

HB

155

(7)

F. USE COMMITTEE REPORT

Date Referred: February 22, 1991

FURTHER REFERRALS:

HES
Finance

Date of Committee Action: 1/22/92

The STATE AFFAIRS 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 C.S.H.B. 155 (STA) the same title
 a new title

have attached amendments(s)

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 DOT & LAROR

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Tommye</i>	<input checked="" type="checkbox"/>	<i>David ...</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input type="checkbox"/>				
<i>[Signature]</i>	<input type="checkbox"/>				
<i>Mike Hill</i>	<input checked="" type="checkbox"/>				
<i>Eugene H. Kubera</i>					

Eugene H. Kubera
PRESIDENTIAL ...

FISCAL NOTE

**STATE OF ALASKA
1991 LEGISLATIVE SESSION**

BILL NO : CSHB 155(SA)

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 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	33.1	16.6	16.6	16.6	16.6	16.6
TRAVEL	14.5	4.8	4.8	4.8	4.8	4.8
CONTRACTUAL	2.5	1.2	1.2	1.2	1.2	1.2
SUPPLIES	0.5	0.5	0.5	0.5	0.5	0.5
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	50.6	23.1	23.1	23.1	23.1	23.1
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	50.6	23.1	23.1	23.1	23.1	23.1
FEDERAL FUNDS						
OTHER						
TOTAL	50.6	23.1	23.1	23.1	23.1	23.1

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

(see attached)

Prepared by: Judy G. Knight, Director

Division: Employment Security Division

Phone : 465-2712

Date : 5/14/91

Approved by Commissioner: Nancy Bear Usara

Agency: Department of Labor

Date: 5/14/91

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...."

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 92 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 when the regulations are in place the staff support would drop to quarter-time.

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, and would also meet several times. 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. Again, after the first year these expenses would be reduced.

An effective date of July 1, 1991 is assumed.

FISCAL NOTE

Revision Date: Introduced February 22, 1991
 Title: An Act making a special appropriation to
 the barrier free facility fund
 Sponsor: Rep. Kay Brown
 Requestor:

Department Affected: DOT&PF
 BRU: Design and Const.
 Component: Design and Const.
 Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
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	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	0	0	0	0	0	0

POSITIONS

FULL-TIME	0	0	0	0	0	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)

This funding will enable the department to begin a long term program targeted at the removal of accessibility barriers within facilities owned by state and private entities. Conservatively the estimate for the removal of such barriers could exceed \$200 million.

See also fiscal note for companion bill HB 155.

Prepared by: Rod Wilson

Phone: 465-3900

Division: Engineering and Operations Standards

Date: May 13, 1991

Approved by Commissioner: Frank G. Turpin

Phone: 465-3900

Agency: Department of Transportation and Public Facilities

Date: May 13, 1991

Distribution By Preparer: Legislative Finance, Legislative Sponsor, Requestor, OMB, Impacted Agency(ies).



Department of Transportation
and Public Facilities

POSITION PAPER

BILL NO: HB 157

APPROVED: *[Signature]*

TITLE: Approp: Barrier Free Facility Fund

DATE: 5-14-91

The department supports the bill. However, the funding level as provided will only begin to pay for the work that is actually needed. The department's conservative estimate is that the total, statewide cost for removing barriers in facilities owned by the state and private entities may be well in excess of \$200 million.

Representative Kay Brown

ALASKA STATE LEGISLATURE

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During Session
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TO: Representative Gene Kubina, Chair
House State Affairs Committee

FROM: Representative Kay Brown

DATE: January 17, 1992

SUBJ: Revisions to House Bills 155 & 157/Barrier Free Access

Thank you for scheduling House Bills 155 and 157, legislation that would help state agencies, local governments, school districts and private businesses come into compliance with the federal Americans with Disabilities Act.

As you know, during the interim since the initial hearing of HB 155 last session, I have been working with various state agencies, local governments, non-profit organizations, and private businesses to refine legislation. As a result of that effort, I have developed for your consideration a revised work draft CS for House Bill 155 (dated 1/2/92) and a revised draft CS for HB 157 (dated 1/16/92).

The purpose of this memorandum is to provide you with a summary of the revisions included in these most recent drafts relative to the earlier versions previously considered by the House State Affairs Committee.

House Bill 155

In general, the content of the more recent 1/2/92 draft of HB 155 has not changed substantially relative to the prior 4/29/91 draft reviewed by the House State Affairs Committee last session.

Briefly, in recognition of the need to make significant investments in facility access as a result of the Americans with Disabilities Act (ADA), the bill would establish a Barrier Free Remodeling Fund within the Department of Transportation and Public Facilities (DOTPF) and direct the department to assist affected parties in the determination of facility access needs. The Fund could be used, subject to approval by the Commissioner of DOTPF, to finance

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SUMMARY OF REVISIONS FOR DRAFT
CS FOR HB 157 (1/16/92 version)

state agency, local government, school district and private facility remodeling. The Governor's Committee on Employment of People with Disabilities would be designated as an advisory body, charged with the responsibility of reviewing financial assistance applications and making recommendations to the Commissioner of DOTPF.

Specific changes incorporated into the 1/2/92 proposed draft CS relative to the 4/29/91 draft are briefly described below.

Local Government: The phrase "local government" has been used (rather than the more narrow term "municipality") in order to ensure that local government entities such as villages could apply to use the Barrier Free Remodeling Fund.

Loans for Businesses: The 1/2/92 draft replaces the previously proposed 50-50 matching grant program with a no interest loan revolving loan fund for private businesses. In evaluating the type of financial assistance that would be most useful to businesses, it became apparent that matching grants would result in a tax liability for businesses. By contrast, a revolving loan fund would avoid the creation of a tax liability for businesses and also provide a source of credit for businesses that might not be able to afford the required 50% match "out of pocket." Additionally, a revolving loan fund would provide a recurring stream of repayments to the Barrier Free Remodeling Fund that could be used to finance subsequent projects. (See attached letter from the University of Alaska Small Business Development Center.)

Information Services: Language was added to clarify that DOTPF, in cooperation with the Governor's Committee on Employment of People with Disabilities, shall provide information services to parties affected by the ADA regarding the requirements of the law and the financial assistance program established by HB 155.

Compliance Monitoring: In the earlier 4/29/91 draft, DOTPF was directed to "monitor" ADA compliance in the state. Upon further review, it became apparent that this charge would be difficult to implement and could result in an unintended confusion of state vs. local authority regarding building code enforcement. This provision was eliminated.

Consideration of Alternative Sources of Funding: Language was added to enable the Governor's Committee on Employment of People with Disabilities to consider whether alternative sources of funding are available to an applicant when making recommendations concerning project priorities.

Use of the Remodeling Fund for Implementation: Language was added in the 1/2/92 draft to clarify that the Fund can be used to pay for the cost of program implementation (ie, used to support the incremental costs experienced by

DOTPF and the Governor's Committee on Employment of People with Disabilities). Use of the Fund would be subject to annual appropriation by the legislature.

Definitions: Language was added to clarify that use of the phrases "public accommodation" and "commercial facilities" in HB 155 are to be consistent with the federal ADA.

House Bill 157

A revised draft CS for House Bill 157 (dated 1/16/92) is also provided for the Committee's consideration. The only changes made were technical phrasing changes to make consistent references in both HB 155 and 158 to the "Barrier Free Remodeling Fund."

* * * * *

Again, thank you for your consideration of these bills. If you have any questions, please let me know or contact Eric Myers of my staff at 465-4998.

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SPONSOR STATEMENT

Barrier Free Remodeling Fund

House Bills 155 & 157

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 fully accessible.

As of January 26, 1992, most public and private facilities throughout the state will be 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.

The ADA was enacted by Congress in 1990 — and House Bills 155 and 157 are now under consideration in the state legislature — to help address this problem.

House Bill 155 and 157

In anticipation of the ADA requirements, House Bill 155 was 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.

House Bill 155 (1/2/92 work draft) 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.

House Bill 157 (1/16/92 draft), a companion appropriation measure, would appropriate \$5 million to capitalize the Barrier Free Remodeling Fund.

Assistance for Barrier Free Investments

The essential purpose of HB 155 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 HE 155 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.

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SECTIONAL ANALYSIS

Barrier Free Remodeling Fund CS House Bill 155 (1/2/92 work draft)

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.

Representative Kay Brown

ALASKA STATE LEGISLATURE

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TO: Representative Gene Kubina, Chair
House State Affairs Committee

FROM: Representative Kay Brown *efm*

DATE: May 9, 1991

SUBJ: House Bill 155/157 — Barrier Free Access Fund

In anticipation of the upcoming hearing on House Bill 155 and House Bill 157, please find attached materials for the committee packets.

Based on a number of comments I have received since HB 155 was initially introduced, I have prepared a draft committee substitute for consideration by the House State Affairs Committee. Briefly, the proposed CS would designate the the Governor's Committee on Employment for People with Disabilities to serve as the advisory committee to the Department of Transportation and Public facilities (DOT/PF) to assist in the review and evaluation of barrier free remodeling proposals. HB 157, the companion funding bill, would appropriate \$5 million to capitalize the new fund remains the same.

Additionally, under the terms of the 4/29/91 draft of HB 155, DOT/PF would be designated as the state agency responsible for monitoring compliance with the Americans for Disabilities Act of 1990 for access to facilities and vehicles by individuals with disabilities.

I appreciate your scheduling of this legislation. If you have questions concerning this material or the proposed legislation, please let me know or contact Mary Owen of my staff at 465-4998.

enclosures

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Sectional Analysis

House Bill 155 (4/29/91 draft) Barrier Free Access Act

Section 1

Broadens the purpose 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 the composition of the Governor's Committee on Employment of People with Disabilities to include an architect and a representative of local government. Also adds the requirement that at least four members on the Committee must be a person with a physical 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 will serve as ex-officio members of the Governor's Committee on Employment of People with Disabilities when the Committee meets to advise DOTPF on expenditure of money in a Barrier Free Remodeling Fund and establish regulations for the distribution of money from the 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 the meeting requirements of the Governor's Committee on Employment of People with Disabilities to require at least annual meetings and allows the Committee to hold additional meetings at the call of the Chair.

Section 5

Creates a Barrier Free Remodeling Fund within the Department of Transportation and Public Facilities (DOTPF) consisting of money

appropriated to the fund by the legislature. Money in the Fund will be used to finance the remodeling of public and private facilities open to or used by the general public in order to make them accessible by the physically handicapped, aged, or infirm.

By July 1st of each year, DOTPF shall prepare a list of state-owned facilities that are not accessible, together with a proposed budget for remodeling costs. Municipalities, school districts and private facility owners may also apply for grants to make accessibility improvements. Facilities of the state, municipalities, and school districts shall be eligible to receive 100% funding for the costs of remodeling. Remodeling grants for private facilities shall be limited to 50% of the total costs of remodeling.

By July 15 of each year, DOTPF shall submit to the advisory committee a list of requests and applications for remodeling grants. The committee shall recommend to the Commissioner which facilities to remodel and which applicants to award grants. The Commissioner shall, by December 15, make a final written determination of facilities whose remodeling costs are to be paid through grants or from other money in the fund.

DOTPF shall adopt regulations to implement this bill.

Section 6

DOTPF will monitor compliance in the state of Alaska with the Federal Americans with Disabilities Act of 1990.

Section 7

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

Section 8

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.

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 assessible 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><u>Title I - Employment</u></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.

ATCB 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.)

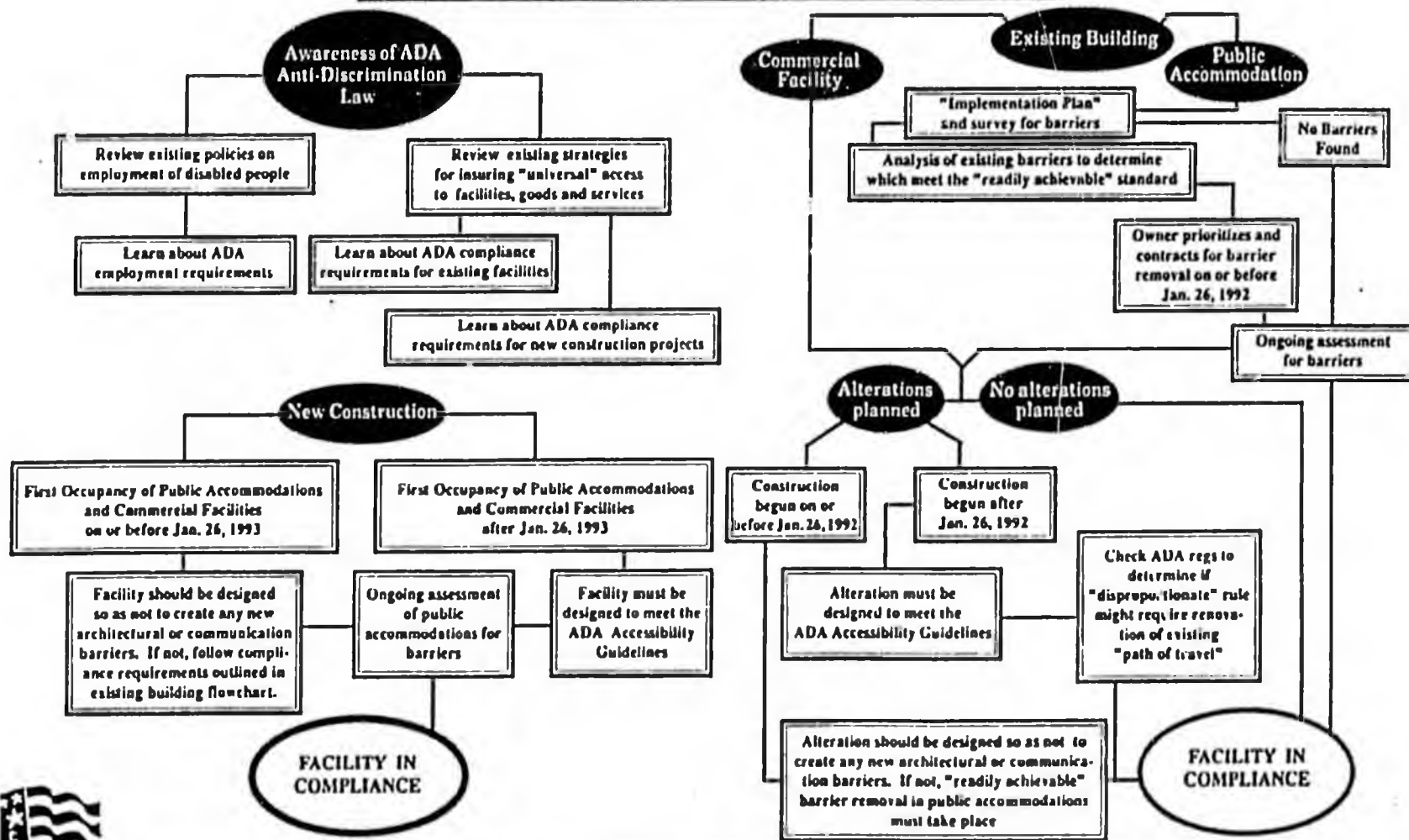
Amtrak and commuter rail passenger cars must comply with MGRAD provisions for rail cars to the extent that they are in effect at the time the design of the cars is substantially completed, if final regulations have not been issued.

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 these 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><u>Title III - Public Accommodations</u></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
<p>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.</p> <p>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.</p> <p>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.</p> <p>New over-the-road buses (buses with an elevated passenger deck located over a baggage compartment) must be accessible.</p>	<p>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).</p> <p>Ordered after July 26, 1996 (July 26, 1997, for small companies). Date may be extended by one year after completion of a study.</p>	<p>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.</p> <p>Individuals may file complaints with the Attorney General. Individuals may also file a private lawsuit.</p> <p>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.</p> <p>Court may award money damages and impose civil penalties in lawsuit filed by Attorney General but not in private lawsuit by individuals.</p> <p>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.</p>
<p><u>Title IV - Telecommunications</u></p> <p>Telephone companies must provide telecommunications relay services for hearing-impaired and speech-impaired individuals 24 hours per day.</p>	<p>By July 26, 1993.</p>	<p>FCC to issue regulations by July 26, 1991.</p> <p>Individuals may file complaints with the FCC.</p>

November 1990

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



Evan Terry Associates, P.C. / 2129 Montgomery Highway / Birmingham, Alabama 35209 / (205) 871-9765 / ©1991



What is ADA?

CS FOR HOUSE BILL NO. 155 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES BROWN, Ellis, Koponen, Hudson, B.Davis

A BILL

FOR AN ACT ENTITLED

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

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 23.15.220 is amended to read:

6 Sec. 23.15.220. PURPOSE. The purpose of AS 23.15.220 - 23.15.320 is to create a
7 governor's committee on employment of people with disabilities for Alaska to carry on a
8 continuing program to promote the employment of people of the state with disabilities by

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

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

13 (3) eliminating physical barriers to facilities, including workplaces, that
14 hinder access and employment opportunities for persons with disabilities.

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

2 Sec. 23.15.230. COMPOSITION AND APPOINTMENT OF COMMITTEE. (a) The
3 governor's committee consists of not more than 12 members from different regions of the state
4 appointed by the governor for staggered terms not exceeding three years. The committee shall
5 be composed of

6 (1) an architect;

7 (2) a representative of local government; and

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

11 (b) At least four members of the committee must be persons with physical
12 disabilities.

13 (c) When the committee is performing the duties of the committee under AS 35.50,
14 a representative of the Department of Transportation and Public Facilities and the chair
15 of the Governor's Council for the Handicapped and Gifted shall serve as ex-officio members
16 of the committee. The ex-officio members are in addition to the 12 members appointed by
17 the governor, may not vote, and are not considered when determining a quorum.

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

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

20 Sec. 23.15.245. DUTIES. In addition to the other duties of the committee, the committee
21 shall perform the duties of the committee established under AS 35.50.

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

23 Sec. 23.15.260. MEETINGS. The committee shall meet at least annually. The
24 committee may hold additional meetings at the call of the chair, or [, BUT] at the request
25 of the governor special meetings may be called.

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

27 CHAPTER 50. BARRIER FREE REMODELING FUND.

28 Sec. 35.50.010. BARRIER FREE REMODELING FUND ESTABLISHED. (a) The
29 barrier free remodeling fund is established in the department. The fund consists of money
30 appropriated to it.

31 (b) The money in the fund shall be used to finance the remodeling of state agency,

1 municipal, school district, and private facilities open to or used by the general public in order to
2 make the facilities accessible by persons with physical disabilities, the aged, and the infirm.

3
4 Sec. 35.50.020. COMMITTEE DUTIES. The governor's committee on employment of
5 people with disabilities shall, in addition to its other duties,

6 (1) advise the department concerning the use and disposition of the money in the
7 fund; and

8 (2) establish by regulation the criteria for distributing the money in the fund.

9 Sec. 35.50.030. IDENTIFICATION OF POTENTIAL STATE AGENCY PROJECTS.

10 (a) Each year the department shall prepare a list of state agency facilities controlled by the
11 executive branch, except for the University of Alaska and the Alaska Railroad Corporation, that
12 are not accessible by persons with physical disabilities, the aged, or the infirm.

13 (b) The Legislative Affairs Agency may submit to the department for remodeling under
14 this chapter a list of state agency facilities controlled by the legislative branch that are not
15 accessible by persons with physical disabilities, the aged, or the infirm.

16 (c) The administrative director of the Alaska Court System may submit to the department
17 for remodeling under this chapter a list of state agency facilities controlled by the judicial branch
18 that are not accessible by persons with physical disabilities, the aged, or the infirm.

19 (d) The University of Alaska and the Alaska Railroad Corporation shall submit to the
20 department for remodeling under this chapter a list of their facilities that are not accessible by
21 persons with physical disabilities, the aged, or the infirm.

22 (e) A list under this section shall be submitted to the department by June 1 of the year
23 preceding the fiscal year for which the grant is sought. The list must be in the form and supply
24 the information requested by the department, including a proposed budget for the remodeling
25 costs.

26 Sec. 35.50.040. REMODELING GRANTS. (a) A municipality or school district may
27 apply to the department for a grant under this chapter to remodel a facility owned by the
28 municipality or school district to make the facility accessible by persons with physical
29 disabilities, the aged, and the infirm.

30 (b) A person other than a state agency, municipality, or school district may apply to the
31 department for a matching grant under this chapter to remodel a facility owned by the person and

1 open to or used by the public in order to make the facility accessible by persons with physical
2 disabilities, the aged, and the infirm.

3 (c) An application under this section shall be submitted to the department by June 1 of
4 the year preceding the fiscal year for which the grant is sought. The application must be in the
5 form and supply the information requested by the department, including a proposed budget for
6 the remodeling costs.

7 Sec. 35.50.050. REVIEW OF SUBMITTALS AND APPLICATIONS. (a) By July 15
8 of each year, the department shall submit to the committee the lists prepared under AS 35.50.030
9 and the applications received under AS 35.50.040.

10 (b) The committee shall review the lists and applications submitted under (a) of this
11 section and by October 1 of each year recommend to the commissioner

12 (1) the state agency facilities to be remodeled under this chapter during the
13 following fiscal year; and

14 (2) the grants to be awarded for remodeling under this chapter during the
15 following fiscal year.

16 (c) The commissioner shall review the recommendations of the committee made under
17 (b) of this section and by December 15 of each year make a final written determination of the
18 facilities whose remodeling costs are to be paid through grants or other disbursements from the
19 fund during the next fiscal year. The determination must include a budget for the remodeling
20 costs of each facility.

21 Sec. 35.50.060. AMOUNT OF REMODELING ASSISTANCE. (a) Remodeling
22 assistance approved under AS 35.50.050(c) for the facilities of state agencies, municipalities, and
23 school districts shall be for 100 percent of the total remodeling costs approved for the facility by
24 the department.

25 (b) Remodeling grants for persons not covered by (a) of this section may not exceed 50
26 percent of the total remodeling costs approved for the facility by the department, and the grant
27 shall be matched by an equal amount contributed by the person.

28 Sec. 35.50.070. AWARD OF GRANTS. The department shall award the grants approved
29 under AS 35.50.050(c).

30 Sec. 35.50.080. REMODELING BY DEPARTMENT. Using the money from the fund
31 that has been budgeted for the remodeling of the facilities, the department shall remodel to

1 provide access for persons with physical handicaps, the aged, and the infirm

2 (1) the state agency facilities in the executive branch, except for the University
3 of Alaska and the Alaska Railroad Corporation, that are identified in the final determination made
4 by the commissioner under AS 35.50.050(c); and

5 (2) if requested by the Legislative Affairs Agency, the Alaska Court System, the
6 University of Alaska, or the Alaska Railroad Corporation, the state agency facilities controlled
7 by the requestor and identified in the final determination by the commissioner.

8 Sec. 35.50.090. REMODELING BY OTHER STATE AGENCIES. If the Legislative
9 Affairs Agency, Alaska Court System, the University of Alaska, or the Alaska Railroad
10 Corporation does not request the department to perform the remodeling, the department shall
11 disburse to the branch or agency from the fund the amount budgeted for the remodeling costs for
12 each facility of the branch or agency identified in the final determination of the commissioner
13 under AS 35.50.050(c), and the branch or agency shall perform the remodeling for the facility.

14 Sec. 35.50.100. REGULATIONS. The department shall adopt regulations under the
15 Administrative Procedure Act (AS 44.62) to implement this chapter, including regulations
16 establishing minimum standards of accessibility.

17 Sec. 35.50.900. DEFINITIONS. In this chapter,

18 (1) "commissioner" means the commissioner of transportation and public facilities;

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

21 (3) "facility" means a facility whose construction was completed before January 1,
22 1991, and includes vessels operated by the Alaska marine highway system;

23 (4) "fund" means the barrier free remodeling fund established under
24 AS 35.50.010;

25 (5) "remodeling costs" mean the costs of the alterations required to meet the
26 minimum standards of accessibility established by the department under AS 35.50.100, and
27 includes administrative costs;

28 (6) "school district" means a regional educational attendance area or a municipal
29 school district;

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

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

2 * Sec. 6. AS 44.42 is amended by adding a new section to read:

3 Sec. 44.42.090. MONITORING OF ACCESS STANDARDS. The department shall
4 monitor compliance in the state with the standards established under 42 U.S.C. 12101 - 12213
5 (Americans with Disabilities Act of 1990) for access to facilities and vehicles by individuals with
6 disabilities.

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

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

STATE OF ALASKA

DEPARTMENT OF LABOR

*DIVISION OF EMPLOYMENT SECURITY
AFFILIATED WITH U.S. EMPLOYMENT SERVICE*

WALTER J. HICKEL, GOVERNOR

P.O. BOX 3-7000
JUNEAU ALASKA 99802-1218
PHONE: 465-2712
FAX: (907) 465-4537

May 20, 1991

Re: AKDO (4F1)

The Honorable Gene Kubina
Chairman
House State Affairs Committee
P.O. Box V
Juneau, Alaska 99811

Dear Chairman Kubina:

Thank you for the opportunity to comment on House Bill 155, "An Act relating to the remodeling of facilities to make them accessible by the physically handicapped, aged, and infirm" at the House State Affairs Committee meeting last week. At that meeting you expressed an interest in working with the department and the Governor's Committee to address concerns arising from the American Disabilities Act.

The Governor's Committee on Employment of People with Disabilities is meeting in Seward, Alaska, June 9-11, 1991. The meetings will begin on Sunday, June 9, 1991, at 2 p.m. The tentative agenda schedules a public comment period for 3 p.m. on Sunday, June 9, 1991, and 9 a.m. on Monday, June 10, 1991. The Committee's schedule in Seward is as follows:

Sunday, June 9, 1991	2 p.m. - 6 p.m.
Monday, June 10, 1991	8 a.m. - 5 p.m.
Tuesday, June 11, 1991	8 a.m. - Noon

The Committee's agenda is flexible, other than the public comment periods and welcomes an opportunity to meet with the House State Affairs Committee at your convenience. The meetings will be held in the First Lake Facility Conference Room, of the Alaska Vocational Technical Center, Room 330, 809 Second Avenue, Seward, Alaska.

Enclosed is an overview of the American Disabilities Act which may be helpful to the committee in assessing the impact of this federal act on Alaskan businesses and workers.

The Honorable Gene Kubina

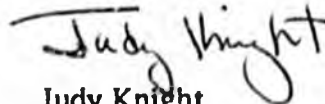
-2-

May 20, 1991

Please feel free to contact me or Virginia Klepser, Program Coordinator regarding House Bill 155 or the Governor's Committee on Employment of People with Disabilities at 465-2711.

Thank you for your interest.

Sincerely,

A handwritten signature in cursive script that reads "Judy Knight". The signature is written in dark ink and is positioned above the printed name and title.

Judy Knight
Director

Enclosures

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

SOUTH CENTRAL DISTRICT

WALTER J. HICKEL, GOVERNOR

P.O. BOX 507
VALDEZ, ALASKA 99686
PHONE (907) 835-2215

May 10, 1991

RE: Comments on House Bill 155 and 157
for the 05/15/91 Teleconference
at 8:30 a.m.

The Honorable Gene Kubina
House of Representatives
State Capitol
P. O. Box V, Room 13
Juneau, Alaska 99811

Dear Mr. Kubina:

1. I think there should be a provision to the bill to include travel and per diem expenses for the committee to attend meetings.

Presently there is a Barrier Free Access Committee located in Juneau for handling barrier free access problems statewide. This committee is well represented by handicapped people and professionals. The problem is they have no travel or per diem money, and, as a result, are all from the Juneau area representing the entire state. This should be avoided such that there is as little partiality as possible.

2. Another concern is the partiality of the committee in making recommendations and in prioritizing lists. How would the committee make these decisions? A majority vote of the committee would determine where the funding would be recommended. This concern was brought out by Rod Wilson, chairman of the present Barrier Free Access Committee in Juneau.
3. It would be nice if the committee could be insulated from political influence in recommending the disbursement of funding.

I am sorry I cannot attend the teleconference, but I hope my input helps.

Sincerely,



Richard A. Gilson
Review Engineer
Design and Construction

sd

cc: George Levasseur, District Manager, Southcentral District, Valdez

MEMORANDUM

State of Alaska

Yang Wokus

TO: Roger Head
Design Chief
Buildings & Harbors
DOT/PF-Southcentral Region

DATE: August 30, 1990

FILE NO: Z:\facmgmt\cpg\handifun.mem

TELEPHONE NO:

THRU:

SUBJECT: Handicap Compliance Funding

RECEIVED
DOT & P/F PLANNING

Newton Chase
FROM: Newton Chase
Facilities Sec. Chief

SEP 10 1990

ANCHORAGE, ALASKA

I write to confirm our various phone calls over the past two weeks concerning handicap compliance needs at Alaska Psychiatric Institute (API) and McLaughlin Youth Center (MYC). I understand your region has been allocated \$125.0 to find priority State facility handicap compliance needs. I further understand that API and MYC projects are ranked 1 through 5 on the current state priority list and these two projects add up to well over the amount available.

As discussed over the phone, our agency proposes these funds be split: \$95.0 for API and \$30.0 for MYC. These funds will be coupled with DHSS funds to cover the top five priorities on the current priority list. API projects would include provision of two handicap restrooms on the first floor, TTY facilities etc. The MYC projects would cover handicap access to both ends of buildings B & C.

Please note that many of estimates listed on the priority list are no longer current generally due to inflation and skilled labor shortages and specifically with respect to API due to the presence of asbestos and the poor condition of the building. Also in the same vein, due to the poor condition of API and asbestos, we are limiting upgrades to the existing API building in favor of proposed replacement.

Thank you for you considering our needs.

cc: Dick Illias
Al Finnegeth

RECEIVED
SEP 10 1990

Buildings Design
& Construction

MOBY

1. d.

JOBS BILL -- LIST OF CANDIDATE PROJECTS

RNK	WHO	PROJ #	PROJECT TITLE	DESCRIPTION	AMOUNT	LOCATION	DIST.
?	DOT&PF	DOTH074	Fairbanks Court Bldg.	Replace 3 Doors Hardware	1.5	FAIRBANKS	19
?	DOT&PF	DOTH071	DOT&PF Fairbanks Admin Bldg.	Replace 4 Doors Hardware	2.0	FAIRBANKS	19
?	ADF&G	DOTH027	Tok ADF&G Office	Exterior Ramp	2.5	TOK	17
?	ADF&G	DOTH021	ADF&G Fairbanks Office	Exterior Ramp/Sidewalk	3.5	FAIRBANKS	19
?	ADF&G	DOTH026	ADF&G Glennallen Office	Exterior Ramp	5.0	GLENNALLEN	17
?	H&SS	DOTH069	API Elevator Upgrades	Signs & Controls	5.0	ANCHORAGE	7
?	DOA	DOTH013	Fairbanks Pioneer Home Proj. #2	Sidewalks/Curb Ramps	10.0	FAIRBANKS	19
?	DOA	DOTH015	Anchorage Pioneer Home	Exterior Ramp	10.0	ANCHORAGE	7
?	ADF&G	DOTH028	Delta ADF&G Office	Exterior Ramp	10.0	DELTA	17
?	ADF&G	DOTH029	Dillingham ADF&G Office	Exterior Ramp	10.0	DILLINGHAM	0
?	DOA	DOTH037	Frontier Building Leased	Signs/Barriers/Parking	10.0	ANCHORAGE	?
1	DOT&PF	DOTC024	Anch Pioneer Home Barrier Free	Handicap Access. Improv.	10.0	ANCHORAGE	
?	DOA	DOTH014	Ketchikan Pioneer Home	Door Modifications	12.0	KETCHIKAN	1
?	DOA	DOTH012	Fairbanks Pioneer Home Proj. #1	Power Door Assist	15.0	FAIRBANKS	19
?	DNR	DOTH051	Twin Bears Camp-Toilets	Toilets	15.0	FAIRBANKS	19
?	DOT&PF	DOTH075	DOT&PF Fairbanks Maint. Bldg.	Ramp & Hardware	15.0	FAIRBANKS	19
?	DOT&PF	DOTH075	DOT&PF Fairbanks Supply Bldg.	Ramp & Hardware	15.0	FAIRBANKS	19
?	DOA	DOTH010	Sitka Pioneer Home Proj. #1	Exterior Ramp	18.0	SITKA	3
?	DMVA	DOTH038	Ketchikan Armory	Entrance Ramp/Rk Modif	20.0	KETCHIKAN	1
?	DMVA	DOTH039	Juneau Armory	Entrance Ramp/RR Modif	20.0	JUNEAU	4
?	DMVA	DOTH040	Jewell Lake Road Armory	Entrance Ramp/RR Modif	20.0	ANCHORAGE	7
?	DMVA	DOTH045	Fairbanks Armory	Exterior Ramp/RR Modif	20.0	FAIRBANKS	19
?	DOA	DOTH011	Palmer Pioneer Home	Curb & Exterior Ramp	23.0	PALMER	7
?	DOA	DOTH030	Dept. of Labor Bldg. Leased	Hardware/Site Access	25.0	JUNEAU	4
?	DOA	DOTH034	ADF&G/H&SS Bldg. #1 Leased	Restroom Modifications	25.0	PETERSBURG	1
?	DOA	DOTH035	ADF&G/H&SS Bldg. #2 Leased	Site Impr./Entrances	25.0	PETERSBURG	1
?	DMVA	DOTH041	Kenai Armory	Entrance Ramp/RR Modif	25.0	KENAI	5
?	DMVA	DOTH042	Kodiak Armory	Ramp & Signage	25.0	KODIAK	27
?	DMVA	DOTH043	Bethel Armory Proj. #1	Restroom Modifications	25.0	BETHEL	0
?	DMVA	DOTH044	Bethel Armory Proj. #2	Exterior Ramp/RR Modif	25.0	BETHEL	0
?	DMVA	DOTH046	Wasilla Armory	Exterior Ramp/RR Modif	25.0	WASILLA	1
?	DNR	DOTH063	Eagle River Decks	Deck & Repairs	25.0	ANCHORAGE	
?	H&SS	DOTH070	API Miscellaneous	Drink Ftn./entry/telephone	25.0	ANCHORAGE	7
3	UA	UA20162	Campus Wide Restrtrm Facil Study	RT15 Barrier Removal	27.0	ANCHORAGE-UAA	7
?	ADF&G	DOTH023	Fort Rich Hatchery	Restroom Modifications	30.0	ANCHORAGE	7
?	ADF&G	DOTH024	Big Lake Hatchery	Restroom Modifications	30.0	MAT SU BORO.	16
?	ADF&G	DOTH025	Trail Lake Hatchery	Restroom Modifications	30.0	ANCHORAGE	7
?	DNR	DOTH050	Twin Bears Camp-Ramps	Exterior Ramps	30.0	FAIRBANKS	19
?	DOT&PF	DOTH059	Juneau State Office Building	Tactile Warnings	30.0	JUNEAU	4
?	DNR	DOTH062	Forestry-Glennallen Office	Restroom Modifications	30.0	GLENNALLEN	17
?	DNR	DOTH072	Forestry-Big Lake Office	Restroom Modifications	30.0	MAT SU BORO.	16
?	DNR	DOTH048	Finger Lake Offices	Entrance Modifications	35.0	FINGER LAKE	0

JOB'S BILL -- LIST OF CANDIDATE PROJECTS

RNK	WHO	PROJ #	PROJECT TITLE	DESCRIPTION	AMOUNT	LOCATION	DIST.
?	DOT&PF	DOTH055	Alaska Office Bldg.-Juneau	Elevator Improv's	35.0	JUNEAU	4
?	DNR	DOTH061	Forestry-Glennallen Office	Exterior Ramps	35.0	GLENNALLEN	17
?	DNR	DOTH073	Forestry-Big Lake Office	Exterior Ramps	35.0	MAT SU BORO.	16
?	ADF&G	DOTH018	ADF&G Juneau Office	Curb Ramp	40.0	JUNEAU	4
?	ADF&G	DOTH020	ADF&G Anchorage Office	Bathroom Modif. (2)	40.0	ANCHORAGE	7
?	ADF&G	DOTH022	Deer Mountain Hatchery	Restroom Modifications	40.0	KETCHIKAN	1
?	DOA	DOTH031	ADF&G Bldg. Leased	Restroom Modifications	40.0	ANCHORAGE	7
?	DOA	DOTH032	H&SS Bldg. Leased	Restroom Modifications	40.0	ANCHORAGE	7
?	DOA	DOTH033	Dept. of Labor Bldg. Leased	Restroom Modifications	40.0	ANCHORAGE	7
?	DOT&PF	DOTH057	Community Building	Restroom Modifications	40.0	JUNEAU	4
?	DOT&PF	DOTH058	Alaska State Musuem-DOE	Restroom Modifications	40.0	JUNEAU	
?	DNR	DOTH066	Wickersham House	Wheelchair Lift/Site	40.0	JUNEAU	
?	H&SS	DOTH067	API Emergency Exits	Ramps & Handrails	40.0	ANCHORAGE	7
?	H&SS	DOTH068	API Interior Ramps	Ramp To Nursery	40.0	ANCHORAGE	7
?	DOA	DOTH016	Fairbanks Pioneer Home Proj. #3	Controls/Bathroom Modif.	43.0	FAIRBANKS	19
?	DOA	DOTH036	Nome DOT&PF Building Leased	General HC Access	50.0	NOME	23
?	DNR	DOTH047	Trails-Central Region	Trails And Trailheads	50.0	ANCHORAGE	7
?	DNR	DOTH049	Finger Lake Improvements	Boardwalk/Dock/Latrine	50.0	FINGER LAKE	0
?	DOT&PF	DOTH052	Anchorage Public Safety	RR Modifications/Hardware	50.0	ANCHORAGE	7
?	DOT&PF	DOTH060	AOB/SOB/Diamond Buildings	Drink Ftns./General	50.0	JUNEAU	4
?	DNR	DOTH065	Kenai River Improvements	Platform & Access	50.0	KENAI BORO	5
1	UA	UA10084	Paul - Barrier Removal	RT20 Barrier Removal	51.4	KETCHIKAN	1
?	DOA	DOTH017	Fairbanks Pioneer Home Proj. #4	Bath/Shower Modifications	54.0	FAIRBANKS	19
?	DNR	DOTH064	Quartz Lake Fishing Platform	Platform & Access	55.0	QUARTZ LAKE	0
1	UA	UA10083	Robertson - Barrier Removal	RT20 Barrier Removal	71.4	KETCHIKAN	1
?	DOT&PF	DOTH053	Anchorage Public Safety	Parking & Access	80.0	ANCHORAGE	7
?	DOT&PF	DOTH054	Kenai Court Building	Major HC Upgrade	80.0	KENAI	5
?	DOT&PF	DOTH078	Dillingham State Bldg.	Major HC Upgrade	80.0	DILLINGHAM	0
?	DOT&PF	DOTH079	Bethel State Bldg.	Major HC Upgrade	80.0	BETHEL	0
?	DOT&PF	DOTH080	Anchorage Public Safety	Two Wheelchair Lifts	80.0	ANCHORAGE	7
9	DOE	DOE00JD	Mt. Edgecumbe Handicapped Access	Elevator	97.0	SITKA	
?	DOA	DOTH019	Sitka Pioneer Home Proj. #2	Chapel Access Int. Ramp	100.0	SITKA	5
?	DOT&PF	DOTH056	AMHS Office Building	Restrooms & Entrances	100.0	JUNEAU	4
3	DOT&PF	DOTC029	DOT&PF Av Dr Bldg Barr Free	Handicap Access. Improv.	100.0	ANCHORAGE	7
1	DOT&PF	DOTC031	Kodiak Griffin Building Barrier	Handicap Access. Improv.	100.0	KODIAK	27
1	UA	UA20226	Engineering - Drive Ramp	RT15 Barrier Removal	125.0	ANCHORAGE-UIA	7
4	UA	UA20228	Elev Soft Touch Buttons Install	RT15 Barrier Removal	133.4	ANCHORAGE-UIA	7
1	VALDEZ	DOTN002	VALDEZ SIDEWALK HANDICAP ACCESS	CURB CUTS ADD'L CONCRETE	150.0	VALDEZ	6
1	NENANNA	DOTN008	NENANA/ANDERSON HANDICAPP ACCESS	CURB CUTS & RAMPS	150.0	NENANA	17
?	DOT&PF	DOTH077	Kodiak Griffin Bldg.	Major HC Upgrade	160.0	KODIAK	27
1	UA	UA20227	Library/Administration-H/C Ramp	RT15 Barrier Removal	170.6	ANCHORAGE-UIA	7
1	DOE	DOE020M	DW Handicapp Code/Juneau	Barrier free facilities	180.0	JUNEAU	4

JOBS BILL -- LIST OF CANDIDATE PROJECTS

RNK	WHO	PROJ #	PROJECT TITLE	DESCRIPTION	AMOUNT	LOCATION	DIST.
4	DOE	DOE033M	Urse Major Elevator/On-Base	Handicap acc/Onbase Feds	188.3	ANCHORAGE	7
3	UA	UA20230	Laboratory H/C Work Stations	RT15 Barrier Removal	192.6	ANCHORAGE-UAA	7
2	H&SS	DOTC022	Anch MYC Barrier Free	Handicap Access. Improv.	200.0	ANCHORAGE	7
1	UA	UA20242	General Handicapped Improvements	RT20 Barrier Removal	206.0	KENAI-KPC	5
1	DOE	DOE031R	Delta School/Handicap Access	Handi acc/door/toil/show	230.0	DELTA JCT.	17
5	UA	UA30255	Brooks - H/C Elevator	RT20 Barrier Removal	240.0	FAIRBANKS-UAF	20
5	UA	UA30309	Chapman - Elevator Installation	RT20 Barrier Removal	267.0	FAIRBANKS-UAF	20
9	SEWARD	SEWD4	City Hall Barrier Free Access	Handicap Access. Improv.	270.0	SEWARD	6
1	UA	UA20229	Ground Floor H/C Toilets	RT15 Barrier Removal	272.7	ANCHORAGE-UAA	7
3	DOT&PF	DOTN017	Fairbanks Area Handicap Access	Handicap Access. Improv.	350.0	FAIRBANKS	20
1	DOE	DOE026M	Clark Elevator Expan/Anchorage	Provide handicap access	508.4	ANCHORAGE	"
1	DOE	DOE027M	Romig Elevator/Anchorage	Provide handicap access	510.9	ANCHORAGE	"
5	UA	UA30271	General H/C Barrier Removal	RT15 Barrier Removal	666.7	FAIRBANKS-UAF	20
2	DOE	DOE022M	High School Handi Code Upgrade	Handicap Access. Improv.	1000.0	KODIAK IS. BORO.	27
5	DOE	DOE022M	High School Handi Code Upgrade	Handicap Access. Improv.	2500.0	KODIAK IS. BORO.	27
5	DOE	DOE032M	Taku Elementary Add'n/Anchorage	Handicap access/South An	5082.8	ANCHORAGE	7
					16565.7		

ANNUAL ARCHITECTURAL BARRIER REPORT
TO THE GOVERNOR AND THE LEGISLATURE

Department of Transportation and Public Facilities

Headquarters Plans and Programs

April, 1985

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ARCHITECTURAL BARRIER REPORT

I. INTRODUCTION

The Department of Transportation and Public Facilities is required by Alaska statute 35.10.015 (b) to develop and maintain an inventory of all public buildings and facilities with respect to their compliance with the architectural barrier regulations. Additionally the statute requires the department to make an annual report to the governor and the legislature.

The report is to do three things. First, it is to describe the work done in the preceding calendar year to upgrade public buildings and facilities to conform with the architectural barrier regulations. Second, it is to contain cost estimates for upgrading of public buildings and facilities that do not conform with the architectural barrier regulations. Third, the report is to recommend priorities for the work that needs to be done. In order to comply with the statute requirements requiring the report, the Department of Transportation and Public Facilities has prepared this ANNUAL ARCHITECTURAL BARRIER REPORT TO THE GOVERNOR AND THE LEGISLATURE.

II WORK PERFORMED IN CALENDAR YEAR 1984 TO HELP CREATE BARRIER FREE ACCESS ENVIRONMENT

Following is a list of projects by region that were done to upgrade state owned public buildings to conform with the architectural barrier regulations. This list includes only those projects that were done by or contracted out through DOT&PF maintenance and operations personnel.

Southeast Region

Alaska State Museum - Juneau Elevator hall and car control modifications	\$2,579
Community Building - Juneau First floor restroom modification	\$200
Court and Office Building - Ketchikan Reconfigure parking for 2 handicapped stalls and add access ramp to building	\$3,067
Alaska Office Building - Juneau Replace access doors to the building on 3rd and 4th streets	\$37,638

Alaska Office Building and State Office Building	\$28,525
Remodeled 2 restrooms in each building for full handicapped code compliance	
National Guard Armory - Juneau	\$48,341
Remodeled 2 bathrooms for full handicapped code compliance	
TOTAL	\$120,410

Interior Region

Barrow Employment Center
 Constructed access ramps to the building. Replaced door knobs on doors with lever door openers.

Fairbanks Court Building
 Remodeled 2 bathrooms for handicapped access.

Central Region

No specific projects were done for upgrading public buildings and facilities to conform to the architectural barrier regulations.

The list of projects that were done by DOT&PF during 1984 is neither long nor impressive. This is largely due to the fact that about the only funding available for handicapped access modifications during 1984 came from a Chapter 24 SLA 84 appropriation of \$100,000 which was designated for Southeast Handicapped Code Enforcement/Upgrade. Some of the modifications were done using maintenance money or capital funding remaining from prior years.

III COST ESTIMATES FOR ARCHITECTURAL BARRIER CODE CONFORMANCE WORK

The following table gives the estimated cost for doing needed architectural barrier code conformance work for all state owned buildings. Data for determining the costs for the architectural barrier code conformance work was derived from the Inventory and Condition Survey. All costs are expressed in 1986 dollars. They include mobilization, overhead, profit, construction, general conditions and contingency.

The area boundaries are either Rural Education Attendance Areas (REAA's), cities, boroughs, or geographic areas.

COST ESTIMATES FOR ARCHITECTURAL BARRIER CODE CONFORMANCE WORK

AREA	1986 COST
Bering Straits Region	\$1,713,440
Aleutian/ Pribilof	3,208,160
Iditarod	778,260
Fairbanks	7,031,370
Chugach	4,030,000
Lake & Peninsula	1,079,730
Kuspuk	837,830
Northwest Arctic	2,084,910
North Slope	1,243,010
AlaskaLand	505,940
Alaska Railroad	3,037,580
Lower Kuskokwim	2,203,520
Kodiak Borough	691,530
Southwest	6,238,830
Yukon/Koyukuk	1,991,470
Yukon Flats	788,310
Southeast (South)	3,969,690
Southeast (North)	818,670
Matanuska-Susitna Borough	7,526,420
Kenai Borough	2,613,560
City and Borough of Juneau	4,777,060
Haul Road	348,440
Delta-Greely	2,367,130
Copper River	3,918,440
Anchorage	2,085,480
Total Cost	\$65,888,780

The costs listed above are only one part of the total expenditures that would be necessary to bring state owned buildings into code conformance status. The Inventory and Condition Survey contains cost estimates that were developed for correcting all code deficiencies at the same time. This means correcting all handicapped access, electrical, mechanical, life/safety, and architectural problems by using one contractor and one contract. If this approach were used, it would avoid repeated mobilization costs and make sure that the correction of one type of code deficiency is not negated by the lack of having other deficiencies corrected simultaneously.

IV PRIORITY HANDICAPPED ACCESS PROJECTS BY REGION

The projects in the following lists are those that the regions have identified as top priority to make public buildings accessible to employees and the public. The lists, while not inclusive of all needed projects, include those places where immediate funding could best be used. Their order does not reflect any priority.

CENTRAL REGION

	1986 Cost
Aviation Building - Anchorage	\$244,880
State Public Safety Trooper Building - Anchorage	173,880
Oil & Gas Conservation Commission Building - Anchorage	6,650
Parks Maintenance Building - Anchorage	39,630
Administration Headquarters Building Valdez DOT&PF Highway Maintenance & Administration Complex	111,700
TOTAL	\$576,740

NORTHERN REGION

Regional Office - Fairbanks	\$60,000
Court & Office Building - Fairbanks	20,000
Parking Structure - Fairbanks	8,000
DOT/FF Complex - Fairbanks	110,000
Ak. Depart. Fish & Game Building - Frow. .	8,000
Pioneer's Home - Fairbanks	30,000
Fairbanks International Airport	10,000
National Guard Armory - Fairbanks	8,000
Combined Facility - Delta	80,000
Ak. Depart. Fish & Game Building - Delta	20,000
Ak. Depart. Fish & Game Building - Tok	10,000
Combined Facility - Glennallen	70,000
DOT/FF Complex - Valdez	30,000
State Office - Valdez	30,000
Ferry Terminal - Valdez	10,000
State Office Building - Nome	30,000
Armory - Nome	20,000
Combined Facility - Kotzebue	30,000
Employment Center - Kotzebue	5,000
Pioneer's Home - Kotzebue	20,000
Combined Facility - Fort Yukon	30,000
Leased Facilities - Regionwide	100,000
TOTAL	\$799,000

SOUTHEAST REGION

Capital Building - Spec Gallery access modifications.	\$160,000
DOT&PF 7 Mile Building - Juneau - Restrooms, drinking fountains, other.	8,500
Alaska Office Building - Juneau - Ramp access, restroom modifications, other.	16,000
Support Building - Juneau - Designate handicap parking, restrooms, doorways, other.	22,500
Alaska State Museum - Juneau - Ramp, handrails, restrooms.	36,000
Public Safety Building - Juneau - Facility access, doorways, restrooms, other.	19,700
Glacier Avenue Building - Juneau - Facility access, restrooms, other.	11,200
Island Center Building - Juneau - Facility access, restrooms, doorways, other.	24,000
Court and Office Building - Juneau - Facility doorways, restrooms, elevators, other.	34,600
Community Building - Juneau - Ramp access restrooms modifications, install elevator.	76,000
Juneau Records Center - Replace doors, handrails, restrooms, elevator, other.	56,500
Ketchikan Court and Office Building - curb cut, signage, other.	3,600
Haines Ferry Terminal - Restroom changes.	3,400
Ketchikan Ferry Terminal - Restroom changes.	8,750
Petersburg Ferry Terminal - Relocate door, restroom modifications, curb cut.	2,090
Sitka Ferry Terminal - Restroom modifications	2,400
Skagway Ferry Terminal - Ramp access, restroom modifications.	3,300
Wrangell Ferry Terminal - Curb cut, relocate door, ramp access, restroom modifications.	3,220
TOTAL	\$491,660

V CONCLUSION

The \$65,888,780 price tag for creating a barrier free access environment as defined earlier in Section III would or could be higher if leased space were considered. In a community where the State needs to lease space and the only space available does not conform to the barrier free regulations, the State would have to either lease and retrofit the leased facility to meet barrier free regulations or the State would have to build a new facility.

Funding appropriated for code work should not be limited to upgrading to meet specific code regulations such as handicapped access. Correction of handicapped access deficiencies without doing structural, electrical, or mechanical code work that needs to be done to the facility may negate the value of the handicapped access work. Rather, the funding should be appropriated to do all of the necessary code work on a particular public facility or all public facilities in a specific area such as a city, REAA, or region.

Finally, when a building is seriously being considered for major code work and upgrade, an economic analysis should be done and the total cost of bringing a building up to code conformance should be weighed against the cost of replacing the building.

STATE OF ALASKA

HUMAN RIGHTS COMMISSION

WALTER J. HICKEL, GOVERNOR

HEADQUARTERS
800 A STREET, SUITE 202
ANCHORAGE, ALASKA 99501-3628
PHONE: (907) 276-7474

DEC 18 1991

December 13, 1991

Representative Kay Brown
P. O. Box 202661
Anchorage, AK 99520-2661

Re: House Bill 155

Dear Representative Brown,

The Commissioners for the Alaska State Commission for Human Rights greatly appreciated your taking the time to join us at our October Commission meeting to provide us with information on bills of importance to you and interest to the Commission.

The information which you provided us regarding HB155, the Barrier Free Access Act, was of particular interest to the Commission. In addition to future compliance with the Americans with Disabilities Act, Alaskans are required to comply with the 1987 Alaska Disabled Bill of Rights which broadens the rights of Alaskans with disabilities to access, opportunity, and protection under the Alaska Human Rights law.

The Commission supports HB155. A Barrier Free Remodeling Fund will assist Alaskans in meeting their responsibilities to provide access to all individuals, including those who experience a disability.

Sincerely,



Esther Wunnicke
Chairperson

pmh/HB155

STATE OF ALASKA

DEPARTMENT OF REVENUE

INCOME AND EXCISE AUDIT DIVISION

WALTER J. HICKEL, GOVERNOR

550 WEST 7TH AVENUE
ANCHORAGE, ALASKA 99501

December 31, 1991

Mr. Eric F. Myers
Representative Kay Brown's Office
Alaska State Legislature
3111 "C" Street, #435
Anchorage, Alaska 99503

Re: Interest Free Loans
Tracking #91-141

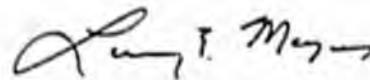
Dear Mr. Myers:

It is our understanding from your December 24, 1991 letter to Mr. Paul Dick of this office that Representative Brown is considering through House Bill 155 to establish a program wherein low to zero interest state loans would be made to private businesses for purposes of complying with the requirements of the recently federally enacted Americans with Disabilities Act. The question has been raised whether such a program would have tax implications to the borrowers.

It is our opinion that there would be no adverse tax impacts if the program was truly a loan program. In other words, the borrowers should not be considered to have received income in the amount of the loan if the borrowed amounts are unconditionally required to be repaid.

There should also be no income to the borrower for the difference between the market rate of interest and the rate of interest actually charged. The Internal Revenue Service is interested in these types of loans but the tax consequences are generally aimed at the lender. Further, the temporary regulations provide an exemption for state subsidized loans that are made available under a program of general application. Therefore, we would not anticipate that the borrowers would be deemed to have received income as to the below market interest.

Sincerely,



Larry E. Meyers
Director

LEM:pd:meh

DEC 10 1991



University of Alaska
Small Business
Development Center

December 2, 1991

Representative Kay Brown
Alaska State Legislature
3111 C Street, Suite 435
Anchorage, Alaska 99503

Dear Kay,

I appreciate you forwarding me the information regarding the Barrier Free Remodeling Fund legislation you have introduced to provide funding assistance to private businesses and public agencies to meet requirements of the Americans with Disabilities Act (ADA).

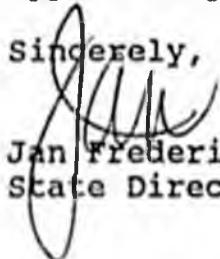
The University of Alaska Small Business Development Center certainly supports this legislation. One of the most frequent areas of concern expressed by small business involves the constraints experienced as a result of government regulations and the financial expense which often accompanies them. While no one could dispute the importance of prohibiting discrimination against individuals with disabilities, most small businesses do not operate on a margin sufficient to cover the level of expense which might potentially be involved in building renovations.

I agree with recent comments you have received that indicate a low interest revolving loan fund would be of more benefit to small businesses than 50-50 matching grants. I am certain there are still a number of businesses or business owners who suffer credit problems as a result of the dramatic decline of real estate values we experienced a few years ago, and would find conventional financing difficult, if not impossible, to obtain. The same market situation could also create a negative equity position in property owned which would affect conventional borrowing capacity.

Please do not hesitate to contact me if we can provide additional information or assist in furthering the legislation.

Thank you again for keeping us advised and allowing us the opportunity to provide comment.

Sincerely,


Jan Fredericks
State Director



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

A handwritten signature in black ink, appearing to read 'S.A. Burgess', with a horizontal line extending to the right.

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

CLE092.HB155.122

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

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.

The Honorable Kay Brown - December 17, 1991
Page 2

Should you have any questions, please feel free to contact me.

Yours truly,

David L. Soulak
City Manager
City of Palmer

DLS/cac

cc: Mayor Carte'
Senator Jalmar Kerttula
Senator Curt Menard
Representative Ron Larson
Representative Pat Carney
Scott Burgess, AML

**Municipality
of
Anchorage**



P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 343-4433

TOM FINK,
MAYOR

OFFICE OF THE MUNICIPAL MANAGER

MAR 15 1991

March 11, 1991

Representative Kay Brown
P.O. Box V
Juneau, Alaska 99811

Dear Representative Brown:

Thank you for contacting the Municipality of Anchorage in regards to your draft legislation establishing a barrier-free remodeling fund.

I have enclosed a position paper supporting the legislation. If you have any questions or comments, feel free to contact us at any time.

Sincerely,

Larry D. Crawford
Municipal Manager

Enclosure

LDC/aw

Introduced by: Municipality of Anchorage
Date:

RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE

RESOLUTION NO. 92-

**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") extends civil rights protection to people with disabilities beginning in January, 1992; and

WHEREAS, the federally mandated protection 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, 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 the Municipality already have architectural barrier removal statutes but have not appropriated sufficient funds to enforce them; and

WHEREAS, state financial assistance for these 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."

This resolution was approved for submission to the Alaska Municipal League membership by the governing body of the Municipality of Anchorage on October 22, 1991.

**Municipality
of
Anchorage**



ANCHORAGE ASSEMBLY
P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 343-4311

MARK BEGICH

P.O. Box 201627
Anchorage, Alaska 99520
Phone (907) 337-6748

FEB 12 1991

February 12, 1991

Representative Kay Brown
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Dear Kay:

I have received a copy of your letter to Heather Flynn and your work draft of the barrier-free remodeling fund bill.

Recently we have been dealing with a local ordinance modifying accessibility for the handicapped community. In these discussions, we have seen a need for a bill such as yours. I would like to indicate my support for your piece of legislation.

If there is anything I can do to assist in the passage of this bill, please do not hesitate to let me know.

Sincerely,

Mark Begich
Assembly Member

MB:kh

CITY OF CORDOVA



January 9, 1992

Representative Kay Brown
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Brown:

Your co-sponsorship of House Bills 155 and 157 is very good news to us! The Americans with Disabilities Act is certainly very commendable and necessary, however implementing all of the barrier free access improvements and complying with the varied and multitude of requirements will severely impact our already limited financial resources.

We are experiencing very difficult financial times and these added accessibility remodeling costs would be impossible to pay for from our current City resources. Where will we ever find the money to pay for "remodeling" when we are spending our last budget reserves just to keep City government and services operating at a minimum level?

Also of great concern is the cost of training for staff that would be required to understand and implement this new law. Sending even one employee to Seattle or Anchorage for training costs a great deal. Yet if we don't train and do not inform ourselves of this law and we get sued...once again where will the money come from?

Your introduction of House Bills No. 155 and 157 is very encouraging and makes implementation of the American with Disabilities Act less daunting. It is a relief to know that we will have some financial help with this federal regulation. We appreciate your assistance.

Sincerely,


Glenda Martin-Currier
Finance Assistant

cc: Mayor Kelly Weaverling

CITY OF PALMER



231 W. EVERGREEN AVE.
PALMER, ALASKA 99645



Phone (907) 745-3271

A HOME RULE CITY

December 17, 1991

DEC 19 1991

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

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.

The Honorable Kay Brown - December 17, 1991
Page 2

Should you have any questions, please feel free to contact me.

Yours truly,


David L. Soulak
City Manager
City of Palmer

DLS/cac

cc: Mayor Carte'
Senator Jalmar Kerttula
Senator Curt Menard
Representative Ron Larson
Representative Pat Carney
Scott Burgess, AML



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99687
PHONE: (907) 373-0050
FAX: (907) 373-0788

DEC 18 1991

December 13, 1991

The Honorable Kay Brown
Alaska State Legislature
3111 C Street, Suite 435
Anchorage, Alaska 99503

Re: Support for HB 155 and 157

Dear Representative Brown:

The City of Wasilla is extremely concerned about our ability to timely meet the requirements of the federal Americans with Disabilities Act. As do many local governments, we occupy old converted quarters that do not lend themselves to ready and cost-effective modification. Wasilla City Hall was constructed as a school house in the 1930's, then remodeled in 1980 for use as City offices.

The Mayor and City Administration wish to express our support for HB155 and HB157. We envision that legislation to be essential to achieve the requirements of ADA and make local government better available to all Americans.

Sincerely,

John C. Stein
Mayor, City of Wasilla

JCS/sbh

UPPER TANANA DEVELOPMENT CORPORATION

P. O. BOX 459 • TOK, ALASKA 99780

(907) 883-5157

JAN 15 1992

January 1992

Tanacross Village People

REPRESENTATIVE KAY BROWN:

WE SUPPORT HOUSE BILLS 155 AND 157 ON LEGISLATION THAT WOULD FINANCIAL ASSISTANCE TO MAKE FREE ACCESS IMPROVEMENTS.

- | | |
|---------------------------|-------------------------------|
| 1-7-92 Mellie Terwilliger | Mellie Terwilliger Rt 206 Tok |
| Lessie Mack | Joseph A. Quinn 254 Tok |
| Tamara Gene | Alice Cate |
| Mary Gene | Dorothy O Marunde |
| Albert John | Marie Frank |
| Jimmy Paul | Sarah Gabrielle |
| Jimmy Joe | Martha Samthly |
| Katie John | Water Mary Thuy |
| Ellen Dmit | Jelly rocks |
| Billy Stopp | Brathas Dmit |
| Bb Fry | X Eliza Northway |
| Keperanza James | Kelen David |
| Silas. Salmon | Trina Albert |
| | Charlie David Jr |
| | Ada Nelson |
| | Pauline Euron |
| | Robert M. Carthy Tok |
| | Mae R. Hata |

City of St. Mary's

P.O. Box 163
ST. MARY'S ALASKA 99658
TELEPHONE (907) 438-2515

December 24, 1991

Representative Kay Brown
Legislative Information Office
3111 C. Street #435
Anchorage, Alaska 99503

RE: House Bill 155

Dear Madam:

The City of St. Mary's wishes to voice support for House Bill 155. Realizing the rights of all citizens of our State to have barrier free access to not only government and school facilities, but also to private business, the City has only praise for such legislation. However the implementation of such needed improvements to facilities will be a financial burden to many smaller cities, of which St. Mary's is one.

With a limited economic base and extremely limited locally generated revenue, communities like St. Mary's are much in need of State assistance to comply with Americans with Disabilities Act requirements.

Any support your office is able to generate on behalf of these impending expenses would be greatly appreciated.

Thank you for your assistance and support in our Cities efforts to stay current with State Legislation.

Sincerely,



Carrie L. Williams
Interim City Manager

DEC 30 1991



CITY OF HAINES, ALASKA

P.O. BOX 1049

HAINES, ALASKA 99827

(907) 766-2231 • TOURISM (907) 766-2234 • FAX (907) 766-3179

December 24, 1991

Representative Kay Brown
Alaska State Legislature
Legislative Information Office
3111 "C" Street #435
Anchorage, AK 99503

Re: House Bills 155 and 157

Dear Ms. Brown:

I read with interest your letter regarding the above-referenced bills and the attached news articles. It looks like the ADA will be an expensive act to implement and abide by.

Your two bills are a good starting point, especially for local municipalities who are already struggling with high unemployment and reduced revenues.

I am sure you will have no trouble garnering support for these two bills. I would like to lend you my strong support, and would be very interested in being kept informed on their progress. Thank you for all your hard work on behalf of local municipalities.

Sincerely,

A handwritten signature in cursive script that reads "Frank L. Wallace".

Frank L. Wallace
Mayor
CITY OF HAINES

FLW/SVJ

JAN 10 1991



P.O. BOX 39422

99639

Representative Kay Brown:

It has come to our attention that you are working with House Bills 155 and 157 regarding financial assistance for accessibility remodeling.

We are writing in support of these two measures. As Senoir Citizens this problem of accessibility affects us as well as the handicapped individual.

Hoping this will help to convince other legislators to support your effort we are using the only method available to us. Writing in support of these two bills.

Sincerely,

Ruby Schmidtbauer
 Ruby Schmidtbauer
 Director
 Ninilchik Senior Center

Mustine Martin
Joe McLean
Fathleen McLean
James A. Martin
Glen Thonator
John Franklin *Carl Beyer*
Albert A Lambert
Neta Reetz
Donald Reetz
Michael Butte
Marquette Lambert
Linda R. Monson
Gene Bergstedt

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION NO. 92-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNALASKA SUPPORTING HOUSE BILL #155 AND HOUSE BILL #157 OF THE ALASKA STATE LEGISLATURE.

WHEREAS, the Americans with Disabilities Act was signed into law by President George Bush and will go into effect on January 26, 1992; and

WHEREAS, this Act will require public agencies and private businesses to provide building accessibility to individuals with disabilities; and

WHEREAS, to bring current buildings into compliance with this Act will create a financial burden for many; and

WHEREAS, Alaska State Legislature House Bill #155 would provide financial assistance to state agencies, local governments, school districts and private businesses to help offset the cost of needed remodeling to make facilities accessible; and

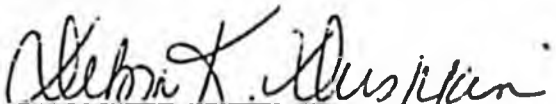
WHEREAS, Alaska State Legislature House Bill #157 would appropriate \$5 million to capitalize the Barrier Free Remodeling Fund.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Unalaska supports House Bill #155 and House Bill #157 and urges the Alaska State Legislature to pass both bills.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF UNALASKA THIS 7 DAY OF January, 1992.


MAYOR

ATTEST:


CITY CLERK

Alaska

OCT 23 1991

Association of the
Deaf, Inc.

1345 Rudakof Circle, Suite 107
Anchorage, Alaska 99508
907-333-7545 (TTY)
907-333-4351 (V)
907-338-1020 (Fax)

21 October 1991

Representative Kay Brown
Alaska State Legislature
3111 C Street, Suite 435
Anchorage, AK 99503

RE: HB 157 and 157.

Dear Rep. Kay Brown:

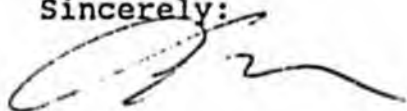
I apologize for not answering your letter of September 10, 1991 sooner. September found me out of state for various reasons.

I would like to express my support of House Bills 155 and 157, Barrier Free Remodeling Fund, in concept.

Regarding the issue you presented about awards as loans or grants...we believe the awards should be given as grants. This would encourage small businesses to improve accessibility. We think not only small businesses, but all businesses should be eligible for these grants. A maximum amount of each award can depend on monies available.

I realize my comments are late, but I am hoping this assists you in the next legislative session. Please feel free to contact me or Kelly Fehrman at our office if you have further questions or need additional information.

Sincerely:



Albert Berke
President

AB:kf

cc: Don Brandon, Chair, Governor's Committee on the Employment of
People with Disabilities



DEC 20 1991

Sheraton Anchorage
HOTEL

December 17, 1991

Representative Kay Brown
Legislative Information Office
3111 C Street, #435
Anchorage, Alaska 99503

Dear Representative Brown,

This letter is in support of House Bill 155 and 157, pending legislation which you are sponsoring to provide financial relief to businesses as they attempt to comply with the ADA requirements of making barrier free modifications to their facilities.

The Sheraton Anchorage Hotel supports this legislation. From the perspective on an affected business, the ADA has the potential of inviting financial hardships at a time when the economic factors are already difficult.

Please believe that our industry supports the ADA, opening our facilities to a potential 40 million new clients. We desire to comply not only to the "letter of the law" but the intent, making accessibility to public accommodations a reality to all segments of the public.

However, the scope of modification required in existing facilities to meet the requirements in such a limited time frame is staggering. Signed into law only 18 months ago, we received a copy of the regulations in October, 1991. There is simply no way to budget our limited resources in such a short time frame. And, although the law uses the words "readily achievable," collectively, even relatively minor modifications get pricey.

The desire to provide barrier free modification is off-set by the threat of litigation and bad public relations while the reality of the current economic situation dictates prudent expenditures. We realize that this legislation, if passed, will not solve all the accessibility challenges, but it will provide a pro-active basis from which to begin.

ITT Sheraton
WORLDWIDE HOTELS, INNS, RESORTS & ALL-SUITES

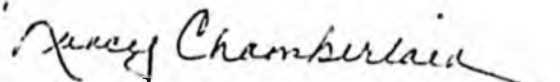
401 EAST 6TH AVENUE, ANCHORAGE, AK 99501
PHONE (907) 276 8700 FAX (907) 278 0441

THE SHERATON ANCHORAGE HOTEL IS OWNED AND OPERATED BY INTER ALASKA HOTEL INC UNDER A LICENSE ISSUED BY SHERATON

Representative Kay Brown
December 17, 1991
Page Two

It is with this in mind that the Sheraton Anchorage Hotel management supports your continuing efforts to be pro-active, assisting both public and private organizations to meet both the letter and intent of the Americans with Disabilities Act.

Best Regards,



Nancy Chamberlain
Executive Housekeeper

APR 02 1991



3710 Woodland Drive, Suite 900
Anchorage, AK 99517
Toll Free: (800) 478-4488
(907) 248-4777

3550 Airport Way, Suite 3
Fairbanks, AK 99709
(907) 479-7940

March 28, 1991

Representative Gene Kubina
Chairman, House State Affairs Committee
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Kubina:

Please schedule HB 155 for a hearing before the House State Affairs Committee at your earliest convenience.

HB 155 establishes a Barrier-Free Remodeling Fund within the Department of Public Transportation and Public Facilities. HB 155 is far-sighted as well as timely legislation that is needed to help make Alaska's public facilities accessible to everyone.

Architectural barriers prevent countless mobility impaired Alaskans from fully participating in their communities. Barriers discourage employment, obtaining an education, shopping, entertainment, and even attending church or going to doctor appointments.

Most of us give little thought to stepping onto a curb, climbing a few stairs, or parking blocks away from our intended destination when necessary. We attend local functions confident in the knowledge that rest room facilities will be available to us, and that we will be able to sit with our family or friends, anywhere we are comfortable.

Although architectural design concepts are currently beginning to take new shape in response to the needs of an aging society, and a society where medical technology has enabled more disabled people to live independently outside of institutional care facilities, the accessibility of many existing structures lags far behind. Consequently, people with heart conditions or strokes, the elderly, wheelchair users, and small children are often excluded from community participation by architectural oversights which pose a handicap to their mobility.

HB 155 would go a long way toward making Alaskan communities accessible to all who live in them. In this era of Alaskan economic development we can ill afford to overlook the benefits of utilizing all of our resources--including human resources.

HB 155 is not only socially responsible, it makes good economic sense. Please consider scheduling this Bill for a hearing at your earliest convenience. Thank you.

Sincerely,


Jerry Schach, IL Specialist
ACCESS ALASKA, INC. - Fairbanks

JS:cdk



MAR 13 1991

MAR 13 1991

3710 Woodland Drive, Suite 900
Anchorage, AK 99517
Toll Free: (800) 478-4488
(907) 248-4777

3550 Airport Way, Suite 3
Fairbanks, AK 99709
(907) 479-7940

March 12, 1991

Representative Kay Brown
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Brown:

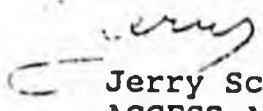
It was a pleasure meeting Eric Myers at the recent AHFC Housing Conference in Anchorage. To learn from Eric of your intention to introduce legislation creating a Barrier-Free Remodeling fund during this session was a real highlight of the Conference for me.

I would like to take this opportunity to express my appreciation for your obvious concern regarding issues which effect people with disabilities in Alaska. The disabled are often an overlooked and disenfranchised segment of American society. Passage of recent legislation (ADA of 1990, FHAA of 1988, Alaska's Human Rights Bill), on both national and state levels, has given those of us who are advocates for disability civil right's protections oppourtunities to be optimistic about the future. These are exciting times.

Accessibility to community living has made great strides in the eighteen years since I have been using a wheelchair, yet we still have a long way to go. Sadly enough, public attitudes as well as societal myths and misconceptions regarding people with disabilities have been, and continue to be, significant barriers to community acceptance.

It would be an honor and privilege to be given the opportunity to serve in some capacity on a newly created Barrier-Free Remodeling Advisory Committee. Needless to say, either I, or a representative from Access Alaska would readily accept such an offer. Please keep us apprised of your progress on HB 155. Thank you again, Kay, and nice work!

Sincerely,


Jerry Schach, IL Specialist
ACCESS ALASKA, INC. - Fairbanks

JS:cdk

PS We will publish a letter similar to that sent to the Interior Delegates in our upcoming quarterly newsletter (late March).



3710 Woodland Drive, Suite 900
Anchorage, AK 99517
Toll Free: (800) 478-4488
(907) 248-4777

3550 Airport Way, Suite 3
Fairbanks, AK 99709
(907) 479-7940

March 12, 1991

Senator Steve Frank
Alaska State Legislature
P.O. Box V (MS3100)
Juneau, Alaska 99811

Dear Senator Frank:

HB 155 legislation that would establish a Barrier-Free Remodeling Fund within the Department of Transportation and Public Facilities (DOT/PF) was recently introduced to the Alaska State Legislature.

With passage of the Americans with Disabilities Act of 1990 (ADA; PL 101-336) last summer, HB 155 is timely, responsible, and consistent with congressional intent. An Alaskan Barrier-Free Remodeling Fund will facilitate the full implementation of the ADA in Alaska and will help pave the way for Alaskans with disabilities into the economic and social mainstream.

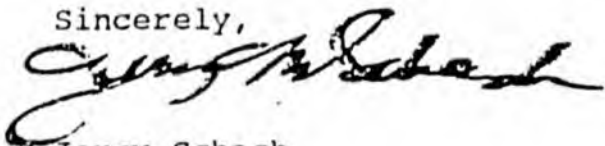
Elderly, infirmed, and physically disabled Alaskans are effectively excluded and discouraged from full and equal participation in their communities by architectural barriers which prevent them from working, shopping, conducting personal business, and socializing. In a state such as ours, which places a premium on individual freedom and civil liberties, passage of HB 155 will make it possible for all Alaskans to obtain a greater degree of freedom and access to essential community services.

Fifty-fifty incentive grants for access improvements for private facility owners who have facilities open to the general public will greatly ease their cost burden, and encourage the private sector to consider modifications which have been heretofore thought desirable and accommodating, but unobtainable when prioritizing capital overhead expenditures.

Senator Frank
Page 2
March 12, 1991

Please support HB 155 and its accompanying appropriation measure (HB 157), which would capitalize the Fund with \$5 million. The long range cost effectiveness of encouraging everyone to participate in and make contributions to their communities will be proven out with the removal of "handicapping" barriers to community life. HB 155 is long overdue. Thank you for your consideration.

Sincerely,



Jerry Schach
IL Specialist
ACCESS ALASKA, INC. - Fairbanks

JS:cdk

cc Interior Delegates
Representative Kay Brown



Grand Camp
Alaska Native Brotherhood

RESOLUTION NO. 08

TITLE: ELEVATORS FOR FERRIES SERVING THE CANOE COMMUNITIES

Whereas, The State of Alaska did not hear our voice in convention in Klawock or again in Hoonah for the need of elevators for our Elders on the ferry system, and

Whereas, our voice needs to be heard now for the needs that we express, and

Whereas, we need for them to picture their mothers, their fathers, their grandmothers and grandfathers climbing and climbing those seemingly endless stairs up to the top deck of the Alaska ferry, for them to experience the frustrations that we have on behalf of our Elders.

NOW THEREFORE BE IT RESOLVED, that the Alaska Native Brotherhood and the Alaska Native Sisterhood meeting in convention in Kake, Alaska during the week of October 14 - 20, 1990 we, once again, urge and remind the State of Alaska of the State law for accessibility for the handicapped to the public areas, and which includes our Elderly in this law, and, for the message to our State legislature to be heard in "GETTING ELEVATORS IN OUR FERRY SYSTEM FOR THE CANOE COMMUNITIES" as soon as possible, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the State Dept. of Transportation Marine Highway System, the State legislature and the Governor of Alaska.

ATTEST: I certify that this resolution was adopted by the ANB/ANS Grand Camp in convention in Kake, Alaska during the week of Oct. 14 - 20, 1990.

Albert Kookesh

Albert Kookesh
Grand President

Andrew Ebona

Andrew Ebona
Grand Secretary

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

Law

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.

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-

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

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 spent.

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.



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: January 22, 1992

PLACE: Capitol Room 102

SUBJECT OF MEETING:

- HB 155 Barrier-free Remodeling Fund
- HB 157 Approp: Barrier Free Facility Fund
- HJR 13 Run-off Election: Gov. & Lt. Gov
- HJR 51 Halt Testing Nuclear Weapons
- HJR 45 Reapportionment Board & Reapportionment

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Don Brandon	Gov. Comm on Employment	2920 Valkyrie Dr Anch AK	99577	248-7325	same	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 155 ✓
Red Wilson	DOT&PF	3132 Channel Drive Juneo	99801	789-4867	465-2960	<input checked="" type="radio"/> Y <input type="radio"/> N	will answer questions on HB 155 ✓
Judy Knight	Labor	Box 3-7000 Juneo	99808	465-2911		<input checked="" type="radio"/> Y <input type="radio"/> N	HB 155 ✓
Virginia Jensen	Labor SEFP	1111	99802	465-4531	465-4111	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 155 ✓
Crystal Smith	Alaska Min. League	217 2nd Suite 200 Juneo	99801	463-3775 586-1325	586-1325	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 155/157 ✓
Art Snowden	COURTS	303 K St Anch	99501	244-0444	264-8947	<input checked="" type="radio"/> Y <input type="radio"/> N	HJR 45 + HB 157 ✓
Jerry Schack	SAIL	8800 Glacier Hwy, Ste. JUNEAU 99801 236		789-9665	789-9665	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 155 ✓
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: May 15, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:
 HB 155 - Relating to Barrier-Free Remodeling Fund
 HB 157 - Relating to Approp: Barrier Free Facility Fund
 *HB 289 - Relating to Change of Interexchange Carrier

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Jeff Bush	Dept. of Law	P.O. Box K, Juneau	99811		465-3600	(Y) N	HB 308
Virginia Kasper	Dept of Labor	Box 3-7000 Juneau	99802		465-4531	(Y) N	HB 155
✓ Rod Wilson	DOT & PF	P.O. Box 2 Juneau	99811		465-2960	(Y) N	HB 155
CHRISTINE HARMEIER	Self	7364 LAKEVIEW CT Juneau	99801	789-5492		(Y) N	HB 155
Judy Knight	DOL	P.O. Box 3-7000	99803		465-2711	(Y) N	HB 155
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	