

S B

118

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Transportation:

5/15/87

Alaska State Legislature

House of Representatives

Committee on Transportation

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

Rep. Bette Cato, Chairman



May 15, 1987

COMMITTEE CALENDAR:

HCR 9: Relating to the expeditious redesign and reconstruction of Hyer Road in the Matanuska-Susitna Borough.

SB 118: "An Act relating to access to public buildings and facilities by the physically handicapped, aged, and infirm."

FOR THIS MEETING YOU HAVE:

A folder on HCR 9 that includes:

- * a copy of HCR 9
- * a fiscal note from DOT/PF
- * letters of support
- * a resolution from the Mat-Su Borough
- * letters from DOT/PF
- * a petition concerning Hyer Road

A folder on SB 118 that includes:

- * copy of SB 118
- * a fiscal note and position paper from DOT/PF
- * a letter from Gov. Cowper to Sen. Faiks

Statutes

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 118
 Title: An Act Relating to Access to Public Buildings and Facilities by the Physically Handicapped, Aged, and Infirm.
 Sponsor: Governor's Office
 Requestor: Dept. of Transportation
 Date of Request: September 5, 1986

FISCAL DETAIL

Agency Affected: DOT&PF
 BRU: _____
 Components: Design, Construction, and Technical Services Units

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	----------	----------	----------	----------	----------	----------

REVENUE						
----------------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Requested changes only clarify present language and do not add to or delete from existing statutory requirements.

Prepared by: John J. Simpson, Director Phone: 465-2951
 Division: Engineering & Operations Standards Date: _____

Approved by Commissioner: R. J. Knapp Date: 11/19/86
 Agency: Dept. of Transportation & Public Facilities

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



Dept. of Transportation & Public Facilities

Position Paper

BILL NO: SB 118

APPROVED: R. J. Knapp
Commissioner

TITLE: An Act Relating to Access to Public Buildings and Facilities by the Physically Handicapped, Aged and Infirm.

DATE: 11-18-86

The Department requests that the proposed language modifications be supported for the following reasons.

1. Modifications to AS 35.10.015(a) would allow the use of the "Uniform Federal Accessibility Standards" (UFAS) on all projects. Currently we administer "state" projects under the "American Standard Specifications" (ANSI) document and "federal" projects under UFAS.
2. Additional language to AS 35.10.015(e) would allow the Department to establish design parameters for specific facilities not identified in either the UFAS or ANSI codes. Presently designers working on these types of facilities have no guidelines other than applying the "inappropriate" requirements presented in the adopted codes.

All parties involved will benefit from the changes in that (1) the Department will only have to administer a single code, (2) designers will consistently know the "code" which is applicable to their project, (3) the handicapped community will receive uniformity in their built environment, and (4) the public at large will benefit from a more effective administration of accessibility requirements. These changes will not increase or diminish the already existing requirements for handicapped access to public buildings or facilities.

STEVE COWPER
GOVERNOR

20118

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 9, 1987

The Honorable Jan Faiks
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Faiks:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to access to public buildings and facilities by the physically handicapped, aged, and infirm. This bill will give the Department of Transportation and Public Facilities greater flexibility in developing standards for particular facilities for which there currently are no standards.

Federal law and regulations, and the publication entitled "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped" are presently used to determine standards for many public buildings and facilities. Section 1 of the bill will provide the department with greater flexibility in this area by allowing it to choose the best and most applicable standards from the several now in existence. For example, the federal government in 49 Federal Register 31528 (August 7, 1984) has published standards which are comparable to and in many ways more comprehensive than those found in the "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped."

In addition, there are public facilities for which standards have not been developed. It is the intent of sec. 2 of this bill to direct the Department of Transportation and Public Facilities to develop standards for unique public facilities in the State of Alaska for which there currently are no standards, e.g. for ski lifts, hiking trails, and boat harbors.

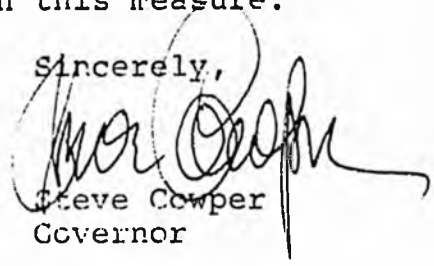
SK 118

Hon. Jan Faiks

Page 2

In short, this bill will clarify and broaden the authority of the Department of Transportation and Public Facilities to provide access to and use of public buildings and facilities by the physically handicapped, aged, and infirm. I urge your favorable action on this measure.

Sincerely,



Steve Cowper
Governor

Alaska Statutes

Title 35. Public Buildings, Works, and Improvements.

Chapter

- 05. Administration (§§ 35.05.010, 35.05.020, 35.05.040)
- 10. Public Works (§§ 35.10.015, 35.10.135, 35.10.195, 35.10.210 — 35.10.270)
- 15. Construction Procedures (§§ 35.15.010 — 35.15.050, 35.15.080, 35.15.090, 35.15.120)
- 20. Acquisition and Disposition of Property (§ 35.20.010)
- 25. General Provisions (§ 35.25.020)
- 40. Names of Public Works (§§ 35.40.001, 35.40.005, 35.40.010, 35.40.015, 35.40.020, 35.40.025)

Chapter 05. Administration.

Section	Section
10. Planning and construction	40. Powers of department
20. Regulations	

Sec. 35.05.010. Planning and construction [Effective July 1, 1987]. The department is responsible for the planning and construction of public works except as provided for court facilities in AS 22.05.025. Contracts for planning and construction of public works are governed by AS 36.30 (State Procurement Code). (§ 1 art III title I ch 152 SLA 1957; am § 2 ch 160 SLA 1980; am § 31 ch 106 SLA 1986)

Effect of amendments. — The 1986 amendment, effective July 1, 1987, added the last sentence.

Editor's notes. — Section 3, ch. 160, SLA 1980, as amended by § 2, ch. 70, SLA 1982, provided that the amendment made by § 2, ch. 160, SLA 1980 terminated June 30, 1984. Section 3, ch. 160, SLA 1980, as amended by § 2, ch. 70, SLA 1982, was repealed by § 3, ch. 78, SLA 1984.

Sec. 35.05.020. Regulations [Effective July 1, 1987]. The department shall adopt regulations that it considers necessary to carry out the purpose of this title. The regulations may not conflict with AS 36.30 (State Procurement Code) or the regulations adopted by the Department of Administration under that chapter. (§ 1 art III title I ch 152 SLA 1957; am § 32 ch 106 SLA 1986)

Chapter 10. Public Works.

Article

1. Public Works Planning and Construction (§ 35.10.015)
3. Financial Provisions (§ 35.10.135)
5. Public Facility Procurement Policy (§ 35.10.195)
6. Utilities and Encroachments in Public Facilities (§§ 35.10.210 — 35.10.270)

Article 1. Public Works Planning and Construction.

Section

15. Architectural barrier regulations; enforcement

Sec. 35.10.015. Architectural barrier regulations; enforcement. (a) The department shall prepare, promulgate and enforce regulations governing the construction of public buildings and facilities by or for the state, including the University of Alaska, and its political subdivisions, whether financed in whole or in part by federal funds, to ensure that the public buildings and facilities are accessible to, and usable by, the physically handicapped, aged or infirm. The regulations of the department shall conform to a standard comparable to the applicable provisions of federal law or regulation and to the publication entitled "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped" and any amendments to this publication as approved by the American Standards Association, Incorporated, under the sponsorship of the National Society for Crippled Children and Adults and the President's Committee on Employment of the Physically Handicapped.

(b) The department shall develop and maintain an inventory of all public buildings and facilities with respect to their compliance with the regulations adopted under (a) of this section. The department shall make an annual report to the governor and the legislature describing work performed in the preceding calendar year to upgrade public buildings and facilities to conform with the regulations. In addition, the department shall develop cost estimates and recommended priorities for the upgrading of public buildings and facilities that do not conform with the regulations adopted under (a) of this section and shall include these estimates and the recommended priorities in the annual report to the governor and the legislature.

(c) In this section, "public facilities" includes vessels owned by the state and operated by the division of marine transportation of the department as a part of the Alaska marine highway system. All ferries owned or operated by the state shall be equipped with elevators or other passenger lifting equipment, ramps, or other facilities and devices to ensure that these vessels are accessible to and usable by physically handicapped, aged or infirm passengers. In this subsection, "accessible to and usable by" means that a physically handicapped,

aged or infirm passenger can board, disembark and move between decks and about the public areas aboard a state ferry with personal comfort and with safety to himself, other passengers and members of the crew.

(d) After June 25, 1976, no ferry may be constructed, lengthened, completely renovated, or purchased for use or entered into service by the division of marine transportation of the Department of Transportation and Public Facilities as a part of the Alaska marine highway system that does not include adequate facilities and devices to ensure that the vessel is accessible to and usable by physically handicapped, aged or infirm passengers. Some staterooms and all restrooms, indoor passageways, outdoor weather decks, and other public areas aboard the vessel shall be so designed and constructed as to permit access and use by physically handicapped, aged or infirm passengers, including but not limited to those persons occupying a wheelchair.

(e) After June 25, 1976, no public building or facility in the state may be planned, designed, financed, constructed, opened to public use, or otherwise placed in operation unless it meets the standards established under this section. (§ 1 ch 119 SLA 1966; am § 1 ch 48 SLA 1972; am §§ 1 — 4 ch 249 SLA 1976; am E.O. No. 39, § 11 (1977))

Article 3. Financial Provisions.

Section

135. Public facility planning fund

Sec. 35.10.135. Public facility planning fund. There is established within the Office of the Governor, office of management and budget a public facility planning fund. The fund is a capital fund and consists of (1) money appropriated by the legislature, (2) money reimbursed to it from the proceeds of the sales of general obligation bonds and revenue bonds issued for projects and (3) money reimbursed to it from appropriations for any projects for which money from the fund has been spent. The fund is available for expenditure, on a reimbursable basis, only for the purposes of providing working capital for facility program planning and for facility procurement planning as specified in this chapter. All expenditures from the fund are subject to an independent audit which shall be made annually and reported to the governor and the legislature. (§ 1 ch 57 SLA 1973; am § 1 ch 58 SLA 1976; am § 28 ch 63 SLA 1983)

Effect of amendments. — The 1983 amendment substituted "office of management and budget" for "division of budget and management."

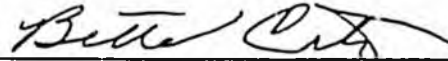
May 15, 1987

SENATE BILL 118

LETTER OF INTENT - HOUSE TRANSPORTATION COMMITTEE

It is the intent of the House Transportation Committee in passing SB 118 out of committee that the construction standards established by the state of Alaska for facilities not covered by federal standards will in no way diminish the Legislature's intent to provide accessibility for the handicapped, aged and infirm to all state facilities.

A state facility is defined as any structure constructed or operated with state or federal funds.



Chairman
House Transportation Committee

HOUSE COMMITTEE REPORT

(7)

Date referred: 5/13/87

FURTHER REFERRALS:

DATE: May 15, 1987

The Transportation Committee has considered SB 118

"An Act relating to access to public buildings and facilities by the physically handicapped, aged, and infirm."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: Trsp letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Butte Cats

Keith Halden

Wayne

Butte Cats

 Chairman's signature


May 15, 1987

SENATE BILL 118

LETTER OF INTENT - HOUSE TRANSPORTATION COMMITTEE

It is the intent of the House Transportation Committee in passing SB 118 out of committee that the construction standards established by the state of Alaska for facilities not covered by federal standards will in no way diminish the Legislature's intent to provide accessibility for the handicapped, aged and infirm to all state facilities.

A state facility is defined as any structure constructed or operated with state or federal funds.



Chairman
House Transportation Committee

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672
5185 HTRA SB 118 - SB 347

75



Official Business

COMMITTEE:

House Transportation Committee

DATE:

May 15, 1987

SIGN-IN

Subject of meeting:

*HCR 9: Relating to the expeditious redesign and reconstruction of Hyer Road in the Matanuska-Susitna Borough.

SB 118: "An Act relating to access to public buildings and facilities by the physically handicapped, aged, and infirm."

NAME Please include title

ADDRESS

Please use full address. Please include zip.

PHONE

REPRESENTING

DO YOU WANT TO TESTIFY?

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
Rod Wilson Des. Dir. II		465-2960	DOT/PF	Answer Questions on SB 118
Chair elect & Legislator Chair for the Gov. Council Robert Frank	16510 Centerfield, Eagle R.	694-5986		

* indicates first public hearing

5/16/87

Mr. Speaker,

The Department of Transportation and Public Facilities currently operates under two sets of regulations regarding setting standards for accessibility to public buildings by the handicapped, aged and infirm. Those standards are the "Uniform Federal Accessibility Standards" which are currently used to administer federal projects, and the "American Standard Specifications" which are used to administer state projects. SB 118 would change current statutes such that it would allow the department to use the "Uniform Federal Accessibility Standards" for all projects. The bill would also give DOT/PF the authority to write standards for any project that was not covered by current federal regulations.

Thank you, Mr. Speaker