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CSHB 155 (State Affairs)

"An Act relating to facility and vehicle accessibility for persons with disabilities, the aged, and the infirm, and to the governor's committee on the employment of people with disabilities."

1. State Affairs Committee Report
2. Sponsor Statement for HB 155 and HB 157
3. Fiscal Notes and Position Papers  
Department of Transportation and Public Facilities  
Department of Labor
4. Proposed Amendments to CS HB 155 (St Aff)
5. Americans With Disabilities Act Summary and Fact Sheet
6. Minutes, State Affairs 5/15/91
7. Minutes, State Affairs 1/22/92
8. Letters of Support
9. News Articles

(7)

Date Referred: January 24, 1992

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/12/92

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 155

HOUSE BILL NO. 155

BARRIER-FREE REMODELING FUND

"An Act relating to the remodeling of facilities to make them accessible by the physically handicapped, aged, and infirm."

RECOMMENDATIONS:

be replaced with

CS HB 155 (HES)

[ ] the same title

[ ] a new title

[ ] have attached amendments(s)

[x] do pass

[ ] do not pass

[ ] no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal impact \_\_\_\_\_

[x] fiscal note(s) Labor, DOTPE

[ ] zero fiscal note \_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Mark Staley</i>	X	<i>Deon Jones</i>		X	
<i>Phini Davis</i>	X				
<i>G.E. Gonsky</i>	X				
<i>Betty Davis</i>	X				
<i>John King</i>	X				
<i>Mary Miller</i>	✓				

*[Signature]*  
CHAIRMAN'S SIGNATURE

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## SPONSOR STATEMENT

### Barrier Free Remodeling Fund

CS HB 155 (State Affairs) & CS HB 157 (State Affairs)

#### Background

The Americans with Disabilities Act (ADA) was signed into law by President George Bush on July 26, 1990. This landmark legislation, called by some the "Emancipation Proclamation for the Disabled," provides civil rights protection to individuals who experience disabilities.

The ADA will have broad impact in Alaska. The ADA prohibits discrimination against individuals with disabilities and requires that buildings be made accessible. In particular, the ADA will significantly impact a great number of public agencies and private businesses challenged by the need to ensure that public accommodations such as state and local government agency buildings, museums, libraries, schools, restaurants, hotels, theaters and day care centers are accessible.

As of January 26, 1992, most public and private facilities throughout the state became legally liable to provide barrier free access. Under the ADA, building and facility owners that fail to meet the ADA accessibility requirements can be sued in federal court.

#### 43 Million Americans

During a recent ADA seminar sponsored by the Governor's Committee on Employment of People with Disabilities, it was noted that some 43 million Americans experience a disability.

A national survey of disabled individuals (including many senior citizens) determined that the disabled are routinely discouraged from full participation in our society. The survey findings included that some 40% of disabled persons do not often leave their homes due to accessibility problems; people experiencing disabilities are far less likely to patronize restaurants; and that about 65% of disabled people do not work.

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The survey also found that disabled Americans are a large untapped resource both as consumers of goods and services as well as potential contributors to the nation's work force. Most importantly, the survey confirmed that the lack of access to public and private facilities and services was discriminatory and violates the right that individuals with disabilities have to full and equal participation in society.

### Barrier Free Remodeling Fund

In anticipation of the ADA requirements, House Bills 155/157 were introduced to provide financial assistance to state agencies, local governments, school districts and private businesses to help offset the cost of needed remodeling to make public facilities and accommodations accessible.

CS HB 155 (State Affairs) would:

- Establish a Barrier Free Remodeling Fund within the Department of Transportation and Public Facilities (DOT/PF) to provide funding assistance to businesses, state agencies, local governments and school districts finance barrier free access remodeling projects;
- Designate the Governor's Committee on Employment of People with Disabilities as the agency responsible for the evaluation of grant awards:
  - State, municipal, school districts and non-profits could apply for grants to pay for the incremental costs of barrier free access improvements;
  - Private businesses facilities could apply for zero interest loans.
- Direct DOT/PF, in cooperation with the Governor's Committee on the Employment of People, to provide information services to agencies and businesses affected by the ADA.

CS HB 157 (State Affairs), a companion appropriation measure, would appropriate \$20 million to capitalize the Barrier Free Remodeling Fund.

### Assistance for Barrier Free Investments

The essential purpose of CS HB 157 (State Affairs) is to provide a pro-active incentive to businesses and government agencies to meet the requirements of the ADA, make public accommodations accessible and avoid unnecessary litigation.

While the full scope of the problem of limited accessibility is not yet well defined in Alaska, it is evident that making Alaska's buildings barrier free

will be an expensive undertaking. The magnitude of the challenge is evident from a survey of state-owned facility needs prepared by the state Department of Transportation and Public Facilities. DOT/PF compiled a list of state owned facilities indicating a total estimated remodeling cost exceeding \$60 million.

The enforcement remedies provided by the ADA essentially involve use of the federal court system to compel accessibility. Reliance on the court system as an enforcement mechanism is, at a minimum, cumbersome. Lawsuits often yield little more than bitter confrontation and needless legal expenses. Future ADA lawsuits may also have the unintended effect of diverting limited financial resources that would be better utilized making facilities barrier free. Many small businesses lack adequate financial resources to comply with the ADA while State and local government agencies also have budget constraints.

A Barrier Free Remodeling Fund as proposed by CS HB 157 (State Affairs) would help overcome these problems, speed compliance with the law, stimulate private sector investment in access improvements, reduce state liability for non-compliance and help eliminate unnecessary lawsuits.

Establishment of a Barrier Free Remodeling Fund would not only help businesses comply with the federal requirements of the ADA, it would also stimulate private sector employment by funding a wide range of remodeling projects.

#### Broad Support

In addition to having the backing of the Department of Transportation and Public Facilities, the Department of Labor and the Governor's Committee on the Employment of People with Disabilities, this legislation is strongly supported by a broad range of local governments, private business interests, and private non-profits. There is no known opposition to the legislation.

# FISCAL NOTE

Revision Date: January 2, 1992 (Draft)  
Title: An Act relating to facility and vehicle accessibility.

Department Affected: DOT&PF  
BRU: Eng. & Op. Stds.

Sponsor: Rep. Kay Brown  
Requestor:

Component: Design & Const. Stds.  
Component Serial Number: 547

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES	87.6	90.7	93.8	97.1	10.5	104.0
TRAVEL	8.0	8.0	8.3	8.6	8.9	9.2
CONTRACTUAL	51.0	42.0	34.9	36.1	37.4	38.7
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	2.5	2.5	0	0	0	0
<b>TOTAL OPERATING:</b>	<b>149.1</b>	<b>143.2</b>	<b>137.0</b>	<b>141.5</b>	<b>146.4</b>	<b>152.9</b>

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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**FUNDING: (Thousands of Dollars)**

GENERAL FUNDS	75.6	53.3	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE	73.5	89.9	137.0	141.5	146.4	152.9
<b>TOTAL FUNDING:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS**

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: \_\_\_\_\_

**ANALYSIS: (Attach a separate page if necessary)**  
See attached 5 page analysis.

Prepared by: 

Phone: 465-3900

Division: Engineering and Operations Standards

Date: January 21, 1992

Approved by Commissioner: 

Phone: 465-3900

Frank G. Turpin

Agency: Department of Transportation and Public Facilities

Date: January 21, 1992

Distribution By Preparer: Leg. Finance, Leg. Sponsor, Requestor, OMB/DBR, Gov. Leg. Office, Impacted Agency(ies).

ANALYSIS (cont. from page 1):

Fiscal Note Analysis for Draft CS to HB 155

**Program Description:**

The proposed bill would expand the Department of Transportation and Public Facilities' responsibilities and authority for encouraging access to the disabled within all facilities covered under recent federal legislation entitled the "Americans with Disabilities Act" (ADA). The department shall facilitate compliance by promulgating regulations necessary to implement this bill, including regulations establishing minimum accessibility standards; reviewing, compiling and presenting a list of candidate facilities for which funding (from the barrier free facility fund) may later be allocated by the committee; awarding grants under AS 35.50.050(c); overseeing the remodel of state facilities as required and provide information and/or assistance to requesting entities so as to ensure compliance with the standards established under 42 U.S.C. 12101 -12213 (ADA).

**Background Information Relating to the Proposed Legislation:**

On July 26, 1990 president Bush signed into law the "Americans with Disabilities Act" (ADA). Under the law the federal departments of transportation and justice are mandated to promulgate regulations for implementing the law. These regulations were made available in their final form on July 26, 1991. To date this department has experienced a very large increase in the number of inquiries as to the requirements of the bill by both public and private sector representatives. So as to not impact our ongoing workloads, the department can allocate only a limited amount of time and resource to respond to these requests -- with results which are often less than optimum..

It should be understood that the following analysis is based upon our current understanding of the ADA requirements.

**Program Implementation and Resulting Fiscal Impacts:**

The program as proposed would effect all state agency facilities and a vast amount of privately held facilities. The impact would be seen primarily within the Capital Budget side of the ledger (via the "Barrier Free Facility Fund" proposed under HB 157) as only a small portion of the total program funding would be consumed as general fund administrative fees. The "departmental duties" noted in the introductory paragraph constitute the major costs anticipated by this agency and formulate the basis of the following analysis and Fiscal Note. It is important to note that this analysis does not include those costs associated with expenses incurred by the *Governor's Committee on Employment of People with Disabilities*. Such committee costs resulting from this bill are likely to include additional travel expenses, costs associated with the promulgation of regulations under AS 35.50.020, and general administrative costs amongst others.

## Analysis and Assumptions:

The analysis will focus on the department's five specific areas of program involvement.

Area 1. Promulgation of Regulations: Under Section 35.50.120 the department will be required to promulgate regulations to augment the federal regulations developed under the ADA. At present, it appears that the state regulations effecting the standards imposed upon privately held facilities will have to be approved by the federal Department of Justice. This will require a special effort (in addition to the normal state requirements) on the part of department personnel and may extend the time frame for the state's usual regulation adoption process.

The arena of accessibility codes and standards can be confusing to the lay person. In preparing this analysis the department assumes that an additional employee will be required to formulate the regulations. The position should be programmed at a level equal to that of a registered architect. This will ensure familiarity with appropriate codes and provide the state with a reputable representative when dealing with other (federal) agencies, the design community and concerned individuals. For purposes of the following analysis a position at the range 21 has been assumed. (Range 21-A costs are as follows: \$4342/month basic salary times an overhead factor of 1.69 yielding approximately \$7,300/month total personnel costs.)

Code Promulgation (anticipate eighteen months to complete):

### Development

Utilize existing framework as created by DOT&PF Advisory Committee (phase 1).....	Est. 4 Mo. @ \$7,300/Mo.	= \$29,200
Revision following public hearing process (phase 2).....	Est. 3 Mo. @ \$7,300/Mo.	= \$21,900
Revision following federal review process (phase 3).....	Est. 2 Mo. @ \$7,555/Mo.	= \$15,110
Legal Review, for reviews at all phases (lump sum)		= \$25,000
In-state review and travel, for two series of hearings (lump sum)		= \$ 5,000
Federal review and travel (lump sum)		= \$ 2,500
Publication and education		
Publication Costs (State amendments to ADA regs) .....		= \$ 2,500
Education costs -- manpower .....	Est. 3 Mo. @ \$7,555/Mo.	= \$22,665
-- travel and misc. (lump sum)		= \$ 5,000
<hr/> <hr/>		
Total Promulgation Costs		= \$128,875

*(Note: While funding for promulgations costs needs to be provided only once, it must be made available over two fiscal years at a minimum in order to ensure sufficient time to interact with the federal review process. See specific FY 93 and FY 94 allocations on page 6 of this fiscal note.)*

Area 2. Compiling, Reviewing and Presenting the Listing of Candidate Projects: As required under proposed sections AS 35.50.030, 35.50.040(c), and 35.50.050(a) the department must assemble a statewide listing of accessibility projects for review and selection by the "committee" on an annual basis. While this work is to be accomplished in a relatively short period of time, June 1 through October 1, it will require an extensive amount of knowledge and manpower to accomplish the needed tasks. A professional level position is warranted as the individual will be responsible for dealing with other design professionals, government officials and the disabled community in general. For these reasons, it is recommended that the range 21 position noted previously be retained for this segment of the program as well. Approximate costs associated with this area of the program are as follows.

Project Listing Development (anticipate approximately 6 months of full time involvement each year)

Assembly of Projects

Pre-submittal period (provide direction/clarification) from May 1 to June 1 ..... 1 Mo. @ \$7,300/Mo. = \$ 7,300

Official Submittal period (provide preliminary review for submittal content and completeness) .... 2 Mo. @ \$7,300/Mo. = \$14,600

Compiling the Listing

Working in conjunction with the committee, compile the final listing, ranking eligible projects and identifying possible grant recipients. .... 2 Mo. @ \$7,300/Mo. = \$14,600

Associated travel expense (lump sum) = \$ 3,000

Presenting the Listing

Working in conjunction with the committee, compile a detailed cost estimate for each project or grant appearing on the final listing. Work may require the use of consultant cost estimators. Time frame as shown assumes that one half of the staff position's time will be spent on these duties.

Assuming the final listing will be provided to the commissioner by December 15. Then:

2 months of staff work, at half time, yields .... 1 mo @ \$7,300 = \$7,300

Maximum 2 months of consultant costs estimating services (assuming \$75/hour yields) 320 hours x \$75 ..... = \$24,000

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Total Project Listing Costs \$70,800

*(Note: Funding to cover the cost of listing projects should be provided on an "as needed" basis. To best facilitate this process it is assumed that the funding required under this area of the program would be considered "remodeling costs" (which includes administrative fees as noted under Sec 35.50.900 (5) of the proposed legislation) and hence provided directly from the Barrier Free Remodeling Funds. These monies are designated as "other funds" on page one of this Fiscal Note.*

Area 3. Grant/Loan Administration:

GRANTS: As required under the proposed section AS 35.50.070 the department is required to award the resulting grants. It is assumed that only a small amount of involvement will be required of the range 21 position as most of the intense work will be performed by the DOT&PF grant administrators in the regions. For this reason an allowance of one month of the range 21 position has been made under this area of the program. Again these costs are seen as administrative in nature and would be subject to the definition of *remodeling costs*. Funding for these services is shown as "other funds" on the Fiscal Note:

Grant Award Period (provide direction/clarification) part time from January 1 to June 30 .....	1 Mo. @ \$7,300/Mo. = \$7,300
<hr/>	
Total Grant Award Costs	\$7,300

LOANS: In this analysis it is assumed that the department will utilize the expertise in the Division of Banking (DC&ED) to implement the revolving loan process. An annual RSA of \$10,000 will be allocated to cover the costs of initializing the loans. Funding for these services is shown as "other funds" on the Fiscal Note:

Total Costs Associated to Loan Awards	\$10,000
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Area 4. Overseeing the Remodeling Process: As required under the proposed Section 35.50.080 the department shall ensure that money from the barrier free remodeling fund is being used to effect barrier removal. The money required to finance this portion of the program will be a direct cost to the project itself through the issuance of permit and inspection fees. These use of these fees is expected to follow a format similar to that established by the state fire marshal's office. Long term, it is our desire to redelegate this function to adequately qualified municipalities. There would be no adverse fiscal note for this segment of the project.

Area 5. Information Services: As proposed Section 35.50.100 will require the department to provide information on the accessibility standards and the grants and loans available under this program.

Conservatively, this analysis proposes to utilize the remaining 4 months of the range 21 position in an attempt to provide these services. Should this information function develop into a larger than anticipated operation, additional DOT&PF regional personnel or consultants may have to be enlisted. These administrative costs, like those noted in areas 2 and 3, should be considered as *remodeling costs* as defined within the bill. Funding for these services is shown as "other funds" on the Fiscal Note:

Information Related Costs:	
allocate remaining 4 months of range 21 time @ \$7,000/Mo. =	\$29,200
Associated travel/printing expense (lump sum)	\$ 5,000
<hr/>	
Total Compliance Costs	\$34,200

Summary of Anticipated Expenditures (Thousands of Dollars)

For FY 93

Type of Expenditure	Area 1 Services	Area 2 Services	Area 3 Services	Area 4 Services	Area 5 Services	Total FY Costs
Personal Services	51.1	14.6	7.3	0.0	14.6	87.6
Travel	5.0	3.0				8.0
Contractual	17.0	24.0	10.0			51.0
Miscellaneous	2.5					2.5

For FY 94

Type of Expenditure	Area 1 Services	Area 2 Services	Area 3 Services	Area 4 Services	Area 5 Services	Total FY Costs
Personal Services	37.8	45.4	7.5	0.0	0.0	90.7
Travel	5.0	3.0				8.0
Contractual	8.0	24.0	10.0			42.0
Miscellaneous	2.5					2.5

For FY 95 and beyond. (Entries beyond FY 95 have been adjusted by 3.5% for inflation.)

Type of Expenditure	Area 1 Services	Area 2 Services	Area 3 Services	Area 4 Services	Area 5 Services	Total FY Costs
Personal Services		54.7	7.8	0.0	31.3	93.8
Travel		3.1			5.2	8.3
Contractual		24.9	10.0			34.9
Miscellaneous						

Note: Administrative costs for program areas 2, 3, 4 and 5 are assumed to be eligible remodeling costs as defined under the proposed section AS 35.50.900(5). In total these cost are anticipated to run between \$73,500 (FY93) and \$152,860 (FY98) per year or approximately 3% of the total amount set aside in the Barrier Free Remodeling Fund.

JAN 21 1992



Department of Transportation  
and Public Facilities

# POSITION PAPER

BILL NO: HB 155

APPROVED: W.P. Gault

TITLE: An Act relating to facility and vehicle  
accessibility for persons with disabilities,  
the aged, and infirm.

DATE: 1/21/92

The department supports the bill. It is a reasonable and appropriate response to recent federal legislation and to the needs of the disabled community within the State of Alaska. It is the department's belief that the sponsor intends to more fully develop the bill during the session. Therefore, the department would like to reserve the opportunity to provide additional input as the federal requirements become more fully established.

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Bill Version: CSHB 155 (STA)  
(H) Publish Date: 1/24/92

Revision Date: \_\_\_\_\_  
Title: "An Act relating to facility and  
vehicle accessibility for persons with disabilities..."  
Sponsor: Brown, et.al.  
Requestor: House State Affairs

Department Affected: Labor  
BRU: Employment Security  
Component: Governor's Committee  
on Employment of the Disabled  
COMPONENT SERIAL NO. 333

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	54.7	54.7	54.7	54.7	54.7	54.7
TRAVEL	14.5	9.0	8.0	7.0	7.0	7.0
CONTRACTUAL	23.1	15.0	7.0	2.5	2.0	2.0
SUPPLIES	3.5	2.5	2.5	2.5	2.5	2.5
EQUIPMENT	9.5	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	105.3	81.2	72.2	66.7	66.2	66.2

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
Barrier Free Remodeling Fund	105.3	81.2	72.2	66.7	66.2	66.2
TOTAL	105.3	81.2	72.2	66.7	66.2	66.2

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

(see attached)

Prepared by: Judy Knight, Director Phone: 465-2712  
Division: Employment Security Division Date: 1/17/92  
Approved by Commissioner: John Abshire, Acting Commissioner  
Agency: Department of Labor Date: 1/17/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Fiscal Note Analysis for  
"An Act relating to facility and vehicle accessibility for persons with disabilities...."  
CSHB 155 (STA)

This bill would place additional responsibilities on the Governor's Committee on Employment of People with Disabilities related to the barrier free remodeling fund. The committee currently has funding that allows for three committee meetings per year and provides minimum support of its employment outreach activities. The budget appropriation for FY 93 is anticipated to be \$39.1 (a reduction of \$9.0 from FY 91). The committee does not have funding for staff support.

During the first year this legislation would require regulations to be promulgated and additional committee meetings held to organize the barrier free remodeling fund prioritization. These additional duties would require funding for an analyst to assist the committee on a half-time basis. After the first year, staff focus will change from regulatory duties to analyzing proposals in relationship to regulations, updating information, presenting seminars, and being available as a public information person.

Additional travel funds would also be required. We estimate the committee as a whole will need to meet at least two additional times to initiate advice on the facility remodeling and regulations required for the distribution of funds. A subcommittee of five members with staff support would be responsible for the majority of the drafting and planning necessary for the implementation of this bill requiring several meetings. After the first year, travel expenses would be reduced.

Additional contractual and commodity expenses would also be incurred for the advertising of additional meetings, promulgation of regulations, and supplies associated with the added duties. Approximately \$15,000 in the first year would be spent printing and distributing pamphlets explaining disability laws. Again, after the first year these expenses would be reduced.

Equipment needed would be a personal computer with a laser printer. This would be used by the public for accessing in-depth Americans with Disabilities Act information. The committee would need their own phone, recordophone, and fax machine for easier public access and dissemination of information.

An effective date of July 1, 1992 is assumed.

Position Title <b>Grants Administrator</b>		No. of Positions <b>1</b>	Range/Step <b>17A</b>	Barg. Unit <b>GGU</b>
Time Status <b>Full Time</b>	Staff Months <b>12</b>	Location <b>Anchorage</b>		Election District <b>7</b>
Justification				
Type of Expenditure		Amount		
1	2	3		
Salary	<b>\$39,500</b>			
Benefits	<b>15,200</b>			
Premium Pay				
Other				
<b>Total Personal Services</b>		<b>\$54,700</b>		
Travel		<b>2,000</b>		
Contractual		<b>8,100</b>		
Commodities		<b>3,500</b>		
Equipment		<b>2,500</b>		
Other				
<b>Total Cost</b>		<b>\$77,800</b>		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1001			
GF Program Receipts	1005			
Other				

This position would provide the necessary staff support for the Governor's Committee on Employment of People with Disabilities. During the first year the position would assist in the promulgation of required regulations. The following year the position would assist in the grant review and awarding processes. Also the position will function as a public information person by presenting seminars and answering questions from the public on the aspects of this bill.

Travel costs would cover three trips to attend committee meetings and for the regulation hearing process.

Contractual costs would cover the cost of a phone and fax line as well as the long distance calls associated with the committee. Costs of a copy machine and other average per employee costs are also included.

Commodities covers normal office supplies for this position.

Equipment expense would be a one-time item and include a personal computer, laser printer, fax machine, telephone, and office furniture.

**Request For  
New Position**

Agency Labor  
 BRU Employment Security  
 Component Committee on Employment of Disabled

Page 3 of 3  
 Revised Date

CSHA 155(574)

**FY 92**

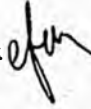
# Representative Kay Brown

ALASKA STATE LEGISLATURE

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During Session  
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TO: Representative Georgianna Lincoln, Co-Chair  
Representative Pat Carney, Co-Chair  
House Health, Education & Social Services Committee

FROM: Representative Kay Brown 

DATE: February 3, 1992

SUBJ: Proposed Amendments to CS HB 155 (STA)

Please find attached several proposed amendments to CS HB 155 (State Affairs) that I would like to offer for the Committee's consideration. These amendments have been developed in consultation with the Governor's Committee on Employment of People with Disabilities.

A brief description of each of these proposed amendments is provided below.

## 1. Reference to Disabilities

This amendment, by deleting the specific phrase "physical," will make reference to disabilities more consistent with the Americans with Disabilities Act. (The ADA defines disability to include a physical or mental impairment.)

Language is added concerning qualifications of members of Governor's Committee on Employment of People with Disabilities.

## 2. Remodeling Costs — Conforming Language Change

The proposed change makes reference to "pay the remodeling costs" consistent with the phrasing used in the definitions section.

## 3. Development of Project Recommendations — Date Change

This change will give the Governor's Committee on Employment of People with Disabilities additional time needed to review and evaluate proposed remodeling projects.

DISTRICT 12

Downtown • Fairview • City View • Bootleggers Cove • Inlet View • South Addition • Thunderbird Terrace  
Eastridge • Penland Park • Airport Heights • Government Hill

#### 4. Development of Prioritized List of Remodeling Projects

The amendment directs that the Governor's Committee on Employment of People with Disabilities develop a prioritized list of remodeling projects. Additionally, the amendment deletes language specifically referencing the "following fiscal year" in order to provide flexibility to award project grants and loans, subject to available monies in the Barrier Free Remodeling Fund.

#### 5. Certification of Local Government/School District Leasing Policies

This amendment would add a requirement that a local government or a school district, as a condition of being eligible for a grant from the Remodeling Fund, must certify that their future lease RFPs and invitations to bid include provisions that the leased space will comply with the Americans with Disabilities Act.

#### 6. Court System and LAA Representation on Project Advisory Body

This amendment adds a representative of the Court System and the Legislative Affairs Agency as ex-officio members of the Governor's Committee on Employment of People with Disabilities for the purpose of remodeling project review and evaluation.

AMENDMENT # |

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: CSHB 155 (STATE AFFAIRS)

Page 2, line 11:

Delete "physical"

Page 2, line 12, following "disabilities":

Insert "or persons who have immediate family members with disabilities"

Page 3, line 3:

Delete "physical"

Page 3, line 14:

Delete "physical"

Page 3, line 17:

Delete "physical"

Page 3, line 20:

Delete "physical"

Page 3, line 23:

Delete "physical"

Page 3, line 29:

Delete "physical"

Page 4, line 3:

Delete "physical"

A M E N D M E N T #2

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: CSHB 155 (STATE AFFAIRS)

Page 3, line 28:

Delete "remodel"

Insert "pay the remodeling costs of"

Page 4, line 1:

Delete "remodel"

Insert "pay the remodeling costs of"

AMENDMENT

# 3

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: CSHB 155 (STATE AFFAIRS)

Page 4, line 12:

Delete "October 1"

Insert "November 1"

A M E N D M E N T # 4

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: CSHB 155 (STATE AFFAIRS)

Page 4, line 12, following "commissioner":

Insert "a prioritized list of"

Page 4, lines 13 - 14:

Delete "during the following fiscal year"

Page 4, lines 15 - 16:

Delete "during the following fiscal year"

Page 4, line 20:

Delete "determination"

Insert "prioritized list"

Page 4, line 21:

Delete "to be paid through"

Insert "eligible for"

Page 4, line 22:

Delete "during the next fiscal year. The determination"

Insert ". The list"

Page 5, line 2, following "AS 35.50.050(d)":

Insert "for which funding is available and according to the priority established under AS 35.50.050(d)"

Page 5, line 4, following "facilities":

Insert "in accordance with the prioritized list made by the commissioner under AS 35.50.050(d)"

Page 5, line 7:

Delete "determination"

Insert "prioritized list"

Page 5, line 11:

Delete "determination"

Insert "prioritized list made"

Page 5, line 11, following "commissioner":

Insert "under AS 35.50.050(d)"

Page 5, line 16:

Delete "that were identified in the final determination of"

Insert "according to the final prioritized list made by"

AMENDMENT #5

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: CSHB 155(STATE AFFAIRS)

Page 4, following line 7:

Insert a new section to read:

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

AMENDMENT #6

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: CSHB 155 (STATE AFFAIRS)

Page 2, line 14, following "Facilities":

Insert ", the administrative director of the court system, the executive director of the legislative affairs agency."

## AMERICANS WITH DISABILITIES ACT OF 1990 SUMMARY

Signed by President Bush and became Public Law 101-336 on July 26, 1990. Frequently referred to as ADA.

Governing regulations are due from the responsible federal agencies by July 26, 1991.

Eventually will affect all private employers of 15 or more workers and all places of public accommodations and services.

The law prohibits discrimination against qualified people with disabilities in employment, and provides for equal access to public services and transportation, public accommodations, and telecommunications services.

An individual with a "disability" is one who has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or who is regarded as having such an impairment. Major life activities include caring for oneself, walking, seeing, hearing, speaking, and working.

### TITLE I - EMPLOYMENT

Employers engaged in an industry affecting commerce that have 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year will be covered by the statute for the first two years after the effective date of July 26, 1992. Thereafter, employers with 15 or more employees will be covered.

The law prohibits covered employers from discriminating against a "qualified individual with a disability" in regard to job applications, hiring, advancement, discharge, compensation, training, or other terms, conditions, or privileges of employment.

Employers are required to make "reasonable accommodations" to the known physical or mental limitations of an otherwise qualified individual with a disability unless to do so would impose an "undue hardship."

#### Definitions:

A "qualified individual with a disability" means one who, with or without reasonable accommodation can perform the essential functions of the job.

A reasonable accommodation may include making existing facilities readily accessible; job restructuring; modifying work schedules; reassigning to vacant positions; acquiring or modifying equipment or devices; adjusting or modifying examinations, training materials, or policies; providing readers or interpreters, or other similar accommodations.

An accommodation is not required under ADA if it would impose an "undue hardship" on the employer's business. This means a significant difficulty or expense.

Employers may require medical examinations only if they are job-related and consistent with business necessity and only after an offer of employment has been made to a job applicant. The offer may be conditioned on the results of the examination if all employees are subjected to examinations and information obtained is kept confidential. Inquiries concerning whether an applicant has a disability are prohibited. Employers may ask however, whether the employee can perform job-related functions.

Employers may test for the use of illegal drugs and such test will not be considered medical examinations under ADA. Current illegal drug users and alcoholics who cannot safely perform their jobs are not protected by ADA. Those who have been rehabilitated, who are participating in a supervised rehabilitation program and are not currently using, or who are erroneously regarded as engaging in the use of illegal drugs are covered.

Employers are required to post notices summarizing the law's provisions. EEOC is the enforcement agency for the law and will issue implementation regulations within one year of its enactment.

## TITLE II-PUBLIC SERVICES

Prohibits discrimination against or excluding qualified individuals with disabilities from participation in services, programs, or activities of a public entity. Deals mostly with transportation provided to the public including bus, rail, taxis and limousines.

Public entities that purchase or lease new buses, rail, or other vehicles must make sure that those vehicles are accessible and usable by individuals with disabilities, including those in wheelchairs.

New public transportation facilities must be readily assessable and usable by individuals with disabilities. There is no requirement that existing facilities be altered to make them accessible.

If a public entity operates a public transportation fixed route system that is not accessible by people with disabilities, it must provide paratransit or other special transportation sufficient to provide a comparable level of service with a comparable response time to those with disabilities and their companions unless to do so would impose an "undue financial burden", in which case the public entity must provide the service to the extent that doing so would not impose such a burden.

### TITLE III-PUBLIC ACCOMMODATIONS

Prohibits discrimination against individuals with disabilities in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation.

Includes:

- Places of lodging (such as inns, motels, hotels);
- Establishments serving food or drink;
- Places of entertainment;
- Gathering places (such as auditoriums, convention centers);
- Retail sales establishments;
- Service establishments (such as laundromats, banks, and doctors' and lawyers, offices);
- Public transportation terminals;
- Cultural facilities (such as museums, libraries, and galleries);
- Parks and zoos;
- Places of education;
- Social service centers (such as day care centers and food banks);
- Places of exercise or recreation (such as golf courses, health spas, and bowling alleys).

### TITLE IV-TELECOMMUNICATIONS

Telephone companies must provide "telecommunications relay services" throughout their service areas. These services enable hearing and speech impaired individuals to communicate with hearing individuals through the use of Telecommunications Devices for the Deaf or other nonvoice terminal devices by providing operators that relay messages between the TDD user and nonuser.

Television public service announcements produced or funded in whole or in part with federal money must include closed captioning.

### TITLE V-MISCELLANEOUS PROVISIONS

Includes numerous "clean up" provisions;

Other federal or state laws that provide equal or greater protection for the rights of individuals with disabilities are not invalidated or limited.

Permits insurers to continue to underwrite and classify risks consistent with state law and allows covered entities to provide bona fide benefit plans based on risk classifications.

Members, officers, and employees of Congress and its agencies are prohibited from refusing to hire, discharging, or otherwise discriminating in employment against individuals with disabilities.

States are not immune under the 11th amendment to the Constitution from action in court for a violation of the act. (The 11th amendment denies federal jurisdiction in suits brought against a state by citizens of another state.)

Contains provisions for the protection of "whistle-blowers" and persons who testify or participate in any manner in an investigation or other proceeding under the act.

### EFFECTIVE DATES

- Title I  
(Employment) July 26, 1992 for employers with 25 or more employees; July 26, 1994 for employers with 15 or more employees.
- Title II  
(Public Services) January 26, 1992 for all activities of state and local government.  
After August 25, 1990, all orders for new vehicles must be for accessible vehicles.  
One car per train must be accessible no later than July 26, 1995.  
After January 26, 1992, paratransit must be available; new stations must be built accessible  
By July 26, 1993 key commuter stations must be retrofitted.
- Title III  
(Public Accommodations) January 26, 1992 for all business and service providers; July 26, 1992 for businesses with 25 or less employees and gross receipts of \$1,000,000 or less; January 26, 1993 for businesses with 10 or less employees and gross receipts of \$500,000 or less.  
January 26, 1992 for alterations to public accommodations, and January 26, 1993 for new construction.
- Title IV  
(Telecommunications) July 26, 1993, telecommunications relay services to operate 24 hours per day.

### REGULATION

- Title I Equal Employment Opportunity Commission (EEOC).  
Title II For activities of state and local government, the Attorney General; for public transportation, the Secretary of Transportation.
- Title III For public accommodations, the Attorney General. For public transportation, the Secretary of Transportation.
- Title IV Federal Communications Commission.

### ENFORCEMENT

- Title I EEOC, Attorney General, Private right of action, and procedures in Title VII of the Civil Rights Act of 1964.
- Title II Private right of action, procedures in section 505 of the Rehabilitation Act of 1973.
- Title III Private right of action, remedies of Title II of the Civil Rights Act of 1964, Attorney General enforcement in pattern or practice cases.
- Title IV Private right of action and Federal Communications Commission.

# Americans with Disabilities Act Fact Sheet

Accessibility Requirements	Effective Date	Regulations and Enforcement
<p><b><u>Title I - Employment</u></b></p> <p>Employers with 15 or more employees may not discriminate against qualified individuals with disabilities.</p>  <p>Employers must reasonably accommodate the disabilities of qualified applicants or employees, including modifying work stations and equipment, unless undue hardship would result.</p>	<p>July 26, 1992 - for employers with 25 or more employees.</p> <p>July 26, 1994 - for employers with 15 to 24 employees.</p>	<p>EEOC to Issue regulations by July 26, 1991.</p> <p>Individuals may file complaints with EEOC. Individuals may also file a private lawsuit after exhausting administrative remedies.</p> <p>Remedies are the same as available under Title VII of the Civil Rights Act of 1964. Court may order employer to hire or promote qualified individuals, reasonably accommodate their disabilities, and pay back wages and attorney's fees.</p>

Abbreviations used in this chart:

ADA    Americans with Disabilities Act	EEOC    Equal Employment Opportunity Commission
ATBCB    Architectural and Transportation Barriers Compliance Board	FCC    Federal Communications Commission
DOJ    Department of Justice	MGRAD    Minimum Guidelines and Requirements for Accessible Design
DOT    Department of Transportation	UFAS    Uniform Federal Accessibility Standards

U.S. Architectural and Transportation Barriers Compliance Board  
Suite 501, 1111 18th Street, NW  
Washington, DC 20036-3894

TELEPHONE: 1-800-USA-ABLE (voice or TDD)

The Access Board will provide an Information package on the Americans with Disabilities Act.

**Accessibility  
Requirements**

**Effective  
Date**

**Regulations and  
Enforcement**

**Title II - Public Services**

State and local governments may not discriminate against qualified individuals with disabilities.

Newly constructed state and local government buildings, including transit facilities, must be accessible.

Alterations to existing state and local government buildings must be done in an accessible manner.

When alterations could affect accessibility to "primary function" areas of a transit facility, an accessible path of travel must be provided to the altered areas and the restrooms, drinking fountains, and telephones serving the altered areas must also be accessible, to the extent that the additional accessibility costs are not disproportionate to the overall alterations costs.

New buses and rail vehicles for fixed route systems must be accessible.

New vehicles for demand responsive systems must be accessible unless the system provides individuals with disabilities a level of service equivalent to that provided to the general public.

One car per train must be accessible.

Existing "key stations" in rapid rail, commuter rail, and light rail systems must be accessible.

January 26, 1992 - unless otherwise noted below. (Recipients of Federal financial assistance are presently required to comply with similar requirements under Section 504 of the Rehabilitation Act of 1973.)

Ordered after August 25, 1990.

Ordered after August 25, 1990.

By July 26, 1995.

By July 26, 1993. Extensions may be granted up to July 26, 2010 (commuter rail) and July 26, 2020 (rapid and light rail) for stations needing extraordinarily expensive structural changes.

DOJ to issue regulations except for public transportation by July 26, 1991.

DOT to issue regulations for public transportation by July 26, 1991.

ATBCB to supplement MGRAD by April 26, 1991. DOJ and DOT regulations must be consistent with supplemental MGRAD and may incorporate the supplemental MGRAD.

UFAS to be used as interim accessibility standard for transit facilities if final regulations have not been issued and if a building permit has been obtained prior to issuance of final regulations, work begins within one year of receipt of permit, and is completed under the terms of the permit. If final regulations have not been issued one year after MGRAD has been supplemented, MGRAD to be used as interim accessibility standard.

(Most facilities constructed or altered with Federal funds are presently required to comply with UFAS under the Architectural Barriers Act of 1968. Facilities constructed or altered by recipients of Federal financial assistance are presently required to comply with UFAS under Section 504 of the Rehabilitation Act of 1973.)

Amtrak and commuter rail passenger cars must comply with MGRAD provisions for rail cars to the extent that they are in effect at the time the design of the cars is substantially completed, if final regulations have not been issued.

Accessibility Requirements	Effective Date	Regulations and Enforcement
<p>Comparable paratransit must be provided to individuals who cannot use fixed route bus service to the extent that an undue financial burden is not imposed.</p> <p>All existing Amtrak stations must be accessible.</p> <p>Amtrak trains must have same number of seating spaces for individuals who use wheelchairs as would available if every car in the train were accessible to such individuals.</p>	<p>By January 26, 1992.</p> <p>By July 26, 2010.</p> <p>By July 26, 2000. Half of those seats must be available by July 26, 1995.</p>	<p>Individuals may file complaints with DOT concerning public transportation and with other designated Federal agencies concerning matters other than public transportation. Individuals may also file a private lawsuit.</p> <p>Remedies are the same as available under Section 505 of the Rehabilitation Act of 1973. Court may order entity to make facilities accessible, provide auxiliary aids or services, modify policies, and pay attorneys' fees.</p>
<p><b><u>Title III - Public Accommodations</u></b></p> <p>Restaurants, hotels, theaters, shopping centers and malls, retail stores, museums, libraries, parks, private schools, day care centers, and other similar places of public accommodation may not discriminate on the basis of disability.</p> <p>Physical barriers in existing public accommodations must be removed if readily achievable (i.e., easily accomplishable and able to be carried out without much difficulty or expense). If not, alternative methods of providing services must be offered, if those methods are readily achievable.</p> <p>New construction in public accommodations and commercial facilities (non-residential facilities affecting commerce) must be accessible.</p>	<p>January 26, 1992 - unless otherwise noted below.</p> <p>Facilities designed and constructed for first occupancy after January 26, 1993.</p>	<p>DOJ to issue regulations except for privately operated transportation by July 26, 1991.</p> <p>DOT to issue regulations for privately operated transportation by July 26, 1991.</p> <p>ATBCB to supplement MGRAD by April 26, 1991. DOJ and DOT regulations must be consistent with supplemental MGRAD and may incorporate the supplemental MGRAD.</p> <p>UFAS to be used as interim accessibility standard if final regulations have not been issued and if a building permit has been obtained prior to issuance of final regulations, work begins within one year of receipt of permit, and is completed under the terms of the permit. If final regulations have not been issued one year after MGRAD has been supplemented, MGRAD to be used as interim accessibility standard.</p>

### Accessibility Requirements

### Effective Date

### Regulations and Enforcement

Alterations to existing public accommodations and commercial facilities must be done in an accessible manner. When alterations could affect accessibility to "primary function" areas of a facility, an accessible path of travel must be provided to the altered areas and the rest rooms, telephones, and drinking fountains serving the altered areas must also be accessible, to the extent that the additional accessibility costs are not disproportionate to the overall alterations costs.

Elevators are not required in newly constructed or altered buildings under three stories or with less than 3,000 square feet per floor, unless the building is a shopping center, mall or health providers office. The Attorney General may determine that additional categories of such buildings require elevators.

New buses and other vehicles (except automobiles) operated by private entities must be accessible or system in which vehicles are used must provide individuals with disabilities a level of service equivalent to that provided to the general public depending on whether entity is primarily engaged in business of transporting people; whether system is fixed route or demand responsive; and vehicle seating capacity.

New over-the-road buses (buses with an elevated passenger deck located over a baggage compartment) must be accessible.

Ordered after August 25, 1990 (February 25, 1992 for rail passenger cars and vans with a capacity of less than 8 persons when operated by an entity primarily engaged in the business of transporting people).

Ordered after July 26, 1996 (July 26, 1997, for small companies). Date may be extended by one year after completion of a study.

On application by State or local government, Attorney General, in consultation with ATBCB, may certify that State or local building codes meet or exceed ADA accessibility requirements.

Individuals may file complaints with the Attorney General. Individuals may also file a private lawsuit.

Remedies are the same as available under Title II of the Civil Rights Act of 1964. Court may order an entity to make facilities accessible, provide auxiliary aides or services, modify policies, and pay attorneys' fees.

Court may award money damages and impose civil penalties in lawsuit filed by Attorney General but not in private lawsuit by individuals.

Small businesses with 25 or fewer employees and gross receipts of \$1 million or less may not be sued for violations occurring before July 26, 1992; and small businesses with 10 or fewer employees and gross receipts of \$.5 million or less may not be sued for violations occurring before January 26, 1993. However, such small businesses may be sued for violations relating to new construction and alterations to facilities occurring after the effective date.

### Title IV - Telecommunications

Telephone companies must provide telecommunications relay services for hearing-impaired and speech-impaired individuals 24 hours per day.

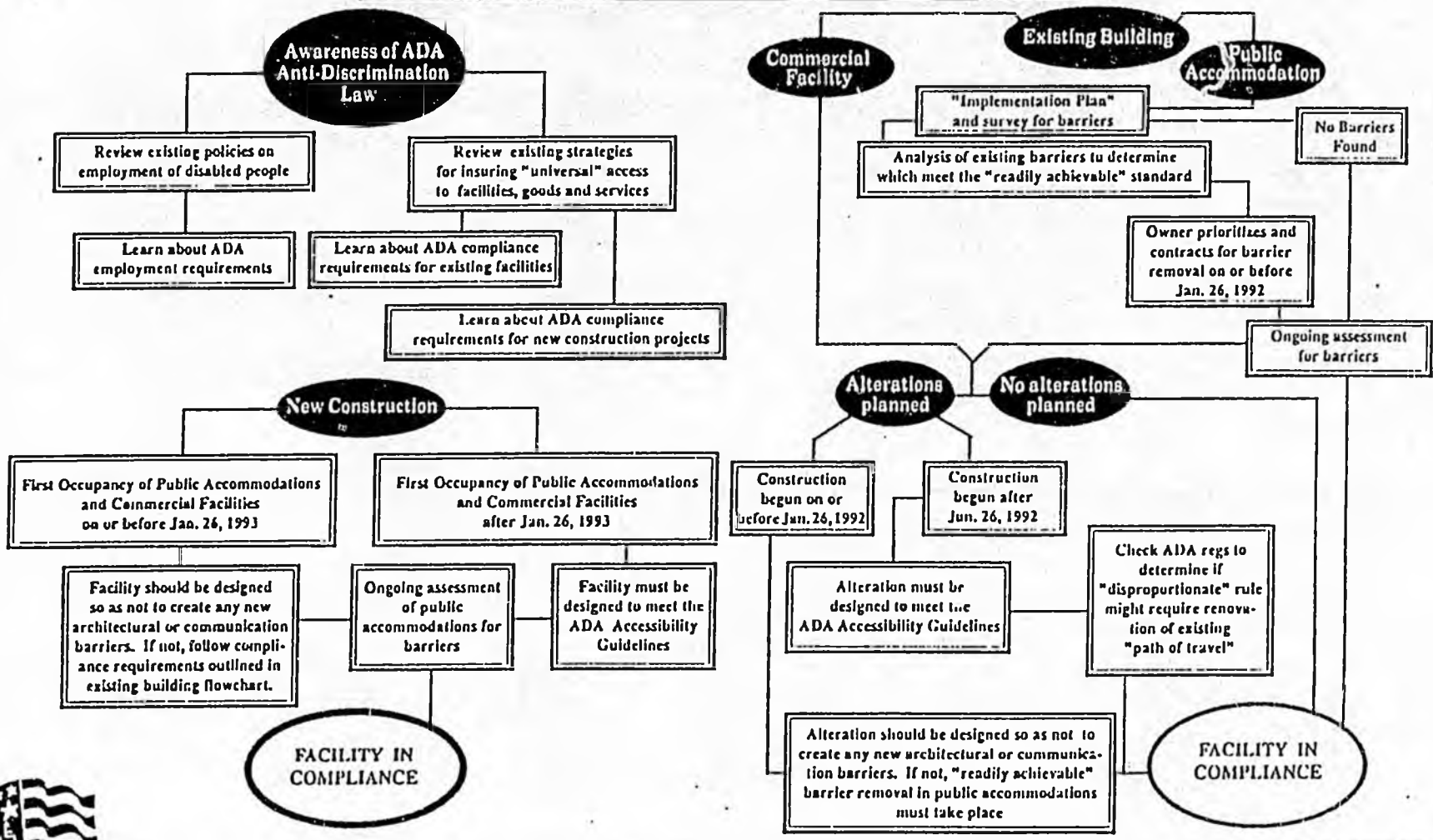
By July 26, 1993.

FCC to issue regulations by July 26, 1991.

Individuals may file complaints with the FCC.

November 1990

# Americans with Disabilities Act Facilities Compliance Flowchart Title III - Public Accommodations



What is ADA?

THE FOLLOWING DOCUMENT MAY NOT FILM  
LEGIBLY BECAUSE OF THE POOR QUALITY OF THE  
ORIGINAL

CHAIRMAN KUBINA ANNOUNCED THAT THE COMMITTEE WOULD THEN HEAR HB 155. HE NOTED THAT A CS FOR HB 155 HAD BEEN PREPARED.

NUMBER 320

REP. CHOQUETTE MADE A MOTION TO ADOPT THE CS FOR HB 155. THERE WERE NO OBJECTIONS AND IT WAS SO ADOPTED.

NUMBER 335

ROD WILSON, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, TESTIFIED IN FAVOR OF HB 155. HE STATED THAT NEW FEDERAL LAWS HAD ADOPTED THE AMERICAN DISABILITIES ACT (ADA). THE ADA REQUIRED STATES TO PROVIDE EQUAL ACCESS TO FACILITIES FOR THE HANDICAPPED AND THAT IF THE STATE OF ALASKA DID NOT ACT, THEN FEDERAL LAW WOULD TAKE OVER.

CHAIRMAN KUBINA ASKED WHEN THE FEDERAL GUIDELINES WOULD TAKE EFFECT.

MR. WILSON STATED THAT THEY WOULD TAKE EFFECT ON JULY 26, 1991.

CHAIRMAN KUBINA ASKED WHY THE DOT HAD NOT ACTED SOONER TO ADDRESS THESE NEW FEDERAL GUIDELINES.

MR. WILSON RESPONDED THAT THE DOT DID NOT YET KNOW THE OUTCOME OF ALL THE NEW REGULATIONS.

CHAIRMAN KUBINA EXPRESSED HIS CONCERN THAT NO ACTION HAD BEEN TAKEN TO ADDRESS THESE REGULATIONS IN A TIMELY MANNER.

CHAIRMAN KUBINA ASKED MR. WILSON IF THE DOT APPROVED OF THE CS FOR HB 155 AND IF THEY WOULD RECOMMEND THAT IT BE WORKED ON DURING THE INTERIM.

MR. WILSON REPLIED THAT THE DOT DID APPROVE OF HB 155 AND THAT THEY WOULD RECOMMEND IT.

JUDY KNIGHT, DIRECTOR, DIVISION OF EMPLOYMENT SECURITY DIVISION, STATED THAT THEY WERE VERY CONCERNED ABOUT THE AMERICAN DISABILITY ACT. SHE ADDED THAT THERE WAS A MANDATED DEADLINE IN THE BILL. SHE SAID THAT THE REGULATIONS WOULD BE CIRCULATED FOR PUBLIC TESTIMONY AND NOT ADOPTED UNTIL THE END OF THE YEAR AND THAT THEY WOULD HAVE STAGGERED EFFECTIVE DATES.

NUMBER 414

CHAIRMAN KUBINA ASKED IF THE DIVISION OF EMPLOYMENT SECURITY DIVISION APPROVED OF THE CS FOR HB 155.

MS. KNIGHT STATED THAT IT DID. SHE ADDED THAT SHE WOULD PROVIDE THE COMMITTEE WITH AN OUTLINE OF THE ADA AND INVITED THE COMMITTEE TO ATTEND A MEETING OF THE COMMITTEE ON THE EMPLOYMENT OF PEOPLE WITH DISABILITIES IN SEWER IN EARLY JUNE, 1991.

CHAIRMAN KUBINA CALLED FOR AN AT EASE AT 2:50 P.M.

CHAIRMAN KUBINA CALLED THE MEETING BACK TO ORDER AT 2:52 P.M.

TAPE 92-2, SIDE A  
NUMBER 000

THE HOUSE STATE AFFAIRS COMMITTEE MEETING WAS CALLED TO ORDER BY CHAIRMAN KUBINA AT 8:41 A.M. MEMBERS PRESENT WERE REPRESENTATIVES (REPS.) KUBINA, MOYER, CHOQUETTE, BAKER, MILLER AND GRUENBERG.

CHAIRMAN KUBINA ANNOUNCED THAT THE COMMITTEE WOULD FIRST HEAR HB 155, RELATING TO THE BARRIER-FREE REMODELING FUND, AND THEN HB 157, RELATING TO APPROPRIATION FOR BARRIER-FREE FACILITY FUND. HE BRIEFED THE COMMITTEE ON HB 155 AND ADDED THAT A COMMITTEE SUBSTITUTE (CS) HAD BEEN PROPOSED. CHAIRMAN KUBINA ASKED REP. KAY BROWN, PRIME SPONSOR OF HB 155, TO ADDRESS THE COMMITTEE.

NUMBER 050

REP. BROWN EXPLAINED THAT HB 155 OFFERED A CONSTRUCTIVE APPROACH TO MEETING STATE RESPONSIBILITIES TO MAKE THEIR FACILITIES ACCESSIBLE TO PEOPLE WITH DISABILITIES AS WELL AS ASSIST LOCAL GOVERNMENT AND PRIVATE ENTITIES TO DO THE SAME. SHE ADDED THAT THE AMERICAN DISABILITIES ACT (ADA) BECAME EFFECTIVE JANUARY 26, 1992, AND THE STATE NEEDED TO PUT A PROCESS IN PLACE TO ADDRESS IT.

REP. BROWN SAID THE FULL SCOPE OF THE PROBLEM IN ALASKA REGARDING FACILITIES AND THEIR INACCESSIBILITY WAS NOT FULLY KNOWN, BUT IT WOULD BE AN EXPENSIVE PROPOSITION. SHE ADDED THAT THE FIVE MILLION DOLLARS PROPOSED IN HB 157 WAS MERELY A BEGINNING. THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (DOT&PF) ESTIMATED ABOUT 60 MILLION DOLLARS WAS NEEDED FOR STATE FACILITIES IN THEIR MOST RECENT FISCAL NOTE. THE COST COULD EXCEED 200 MILLION DOLLARS FOR ALL STATE AND PRIVATE FACILITIES.

REP. BROWN NOTED THAT THE FUNDING IN HB 157 WOULD COVER STATE AGENCIES, LOCAL GOVERNMENT, SCHOOL DISTRICTS, NONPROFITS, AND PRIVATE BUSINESSES. AT THE END OF THE PREVIOUS SESSION, THE HOUSE STATE AFFAIRS COMMITTEE HELD A HEARING ON HB 157 AND ADOPTED A WORK DRAFT CS DATED APRIL 29, 1991. REP. BROWN ANNOUNCED THERE WAS A REVISED WORK

DRAFT DATED JANUARY 2,

1992, FOR HB 155 AND ALSO A REVISED WORK DRAFT CS FOR HB 157 THAT WAS DATED JANUARY 16, 1992.

NUMBER 169

REP. BROWN STATED SHE HAD PREPARED A MEMORANDUM (MEMO) DESCRIBING THE CHANGES THAT HAD TAKEN PLACE DURING THE INTERIM. THE MAJOR CHANGE WAS TO REPLACE THE PREVIOUSLY PROPOSED 50/50 GRANT FOR PRIVATE ENTITIES WITH A NO INTEREST LOAN. THIS WOULD GIVE THE STATE A STREAM OF PAYMENTS THAT COULD BE LOANED OUT AGAIN. SHE ADDED THAT THE FISCAL NOTE FROM THE DEPARTMENT OF LABOR (DOL) FUNDED THE ACTIVITIES OF THE GOVERNOR'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.

STATE AFFAIRS, 1/22/92

CHAIRMAN KUBINA ASKED IF STATE AGENCIES COULD APPLY FOR THE LOANS.

REP. BROWN EXPLAINED THAT THE GOVERNOR'S COMMITTEE WOULD MAKE A RECOMMENDATION TO THE COMMISSIONER OF DOT&PF AS TO THE DIVISION BETWEEN LOANS AND GRANTS. A PRECISE DIVISION WAS NOT SPECIFIED IN HB 155, BUT STATE AGENCIES COULD APPLY FOR A LOAN.

CHAIRMAN KUBINA ASKED WHY STATE AGENCIES SHOULD NOT PUT IN REMODELING REQUESTS ON THEIR CAPITAL BUDGETS FOR FUNDS RATHER THAN USING THAT FUND. HE FELT THE FUND SHOULD BE USED FOR LOCAL GOVERNMENT, SCHOOL DISTRICTS, AND PRIVATE NONPROFITS.

REP. BROWN EXPLAINED SHE DID NOT VIEW IT AS PRECLUDING STATE AGENCIES FROM BRINGING FORTH THOSE REQUESTS TO BE CONSIDERED IN THE CAPITAL BUDGET. SHE FELT THE COMMITTEE SHOULD DEVELOP SOME CRITERIA TO MEASURE WHERE THE GREATEST IMPACT WAS.

NUMBER 267

CHAIRMAN KUBINA ASKED WHAT WAS THE PAYBACK PERIOD OF THE LOANS FINANCED THROUGH THE FUND.

ERIC MEYERS, LEGISLATIVE AIDE TO REP. BROWN, COMMENTED HE UNDERSTOOD THE TERM OF THE LOAN WAS DETERMINED BY REGULATION.

CHAIRMAN KUBINA ASKED IF THE MONEY PAID BACK INTO THE FUND HAD TO BE APPROPRIATED AGAIN.

REFERRING TO PAGE 2 OF HB 155, LINES 28-30, REP. BROWN STATED THAT THE BARRIER-FREE REMODELING FUND WAS ESTABLISHED IN THE DOT&PF AND IT CONSISTED OF MONEY APPROPRIATED AND IN REPAYMENT TO THE PRINCIPAL OF THE LOAN.

CHAIRMAN KUBINA ASKED IF THE MONEY REMAINED IN THE FUND ONCE THE MONEY WAS APPROPRIATED.

REP. BROWN RESPONDED THAT THE MONEY DID REMAIN IN THE FUND BUT DID NOT RESTRICT THE LEGISLATURE FROM APPROPRIATING MONEY FROM THAT LOAN FUND BACK TO THE GENERAL FUND TO BE USED FOR OTHER PURPOSES.

NUMBER 309

REP. MOYER ASKED ABOUT THE LOAN INTEREST.

REP. BROWN EXPLAINED THAT THE PROPOSAL STATED THERE WOULD BE NO INTEREST ON THE LOAN TO GIVE ASSISTANCE TO PRIVATE ENTITIES THAT DID NOT HAVE THEIR OWN RESOURCES TO MAKE THEIR PROJECTS HAPPEN.

REP. MOYER ASKED IF THE LOANS WOULD ALWAYS REMAIN WITH NO INTEREST.

REP. BROWN REPLIED THAT NO INTEREST LOANS WOULD BE SPECIFIED IN THE STATUTE.

REP. MOYER ASKED, IF A LANDLORD WAS RECALCITRANT, WOULD THE RECOURSE BE TO TAKE THAT LANDLORD TO FEDERAL COURT?

REP. BROWN SAID SHE WAS NOT SURE WHAT THE REMEDIES WERE. LANGUAGE ON LINE 3 OF HB 155, AND LINE 26, MENTIONED THAT A LANDLORD COULD POSSIBLY RECEIVE FUNDS FOR LEASED PROPERTIES.

REP. BAKER ASKED IF ANY RESEARCH HAD BEEN DONE REGARDING THE ADEQUACY OF THE FUND. HE MENTIONED THAT THE PERFORMING ARTS CENTER IN ANCHORAGE WAS VASTLY INADEQUATE UNDER NEW FEDERAL LEGISLATION AND PROBABLY WOULD TAKE 25 PERCENT OF THE FIVE MILLION DOLLARS APPROPRIATED IN HB 155.

NUMBER 390

REP. BROWN ASKED WHY PAGE 3 OF HB 155 DID NOT MENTION STATE AGENCIES.

MR. MEYERS EXPLAINED THAT UNDER THE PROCESS DESCRIBED ON PAGE 3, LINE 11, THE DOT&PF WAS CHARGED WITH PREPARING A LIST OF ALL STATE AGENCIES CONTROLLED BY THE EXECUTIVE BRANCH EXCEPT FOR THE UNIVERSITY OF ALASKA AND THE ALASKA RAILROAD. BY THAT PROCESS, STATE AGENCY PROJECTS THROUGHOUT THE EXECUTIVE BRANCH WOULD BE IDENTIFIED FOR THE GOVERNOR'S COMMITTEE FOR CONSIDERATION.

NUMBER 440

DON BRANDON, CHAIRMAN OF THE GOVERNOR'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES (GCEPD), SPOKE IN FAVOR OF HB 155. HE STRONGLY FELT THAT A STATE AGENCY SHOULD DO EVERYTHING POSSIBLE TO ADDRESS THEIR ARCHITECTURAL

BARRIER PROBLEMS. MR. BRANDON ADDRESSED AN ISSUE IN HB 155 THAT THE GCEPD WOULD NEED TO CHANGE REGARDING PEOPLE WHO SERVE ON THE COMMITTEE. HE SAID THE EXPERTISE OF AN ARCHITECT, A GOVERNMENT OFFICIAL, AND FOUR PEOPLE WITH DISABILITIES WOULD ENSURE THAT EVERYONE WAS REPRESENTED. HE ADDED THAT HE WAS AVAILABLE ON AN ONGOING BASIS TO OFFER RESOURCE INFORMATION. MR. BRANDON ALSO MENTIONED THAT THE COMMITTEE OFFERED TRAINING FOR EMPLOYERS INTERESTED IN HIRING PEOPLE WITH DISABILITIES.

NUMBER 542

REP. BAKER MENTIONED THERE SHOULD BE A WAY TO COMMUNICATE THE INFORMATION REGARDING REMODELING TO THE BUSINESS COMMUNITY AND GOVERNMENTAL AGENCIES.

REP. BROWN REPLIED THAT DURING THE INTERIM SHE MAILED OUT SEVERAL HUNDRED LETTERS TO DIFFERENT BUSINESS GROUPS INFORMING THEM ABOUT HB 155. SHE ADDED THAT THE GCEPD HAD RESOURCES AVAILABLE TO TAKE A MORE FORMAL APPROACH FOR BUSINESS OUTREACH.

NUMBER 585

REP. BAKER REMARKED THAT BUSINESSES COULD BE REACHED THROUGH THE BUSINESS LICENSE DIVISION BY ATTACHING INFORMATION TO THE APPLICATIONS.

CHAIRMAN KUBINA ASKED IF THERE HAD BEEN ANY FUNDING FOR REMODELING AT THE FEDERAL LEVEL.

REP. BROWN REPLIED THAT SHE WAS NOT AWARE OF ANY.

CHAIRMAN KUBINA ASKED ROD WILSON, AN ARCHITECT WITH THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (DOT), HOW MUCH THE OVERALL DOLLAR FIGURE WAS FOR BRINGING THE STATE OF ALASKA INTO COMPLIANCE.

MR. WILSON ESTIMATED THAT 200-300 MILLION DOLLARS WAS NEEDED.

CHAIRMAN KUBINA ASKED HOW MUCH THE DOT HAD REQUESTED FOR THE CAPITAL BUDGET THAT FISCAL YEAR.

MR. WILSON BELIEVED THERE WAS 500,000 DOLLARS IN THE DOT CAPITAL IMPROVEMENT PROJECT PROGRAM. THE 500,000 DOLLARS WAS SIMPLY THERE TO ESTABLISH A TRANSITION PLAN.

NUMBER 621

MR. WILSON STATED THAT HE HAD BEEN WORKING WITH GENERAL SERVICES AND SUPPLY (GS&S) AND TOGETHER THEY HAD REVAMPED THE CONTRACT LANGUAGE WITHIN A LEASE WHICH REQUIRED THAT A SPACE BE DEEMED A TITLE TWO FACILITY. THE LEASE WOULD ALSO

SAY THAT THE LEASED FACILITY WOULD MEET THE SAME CRITERIA AS THAT OF THE STATE. CONSEQUENTLY, IF THE LANDLORD DID NOT COMPLY, THE STATE COULD WITHHOLD PAYMENT OR COULD BREAK THE LEASE.

JUDY KNIGHT, DIRECTOR OF THE EMPLOYMENT SECURITY DIVISION AND LIAISON FOR THE GOVERNOR'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES (GCEPD), SPOKE IN SUPPORT OF HB 155. SHE AGREED WITH THE TESTIMONY GIVEN BY THE PREVIOUS SPEAKERS.

CHAIRMAN KUBINA ASKED IF THE COMMISSIONER OF THE DEPARTMENT OF LABOR (DOL) WAS AWARE OF THE EFFECTS OF HB 155.

NUMBER 657

MS. KNIGHT STATED THAT THE COMMISSIONER WAS AWARE OF THE EFFECTS. SHE NOTED THE DEPARTMENT HAD A FISCAL NOTE THAT WOULD BE FUNDED FROM BARRIER-FREE REMODELING FUND.

TAPE 92-2, SIDE B  
NUMBER 000

HELEN CRAIG TESTIFIED VIA TELECONFERENCE FROM SITKA IN SUPPORT FOR HB 155.

EARL FULLINGIM, PRESIDENT OF BARRIER-FREE ALASKA, A NONPROFIT ORGANIZATION, TESTIFIED VIA TELECONFERENCE FROM ANCHORAGE IN FAVOR OF HB 155. HE NOTED THAT THE FUNDING UNDER HB 155 NEEDED TO BE INCREASED AND EXPANDED TO OTHER PROGRAMS. SUCH AS PRIVATE NONPROFITS.

NUMBER 149

GEORGE HAYNES, A MEMBER OF THE ADVISORY COUNCIL FOR VOCATIONAL EDUCATION, TESTIFIED VIA TELECONFERENCE FROM ANCHORAGE IN SUPPORT OF HB 155. HE FELT THE 5,000,000 DOLLAR FUNDING SHOULD BE INCREASED.

PATRICK REINHART, DIRECTOR OF CHALLENGE ALASKA, TESTIFIED VIA TELECONFERENCE FROM ANCHORAGE IN FAVOR OF HB 155. HE SAID THAT HE RECEIVED LETTERS ON A DAILY BASIS FROM POTENTIAL TOURISTS REGARDING ACCESSIBLE ACCOMMODATIONS AND RECREATIONAL OPPORTUNITIES. HE FELT THAT HB 155 WAS A STEP IN THE RIGHT DIRECTION, AND THE STATE NEEDED TO LOOK AT ALL AREAS, INCLUDING TOURISM AND RECREATIONAL FACILITIES. HE COMMENTED FURTHER THAT STATE AGENCIES NEEDED TO PLAN AHEAD IN THEIR CAPITAL BUDGET REQUESTS REGARDING ACCESSIBILITY IMPROVEMENTS.

CRYSTAL SMITH, ALASKA MUNICIPAL LEAGUE, JUNEAU, STATED THAT THE LEAGUE HAD NO OFFICIAL POSITION AT THAT TIME, BUT THEY WERE AWARE OF THE IMPACT OF HB 155.

NUMBER 290

ARTHUR SNOWDEN, ADMINISTRATIVE DIRECTOR OF THE ALASKA COURT SYSTEM, JUNEAU, SAID THE TERMS OF HB 155 NEEDED MORE DEFINED LANGUAGE. MR. SNOWDEN WANTED TO SEE MORE PRESCRIPTIVE LANGUAGE ADDED TO HB 155 STATING THAT ALL STATE AGENCIES, WHEN RENEWING OR CREATING NEW LEASES, WOULD COMPLY WITH THE AMERICAN DISABILITIES ACT.

(REF. BRUCKMAN ARRIVED AT 9:45 A.M.)

NUMBER 354

JERRY SCHACH, DIRECTOR OF SOUTHEAST ALASKA LIVING COUNCIL, SPOKE IN FAVOR OF HB 155. HE FELT THAT THERE APPEARED TO BE A CONSENSUS THAT HB 155 WAS AN EXPENSIVE PROPOSITION AND THAT IT MEANT NOT UTILIZING HUMAN RESOURCES. HE SAID ALASKA IS A LAND OF OPPORTUNITY WHICH SHOULD FACILITATE THE CONGRESSIONAL INTENT OF THE ADA IN ALASKA. MR. SCHACH ADDED THAT RESPONSIBILITY TOWARDS CREATING OPPORTUNITIES FOR EVERYONE IN ALASKA WAS A STEP IN THE RIGHT DIRECTION.

REF. MOYER MADE A MOTION THAT THE CS FOR HB 155 BE ADOPTED. THERE WERE NO OBJECTIONS TO THE CS AND IT WAS SO ADOPTED.

REF. MOYER MADE A MOTION TO MOVE THE CS FOR HB 155 OUT OF COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS. THERE WERE NO OBJECTIONS AND IT WAS SO MOVED.

CHAIRMAN KUBINA STATED THAT THE COMMITTEE WOULD HEAR HB 157. HE CALLED FOR A MOTION THAT HB 157 BE AMENDED TO CHANGE THE DOLLAR FIGURE FROM 5,000,000 TO 20,000,000.

REF. MOYER MADE THE MOTION TO CHANGE THE DOLLAR FIGURE. THERE BEING NO OBJECTIONS, HB 157 WAS SO AMENDED.

REF. MOYER CALLED FOR A MOTION THAT HB 157 BE MOVED OUT OF COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS. THERE BEING NO OBJECTIONS, HB 157 WAS SO MOVED.

# CITY OF PALMER



231 W. EVERGREEN AVE.  
PALMER, ALASKA 99645



Phone (907) 745-3271

A HOME RULE CITY

December 17, 1991

The Honorable Kay Brown  
Representative, State of Alaska  
Legislative Information Office  
3111 "C" Street, #435  
Anchorage, Alaska 99503

RECEIVED  
DEC 20 1991  
ALASKA MUNICIPAL LEAGUE

RE: CS for House Bill 155

Dear Representative Brown,

The City of Palmer has received your December 10, 1991 letter regarding CS for House Bill 155.

As CS for House Bill 155 now stands, the funds, if appropriated can only be used for remodeling facilities to be accessible to the handicap.

Probably the most important aspect of the American Disabilities Act is making the work place handicap accessible which can cost from a few dollars to megabucks. I believe CS for House Bill 155 should have an additional section relating to making the work place handicap accessible as well.

Presently, the new American Disabilities Act has not received as much attention in the State of Alaska as it should, particularly the area in making the work place handicap accessible. Remodeling of facilities is an area which will in all probability have to be spread over a many year period. The need to implement a handicap accessible work place by either the State or a local government with over 50 employees is something which will need immediate funding on a case by case basis for compliance. Many small communities such as Palmer will be financially strapped to make the necessary work place accommodations should this be required.


The City of Palmer supports CS for House Bill 155 but would like to see an amendment to specifically address the issue of making the work place handicap accessible.



217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907) 586-1325. Fax (907) 463-5480

January 22, 1992

TO: Representative Gene Kubina, Chair  
Members, House State Affairs Committee

FROM: Scott A. Burgess, Executive Director 

SUBJECT: HB 155 - Barrier-free remodeling fund  
HB 157 - Appropriation for barrier-free remodeling fund

Provisions of the Americans with Disabilities Act (ADA), which goes into effect January 26, 1992, place a number of obligations on municipalities and other employers. While the federal legislation is directed toward a laudable goal, its implementation will not be without considerable cost. HB 155, which establishes a fund to help employers remodel facilities to make them accessible by the physically handicapped, aged, and infirm, and HB 157, which makes an appropriation to that fund, will help Alaska's local governments meet the costs of those obligations.

Under provisions of the ADA and its implementing regulations, municipalities must, among other things:

- conduct an evaluation of current services, policies, and practices, including employment practices, and modify them to extent necessary for compliance by January 26, 1993
- if they have 50 employees or more, appoint an ADA coordinator and adopt a grievance procedure for handling complaints about non-compliance with ADA
- provide public notice of the rights and protections provided by ADA and the compliance actions undertaken and post signs indicating whether building entrances are accessible or directing individuals to accessible entrances
- ensure that communications with disabled individuals are as effective as communications with others; this could include purchase of telecommunication devices for the deaf, preparation of braille or recorded informational materials, and provision of readers and interpreters
- if structural changes are necessary to make programs and services accessible, complete them by January 26, 1995; in municipalities with 50 or more employees, a transition plan outlining the timing of structural changes must be completed by July 26, 1992

All of these federally mandated but unfunded activities will cost money for Alaska's state and local governments, private businesses, and our citizens. HB 155 and HB 157 will provide some much-needed state assistance to address at least the required structural changes.

cc: Representative Kay Brown

CLEG92:HB155.122

Member of the National League of Cities and the National Association of Counties

# Deadline to improve disabled access nears

By HUGH CURRAN

TIMES WRITER

The slide on the screen was of a gray metal wheelchair ramp placed over steps.

"What's wrong with this ramp?" asked the presenter at the seminar on disabled access.

"Everything," grumbled wheelchair-bound Duane French, executive director of Access Alaska. French is all too familiar with inadequate or non-existent access for disabled people.

The question of access and the millions

of dollars involved in bringing existing private and public buildings into compliance with the far-reaching Americans with Disabilities Act was the focus of a Wednesday seminar at the Hotel Captain Cook.

The act requires improved access to both existing and future buildings by Jan. 26, 1992. After that date, people who believe they have been discriminated against in the area of access can file a civil lawsuit in federal court.

Among items covered in the act's ex-

See Access, back page

# Access

Continued from page A1

haustive list of detailed requirements are the height of light switches and towel dispensers, the size of doorways, vestibules and toilet stalls, and the amount of water pressure necessary in drinking fountains for the water stream to reach the proper height.

"There's going to be much more for us to do than I had originally thought," said Andy Stember, plan review engineer for the municipality of Anchorage. "The deadline is coming up very quickly and that should wake up a lot of people as to what's needed."

About 40 local and state officials, along with representatives of private companies and Native corporations, attended the seminar sponsored by Access Alaska, the Governor's Commission on Employing People with Disabilities and the Alaska Center for a Barrier Free Environment.

The effect of the act, signed by President Bush in July of 1991, has been compared to the civil rights legislation of the 1960s.

"It's going to increase integration," French said. "It's long overdue and the reason is that for so long people with disabilities were seen as sick or unhealthy. The realization is finally being made that we are active individuals who get around."

Daphne Brown, who attended the seminar for the architectural firm of Kumin Associates Inc., supports the act but worries about the cost of getting into compliance.

Brown also disagreed with the estimated 1 percent increase in the total cost of a new structure to meet the requirements.

"I think 1 percent is too low," Brown said. "It's easier to design new buildings for compliance. Retrofitting older buildings would be much more difficult."

James Terry, the seminar's instructor whose Alabama architectural firm advises corporations on compliance, said many changes would be inexpensive.

"Often times, especially for private entities, it's cheap and easy to do," Terry said. "It can be as easy as lowering a paper towel dispenser, changing a door handle or reserving a parking space."

Rep. Kay Brown, D-Anchorage, has sponsored a bill to offer grants to public and private facilities to help pay remodeling costs. The bill is due for consideration this session before the House State Affairs Committee.

Terry said an extra effort will be needed in Alaska to meet the requirements.

"Weather is a factor," Terry said. "You'd have to keep access areas clear and get snow removed."



Times photo by AL GRILLO

Access Alaska members Les Misner, left, and Monte Ninans measure the height of the fire alarm at the Hotel Captain Cook on Wednesday to see if it is accessible to a person in a wheelchair.

# Easing access for the disabled carries considerable price tag

Times  
11/4/91

By LIZ PULLIAM

TIMES WRITER

Access Alaska Director Duane French was arrested, twice, for demonstrating in favor of the Americans with Disabilities Act.

In the end, he and dozens of other activists fighting for the rights of disabled people were invited to the Rose Garden last year to watch as President Bush signed the act into law.

Yet after all that, after living the fight's high and low points, he says one of the campaign's most interesting moments occurred at home. He watched as the Anchorage Assembly talked of finding money to remodel — the first time disabled access has been a local budget priority.

"I think it's great to see some of these moves made and no, I don't think they would have been made without the ADA," French said.

Anchorage is looking for \$500,000 to begin complying with the new law, which requires sweeping changes in public and private buildings.

The statewide tab is expected to be much higher, however — tens of millions of dollars higher. The act, which supporters labeled as the civil rights bill for the disabled, is expected to affect virtually every building the public uses in Alaska.

City officials estimate they will need at least \$1.5 million to widen doors, reconfigure bathrooms, in-

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Anchorage is looking for \$500,000 to begin complying with the new law, which requires sweeping changes in public and private buildings.

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stall power-assisted doors and make other changes needed to ease access for disabled people.

That figure does not include the cost of remodeling either the Municipal Hill Building or the Alaska Center for the Performing Arts, buildings that have been widely criticized as inaccessible to disabled people.

The city expects its landlord to foot the costs for the Hill Building, while the center's remodeling could cost about \$300,000.

"Right now we've got \$90,000 we'll spend before the end of the year," said Dick Raynor, city facility maintenance manager. "That does not take care of the major problems, like connecting the Discovery Theater with the rest of the facility so people in wheelchairs don't have to go outside."

The city's figure also does not include remodeling. See Access, page B3

The deficiencies are likely to prompt expensive lawsuits, he said. The act was designed to be enforced not by government agencies but through lawsuits, with courts interpreting the act case by case.

"While there are no penalties, enforcement will be swift," Fullingim said. "They (building owners) will not only have to do the remodeling, they'll have to pay for attorney's fees and reasonable court costs."

State officials hope to head off some of those suits by explaining the law to building owners. The state Department of Transportation is scheduled to publish some guidelines by Jan. 26, 1992, the day the act's public accommodation laws go into effect.

The huge costs involved in retrofitting Alaska's buildings prompted Rep. Kay Brown, D-Anchorage, to propose a "Barrier-Free Remodeling Fund" to provide money to state agencies, local governments, school districts and private businesses. The fund would give grants to public agencies, while private interests could get matching funds for every dollar they spend.

Brown has asked for \$5 million to start the fund; her bill is pending in the House State Affairs Committee.

City officials said Anchorage would be among the first in line at the fund. Voters rejected a bond proposition Oct. 1 that would have provided \$500,000 for studies and remodeling; the money is now on a proposed city wish list for state capital grant money.

## Access

Continued from page B1

ing school district buildings, or any of the hundreds of private businesses — restaurants, theaters, hotels, shops and day-care centers — affected by the act.

The school district has received \$2 million in state grants to correct about \$12 million in life-safety problems, including barriers to disabled people, district facilities director Louis Overstreet said.

A state Department of Transportation and Public Facilities survey six years ago estimated it would cost some \$60 million to make state-owned buildings more accessible. Department architect Rod Wilson says the cost has probably grown \$20 million to \$80 million since then. The tab statewide for local agencies and private businesses could be more than triple that total, but no one knows for sure, Wilson said.

"This (DOT) report was more or less from the hip pocket," Wilson said. "Nobody has actually gone out there and inventoried the problems."

Earl Fullingim, president of the non-profit Alaska Center for a Barrier-Free Environment, believes government officials are seriously underestimating the cost of complying with the law.

Fullingim said he has seen many facilities touted as handicapped accessible that actually were not — doors that were too difficult to open, restroom stalls that were designed so a wheelchair could not turn around in them.

# Disabilities law backed by big fines

Measure goes into effect on Jan. 26

By LIZ PULLIAM

TIMES WRITER

Buildings ranging from Anchorage's skyscrapers to remote lodges and roadhouses will be required to alter their facilities or risk expensive lawsuits under the new Americans with Disabilities Act, a local lawyer told business managers Thursday.

Courts can impose \$50,000 to \$100,000 in civil fines, plus attorneys fees and "pain and suffering" damages, for violations after the act goes into effect Jan. 26, said Robert Stewart of Davis Wright Tremaine.

The Anchorage law firm joined with Koonce Pfeffer, Inc. architects to present the two-hour seminar at the Anchorage Hilton Hotel.

Stewart recommended business people survey their buildings, seek advice from disability rights advocate groups and make relatively simple renovations, such as installing ramps, repositioning furniture and adding grab bars in toilet stalls, to protect themselves from suits.

"The best defense . . . is to make a good-faith effort," Stewart said.

A restaurant owner who could not enlarge bathrooms without tearing out walls could instead install grab bars, lower paper towel dispensers and insulate pipes under the sinks to prevent wheelchair users from being burned, said James Bohannon, a Koonce Pfeffer architect.

Bohannon recommended other  
See Law, page C3

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## Law

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Continued from page C1

lower-cost methods. Among them:

- Make curb cuts in sidewalks and entrances.
- Reposition shelves, furniture and telephones.
- Widen doors.
- Eliminate turnstiles or provide alternate routes.
- Install raised toilet seats and full-length mirrors in bathrooms.
- Remove high-pile carpeting.
- Add raised numbers in elevators.
- Add paper cup dispensers next to existing water fountains, if not easily accessible.

President George Bush signed the Americans with Disabilities Act into law last year. Public fa-

cilities such as restaurants, hotels, movie theaters, stores, day-care facilities and schools will be affected first, although all commercial establishments, from office buildings to warehouses and factories, will be covered after Jan. 26, 1993.

The act does not require businesses to make expensive renovations just to accommodate the disabled, but does require new buildings, and any remodeling of existing facilities, to be handicapped accessible, Stewart said.

That may include installing elevators if the building has three or more stories, has more than 3,000 square feet per floor, is a shopping mall or houses medical facilities, Stewart said.

Roadhouses or lodges in rural Alaska may have to pave gravel parking lots or install ramps to improve access.

# Few businesses prepared as Disabilities Act becomes law today

## Ads featuring disabled good business, firms say

By ALAN L. ADLER  
The Associated Press

DETROIT — Colleen Stewart doesn't appear to be anyone special in Kmart's folksy TV ads showing Americans at their shopping best.

That's the point. Stewart, who uses a wheelchair, is one of two disabled actors among a recurring cast of characters in the company's ongoing ads in the aisles of a Kmart store in New Jersey.

Kmart is one of dozens of companies regularly using disabled people in their advertising. They're trying to appeal to the buying power of the estimated 43 million physically handicapped people in America.

Peter Hirsch, executive creative director of Calet, Hirsch and Spector Inc., the New York advertising agency that created the spots, said he wasn't thinking of using disabled actors when the ad concept was designed, but paraplegics Stewart and James Geraghty fit in well with the theme.

"When we started to cast this campaign, we were looking to represent the Kmart shopping universe,"

Hirsch said. "We didn't do it to seek publicity. We did it to create a reality, a truth with a consumer."

That truth had long been ignored in the advertising business, said Sandra Gordon, a senior vice president for the National Easter Seals Society.

"It was the mid-'70s when I first started trying to get companies interested in using someone disabled," Gordon said. "I went and talked with them and you would have thought I had suggested they put a dog in there."

There was little change until Du Pont's 1987 ad featuring Bill Demby, a Vietnam veteran who lost both his legs in the war. With artificial legs partly created by Du Pont, Demby was able to play full-contact basketball.

The commercial told his touching, inspiring story and broke an unofficial barrier against using disabled people in advertising.

"It was a corporate ID spot that in some ways became a corporate image spot," said Jack Conmy, manager of special events for Du Pont.

The ad won an EDI —



The Associated Press

Colleen Stewart, left, is featured in Kmart's ad campaign featuring Americans at their shopping best.

Equality, Dignity, Independence — award for Du Pont from Easter Seals.

Dayton-Hudson and Nordstrom department stores, McDonald's, Colgate-Palmolive, Procter & Gamble and IBM are other companies incorporating physically disabled people into their print and television ads.

Such ads have altruistic value but they also help the bottom line, said How-

ard Liszt, president of Minneapolis-based Campbell-Mithun-Esty Advertising. His agency handles the Easter Seals media campaigns.

"I think what we see is a lot of companies realizing they may have begun using disabled in their advertising for reasons of social responsibility," Liszt said. "Now they realize it's not only the right thing to do, it's good business."

The Associated Press

The nation is required by law today to make buildings more accessible to the disabled. But the fortunes of one door company suggest businesses aren't rushing to comply.

"We hope it will be a boost to business," said Doug Davis, a salesman for Atlanta-based Georgia Entrance Systems, which sells and installs automatic doors. "It hasn't been anything extraordinary yet."

The first phase of the expansive law requires office buildings, restaurants, theaters and other places that serve the public to remove or bypass barriers such as manual doors and stairs, where possible.

The law also requires public transportation systems to improve access so that service to the disabled matches that offered to the general public. The transit systems must increase the amount of special service for the disabled and make sure any new buses and rail cars are accessible to them.

Businesses that make changes to help the disabled can get tax credits and deductions. Those that don't, face lawsuits or fines.

"I'd say it's a mixed bag of people being prepared," said Dave Capozzi, who helped develop the Americans with Disabilities Act and is tracking compliance as a vice president of the

National Easter Seal Society.

The government estimates that 43 million Americans have disabilities.

Other sections of the law, affecting such things as job discrimination, will take effect later.

Many businesses across the country are confused about exactly what they have to do to comply.

"Our phones have been ringing pretty much non-stop. The most common question is, 'How do I come into compliance?'" said Raffaella Bachiccia, coordinator of advocacy programs for the Governor's Commission on Concern for the Handicapped in New Mexico.

Capozzi, who heads advocacy programs for Easter Seals, said a recent national poll found 90 percent of respondents unaware of the law. But he said some businesses have been making changes anyway as the value of attracting disabled customers has become clear.

The Somerset Savings Bank in Bound Brook, N.J., is building new entrance ramps and has lowered check-writing desks in some branches for customers in wheelchairs. But Vice President Michael Walsh said other businesses in the area are not following suit.

"As I look around, it seems that it is a non-issue for many businesses," Walsh said.

*New law  
for the  
disabled  
packs power  
of the courts*

# BREAKING DOWN BARRIERS

By JAY BLUCHER  
Daily News reporter

**T**he federal Americans with Disabilities Act, passed in the summer of 1990 and going into effect Sunday, extends civil rights protection to disabled persons.

More important, the law lets people do something about discrimination — in federal court.

The country's most far-reaching civil rights law since 1964 protects 43 million Americans from discrimination, and assures equal access to workplaces and public facilities.

Previous laws provided some help to disabled persons. But the new law does more, going far beyond simply requiring adequate numbers of parking spaces or wider bathroom stalls.

It guarantees equal opportunity in employment, access to public and private buildings, transportation, state and local government services and telecommunications.

Yet because of ambiguous or imprecise language in the new law, disability rights experts agree that

much of what the law requires will ultimately be decided in the courts.

For example, the law requires employers of 15 or more to make changes for disabled persons unless it would cause the company "undue hardship." Public areas such as restaurants, hotels, doctor's offices, pharmacies or retail stores must be made accessible only if such alterations are "readily achievable."

Vague phrases such as these prompt Earl Fullingim, president of Barrier-Free Alaska, to call the law the "Attorneys' Full Employment Act."

Some of the new law's provisions were deliberately left ambiguous to leave room for innovation. For example, rather than requiring every business with hand-operated doors to install electric ones, the law may allow a simple doorbell at wheelchair height.

If a bank customer is blind and wants a monthly checking statement in Braille, the law entitles him to get it. If a deaf university student

Please see Page F-2, BARRIERS

# BARRIERS: Law for the disabled goes into effect Sunday

Continued from Page F-1

needs a sign-language interpreter, it is the school's duty to provide one. If a hearing-impaired person attends an arts event or a movie theater, listening devices should be available.

A host of questions confronts business. Can clerks retrieve merchandise for disabled persons, or must the disabled be able to reach any item in the store? Is it permissible to seat persons who use a wheelchair only where they can be served, or do they need to have access to the entire restaurant?

The answers depend on circumstances — and future court decisions.

"But it's no longer relevant for business to say it costs too much or not enough persons with disabilities use my store," says David Thompson, executive director of the Alaska Center for Blind and Deaf Adults. "It's the law; they have no choice."

He views the new law as part of the country's growing commitment to extend civil rights to more people.

"In the '60s, it was civil rights for blacks; in the '70s, women; in the '80s, gays; and in the '90s, persons with disabilities."

Previously fragmented enforcement now will be centralized under the Department of Justice's office of civil rights.

Although people can still file access complaints with the Anchorage Equal Rights Commission or the state's Human Rights Office, those who want faster action now can use the courts.

Under the new law, whoever wins a lawsuit also wins attorney fees and court costs. And since the Disabilities Act is all about civil rights, class-action suits and punitive damages are also available.

These two factors ought to encourage more attorneys to handle cases involving discrimination based on disability, says Rick Tessandore, executive director of Advocacy Services of Alaska.

Under the act, people are considered disabled if they have a documented "physical or mental impairment that substantially limits one

## Americans with Disabilities Act

### Effective dates

**Employment:** July 26, 1992, for employers with 25 or more employees. July 26, 1994, for employers with 15 or more employees.

**Public services and activities of local and state governments:** Jan. 26, 1992

**Public transportation (buses, light and rapid rail):** Aug. 26, 1990: All orders for purchases or leases of new vehicles must be for accessible vehicles (equipped with wheelchair lifts). New stations built after Jan. 26, 1992, must be accessible.

**Public transportation by inter-city Amtrak and commuter rail:** July 26, 2000.

**Public transportation provided by private**

**entities:** Jan. 26, 1992

**Facilities open to the public:** Jan. 26, 1992, for businesses with 25 or fewer employees and revenue of less than \$1 million. Jan. 26, 1993, for businesses with 10 or fewer employees and revenues of less than \$500,000.

**New construction or alteration to public and commercial facilities:** Jan. 26, 1993, for new construction. Jan. 26, 1992, for alterations.

**Telecommunications:** July 26, 1993, relay services for the deaf must operate 24 hours per day.

□ Source: U.S. Department of Justice Civil Rights Division, Office on the ADA

## What you need to do

The U.S. Justice Department says the following steps need to be taken to make your facility accessible to people with disabilities. The list is not intended to be exhaustive, but simply to show barriers that could be readily removed.

- Install ramps.
- Make curb cuts in sidewalks and entrances.
- Reposition shelves.
- Rearrange tables, chairs, vending machines, display racks and other furniture.
- Reposition telephones.
- Add raised markings on elevator control buttons.
- Install flashing alarm lights.
- Widen doors.
- Provide alternative paths to turnstiles (as in banks and supermarkets)

- Install accessible door hardware.
- Install grab bars in toilet stalls.
- Insulate lavatory pipes under sinks to prevent burns.
- Reposition paper towel dispensers in bathrooms.
- Remove high-pile, low-density carpeting.

For additional information about ADA, contact:

Office on the Americans with Disabilities Act  
Civil Rights Division  
U.S. Department of Justice  
P.O. Box 68118  
Washington, D.C. 20035-6117  
(202) 514-0301 (voice)  
(202) 514-0381 (TDD)

or more of the major life activities" — a definition that fits one in six Americans.

Both Fullingim and Tessandore say the new law's provisions for lawsuits have prompted a flood of calls to their offices — mostly from individuals who wish to avoid a lawsuit, not file one.

Susan Williams, staff attorney for Advocacy Services, says employers and local government agencies are most interested in how to avoid litigation, find loopholes and do the minimum required. She would rather they were concerned about doing the right thing.

For the last 18 months, Duane French, executive director of Access Alaska — a local non-profit group offering independent-living services to disabled persons — has explained the new law's

complexities to numerous local groups.

But in the last few weeks, and more frequently since Sunday, he says, his office has been deluged with calls. He says most of the more than 100 inquiries have been misinformed, misguided and too late.

Thompson, of the Center for Blind and Deaf Adults, thinks he knows why: an "appalling lack of community awareness about ADA." But he also says the law could change that.

"If business and local government doesn't wake up, they are going to get ambushed on this one, and it's nobody's fault but their own," he says.

Even though cities have had since 1990 to act on the law, little has happened in Alaska.

Scott Burgess, executive

director of the Alaska Municipal League, says that's because local governments lack money to make the changes.

Some Anchorage businesses have made changes. In October, the Sullivan Arena removed 69 seats, the entire top mezzanine row. New Sagaya Oriental Grocery Store went far beyond existing codes to make the entire store accessible.

"We knew we had a problem before ADA, so after it passed it really came down to a question of just wanting to do the right thing," says Tom Anderson, manager of the Sullivan Arena for Ogden Facility Management, which also runs 80 other public facilities across the country.

Making the changes was neither as costly nor as difficult as Anderson imagined.

"Mostly just taking out seats and providing wheelchair locations — a few internal things like an electric door, new signs, more handicapped parking — no big deal, really," he said.

When Paul Reid, co-owner of New Sagaya, chose to make all areas of his store accessible last year, he did it because he had friends who use wheelchairs.

"I guess your consciousness gets kind of raised when you see the barriers they confront in everyday life," says Reid.

Since the law's passage 18 months ago, cities like Washington, D.C., and Chicago have been engaged in a multimillion-dollar scramble to modify facilities and install equipment to aid disabled people.

Anchorage, however, is "a little behind the curve," concedes Dick Raynor, manager of the municipality's facility maintenance department.

The city hasn't studied what needs to be done to make its public theaters, libraries, museums and other facilities accessible. But he says it plans to do that soon.

"Ideally, all of our buildings are supposed to be accessible as of Sunday, but we still don't have a handle on what we'll find or what's required yet."

Things aren't much further along at the state level, either. The legislature is considering a bill (HB-155) sponsored by Rep. Kay Brown, D-Anchorage, to set aside \$20 million as a revolving fund to help offset the costs of remodeling.

No one's entirely certain how much any of it might cost. In various testimony, the state's Department of Transportation and Public Facilities has estimated it will cost \$60 million for state buildings alone, \$200 million for state and private buildings.

No exemptions exist for either local government or small businesses, but disability rights experts say it will be far easier for small business to prove "undue hardship" than it would be for, say, a municipality with a multimillion-dollar budget.

SECTIONAL ANALYSIS  
Barrier Free Remodeling Fund  
CS House Bill 155 (State Affairs)

Section 1

Amends purposes of the Governor's Committee on Employment of People with Disabilities to include the elimination of physical barriers to facilities, including work places, that hinder access and employment opportunities for persons with disabilities.

Section 2

Amends composition of the Governor's Committee on Employment of People with Disabilities to provide that membership be from throughout the state and include an architect and a representative of local government. Adds requirement that at least four members of the Committee be persons experiencing a disability. Provides that a representative of the Department of Transportation and Public Facilities (DOTPF) and the Chair of the Governor's Council for the Handicapped and Gifted serve as ex-officio members of the Governor's Committee on Employment of People with Disabilities when the Committee meets pertaining to the Barrier Free Remodeling Fund.

Section 3

Amends the duties of the Governor's Committee on Employment of People with Disabilities to include serving as the advisory committee to DOTPF on expenditure of money from the Barrier Free Remodeling Fund.

Section 4

Amends statutes of the Governor's Committee on Employment of People with Disabilities to allow the Committee to hold additional meetings.

Section 5

Establishes a Barrier Free Remodeling Fund within DOTPF. The Fund consists of money appropriated to the Fund by the legislature and repayment of principal of loans made from the fund. Money in the Fund will be used to finance the remodeling of public and private facilities completed by January 1,

1991 that are open to or used by the general public in order to make them accessible by the disabled, aged, or infirm.

By June 1 of each year, DOTPF shall prepare a list of state agency facilities controlled by the executive branch that are not accessible, together with a proposed budget for remodeling costs. The University of Alaska and the Alaska Railroad Corporation are also required to submit lists of their facilities that are in need of access improvements. The Legislative Affairs Agency and the Alaska Court System may submit remodeling requests. State agencies, local governments, school districts and private non-profits may apply for grants while private businesses may apply to the department for zero interest loans to make accessibility improvements.

By July 15 of each year, DOTPF shall submit to the Governor's Committee on Employment of People with Disabilities a list of requests and applications for remodeling grants. The committee shall recommend to the Commissioner the grants and loans to be made for remodeling. The Committee may consider whether alternative sources of funds are available to an applicant. The Commissioner shall, by December 15, make a final written determination of facilities whose remodeling costs are to be paid through grants or loans from the Fund. Using money from the fund that has been approved for state agency projects, the department shall remodel state facilities to provide access except that the Legislative Affairs Agency, the Alaska Court System, the University of Alaska or the Alaska Railroad Corporation may request the disbursement of funds awarded by the Commissioner in order to undertake their own remodeling efforts.

In cooperation with the Governor's Committee on Employment of People with Disabilities, the department shall provide information and technical assistance to state agencies, local governments, school districts and other persons who own or lease facilities open to or used by the public.

DOTPF shall adopt regulations to implement the program. The department may contract out for the servicing of loans.

#### Section 6

The Barrier Free Remodeling Fund and the advisory duties of the Governor's Committee on Employment of People with Disabilities pertaining to the Barrier Free Remodeling Fund are repealed effective July 1, 2000.

#### Section 7

The composition of the Governor's Committee on Employment of People with Disabilities must comply with the amended requirements of section 2 by July 1, 1994.



# Alaska State Legislature

Please enter into the record my testimony to the Health, Education, and Social  
 committee name Services  
 committee on HB 155 and HB 157, dated February 5, 1992.  
 bill/subject

Dear members of the Committee:

HB 155 and HB 157 will go a long way in addressing some of Sitka's accessibility issues and afford relief to many who will have difficulty in complying with The Americans With Disabilities Act of 1990.

The building which houses the Forest Service needs designated accessible parking facilities, and a level transition from the graveled lot to the sidewalk which leads to the entry.

A major medical center has a wheelchair ramp which fails to meet accessibility guidelines in it's design and caused me to tip over and fall out of my wheelchair. It has not been rectified to date. It is unusable to those with less than good upper body strength or power assisted wheelchairs and certainly not to one who is really ill and needs to see a physician.

Signed: *Jerry Kainulainen* Jerry Kainulainen  
 Testifier

\_\_\_\_\_  
 Representing (Optional)  
4401 HPR, Sitka  
 Address  
747-4703  
 Phone No.

The Swan Lake Terrace, under the jurisdiction of the Alaska State Housing Authority, houses senior citizens and has a graveled parking lot in the front of the building and a cement ramped sidewalk to the entrance. One very rainy dark night after visiting a friend I was trying to get down off the sidewalk onto the gravel when I tipped out of my chair as front wheels sunk into the gravel. After 20 soaked minutes and a pound of gravel in my clothes I was able to get into vehicle. This is enough to dampen anyone's spirit about going out into inaccessible places. The administration said it has tried to get the parking lot paved but to now avail.

The Health and Social Services also has an inaccessible entrance. It also has a gravel parking area, no designated accessible parking and sidewalk curbs with no curb cuts. Immunizations by persons using wheelchairs must be done in their vehicles with advance notice given to the public health nurse. This disrupts office efficiency. I haven't had to get a shot in the rear yet but that would be either embarrassing or illegal or both!

The only book store in town is inaccessible and I love to browse in book stores, 3 restaurants' entrances are inaccessible, 2 others are very difficult to get into. A clothing store, electronic store, travel agency, beauty shop and a house furnishings store are inaccessible. The only theatre in town is inaccessible through the front door. Some of these owners say it is very difficult for them to make their establishments accessible because of lack of financial resources.

HB 155 and HB 157 will contribute to the movement to restore self esteem and self reliance to persons with disabilities by removing the physical barriers which keep them from integrating into their community and at the same time help the open more doors of government and business to employment of some of the 62% to 67% of persons with disabilities who are not currently working .

Thank you.



# Alaska State Legislature

Please enter into the record my testimony to the House HESS  
committee name  
 committee on HB 155, dated 2/11/92  
bill/subject

Dear members of the Committee:

House bills 155 and 157 will go a long way in addressing some of Sitka's accessibility issues and afford relief to many who will have difficulty in complying with The Americans With Disabilities Act of 1990.

The following are some of Sitka's accessibility issues:

The building which houses the Forest Service needs a designated signed accessible parking space and a wider sidewalk with a flush transition from the parking lot .

A major medical center has a wheelchair ramp that fails to meet slope guidelines and a drop to the graveled parking lot which tipped me out of my wheelchair. A for sale sign went on the building the day after and it has not been rectified to date. It is unusable to those with less than good upper body strength or power assisted wheelchairs and certainly not to one who is really ill and needs to see a physician.

Signed: *Derry Kainulainen*  
Testifier

Representing (Optional)

PO Box 1629 Sitka

Address

907 747-4703

Phone No.

The Swan Lake Terrace, under the jurisdiction of the Alaska State Housing Authority, houses senior citizens and has a graveled parking lot in the front of the building and a cement ramped sidewalk to the entrance. One very rainy dark night two years ago after visiting a friend at the Terrace I was trying to get down off the sidewalk onto the gravel when I tipped out of my chair as the front wheels sunk into the gravel. After 20 soaked minutes and a pound of gravel in my clothes I was able to get into my vehicle. This is enough to dampen anyone's spirit about going out into so called accessible places. The administration said it has tried to get the parking lot paved but to no avail. I see now the ground has dropped even further from the sidewalk making it more hazardous to wheelchair users.

The Health and Social Services building has an inaccessible entrance. It also has a graveled parking area, sidewalk curbs with no curb cuts and no designated signed accessible parking. Immunizations by persons using wheelchairs must be done in their vehicles with advance notice given the public health nurse. I haven't had to get a shot in the rear yet but that would be either embarrassing or illegal or both!

The only book store in town is inaccessible with three steps to its door and I love to browse in book stores and this leads to purchases.

3 restaurants have inaccessible entrances, 2 others are very difficult to get into.

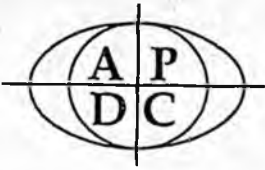
A clothing store, electronic store, travel agency, beauty shop and a house furnishings store are inaccessible.

The only access to the only theatre is through the gravel and mud to the side service emergency doors.

These are some of the accessibility issues in Sitka. Some of these owners say it is very difficult for them to make their establishments accessible because of lack of financial resources.

HB 155 and HB 157 will contribute to the movement to restore self reliance and self esteem to persons with disabilities in Alaska by removing the physical barriers which keep them from fully integrating into their community and at the same time help to open more doors to employment for some of the 62% to 67% of persons with disabilities who are not currently working .

Thank you!



# Alaska Designs

February 1992

Volume 15, No. 2, February 1992

The Official Newsletter of the Alaska Professional Design Council

## The Impact of the Americans with Disabilities Act in Alaska

by Don J. Cather, Chief, Mechanical Inspection  
Alaska State Department of Labor

The Americans with Disabilities Act (ADA) appears to be the most far reaching civil rights legislation in recent history. At the code meeting that I recently attended, those affected by this act appeared to be divided into three groups: First, the "pro-actives", who are doing all they can to comply with the law now. Second, the "stone wallers", who include lawyers already lining up to argue for non-compliance. Third, those with their heads in the sand, who don't know anything about ADA, don't want to know anything about ADA, and believe that if they are ignorant of the law, the ADA will go away.

### Overview

To achieve its stated purpose, the ADA married basic civil rights legislation with the traditional codes, standards, rules, regulations, and procedures governing building codes and transportation design and construction. Most of the five Titles of ADA will become effective in 1992.

### Title I

Title I governs employment aspects, making it illegal for employers of 15 or more persons to discriminate not only against individuals

with disabilities, but against their families, friends, and associates. Title I also mandates that all covered employees (including state government) must "reasonably accommodate" the disabilities of qualified applicants or employees by modifying work stations, equipment and other physical aspects of the workplace unless "undue hardship" to the employer would result.

As a note of interest, employers with 25 or more employees must comply with the ADA requirements by July 26, 1992. Employers with 15-24 employees must comply with the ADA requirements by July 26, 1994.

### Title II

Title II bans discrimination against disabled individuals and their associates in all public services provided by federal, state or local government.

By January 26, 1992, all government services must be made accessible. For services provided in an inaccessible building, like services must be provided in an accessible building. Within the law there are few exceptions, however, one exception that will be considered by the US Department of Justice is "undue

See ADA, page 2

undergoing alterations and all new buildings must meet the stringent technical accessibility requirements of the ADA law.

### Title IV

Title IV governs telecommunications and requires that by July 26, 1993, telephone companies must provide telecommunications relay service for hearing and speech impaired individuals 24 hours a day

### Title V

Title V covers insurance issues and states that Title I-IV are not to be construed as to prohibit or restrict any insurance activities allowed under existing state laws.

In conclusion: the titles are restrictive and their future impact will be large and costly, this will be especially true in municipally owned or operated buildings, and any privately owned structure that is to be renovated.

Don Cather is the Chief of Mechanical Inspections for the State Department of Labor, and serves as Vice-chairman of the National Board of Boiler and Pressure Vessel Inspectors.

### •ADA

Continued from page 1

financial hardship". Whenever a governmental body is either altering or constructing a new building, the work must meet the intent of the ADA.

Title II also mandates that new buses and rail vehicles for "fixed route systems" must be accessible or provide disabled individuals with equivalent services.

### Title III

Title III governs discrimination in public accommodations provided by the private sector. These accommodations include restaurants, hotels, theaters, and malls, to name a few. It also includes transportation services in the private sector including buses and trains. By January 26, 1992, all such buildings must remove those physical barriers which can be replaced "easily and without much difficulty or expense". After January 26, 1992, any structures

### Business Card Ads

APDC has received several requests to return to the business card ads, which were replaced by the "Directory of Sustaining Members" in 1990. If you would be interested in a business card ad, please contact the Alaska Designs editor at P.O. Box 112387, Anchorage, Alaska 99511-2387 or phone or fax 345-1066. Comments or suggestions would be appreciated.

**A Resolution of the Alaska Municipal League Board of Directors**

**Board Resolution No. 92-2**

**A RESOLUTION URGING THE PASSAGE OF LEGISLATION THAT  
WOULD ESTABLISH A BARRIER-FREE REMODELING FUND  
TO ASSIST MUNICIPALITIES TO COMPLY WITH THE  
FEDERALLY-MANDATED "AMERICANS WITH DISABILITIES ACT"**

WHEREAS, the Alaska Municipal League urges reimbursement to municipalities for the costs of transferred responsibility or regulations; and

WHEREAS, the 1990 "Americans With Disabilities Act" ("ADA") extended civil rights protection to people with disabilities beginning January 26, 1992; and

WHEREAS, the federally-mandated protections affect state and local governments ensuring that all programs, activities, and services provided or made available by them do not discriminate against individuals with disabilities; and

WHEREAS, state and local governments may not discriminate against a person with a disability regarding terms or conditions of employment and must provide reasonable accommodation unless doing so represents undue hardship for the employer; and

WHEREAS, state and local government facilities and services, including public transportation and communications, must be accessible by providing, for example, wheelchair ramps and special arrangements for people who have hearing impairments or who are sightless; and

WHEREAS, both the State of Alaska and some municipalities already have architectural barrier removal statutes but have not appropriated or do not have sufficient funds to enforce their own ordinances or the new federal regulations; and

WHEREAS, state financial assistance for federally-mandated capital expenditures would allow for progress in providing for accessibility for Alaskans;

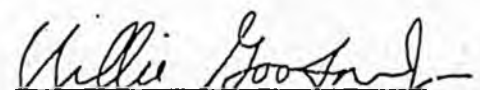
NOW, THEREFORE, BE IT RESOLVED that the Alaska Municipal League urges the Alaska Legislature and the Governor to pass legislation that would establish and capitalize a Barrier-Free Remodeling Fund to provide financing for the remodeling of state and municipal facilities to comply with the 1990 "Americans With Disabilities Act."

BE IT FURTHER RESOLVED that the Alaska Municipal League urges the Governor and the Alaska Legislature to work with the League to address the problem of unfunded federal mandates on state and local governments.

Adopted this 30th day of January 1992 in Juneau, Alaska.

Attest:

  
\_\_\_\_\_  
Scott A. Burgess, Executive Director

  
\_\_\_\_\_  
Willie Goodwin, Jr., President