effect immediately. Is there a motion to the bill?

Beirne I would like to request that the Committee accept CSIB 225 in lieu of HB 225.

Hackney I'm not prepared to vote this out.

Davis I don't think I could pass it out either.

Beirne I have no objection to holding hearings on this bill.

Chairman Sullivan called a break in order to call Commissioner Harris and request someone to come over and testify on the bill. No one came after 45 minutes and the bill was held over and meeting was adjourned.



JUNEAU ALASKA

Alaska State Legislature House

HESS COMMITTEE MEETING

April 14, 1975

Members Present:

All members

Chairman Sullivan called the meeting to order at 3:00pm.

SB 261am

Senator Chace, Sponsor of the bill, gave briefing. Bill relates to the project of the year for the American Women's Club and is endorsed by American Bar Association.

Parr There is a house bill by Bradner on the same subject with more specifics.

Hackney I am in favor of the bill.

Ostrosky I move and ask unanimous consent for a 'do pass' recommendation.

Parr Objection, I would ask for individual recommendations.

Ose Yes, I would vote no rec.

Chairman Sullivan counted the votes and the majority of the members voted do pass.

HR 12

Rep. Beirne gave briefing of the bill and recommended that since it doesn't pertain to this Committee any further, that the bill be passed out as 'no rec' and sent on to Finance where it can be studied in depth.

Hackney I would rather sit on it until next year than to pass it out, that is like saying the bill has our endorsement.

Parr I am in favor of the concept but if the figures on those pages submitted by the Dept. are correct, they are highly incorrect!

Swanson I am not in support of this bill either. I think we should move it out with individual recommendations.

Ostrosky If that is a motion Mr. Swanson, I will second it.

It was voted on that the bill be sent on to the Finance Committee with 'individual recommendations.'

HR 225 Beirne gave briefing of the bill. The wording which includes the concept of HR 400 in this bill. It is requesting that all architectural barriers be eliminated over a 10 year period in all government buildings.

Bob McGowan, Deputy Commissioner, Public Works
see page 140.

McGuire Spoke of the possibilities of the bill.

John Steinman - Chief Architect/Div. of Buildings.

Should clarify that some of our people have gone through these matters and placed priorities which is not what we're suppose to do and I wish to apologise for this. A question I would raise is whether or not this can be our prerogative to make judgments on the barriers rather than making it mandatory?

Beirne I am wondering where you got the idea that a handicapped person is one in a wheelchair only?

McGuire This was over simplified abit.

Beirne This is already being mandated on a Federal level. I think you're addressing this in a very small scope. This information you have submitted to Rep. Sullivan is totally irresponsible. I can assure you that unless the State does this now, they will be subject to suits and higher costs to the State at a later date.

Swanson Have we ever been sued in your knowledge with something like this?
McGuire No, not to my knowledge.

Beirne In Anchorage it is a group of handicapped students suing the State. This is a State responsibility that we put this into law. The Federal Laws are based on the US Standards.

Steinman I don't think it is the intent here that is in question, it is the way in which we will have to carry it out.

Beirne I think the bill is very lenient.

Osterback We should start working in the rural areas first where, as you said, the majority of the handicapped people are.

Hackney How would HB 225 affect leased buildings?

McGuire I don't interpret that we would be changing the present buildings already in use. The Dept. of Admin. handles all leasing procedures. We've made requests and they're willing to do anything that we're willing to pay for. These costs to hand the handicapped are considerably higher than the average costs of construction. An expensive proposition!

Steinman In Sec. 4 I would like to suggest an amendment.

Page 2 Line 25 delete 'be planned, designed, financed, constructed, opened to public use, or otherwise placed in operation' and add after be "initiated for planning, design, finance, and construction" unless:

O'Rourke I Move for adoption of the proposed amendment.

Beirne Second

Steinman Without having objection, amended passes.

Beirne Proposed amendments: Pg 1 Line 5, add "d" to infirm

Pg 1 Line 19, "oooooooooooooooooooo"

Pg 1 Line 17, after the word 'Federal' add "state or other public funds,"

HB 225



Alaska State Legislature
House

JUNEAU ALASKA

Pouch V
Juneau, Alaska 99801
May 28, 1975

Gerald D. Kainulainen
336 So. 175th Street
Sitka, Alaska 98188

Dear Mr. Kainulainen:

Thanks for your letter of May 1 in which you present so well the case against architectural barriers as addressed in House Bill 225.

A committee substitute for this bill has passed the House and is presently in the Senate State Affairs Committee. Hopefully, it will pass the Senate this session, but as the session is so near its close, the bill may be held over until next year. I strongly favor this bill, agreeing with you that greater consideration for our disabled population is called for in the construction of public buildings and facilities.

I am enclosing a copy of the substitute for the original bill which passed the House, CSSHB 225, in case you have not already seen it.

Yours truly,

A handwritten signature in cursive script that reads "Susan Sullivan".

Susan Sullivan, Chairwoman
House HESS Committee

SS:la

3361 So. 175th St.
Seattle, Wash. 98188
May 1, 1975

The Honorable Susan Sullivan
Chairman of the HESS Committee
State House of Representatives
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Ms. Sullivan,

In reference to House Bill 225 pertaining to architectural barriers to the disabled and the difficulty this bill is having in committee is very disheartening to me.

It is too bad that all of us can not be as physically fit as I assume you are that are sitting in on this committee. The trouble is that few able-bodied persons recognize or appreciate the architectural problems encountered everyday by those who are physically handicapped. The disabled and elderly are often prevented from participating as contributing and productive members of our society due to these architectural barriers. Statistically by 1985 it is predicted that the physically handicapped may total 40 million and this includes our returning soldiers. These statistics come from the National Easter Seal Society for Crippled Children and Adults. Today even 1 in 10 persons has some disability preventing their use of the buildings and facilities that were designed for the physically fit.

I enjoyed my role as an able-bodied resident of Alaska too. I was a journeyman electrician, had my own appliance repair service and was a chief officer of a fire dept. Supposedly I was past the most dangerous part of fire fighting, that of actually entering the building with a fire hose and fighting the fire, however I became a T-4 paraplegic while conducting my duties outside the building.

My present condition is now as a college student and am being treated by a T-6 paraplegic physician who is also an Asst. Professor of Medicine practicing in a hospital which has overcome it's architectural barriers problems. There are other handicapped persons employed and serving as productive employees in this establishment.

I was born and raised in Alaska, it is my home and I can not compare it to any other state in the union in my estimation. The physician mentioned above and I believe you will find that most physically handicapped persons continue on to higher education to prepare themselves to be contributing and productive citizens of our society. Their largest obstacle is architectural barriers.

Our returning home plans had to be changed because even our newest Marine Highway System ferry the "Columbia" has architectural barriers preventing it's use by the wheelchair handicapped.

How can a group of people sit in judgement of disabled and infirmed persons and in clear conscience impede these persons mobility by negative legislation. We are all someday going to become old and possibly infirm but I hope sincerely none of you become physically handicapped and that the predicted statistics will drop. At this time however there is only one thing to do. Improve the accessability to the disabled person by approving House Bill 225.

Who is it that knows when one of us is going to become disabled some day and could use the effect this bill can provide. I certainly never thought it could happen to me.

Sincerely,

Gerald D. Kainulainen
Gerald D. Kainulainen
Sitka, Alaska

GDK/gdk

cc: Ms. Helen D. Beirne
Senator Pete Meland
Representative Richard Eliason

225-

2700 McRae Road
Spennard, Alaska
April 4, 1975

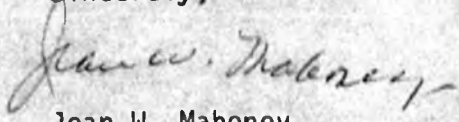
Rep. Susan Sullivan, Chairman
Pouch V
Juneau, Alaska 99811

Dear Rep. Sullivan:

Please give your support to House Bill 225 on Architectural Barriers, submitted by Helen Beirne. This is needed and definitely should have your interest.

I feel I know something about architectural barriers as I wear braces and have crutches. Your consideration will be appreciated. Thank you.

Sincerely,



Jean W. Mahoney



Susan Sullivan

ALASKA STATE LEGISLATURE



7330 MARGE COURT
ANCHORAGE, ALASKA 99504

333-6412

POUCH V
JUNEAU, ALASKA 99801
465-3797
RESIDENCE 586-6159

HOUSE OF REPRESENTATIVES

May 9, 1975

Ms. Nancy A. Keith, R.P.T.
Elks P.T. for S.E. Alaska
Alaska State Elks Major
Projects Committee
P.O. Box 2417
Juneau, Alaska 99803

Dear Ms. Keith:

Thank you for your letter of April 26 pertaining to House Bill 225, relative to architectural barriers. I am aware of the problems of the aged and disabled in our State, and supported this bill with a "Do Pass" recommendation when we passed it out of our committee. It has since been passed out of the Finance Committee as a Committee Substitute, and is presently in the Rules Committee.

Yours truly,

Susan Sullivan, Chairman
House HESS Committee

SS:la



Alaska State Elks Major Projects Committee

Box 2417
Juneau, Alaska 99803
26 April 1975

The Hon. Susan Sullivan
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Ms. Sullivan:

I have recently been informed that House Bill 225 relative to architectural barriers is experiencing difficulties in your committee and that some of you are of the opinion that this measure applies to too small a minority to warrant the necessary expenditures.

I am currently employed by the Alaska State Elks Association as the only itinerant Physical Therapist in Southeast Alaska. My services are extended to anyone in need of physical therapy, free of charge, in every community in Southeast. I am in a unique position wherein I see many of the persons in Southeast who are disabled. I might add that of my active patient list of over two hundred persons (and this does not come anywhere near the total number of disabled, or elderly in Southeast, let alone all of Alaska), the vast majority would benefit from passage of this bill.

Can we, as able bodied Alaskans, deny less able bodied Alaskan citizens the right to live in the country they love and choose to live in? And what's more, can we deny the experience of Alaska to disabled tourists? To do so is discrimination in its worst form--no minority is too small in this case!

In our time we will all become senior citizens and to some of us, disability may occur at an even earlier age. I ask you to literally or figuratively put yourself in a wheelchair or in heavy long-leg braces for a day or even an hour sometime... Could you get to work? Live in your present home? Go to the bathroom? Make a pay phone call? Go to the post office? Cross the street and get up on a curb? Open heavy swinging doors? Not to mention dine in your favorite restaurant? Go to the movies? Go to church? Take a trip on the ferry or get on a jet? We CANNOT exclude the disabled in our society, for to do that is to exclude OURSELVES!

I am asking you on behalf of all the senior citizens and especially all the disabled citizens of Alaska, both present and future, to think this matter over seriously, considering the quality of a human being's life and not the almighty buck (for in reality, if this isn't done now it's going to cost much more to do it later) and see that this bill is passed through your committee. I would be willing to come and talk to you and show you an excellent film on the subject if you would like when I am in Juneau. My Juneau phone number is 789-0390.

Yours very truly,

Nancy A. Keith
ELKS PT. for SE Alaska

STATE OF ALASKA

DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

POUCH Z — JUNEAU 99801

JAY S. HAMMOND, Governor

HB 225

March 17, 1975

Honorable Susan Sullivan, Chairman
House Health Education & Social
Services Committee
Pouch V
Juneau, Alaska 99811

Dear Representative Sullivan:

We have received the requirements of AS 35.10.015 "Architectural Barrier Regulations" and respectfully request that in your deliberations that you consider the following:

1. AS 35.10.015 provides that the Department of Public Works is responsible for preparing and promulgating regulations..... to insure that the public buildings are accessible to and usable by the physically handicapped. The law also provides that the regulations shall conform to the publication entitled "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped." (48 SLA 1972 effective May 13, 1972).
2. As required, the Department of Public Works adopted Section 010 of Chapter 15, Title 15, effective 30 days after May 22, 1973. A copy of this regulation is attached and applies to all buildings of the State and political subdivisions.
3. The question at this time is whether the regulations should apply to all buildings and particularly those schools and public buildings which are in the small or rural population centers.
4. The standard which was adopted defines the physically handicapped as those requiring wheel chairs (non-ambulatory) or totally blind or totally deaf.
5. Personal observations and interviews with a number of people who have traveled extensively in the rural areas indicates that the physically handicapped are nonexistent. The environment of these areas is not conducive to the existence of people who have major physical impairments.
6. The Department of Education provides special education for children with various impairments. As an example, the program includes 784 children in the military and 1,191 children in the rural elementary system. Of these children, the statistical information indicates the following:

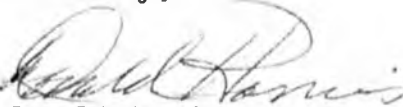
	<u>Military</u>		<u>Rural</u>	
	<u>Special Education (784)</u>	<u>Total Enrollment (5,845)</u>	<u>Special Education (1,191)</u>	<u>Total Enrollment (5,728)</u>
Cripples	0.3%	0.04%	1.3%	0.27%
Visually handicapped	2.8%	0.38%	0.8%	0.16%
Deaf-Blind	0.0%	0.0 %	0.3%	0.06%
Deaf	0.0%	0.0 %	0.5%	0.10%
Hard of Hearing	2.2%	0.3 %	6.8%	1.41%

7. The Department of Education, Division of Special Education, further tried to refine the above information and while the program does include children with some degree of handicap, they were unable to specifically identify any children who were confined to wheel chairs, totally blind or totally deaf. The differences in the percentages between the military and rural schools is interesting to note since it is apparent that military personnel with partial impairments are apparently not assigned to Alaska.

8. The only child which could be located is one near Talkeetna who apparently has a frozen foot and was receiving correspondence study in lieu of attending school.

Based on the above, it is my recommendation that the regulations (Item 2) be revised to exclude public buildings and schools in rural areas. It is also suggested that the regulation be flexible so that only one school be required to be equipped for physically handicapped in the larger communities where more than one school exists. A certain amount of flexibility would also be desirable for public buildings in larger communities. As an example, the State Capital should have facilities for the physically handicapped while a record center or a similar facility would not require provisions for the physically handicapped.

Sincerely,



Donald Harris
Commissioner

cc: Senator Bill Ray

STATE OF ALASKA

DEPARTMENT OF EDUCATION

OFFICE OF VOCATIONAL REHABILITATION

JAY S. HAMMOND, Governor

HB 225

April 11, 1975

The Honorable Susan Sullivan, Chairman
HESS Committee
The House of Representatives
Alaska State Legislature

Dear Susan;

In discussions with some legislative staff members and Helen Beirne, it would seem that the House HESS Committee is experiencing some problems with House Bill 225 on Architectural Barriers. Apparently there are some members of the Committee that feel that because this bill addresses itself to only a small number of people, the necessary expenditures and state guidelines cannot be justified.

I would certainly agree that it is a more expensive proposition to construct a building having free access for handicapped individuals than one without such considerations. However, we have made a long standing commitment over the last 55 years towards the less fortunate, disabled citizens in our country. I sincerely feel that we must be concerned about the total individual rather than just a part, and that the needs of the handicapped include any easement of mobility and access problems that are within our grasp to provide.

As an agency working in the field of rehabilitation, we would certainly support this bill and its concept. Since I was out of town at the time of your initial hearings on this bill, I am uncertain as to whether you received a copy of my prepared testimony. I am therefore enclosing a copy for your use. I have also attached a copy of the standards from the state of Washington, which have been promulgated as a result of their state statutes.

If I can be of any further assistance in this matter, please do not hesitate to call me at 465-2897.

Sincerely yours,



Michael C. Morgan
Director

MCM:sw

Enclosures: As stated

cc: Helen Beirne

April 16, 1975

The House Health, Education and Social Services Committee submits a revised committee report to SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 225 with the attached amendments:

- Pg. 2 Line 25 delete sentence after "be" through "operation" on Line 26 and insert " initiated for planning, design, finance, and construction,"
- Pg. 1 Line 8, delete "infirm" and add "infirm"
- Pg. 1 Line 19, delete "infirm" and add "infirm"
- Pg. 1 Line 17, after the word "federal" add ", state or other public funds,"

THE EASTER SEAL SOCIETY FOR ALASKA CRIPPLED CHILDREN AND ADULTS

EASTER SEAL INFORMATION AND REFERRAL SERVICE

P. O. BOX 2432
ANCHORAGE, ALASKA 99510
274-1641



STATE SOCIETY OFFICE

P. O. BOX 2432 99510
726 E STREET 99501
ANCHORAGE, ALASKA
277-1324

16 April 1975

Susan Sullivan, Chairman
House Health, Education and Social Services Committee,
Pouch V
Juneau, Alaska 99801

Dear Mrs. Sullivan:

The Easter Seal Society for Alaska Crippled Children and Adults, Inc. continues to be concerned with the elimination of architectural barriers in public buildings and facilities for use by all people, including the handicapped. We recognize the inherent right of all citizens to the full development of their potential, regardless of their physical disability through the free use of the man-made environment.

Enclosed are some materials on architectural barriers which we hope you will share with your committee members.

Hopefully, the committee will realize the importance of having a law which will eliminate the loopholes of non enforcement and the waiver clause of conforming "as far as feasible". In the long run House Bill #225 will save the state money as existing construction wouldn't have to be changed to comply at a later date.

Please support House Bill #225.

Yours very truly,

Mary Tomaszewicz, Coordinator
Information and Referral Service

cc: Rep. Helen Beirne
Mrs. E. Mackin, President ACCA