

HB 1555

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/27/92

FURTHER:

DATE TURNED INTO OFFICE: 5/11/92

Finance Committee considered CS FOR HOUSE BILL NO. 155 (FINANCE)

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

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts SEN FIN Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES:** Dept/Date

zero fiscal notes \_\_\_\_\_

fiscal notes \_\_\_\_\_

Dodson 165.3

DOTF 75.6

appropriation--no fiscal note

**PREVIOUS FISCAL NOTES:** Dept/Date

zero fiscal notes \_\_\_\_\_

fiscal notes \_\_\_\_\_

**DO PASS:**

[Signature]

[Signature]

[Signature]

[Signature]

1. [Signature]  
Co-Chair: Signature/Recommendation

**OTHER RECOMMENDATIONS:**

[Signature]

[Signature]

[Signature]

2. \_\_\_\_\_  
Co-Chair: Signature/Recommendation



Official Business

# Alaska State Legislature

Senate

*Adopted  
5-11-92*

Pouch V  
State Capitol  
Juneau, Alaska 99811

## SENATE FINANCE COMMITTEE

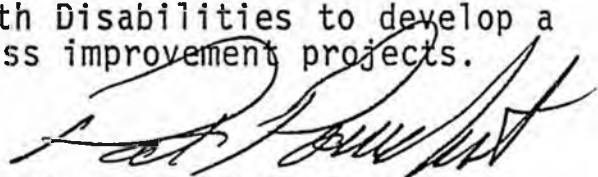
### LETTER OF INTENT

#### CS HB 155 (FIN)

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

It is the intent of the legislature that the Department of Transportation and Public Facilities work with the Governor's Committee on Employment of People with Disabilities to develop a prioritized list of barrier free access improvement projects.

5-11-92  
Date

  
\_\_\_\_\_  
Senator Pourchot, Co-chair  
Senate Finance Committee

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

NEW BILL IN

Revision Date: 5-7-92

COMMITTEE

Department Affected: DOTPF

Title: Barrier Free Remodeling Fund

BRU: Engineering & Operations Standards

Component: Design and Construction Standards

Sponsor: Brown

Requestor: \_\_\_\_\_

REPORTED NO. (OF) \_\_\_\_\_  
SFC 5-11-92

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	51.1	37.8				
TRAVEL	5.0	5.0				
CONTRACTUAL	17.0	8.0				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	2.5	2.5				
TOTAL OPERATING	75.6	53.3				

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	75.6	53.3				
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	75.6	53.3				

POSITIONS:

FULL-TIME	1.0	1.0				
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: \_\_\_\_\_ Phone: \_\_\_\_\_

Division: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by Commissioner: \_\_\_\_\_

Agency: \_\_\_\_\_ Date: \_\_\_\_\_

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

REPORTED OUT OF  
SFC REPORTED OUT OF  
BILL NO : CSHB 155 (Fin)  
~~5-11-92~~ 5-11-92

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	29.3	54.7	54.7	54.7	54.7	54.7
TRAVEL	10.3	9.0	8.0	7.0	7.0	7.0
CONTRACTUAL	14.9	23.1	7.0	2.5	2.0	2.0
SUPPLIES	1.6	2.5	2.5	2.5	2.5	2.5
EQUIPMENT	9.2	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	65.3	89.3	72.2	66.7	66.2	66.2

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

GENERAL FUND	* 65.3	* 89.3	* 72.2	* 66.7	* 66.2	* 66.2
FEDERAL FUNDS						
OTHER						
TOTAL	* 65.3	* 89.3	* 72.2	* 66.7	* 66.2	* 66.2

POSITIONS:

FULL-TIME		1.0	1.0	1.0	1.0	1.0
PART-TIME	1.0	(1.0)				
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

\* If funds are included in the capital budget for this purpose, this fiscal note will not be necessary.

(see attached)

Prepared by: Judy Knight, Director

Division: Employment Security Division

Phone: 465-2712

Date: 5/7/92

Approved by Commissioner: C. W. Mahlen

Agency: Department of Labor

Date: 5/7/92

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

Fiscal Note Analysis for  
"An Act relating to facility and vehicle accessibility for persons with disabilities...."

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 that provides minimum support of its employment outreach activities. The budget appropriation for FY 93 is anticipated to be \$39.1 (a reduction of \$9.0 from FY 91). The committee does not have funding for staff support.

During the first year, this bill would require additional committee meetings to organize the barrier free remodeling fund prioritization and to coordinate the drafting of regulations with the Departments of Transportation & Public Facilities (DOT/PF) and Commerce & Economic Development (DCED). These additional duties would necessitate staff support to assist the committee in presenting seminars, and acting as a resource for the public in conjunction with the requirements of the Americans with Disabilities Act.

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 coordinate with DOT/PF and DCED for the regulation drafting and planning necessary for the implementation of this bill. After the first year, travel expenses would be reduced. Travel expenses for the ex-officio members of the committee have not been included in this fiscal note.

Additional contractual and commodity expenses would also be incurred for the advertising of additional meetings and supplies associated with the added duties. Approximately \$12,500 in the first year would be spent printing and distributing pamphlets explaining disability laws.

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

If the Barrier Free Fund is capitalized, the fiscal note could be funded from there.

An effective date of July 1, 1992 is assumed.

Position Title <b>Grants Administrator</b>			No. of Positions <b>1</b>	Range/Step <b>17A</b>	Barg. Unit <b>GGU</b>
Time Status <b>Part Time</b>	Staff Months <b>6</b>		Location <b>Anchorage</b>		Election District <b>7</b>
Type of Expenditure			Amount		
1			2		3
Salary			<b>\$20,700</b>		
Benefits			<b>8,600</b>		
Premium Pay					
Other					
<b>Total Personal Services</b>					<b>\$29,300</b>
Travel					<b>1,300</b>
Contractual					<b>5,900</b>
Commodities					<b>1,600</b>
Equipment					<b>9,200</b>
Other					
<b>Total Cost</b>					<b>\$47,300</b>
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004				<b>\$47,300</b>
GF Program Receipts	1005				
Other					
<p><b>Justification</b></p> <p>This position will serve as staff support for the Governor's Committee on Employment of People with Disabilities. During the first year the position would also coordinate with the Departments of Transportation &amp; Public Facilities and Commerce &amp; Economic Development in the drafting of regulations. The following year the position would assist in the grant review and awarding processes. Also the position is responsible for providing information to the public by presenting seminars and answering questions from the public including private business on aspects of the Americans with Disabilities Act.</p> <p>Travel funds would cover the costs to attend committee meetings and present seminars.</p> <p>Contractual costs would cover the cost of a phone and fax line as well as the long distance calls associated with the committee. Costs of a copy machine and other average per employee costs are also included.</p> <p>Commodities covers normal office supplies for this position.</p> <p>Equipment expense would be a one-time item and include a personal computer, laser printer, fax machine, telephone, and office furniture.</p>					

**Request For  
New Position**

Agency Labor  
 BRU Employment Security  
 Component Committee on Employment of Disabled

Page 3 of 3  
 Revised Date

**FY 92**

CS FOR HOUSE BILL NO. 155 (FINANCE)  
 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/9/92  
 Referred: Rules

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 throughout 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 disabilities or  
12 persons who have immediate family members with 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, the  
15 administrative director of the court system, the executive director of the legislative affairs  
16 agency, a representative of the University of Alaska, and the chair of the Governor's  
17 Council for the Handicapped and Gifted shall serve as ex-officio members of the committee.  
18 The ex-officio members are in addition to the 12 members appointed by the governor, may  
19 not vote, and are not considered when determining a quorum.

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

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

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

24 \* Sec. 4. AS 23.15.260 is amended to read:

25 Sec. 23.15.260. MEETINGS. The committee shall meet at least annually. The  
26 committee may hold additional meetings at the call of the chair, or [, BUT] at the request  
27 of the governor [SPECIAL MEETINGS MAY BE CALLED].

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

29 CHAPTER 50. BARRIER FREE FUNDS.

30 Sec. 35.50.010. BARRIER FREE REMODELING ASSISTANCE FUND  
31 ESTABLISHED. (a) The barrier free assistance fund is established in the general fund. The

1 assistance fund shall be administered by the department. The assistance fund consists of money  
2 appropriated to it by the legislature. Money appropriated to the fund does not lapse.

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

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

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

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

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

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

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

18 Sec. 35.50.025. SPECIAL ACCOUNT ESTABLISHED. (a) The foreclosure expense  
19 account is established as a special account in the barrier free remodeling loan fund. The account  
20 is established as a reserve from fund equity.

21 (b) The commissioner of commerce and economic development may expend money  
22 credited to the foreclosure expense account when necessary to protect the state's security interest  
23 in collateral on loans made under this chapter or to defray expenses incurred during foreclosure  
24 proceedings after a default by a recipient of a loan under this chapter.

25 Sec. 35.50.030. ADDITIONAL COMMITTEE DUTIES. The governor's committee on  
26 employment of people with disabilities shall, in addition to its other duties,

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

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

31 (3) assist the department and the Department of Commerce and Economic

1 Development with providing information services under AS 35.50.100 and adopting regulations  
2 under AS 35.50.200.

3 Sec. 35.50.040. IDENTIFICATION OF POTENTIAL STATE AGENCY PROJECTS.

4 (a) By June 1 of each year the department shall prepare a list of state agency facilities controlled  
5 by the executive branch, except for the University of Alaska and the Alaska Railroad  
6 Corporation, that are proposed for remodeling to make them accessible to persons with  
7 disabilities, the aged, or the infirm.

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

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

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

17 (e) A list submitted under this section must be in the form and supply the information  
18 requested by the department, including a proposed budget for the remodeling costs.

19 Sec. 35.50.050. APPLICATION FOR REMODELING GRANTS AND LOANS. (a) A  
20 local government, school district, or private nonprofit corporation may apply to the department  
21 for a grant under this chapter to pay the remodeling costs of a facility owned or leased by the  
22 local government, school district, or private nonprofit corporation in order to make the facility  
23 accessible to persons with disabilities, the aged, and the infirm.

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

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

1           Sec. 35.50.060. ELIGIBILITY REQUIREMENT. In order for a local government or a  
2 school district to be eligible for a grant under this chapter, the local government or school district  
3 must certify in its application under AS 35.50.050(c) that the invitations to bid and requests for  
4 proposals that it issues for property leases include a provision requiring the leased space to  
5 comply with 42 U.S.C. 12101 - 12213 (Americans with Disabilities Act of 1990) regarding  
6 access to the leased space by persons with disabilities, the aged, and the infirm.

7           Sec. 35.50.070. REVIEW OF SUBMITTALS AND APPLICATIONS. (a) The  
8 department shall review for accuracy and completeness the information and budgets in the lists  
9 submitted under AS 35.50.040 and the applications submitted under AS 35.50.050(a). The  
10 Department of Commerce and Economic Development shall review for accuracy and  
11 completeness the information and budgets in the applications submitted under AS 35.50.050(b).  
12 By July 15 of each year, the department and the Department of Commerce and Economic  
13 Development shall submit to the committee from the lists prepared under AS 35.50.040 and the  
14 applications received under AS 35.50.050 a list of the projects for which the information and  
15 budgets have been determined to be complete and accurate.

16           (b) The committee shall review the lists and applications submitted under (a) of this  
17 section and by November 15 of each year make a list of state agency facilities whose facilities  
18 are eligible for remodeling funds under this chapter, a list of the facilities whose remodeling costs  
19 are eligible for grants under AS 35.50.080(a), and a list of the facilities whose remodeling costs  
20 are eligible for loans under AS 35.50.080(b).

21           (c) When making the lists under (b) of this section, the committee shall consider  
22           (1) whether alternative sources of funding are available to an applicant;  
23           (2) the significance of the proposed remodeling project for enhancing employment  
24 opportunities for persons with disabilities, the aged, and the infirm;  
25           (3) the significance of the remodeling project in terms of providing access to basic  
26 services to persons with disabilities, the aged, and the infirm; and  
27           (4) other criteria or factors considered appropriate by the committee.

28           (d) The lists made under (b) of this section must be written and prioritized and must  
29 include the amount approved by the committee for the remodeling of each facility and a budget  
30 for the remodeling costs of each facility.

31           Sec. 35.50.080. REMODELING AMOUNTS. (a) Remodeling projects approved under

1 AS 35.50.070(b) for the facilities of state agencies, local governments, school districts, and  
2 private nonprofit corporations shall be for up to 100 percent of the total remodeling costs of the  
3 facility.

4 (b) Remodeling loans approved under AS 35.50.070(b) for the facilities of persons other  
5 than state agencies, local governments, school districts, and private nonprofit corporations shall  
6 be made for up to 100 percent of the total remodeling costs of the facility. The Department of  
7 Commerce and Economic Development may not require the recipient of the loan to pay interest  
8 on the loan.

9 Sec. 35.50.090. AWARD AND DISBURSEMENT OF FUNDS. (a) Subject to the terms  
10 of the appropriation, the department shall

11 (1) in accordance with the priority established under AS 35.50.070(b), award the  
12 grants that have been funded by the appropriation for award by the department under this chapter;

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

15 (b) The Department of Commerce and Economic Development shall award the loans  
16 approved under AS 35.50.070(b) for which funding is available and according to the priority  
17 established under AS 35.50.070(b).

18 Sec. 35.50.100. INFORMATION SERVICES. The department and the Department of  
19 Commerce and Economic Development shall, in cooperation with the committee, provide the  
20 following information to state agencies, local governments, school districts, and other persons  
21 who own or lease facilities that are open to or used by the general public:

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

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

25 Sec. 35.50.110. SERVICING OF LOANS. The Department of Commerce and Economic  
26 Development may contract out the servicing of loans made under this chapter.

27 Sec. 35.50.120. ADMINISTRATION OF GRANTS. The department may arrange for  
28 another state agency to award, administer, or award and administer a grant made by the  
29 department under this chapter.

30 Sec. 35.50.130. DISPOSAL OF PROPERTY ACQUIRED BY DEFAULT OR  
31 FORECLOSURE. The Department of Commerce and Economic Development shall dispose of

1 property acquired through default or foreclosure of a loan made under this chapter. Disposal  
2 shall be made in a manner that serves the best interests of the state, and may include the  
3 amortization of payments over a period of years.

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

10 Sec. 35.50.900. DEFINITIONS. In this chapter,

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

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

15 (3) "facility" means a facility whose construction was completed before January 1,  
16 1991, and includes vessels operated by the Alaska marine highway system, places of public  
17 accommodation, and commercial facilities; in this paragraph, "public accommodation" and  
18 "commercial facilities" have the meanings given in 42 U.S.C. 12181;

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

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

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

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

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

29 \* Sec. 6. AS 23.15.230(c), 23.15.245 and AS 35.50 are repealed July 1, 2000.

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

Revision Date: \_\_\_\_\_

Department Affected: Commerce & Econ. Dev.

Title: Barrier-Free Remodeling Fund

BRU: Investments

Sponsor: Brown et al.

Component: \_\_\_\_\_

Requestor: Finance

COMPONENT SERIAL NO. 

0	3	8	4
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL	1.3					
CONTRACTUAL	5.6					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>6.9</b>	<b>*</b>	<b>*</b>	<b>*</b>	<b>*</b>	<b>*</b>

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

GENERAL FUND	6.9					
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
<b>TOTAL</b>	<b>6.9</b>					

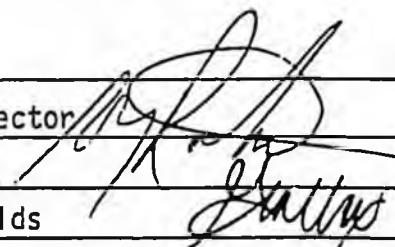
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS (Attach a separate page if necessary.)

SEE ATTACHED

Prepared By: Martin J. Richard, Director  Phone: 465-2510

Division: Investments Date: 3/6/92

Approved by Commissioner: Glenn A. Olds  Date: 3.6.92

Agency: Department of Commerce & Economic Development Date: 3.6.92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legls. Ofc., and Impacted Agency(ies).

Page 1 of 2

FISCAL NOTE - CSHB 155 (FIN)

ANALYSIS:

The department anticipates a fiscal impact of \$6,900 in FY 93. These funds will be used to pay for the department's involvement in implementing regulations and printing brochures and application packages. We assume that the Department of Transportation and Public Facilities will be the lead agency in the promulgation of regulations and the coordination and costs associated with the Governor's Committee on Employment of People with Disabilities. The department has not included any expenses relating to this committee's activities.

\* We are unable to estimate the cost of operating the loan fund until the size and extent of the program is determined.

REPORTED OUT OF

SFC

5-11-92

STATE OF ALABAMA  
1992 LEGISLATIVE SESSION

FISCAL NOTE

No. 4

Bill Version: CSHB 155 (FIN)

(H) Publish Date: 3/25/92

Revision Date: January 2, 1992 (Draft)  
Title: Barrier-Free Remodeling Fund

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

Sponsor: Rep. Kay Brown  
Requestor:

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES	87.6	90.7	93.8	97.1	100.5	104.0
TRAVEL	8.0	8.0	8.3	8.6	8.9	9.2
CONTRACTUAL	41.0	32.0	24.9	26.1	27.4	28.7
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	2.5	2.5	0	0	0	0
<b>TOTAL OPERATING:</b>	<b>139.1</b>	<b>133.2</b>	<b>127.0</b>	<b>131.8</b>	<b>136.8</b>	<b>141.9</b>

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

GENERAL FUNDS	75.6	53.3	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE	63.5	79.9	127.0	131.8	136.8	141.9
<b>TOTAL FUNDING:</b>	<b>139.1</b>	<b>133.2</b>	<b>127.0</b>	<b>131.8</b>	<b>136.8</b>	<b>141.9</b>

POSITIONS

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

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

ANALYSIS: (Attach a separate page if necessary)

See attached 7 page analysis.

Note: In response to a number of questions recently directed to this agency, an Explanatory Amendment, dated February 21, 1992, has been incorporated into the final 2 pages of the analysis.

Note: In response to the creation of a "loan fund" in the CS (Finance) version of the bill, the \$10,000 identified in Area 5 "LOANS" on page 5 of this analysis is no longer required. The above Fiscal Note has been adjusted to reflect this change.

Prepared by: Roger A. Allington, Director

Phone: 465-2951

Division: Engineering and Operations Standards

Date: March 24, 1992

Approved by Commissioner: Frank G. Turpin

Phone: 465-3900

Agency: Department of Transportation and Public Facilities

Date: March 24, 1992

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

COMMITTEE COPY

Page 1 of 8

ANALYSIS (cont. from page 1):

**Fiscal Note Analysis for Draft CS to HB 155**

**Program Description:**

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

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

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

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

**Program Implementation and Resulting Fiscal Impacts:**

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

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**Analysis and Assumptions:**

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

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

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

**Code Promulgation (anticipate eighteen months to complete):  
Development**

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

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

**Area 2. Compiling, Reviewing and Presenting the Listing of Candidate Projects:** As required under proposed sections AS 35.50.030, 35.50.040(c), and 35.50.050(a) the

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

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

Assembly of Projects

Pre-submittal period (provide direction/clarification) from May 1 to June 1 ..... 1 Mo. @ \$7,300/Mo. = \$ 7,300  
Official Submittal period (provide preliminary review for submittal content and completeness) .... 2 Mo. @ \$7,300/Mo. = \$14,600

Compiling the Listing

Working in conjunction with the committee, compile the final listing, ranking eligible projects and identifying possible grant recipients. .... 2 Mo. @ \$7,300/Mo. = \$14,600  
Associated travel expense (lump sum) = \$ 3,000

Presenting the Listing

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

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

2 months of staff work, at half time, yields .... 1 mo @ \$7,300 = \$7,300  
Maximum 2 months of consultant costs estimating services (assuming \$75/hour yields) 320 hours x \$75 ..... = \$24,000

---

Total Project Listing Costs \$70,800

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

Area 3. Grant/Loan Administration:

GRANTS: As required under the proposed section AS 35.50.070 the department is required to award the resulting grants. It is assumed that only a small amount of involvement will be required of the range 21 position as most of the intense work

will be performed by the DOT&PF grant administrators in the regions. For this reason an allowance of one month of the range 21 position has been made under this area of the program. Again these costs are seen as administrative in nature and would be subject to the definition of remodeling costs. Funding for these services is shown as "other funds" on the Fiscal Note:

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

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

Total Costs Associated to Loan Awards	\$10,000
---------------------------------------	----------

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

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

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

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

Summary of Anticipated Expenditures (Thousands of Dollars)

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 3-25-92

For FY 93

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

For FY 94

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

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

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

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

# Explanatory Amendment

[Prepared February 21, 1992]

#14  
CS#B 155(FN)  
3-25-92

As a point of clarification to the preceding analysis...

The department's "administrative costs" -- depicted in the final sentence of the analysis as approximately 3% of the total amount of the fund -- consists of only those "overhead" costs associated with soliciting, assembling, analyzing, and prioritizing the requests submitted under this program. The 3% figure does not include "project related costs".

"Project related costs" are normally considered to be those costs associated with the financing, designing, constructing and supervising the project from conception to final acceptance. Costs of this nature should be anticipated at each and every site where barrier removal activities take place. The following "project related costs" (addressed in the analysis as Area 3 and Area 4 services) are not contained in the Fiscal Note summaries; however, they need to be considered when trying to determine the overall impact of the construction dollar.

In the case of barrier removal projects the department anticipates to see project related costs in the following ranges:

## Costs associated with Project Funding (overall range of 3 to 10%)

1. If financing is provided through a private sector lending institution in the form of a zero interest loan [to private sector recipients] it is expected that financing charges could run from 3 to 5%. These charges would cover loan fees, credit checks, inspections etc.
2. If funding is provided as a direct grant [to private non-profit organizations or to local governments] the department could incur costs in the range of 3 to 10% depending on the involvement required, time period of the grant, and the dollar amount of the grant. (Presently these costs run approximately \$1,000 per grant.)
3. If funding is provided directly to the department, or a sister agency, as a Capital Improvement Project the department could incur costs in the range of 5 to 10% for the purpose of setting up the project within the department. This percentage would vary depending on the magnitude of the project.

## Costs associated with Project Design (overall range of 12 to 18%)

1. Irrespective of what entity is doing the project [private sector, non-profit or government] design costs for these types of projects will run higher than normal. Typically the projects will require a small scale, labor intensive design effort involving the remodel of an existing condition. All are factors which tend to drive design costs upward. These services by and large will be provided by private sector architects and engineers.

## Costs associated with Construction Oversight (overall range of 10 to 12%)

1. Initial cost will include building permit fees by local governments. Generally, the fees should be less than 5%.

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2. Charges for "shop drawing reviews" and on going inspection services (in addition to those provide by the local authorities) will make up the balance of the costs in this area. Services to be provided from the private sector.

Costs associated with Project Administration (overall range of 5 to 10%)

1. Irrespective of what entity is administrating the project [private sector, non-profit or government] costs for these types of projects will run higher than normal when expressed as a percentage of the project. This again is a result of those same factors pointed out in the discussion on design costs. Typically costs covered under this category include charges related to selecting architects and contractors, administering and making payment on their contracts, and securing the necessary permits, inspections and approvals.

Balance of Funds Available for Actual Construction (ranges from 60 to 70%)

1. Typically the construction contract award will consume about 85% of the available construction funds with the additional 15% held in reserve for paying change orders or claims. All services to be provided in this segment of the project will come from the private sector.

IN SUMMARY

The department anticipates that approximately 3% of the total fund monies will be spent on providing the basic program related services required by the legislation. Additionally, charges resulting from direct project activities will consume the remaining 97% of the monies in the fund -- in which approximately:

2% could be paid to local lending institutions for financing,  
15% would be paid to local architects and engineers for design work,  
7% would be paid to local professionals for construction oversight,  
65% would be paid to local contractors for the actual construction work, and  
11% would support government related services, the bulk of which would go to local level authorities.

Another positive feature of this legislation is that the vast majority of the anticipated projects will be less than \$ 50,000. Projects of this dollar magnitude are less likely to attract out-of -state bidders, thus resulting in more jobs for Alaskans.

SFC-92  
5-8-92

# Representative Kay Brown

ALASKA STATE LEGISLATURE

Legislative Information Office  
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During Session  
State Capitol  
Juneau, Alaska 99801-1182  
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TO: Senator Pat Pourchot, Co-Chair  
Senator Jay Kerttula, Co-Chair  
Senate Finance Committee

FROM: Representative Kay Brown

DATE: May 8, 1992

SUBJ: CS HB 155 (Finance) — Barrier Free Access Fund

The purpose of this memorandum is to make a recommendation that the Senate Finance Committee modify two of the fiscal notes prepared for CS HB 155 (Finance).

Since this legislation was introduced, it has become apparent that a longer lead time will be required to undertake the facility assessments required by the ADA that will serve as the basis for identifying project priorities. Accordingly, I have decided to not propose actual capitalization of the Barrier Free Remodeling Fund for grants in FY 93.

Nevertheless, in order to make progress over the next year, and establish the Barrier Free Remodeling Fund in anticipation of barrier free access project needs identified through the facility assessment process, funding is still required. However, a reduced level of effort than that described by the fiscal notes developed previously for the legislation is recommended.

There are ~~three~~ fiscal notes for this legislation. A recommendation regarding each one is provided below.

Department of Labor/Governor's Committee

The Governor's Committee on Employment of People with Disabilities has provided a fiscal note requesting \$65,300 for FY 93.

I would propose that this fiscal note be eliminated (and, in effect, replaced with a \$30,000 appropriation as a part of the Capital Budget project to undertake ADA facility assessments).

DISTRICT 12

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

Discussion: The Governor's capital budget includes proposed funding in the amount of \$200,000 for ADA state facility assessments. These facility assessments will serve as the basis for the determination of the needed facility access improvements. I have recommended that the House Finance Committee allocate \$30,000 of this funding to the Governor's Committee on Employment of People with Disabilities to enable the Committee to work with the Department of Transportation and Public Facilities to develop a prioritized list of access improvement projects for consideration by the legislature as part of the FY 94.

✓ Department of Transportation & Public Facilities

The Department of Transportation & Public Facilities has prepared an FY 93 fiscal note for CS HB 155 (Finance) that calls for a total of \$139,100 (\$75,600 in general funds and \$63,500 in funds from the Barrier Free Remodeling Fund).

In recognition that the Barrier Free Fund will not be capitalized in FY 93, I would propose that the DOTPF fiscal note be amended to reflect \$75,600 in FY 93 and \$53,300 in FY 94 (ie, only general fund dollars).

Discussion: This level of funding would enable the department to proceed with the hiring of a registered architect or other person with detailed knowledge of the ADA to develop the Barrier Free Fund program and the required regulations.

✓ Department of Commerce & Economic Development/Investments

The Department of Commerce and Economic Development has prepared an FY 93 fiscal note of \$6,900 for the purpose of participating in regulation development.

I recommend adoption of this fiscal note.

\* \* \* \* \*

I appreciate your consideration of these recommendations.

# SPONSOR STATEMENT

## Barrier Free Remodeling & the ADA

CS HB 155 (Finance)

### 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 and services be made accessible. In particular, the ADA will significantly impact a great number of public agencies and private businesses challenged by the need to ensure that public accommodations such as state and local government agency buildings, museums, libraries, schools, restaurants, hotels, theaters and day care centers are accessible. Under the ADA, building and facility owners that fail to meet the ADA accessibility requirements can be sued in federal court.

### Barrier Free Remodeling Fund

In anticipation of the ADA requirements, House Bills 155 was introduced to provide financial assistance to state agencies, local governments, school districts and private businesses to help make needed remodeling investments.

CS HB 155 (Finance) would:

- Establish funding mechanisms to make barrier free remodeling investments in public facilities and places of public accommodation.
  - A "Barrier Free Remodeling Fund" would be established. This fund would be administered by DOTPF. State, municipal, school districts and private non-profits could apply for grants to pay for up to one hundred percent of the incremental costs of barrier free access improvements.

- A "Barrier Free Remodeling Loan Fund" would be established. This revolving loan fund would be administered by the Department of Commerce and Economic Development. Private businesses operating places of public accommodation required to meet ADA requirements (eg, grocery stores, restaurants, theaters) could apply for zero interest loans for the purpose of making remodeling investments.
- Designate the Governor's Committee on Employment of People with Disabilities as the agency responsible for prioritization of proposed projects:
- Direct DOT/PF, in cooperation with the Governor's Committee on the Employment of People with Disabilities, to provide information services to agencies and businesses affected by the ADA.

### Making Barrier Free Remodeling Possible

The essential purpose of CS HB 155 (Finance) is to provide a mechanism by which pro-active financial assistance can be made available to public and private entities to meet the requirements of the ADA, make public facilities and places of public accommodation accessible to the disabled and avoid unnecessary litigation.

The full scope of the problem of limited accessibility is not yet defined in Alaska. However, it is evident that making Alaska's buildings barrier free will be expensive. 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 has compiled a list of barrier free project needs for *state owned* facilities only, indicating total remodeling costs on the order of \$60 million. More recently, DOTPF has estimated public and private remodeling work required to comply with the ADA may cost on the order of \$200 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.

The barrier free remodeling funds as proposed by CS HB 155 (Finance) would help overcome these problems, speed compliance with the federal law, stimulate private sector investment in access improvements, reduce state

liability for non-compliance and help eliminate unnecessary lawsuits. CS HB 155 (Finance) would not only help businesses comply with the federal requirements of the ADA, it would also stimulate private sector employment by financing a wide range of remodeling projects.

### 43 Million Americans

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 found 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 about 65% of disabled people do not work. 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.

### Broad Support

CS HB 155 (Finance) is supported by a broad range of local governments, private business interests, and private non-profits, including:

- Haines Chamber of Commerce
- City of Skagway
- Homer Senior Citizens
- Southeast Alaska Independent Living Program
- Hope Cottages
- Alaska Center for Blind and Deaf Adults
- Anchorage Building Owners and Managers Association
- American Association of Retired People
- Older Alaskans Commission
- Municipality of Anchorage
- Alaska Municipal League
- University of Alaska Small Business Development Center
- NEA Alaska
- City of Seward
- Alaska State Human Rights Commission
- City of Palmer
- North Slope Borough
- Sheraton Anchorage Hotel
- Access Alaska
- Challenge Alaska
- Alaska Center for a Barrier Free Environment
- Alaska Department of Transportation and Public Facilities
- Alaska Department of Labor

University of Alaska  
Alaska State Court System  
Governor's Committee on Employment of People with Disabilities  
City of Cordova  
City of Wasilla  
Upper Tanana Development Corporation  
City of St. Mary's  
City of Haines  
Alaska Association of the Deaf  
Ninilchik Senior Center  
City of Unalaska

There is no known opposition to the legislation.

# SECTIONAL ANALYSIS

## Barrier Free Remodeling & the ADA

### CS HB 155 (Finance)

#### 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 the requirement that at least four members of the Committee be persons experiencing a disability or be persons who have immediate family members with disabilities.

Provides that, when the Committee meets for the purpose of establishing priority among remodeling projects, additional ex-officio committee members are added, including a representative of the Department of Transportation and Public Facilities (DOTPF), the administrative director of the Court System, the executive director of the Legislative Affairs Agency, a representative of the University of Alaska and the Chair of the Governor's Council for the Handicapped and Gifted.

#### Section 3

Amends the duties of the Governor's Committee on Employment of People with Disabilities to include serving as the advisory committee concerning expenditure of money from the barrier free remodeling funds established in Section 5.

#### Section 4

Amends the statutes of the Governor's Committee on Employment of People with Disabilities to allow the Committee to hold additional meetings at the call of the chair or at the request of the Governor.

## Section 5

Establishes barrier free remodeling funds. Two remodeling funds are established: 1) a "Barrier Free Remodeling Fund" to be administered by DOTPF (for remodeling of public facilities); and 2) a "Barrier Free Remodeling Loan Fund" to be administered as a revolving loan fund by DCED (for remodeling of private places of public accommodation). Money in the funds 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 to DOTPF for grants while private businesses may apply to DCED for zero interest loans to make barrier free access improvements.

In order for a local government or a school district to be eligible for a grant, the local government or school district must certify in its application that the invitations to bid and requests for proposals that it issues for property leases include a provision requiring the leased space to comply with the ADA.

By July 15 of each year, DOTPF and DCED shall provide to the Governor's Committee on Employment of People with Disabilities the project requests and applications for remodeling assistance. The committee shall, by November 15 of each year, prepare a prioritized listing of the grant and loan requests. In developing the priority lists, the Committee is directed to consider (1) whether alternative sources of funds are available to an applicant; (2) the significance of the proposed project in terms of providing employment opportunities; (3) the significance of the project in terms of providing access to basic services to persons with disabilities; (4) and other criteria or factors considered appropriate by the committee.

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.

In consultation with the committee, DOTPF and DCED shall jointly adopt regulations to implement the program.

DCED may contract out for the servicing of loans.

Section 6

The barrier free remodeling grant and loan funds, and the advisory duties of the Governor's Committee on Employment of People with Disabilities pertaining to the funds, 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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State Capitol  
Juneau, Alaska 99801-1182  
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TO: Senator Pat Pourchot, Co-Chair  
Senate Finance Committee

FROM: Representative Kay Brown

DATE: May 4, 1992

SUBJ: CS HB 155 (Finance) — Barrier Free Access & the ADA

In anticipation of the Senate Finance Committee consideration of CS HB 155 (Finance), please find attached the following materials:

1. Sponsor Statement
2. Sectional Analysis
3. Fiscal Notes
  - Department of Transportation & Public Facilities
  - Department of Labor
  - Department of Commerce & Economic Development
4. *Americans with Disabilities Act Fact Sheet*
  - U.S. Architectural & Transportation Barriers Compliance Board
5. News Articles —
  - "Deadline to improve disabled access nears"*  
Anchorage Times
  - "Easing access for the disabled carries considerable price tag"*  
Anchorage Times
  - "Disabilities law backed by big fines"*  
Anchorage Times
  - "Few businesses prepared as Disabilities Act becomes law today"*  
Associated Press
  - "Breaking Down Barriers"*  
Anchorage Daily News

As you can see from the attached list, this legislation is broadly supported throughout the state.

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If you have any questions concerning this legislation, please let me know or contact Eric Myers of my staff at 465-4998.

DISTRICT 12

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

*Support for...*

**House Bill 155 — Barrier Free Access & the ADA**

Haines Chamber of Commerce  
City of Skagway  
Homer Senior Citizens  
Southeast Alaska Independent Living Program  
Hope Cottages  
Alaska Center for Blind and Deaf Adults  
Anchorage Building Owners and Managers Association  
American Association of Retired People  
Older Alaskans Commission  
Municipality of Anchorage  
Alaska Municipal League  
University of Alaska Small Business Development Center  
NEA Alaska  
City of Seward  
Alaska State Human Rights Commission  
City of Palmer  
North Slope Borough  
Sheraton Anchorage Hotel  
Access Alaska  
Challenge Alaska  
Alaska Center for a Barrier Free Environment  
Alaska Department of Transportation and Public Facilities  
Alaska Department of Labor  
University of Alaska  
Alaska State Court System  
Governor's Committee on Employment of People with Disabilities  
City of Cordova  
City of Wasilla  
Upper Tanana Development Corporation  
City of St. Mary's  
City of Haines  
Alaska Association of the Deaf  
Ninilchik Senior Center  
City of Unalaska

There is no known opposition to the legislation.

# Americans with Disabilities Act Fact Sheet

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

Abbreviations used in this chart:

<p>ADA Americans with Disabilities Act</p> <p>ATBCB Architectural and Transportation Barriers Compliance Board</p> <p>DOJ Department of Justice</p> <p>DOT Department of Transportation</p>	<p>EEOC Equal Employment Opportunity Commission</p> <p>FCC Federal Communications Commission</p> <p>MGRAD Minimum Guidelines and Requirements for Accessible Design</p> <p>UFAS Uniform Federal Accessibility Standards</p>
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U.S. Architectural and Transportation Barriers Compliance Board  
Suite 501, 1111 18th Street, NW  
Washington, DC 20036-3894

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

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

## Accessibility Requirements

## Effective Date

## Regulations and Enforcement

### Title II - Public Services

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

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

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

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

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

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

One car per train must be accessible.

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

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

Ordered after August 25, 1990.

Ordered after August 25, 1990.

By July 26, 1995.

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

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

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

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

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

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

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

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

Accessibility Requirements	Effective Date	Regulations and Enforcement
<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><b><u>Title IV - Telecommunications</u></b></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