

ALASKA

LEGISLATURE

COMMITTEE

FILES

1991-1992

8672

7242

HOUSE STATE

AFFAIRS

Alaska State Legislature

REPRESENTATIVE
MARK BOYER
VICE CHAIRMAN
HOUSE FINANCE COMMITTEE



House of Representatives

FAIRBANKS
1098 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
(907) 456-6473

JUNEAU
P.O. BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3468

PRESS RELEASE

DATE: February 13, 1991

CONTACT: Alexis Miller
465-3467

WRRAP REVISITED: BOYER BILL PUTS MONEY INTO SOLID WASTE, RECYCLING AND POLLUTION PREVENTION PROGRAMS

On Wednesday, Rep. Mark Boyer (D-Fairbanks) introduced legislation (HB 138) requesting a special appropriation to provide funding for solid waste, recycling and pollution prevention programs in Alaska.

Exactly a year ago, a package of four bills, commonly referred to as the Waste Reduction, Recycling and Planning Act or WRRAP Act, was introduced in the House. This year Rep. Boyer and his colleagues, Rep. Kay Brown (D-Anchorage), Rep. Fran Ulmer (D-Juneau), and Rep. David Finkelstein (D-Anchorage), have again introduced legislation to target the growing problem of garbage in the State.

Last session, Rep. Boyer's bill passed the legislature and expanded the Alaska Clean Water Fund to include solid waste facilities. The idea behind the bill was for communities to borrow funds to develop solid waste facilities and to finance recycling equipment. However, the newly expanded fund was not capitalized and no loans were made.

Numerous communities have requested funding under this new law. According to the Department of Environmental Conservation, 72 project proposals totaling \$96 million have been submitted for FY92. But since the Department has no money, there is no way for these communities to receive funding. Fairbanks has requested \$16 million alone for an anaerobic digester for their landfill.

Expanding on last year's theme, Rep. Boyer and his WRRAP colleagues, have decided to appropriate money for projects like this and others. HB 138 would appropriate \$6.5 million to fund the following programs or projects:

FAIRBANKS 20B

WRRAP Revisited
Page Two

1. \$5.5 million for loans for solid waste management facilities under the Clean Water Fund;
2. \$300,000 for community solid waste planning grants;
3. \$50,000 for a hazardous waste reduction grant to DEC;
4. \$150,000 for a solid waste characterization and recycling study;
5. \$50,000 to the Pacific Northwest Pollution Prevention Center; and
6. \$240,000 for hardware and software to the Department of Administration's data centers

"That figure doesn't even come close to the amount needed, but it is a start in the right direction," Rep. Boyer said, "and it sends a message to communities that the State is willing to alleviate the growing garbage problem facing many communities."

"Most communities are running out of room at their landfills. In Fairbanks, an average of 180 tons of garbage a day accumulates. Residents have been dumping their garbage on that landfill for more than 30 years. Currently it stands over 40 feet above the surrounding land and covers 50 acres. It is a problem that needs to be addressed now. Money needs to be appropriated this session and communities must start cleaning up their garbage problems," Rep. Boyer said.

"I said it last year and I'll say it again, communities from Ketchikan to Unalaska are finding a need for expansion of their solid waste facilities," Rep. Boyer said, "and putting our money where our mouths are would give these communities the tools necessary to combat their growing waste disposal needs."

HB 138 heads first to the House State Affairs Committee. A hearing should be scheduled within the next two weeks, along with the other bills in this year's WRRAP package. HB 139 by Rep. Brown would establish an awards program for exemplary pollution prevention achievements by individuals, businesses, schools and government agencies.

HB 140 by Rep. Finkelstein would allow a utility collecting and disposing waste to recover capital and operating costs through its rates to users.

DRAFT

FOR IMMEDIATE RELEASE

February 13, 1991
Contact: Kathy Donadio
465-4998

RECYCLING LAWMAKERS TEAM UP FOR RETURN OF THE WRRAP ACT

Saying the job of maximizing Alaska's recycling effort is far from complete, legislators from Juneau, Anchorage and Fairbanks have introduced bills designed to build on last year's successful waste reduction package, better known as the WRRAP Act.

"WRRAP" stands for the Waste Reduction, Recycling and Planning Act. Three bills this year aim at increasing awareness of recycling in our schools, providing waste reduction grants to cities and towns and encouraging recycling efforts among regulated utilities. The Package was put together by Representatives Fran Ulmer of Juneau, Kay Brown and David Finkelstein of Anchorage, and Mark Boyer of Fairbanks.

*House Bill 138 appropriates about 6.5 million for several recycling initiatives including grants and loans to municipalities to develop solid waste facilities, \$150,000 for a statewide study of Alaska's recycling possibilities and \$420,000 for new printing machinery that will greatly reduce paper use and save the state money. The Bill is sponsored by Fairbanks Representative Mark Boyer.

*House Bill 139 would award schools up to 5 thousand dollars for creating innovative recycling programs. HB 139 is sponsored by Anchorage Representative Kay Brown.

*House Bill 140 would encourage recycling by allowing utilities regulated under the Alaska Public Utilities Commission to include the costs of recycling and solid waste recovery in their rate requests. HB 140 is sponsored by Anchorage Representative David Finkelstein.

2/19/91

Recycling and Waste Reduction

Proposed Legislation — 1991

As a follow-up to "W.R.R.A.P." (Waste Reduction, Recycling and Pollution Prevention) package of legislation enacted last session, Representatives Kay Brown, Mark Boyer, David Finkelstein, and Fran Ulmer have put together a package of legislation for the 1991 session to help further Alaska's waste reduction and recycling efforts.

- House Bill 138 — sponsored by Rep. Mark Boyer of Fairbanks, would appropriate \$6.5 million for a variety of recycling and waste reduction purposes, including solid waste/recycling planning grants for local governments and hazardous waste reduction demonstration matching grants for small businesses.
- House Bill 139 — sponsored by Rep. Kay Brown of Anchorage, would establish recognition awards for pollution prevention and recycling, including provision for an award to public schools of up to \$5,000 for the development of innovative recycling programs.
- House Bill 140 — sponsored by Rep. David Finkelstein of Anchorage, would allow utilities regulated by the Alaska Public Utilities Commission (APUC) to include recycling costs in their rates.

The 1990's have become the decade of global awareness concerning resource scarcity and waste management. It is essential that Alaskans support legislative efforts to deal with these important issues. Communities throughout Alaska are looking for leadership on the issue of recycling. Funding is needed to encourage local efforts to control waste management. Education will be the key to insuring future generations are "recycle wise."

Please take the time to phone or write your local legislator (a listing of state legislators is provided on the other side). A free Public Opinion Message can be sent by contacting the Legislative Information Office (LIO) in your area.

To send a letter...
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

To send a Public Opinion Message...
Anchorage LIO: 561-7007
Fairbanks LIO: 452-4448
Juneau LIO: 465-4648

For information: Rep. Kay Brown (Cathy Donadio) at 465-4998.

(Printed on recycled paper... Recycle this paper!)

States to Spend Some \$250 Million on Recycling in FY '91

By Kathleen Meade

More than \$250 million could be spent on recycling in fiscal year 1991 by the 50 states and the District of Columbia, according to an informal survey by *Recycling Times*.

Most of the states surveyed provided figures for the fiscal year beginning sometime in 1990 and ending this year. For fiscal year 1992, nearly \$100 million has already been budgeted, but most states either provided estimates, were waiting for legislation to be passed, or had no idea how much they would spend on recycling in fiscal year 1992.

Florida, Wisconsin, Pennsylvania, and Minnesota are the biggest spenders in recycling. Those four states account for more than \$100 million in recycling spending for fiscal year 1991.

All four states, incidentally, count on taxes or landfill surcharges to raise funds for recycling. Florida, for example, charges a tax on new tires and newspaper; the state has \$34.5 million to spend on recycling in 1990-91.

Florida's recycling funds also come from the state's solid waste management fund, dedicated revenue, and other assorted fees. The money is given in the form of grants to municipalities for recycling education, plan preparation/implementation, market studies,

temporary operating subsidies, building, and equipment.

Wisconsin, meanwhile, raises most of its funds from a gross receipts tax on all businesses in the state that gross more than \$1 million per year. The state has more than \$30 million to spend in fiscal year 1991 on grants to municipalities for recycling plans, education, marketing, equipment, and operating costs. Both municipalities and the private sector can also receive funds for demonstration projects of innovative recycling technology.

Wisconsin also recorded an unusually high recycling rate of 41% this year—but that figure includes scrapped automobiles and other sources of scrap metal.

Pennsylvania is spending \$25.7 million in 1990-91, most of which raised by a \$2 per-ton landfill charge. Like Wisconsin, Pennsylvania will fund recycling plans, education, market studies, building, equipment, and research and development. State's money is available in grant loans.

Minnesota's budget for recycling combines a landfill surcharge, tax and taxes on sales and municipal waste collection. As a result, the state has \$24.9 million to spend on grants and loans for county funding, education, markets, and equip-

menting a 23% recycling rate, the state counts metal scrap, construction/demolition waste, white goods, Christmas trees, and anything else recycled in the state.

Other states have recycling budgets in the high millions, but those amounts are spread out over several years. Michigan, for example, has about \$90 million to spend over most of the decade. The money was raised by a bond issue in the state. Connecticut also has nearly \$40 million to spend on recycling between 1986 and 1994, most of that money will be spent in the next couple of years, officials said.

Smaller states, meanwhile, have

much less to spend on recycling. Without definite recycling plans or goals, many of them only have money to spend on recycling because they received oil overcharge funds from the U.S. Department of Energy or have petroleum violation escrow funds. Some of those states, however, have legislation pending that would establish recycling programs and funds.

Some states could only estimate the amount of money they are spending on recycling this fiscal year, others had definite figures. For fiscal year 1992, most of the figures published by *Recycling Times* are estimates.

State Budgets for Recycling: A Recycling Times Survey

State	Municipal Solid Waste Generated (millions of tons per year)	Recycling Reduction Goal	Current % Recycled	Fiscal Year 1990-91 Funds (\$000)	Fiscal Year 1991-92 Funds (\$000)	Source
Alabama	4.4	35% by 1995	5%	268	174	Federal grant energy conservation fund
Alaska	N.A.	None	N.A.	0	3.8	solid waste management fund
Arizona	N.A.	None	N.A.	0	624	landfill surcharge
Arkansas	N.A.	Pending	N.A.	N.A.	1,300	landfill surcharge
California	90.0	50% by 2000	10.3%	15,000	N.A.	landfill surcharge
Colorado	N.A.	None	N.A.	1,000	N.A.	DOE oil overcharge fund
Connecticut	2.7	30% by 1991	N.A.	15,000	15,000	bonds and grants
Delaware	0.8	None	N.A.	434	616	landfill surcharge
D.C.	0.8	45% by 1996	0%	12,000	N.A.	landfill surcharge
Florida	19.2	30% by 1994	19.2%	34,500	N.A.	tax on tires, newspaper solid waste management fund
Georgia	N.A.	N.A.	N.A.	N.A.	N.A.	
Hawaii	0.1	Pending	N.A.	215	N.A.	DOE oil overcharge fund
Idaho	N.A.	Pending	N.A.	11	N.A.	Federal grants/state matches
Illinois	14.1	25% by 1995	5%	19,200	15,400	solid waste management fund
Indiana	3.4	30% by 1996	9%	240	640	solid waste management fund
Iowa	2.9	25% by 1994	N.A.	1,400	1,000	landfill surcharge/grants
Kansas	2.2	None	N.A.	70	N.A.	
Kentucky	4.0	Pending	5%	4,000	4,000	solid waste management fund
Louisiana	2.9	25% by 1992	0%	3,500	3,500	solid waste management fund petroleum violation excise fund
Maine	1.3	20% by 1992	16.5%	7,000	N.A.	solid waste management fund landfill surcharge advanced disposal fees
Maryland	2.2	20% by 1994	10%	400	600	grants and dedicated revenue
Massachusetts	6.2	25% by 1992	10%	6,000	4,000	bonds
Michigan	12.0	20% by 1995 by 2000	N.A.	17,900	N.A.	solid waste management fund bonds and grants
Minnesota	4.3	10% by 1995 25% by 1998	20%	24,900	N.A.	landfill surcharge bonus taxes on tires and MSW collection tax on hot waste disposal
Mississippi	1.8	20% by 1995	N.A.	0	500	solid waste management fund
Missouri	6.6	20% by 1995	10%	1,000	N.A.	fee on vehicle registration
Montana	N.A.	Pending	N.A.	50	50	advanced disposal fees
Nebraska	N.A.	None	N.A.	10	N.A.	solid waste impact fee
Nevada	1.0	Pending	N.A.	0	0	Federal energy conservation grant
New Hampshire	1.0	30% by 1991	15%	550	None	DOE oil overcharge fund
New Jersey	14.0	40% by 1995	21%	11,000	6,000	landfill surcharge
New Mexico	N.A.	25% by 1995	N.A.	2,500	None	DOE oil overcharge fund
New York	22.0	50% by 1997	15%	13,720	N.A.	state general fund bonds and grants
North Carolina	6.0	35% by 1995	N.A.	50	100	use fee
North Dakota	0.5	None	N.A.	None	None	Pending
Ohio	2.1	25% by 1994	13%	3,500	N.A.	corporate franchise fee on other streams produced
Oklahoma	2.8	Pending	N.A.	1,300	N.A.	DOE oil overcharge fund
Pennsylvania	9.2	25%	15%	25,500	23,200	landfill surcharge DOE overcharge fund
Rhode Island	0.5	10%	10%	5,000	10,000	landfill tip fee bonds for MRF
South Carolina	N.A.	N.A.	N.A.	3,000	N.A.	petroleum violation excise fund
South Dakota	1.0	20% by 1995	10%	500	1,000	landfill surcharge DOE oil overcharge fund weed tax fee
Tennessee	4.4	Pending	N.A.	Pending	N.A.	
Texas	18.0	20% by 1994	13%	3,000	3,000	landfill surcharge
Utah	N.A.	None	N.A.	None	N.A.	
Vermont	0.4	40% by 2000	15%	1,000	N.A.	solid waste management fund landfill surcharge
Virginia	N.A.	10% by 1995	N.A.	1,000	1,000	use fee on tires and auto parts distribution
Washington	N.A.	N.A.	N.A.	N.A.	N.A.	
West Virginia	1.4	10% by 1994	N.A.	0	None	DOE oil overcharge fund
Wisconsin	1.0	20% by 1995	10%	10,000	Pending	grants through federal programs as local pollution prevention U.S. EPA grant
Wyoming	0.1	None	10%	0	Pending	
TOTAL				101,116	100,000	

Source: Recycling Times Survey, 1990-1991. Data for 1991-1992 is projected. N.A. = Not Available. * = Data not available for this state.

BOTTLE BILL DRAWS FIRE FROM JUST ABOUT EVERYONE

By Margaret Bauman
Alaska Journal of Commerce

Waste reduction, recycling and pollution prevention legislation from the 1990 session has emerged as three new House measures, but a Senate

measure, a bottle bill, has recycling buffs concerned.

"We are very pro-recycling," said Roger Briley, general manager for Alaska of Pepsi Cola Bottling Co. "But we are finding ourselves opposing legislation we think is very detri-

mental.

"We oppose Senate Bill 66, because in our opinion it is not the right way to recycling in Alaska, but we do support recycling," Briley said. "We are one of the founding members of ALPAR (Alaskans for Litter Prevention and Recycling)."

SB66, sponsored by Senators Jim Duncan, D-Juneau, and Jay Kerttula, D-Palmer, would impose a minimum deposit of five cents on all individual beverage containers, including glass, coated paper, metal or plastic. To get

the refund, the consumer would have to return the empty container to a business selling the product.

The legislation states a distributor may not refuse to accept from a dealer or redemption center any empty beverage containers of the design, shape, color, composition, size and brand sold by the distributor, or refuse to pay the dealer or redemption center the refund value of the beverage container. The legislation also directs that the distributor pay rural dealers and redemption centers four cents per container and urban dealers two cents per container.

The only exception would be containers that do not state on them a refund value established by this measure or containers that are dirty or contain materials other than the normal contents of the container.

Duncan, who introduced the measure Jan. 21, is aware of the strong opposition to it.

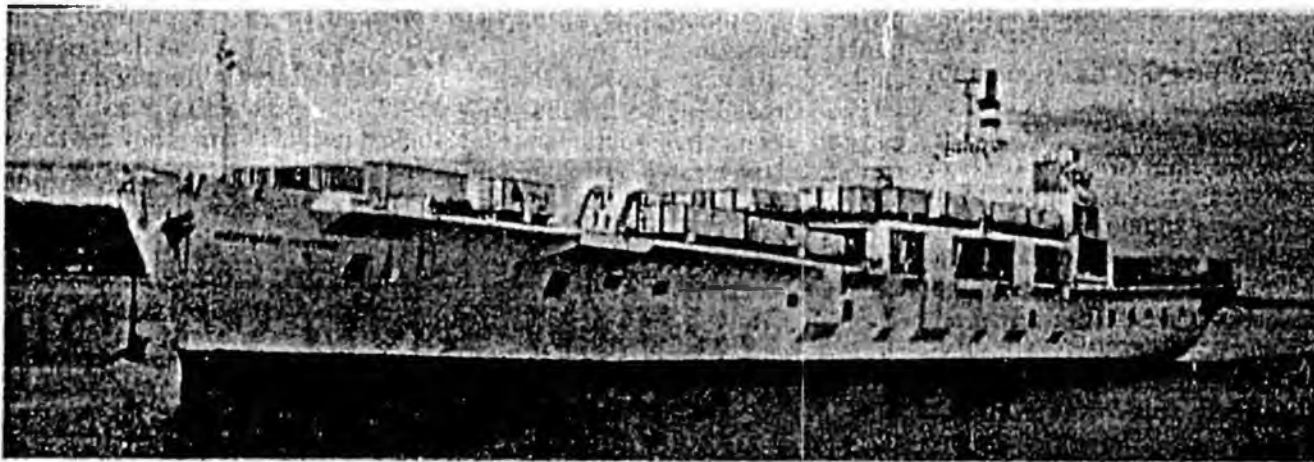
"We are working to rewrite the bill," he said. "I'm not asking for a hearing until we have a lot more information."

"At this point we have talked to Pepsi, the environmental groups. We are trying to collect a lot of information. We don't want to discourage anything that is going on now. We want to be sure we understand what is the best way to go," he said. "We want to work with all these groups on a proposal that will make sense and do the job."

Other recycling legislation on tap includes House Bill 138, House Bill 139 and House Bill 140.

The first, sponsored by Rep. Mark Boyer, D-Fairbanks, would appropriate \$6.5 million for a variety of recycling and waste reduction purposes, including solid waste/recycling planning grants for local governments

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TOTEM OCEAN

Bottle

Continued from Page 22

and hazardous waste reduction demonstration matching grants for small businesses.

The second, sponsored by Rep. Kay Brown, D-Anchorage, would establish recognition awards for pollution prevention and recycling, including provision for award to public schools of up to \$5,000 for development of innovative recycling programs. The last, sponsored by Rep. David Finkelstein, D-Anchorage, would allow utilities regulated by the Alaska Public Utilities Commission to include recycling costs in their rates.

"Chances are very good for HB 139," Brown said. "That bill almost passed last year. It made it through both houses, then got caught in the rush to adjournment. I presume there will still be support for it."

Alexis Miller, an aide to Rep. Mark Boyer, D-Fairbanks, represents Boyer on a task force on recycling established by Gov. Walter J. Hickel. She is optimistic about passage of HB 138, for which some funds are already available. The legislation earmarks \$50,000 for the Pacific Northwest Pollution Prevention Center, she said. "The idea is to get in front of the eight ball, to work on it before it (pollution) occurs," she said. Another \$150,000 in that measure is earmarked for a solid waste recycling study for the southeast conference, she said.

Brown felt HB 138 "has a difficult road ahead because of our overall financial situation and declining revenues ... and the desire of many people to see a reduction in the budget.

"(But) I hope we can squeeze this into the overall spending plan."

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NANA



Bottle

Continued from Page 23
said.

Opponents of the present wording of Senate Bill 66 argue there are no winners under forced container deposit plans.

"In fact, the system has not only been proven costly and inefficient, but also incapable of addressing the complex waste management issues our society faces today," says the National Soft Drink Association, in a

publication arguing against forced deposit laws. "In fact, the system has not only been proven costly and inefficient, but also incapable of addressing the complex waste management issues our society faces today," the association said.

"Little wonder that no state has adopted a forced deposit law since 1983, and that voters and legislators in 41 states have rejected some 2,000 container deposit proposals since the Oregon experiment of 1972."

Mandatory deposit legislation is an

"ineffective, outdated and terribly simplistic way to approach a complex issue: litter and solid waste reduction," the association said.

According to the association consumers lose when the beverage prices go up to pay for the program and consumers are inconvenienced when forced to comply with bottle bill requirements.

The association also argues that the environment loses because voluntary recycling efforts are crippled by bottle bills that divert valuable scrap away from independent recycling centers to retailers and wholesalers.

"When container bills were first put in, they were very good at what they did," said Tom Turner, owner of the Anchorage Recycling Center. But Turner said Senate Bill 66, as it stands, "is another Band Aid bill. It doesn't guarantee anything is going to be recycled. Just because they have container legislation does not mean it

is going to be recycled.

"There is some possibility we might get some of the stuff," he said.

But Turner predicts major supermarkets would set up their own network and ship the containers south themselves. Since Turner garners much of his profit from aluminum cans, this concerns him.

Turner sees the Senate legislation as "a quick, knee jerk reaction. If they made people pay the true cost of disposal, it wouldn't be a problem" he said.

"The true cost of a landfill is \$100 a ton in this state. The city of Anchorage has a great garbage system, but they got the land for free. It doesn't cost you to put anything in the landfill in the Mat-Su Valley. What incentive is there to recycle. Almost every garbage system doesn't pay its true cost. If people have to pay the true cost, they would be more willing to recycle."



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BUSINESS NOTES

Lab opens Anchorage branch

Analytica Incorporated, a Colorado-based environmental testing laboratory, has opened a branch office in Anchorage. The company provides analytical data in the fields of organic and inorganic chemistry, including hazardous waste characterization, groundwater studies, water and wastewater treatability studies, oil analysis, air testing and engineering projects. Analytica also offers technical seminars, assistance in the de-

ditional cost to their clients.

Wasilla to gain second ZIP code

Effective July 1, 1991, Wasilla will have two ZIP codes. The new code will be 99654 and will apply to all city and highway contract delivery routes. The current 99687 ZIP code will apply to all post office boxes at the Wasilla Post Office and all contract postal units in the Wasilla area. "The addition of 99645 to Wasilla illustrates the Postal Service's belief that Wasilla will continue to grow and be a vital economic part of Alaska," said Robert J. Opinsky, general manager/postmaster of the Anchorage field division.

UAF receives NASA grant

The National Aeronautics and



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 8, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:
 HB 225 - Relating to Retirement Credit for Unused Sick Leave
 HB 167 - Relating to Absentee Voting
 *HB 138 - Relating to Approp: Clean Water Fund/Waste Mgt Loans

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
JEFF MACH	DEC	P.O. BOX 0 UNEAU			2671	<input checked="" type="radio"/> Y N	HB 138
Elizabeth Ziegler	Elections				4611	<input checked="" type="radio"/> Y N	HB 167
Bob Mitchell / Karen Morgan	DOA				4803	Y N	HB 133
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

2



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 10, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:

HB 138 - Relating to Approp: Clean Water
Fund/waste Mgt Loans

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
JEFF MACH	DEC	P.O. BOX 0 JUNEAU			2671	<input checked="" type="radio"/>	N	AVAILABLE FOR QUESTIONS
B. Baskony	DOA	P.O. Box CL			4400	<input checked="" type="radio"/>	<input checked="" type="radio"/>	if questions HB 11
KEITH GERKEN	DOT+PT	Box 2			3900	<input checked="" type="radio"/>	N	HB 237
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 10, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:

HB 11 - Relating to Longevity Bonus, Nursing Home Residents
 *HB 237 - Relating to State Leasing of New Buildings

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
PAUL VOELCKERS	APDC / AIA	800 GLACIER AVE, 99801		364-3265	586-1371	(Y) N	HB 237
Bob LINK	Dept of Admin	Box C MS0210		789-7697	465-2250	(Y) N	HB 237
Sharon Macklin	APDC,	315 5th #8 Juneau 99801		586-9518	SAME	Y N	HB 237
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	



House State Affairs Committee

Representative Gene Kubina, Chair

SUBJECT OF MEETING:

DATE:

PLACE:

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
C. S. CHRISTENSEN	ALASKA COURT SYSTEM	303 K ST ANCHORAGE AL 99501			264-8228	<input checked="" type="radio"/>	N	HB 257
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

2

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 Usura

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
REVENUE	0	0	0	0	0	0

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).

Representative Kay Brown

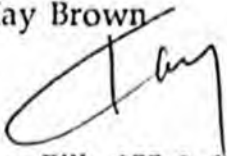
ALASKA STATE LEGISLATURE

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Anchorage, Alaska 99503
(907) 561-7627

During Session
P.O. Box V
Juneau, Alaska 99811
(907) 465-4998

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 overall 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)

CORRECTION

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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
REVENUE	0	0	0	0	0	0

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).

Representative Kay Brown

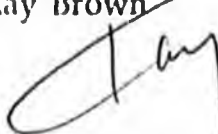
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Anchorage, Alaska 99503
(907) 561-7627

During Session
P.O. Box V
Juneau, Alaska 99811
(907) 465-4998

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 overall 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)

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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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(907) 561-7627

During Session
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Juneau, Alaska 99811
(907) 465-4998

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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(907) 561-7627

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(907) 465-1998

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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3111 C Street #435
Anchorage, Alaska 99503
(907) 561-7627

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P.O. Box V
Juneau, Alaska 99811
(907) 465-4998

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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(907) 561-7627

During Session
P.O. Box V
Juneau, Alaska 99811
(907) 465-4998

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.

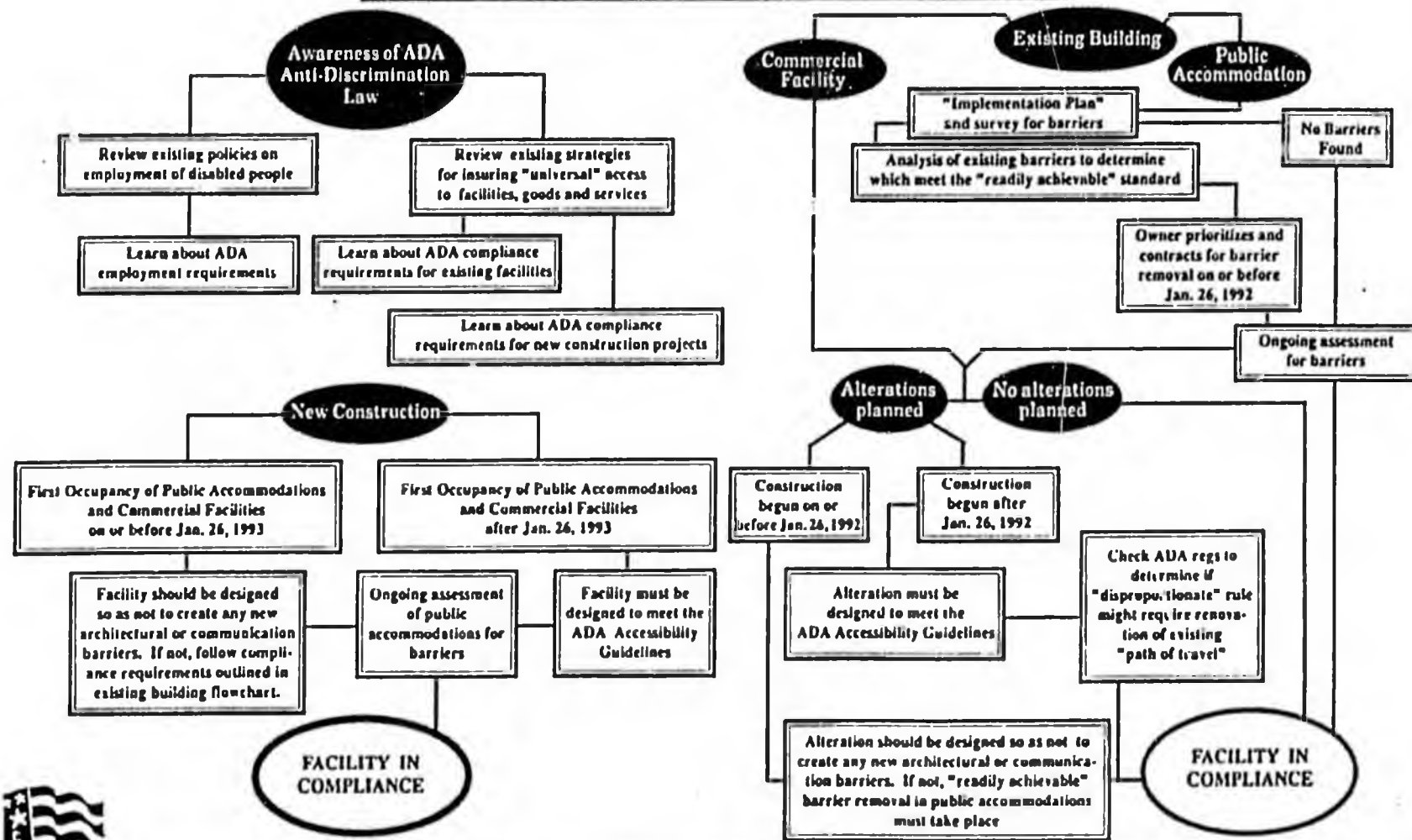
Accessibility Requirements	Effective Date	Regulations and Enforcement
<p><u>Title II - Public Services</u></p> <p>State and local governments may not discriminate against qualified individuals with disabilities.</p> <p>Newly constructed state and local government buildings, including transit facilities, must be accessible.</p> <p>Alterations to existing state and local government buildings must be done in an accessible manner.</p> <p>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.</p> <p>New buses and rail vehicles for fixed route systems must be accessible.</p> <p>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.</p> <p>One car per train must be accessible.</p> <p>Existing "key stations" in rapid rail, commuter rail, and light rail systems must be accessible.</p>	<p>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.)</p> <p>Ordered after August 25, 1990.</p> <p>Ordered after August 25, 1990.</p> <p>By July 26, 1995.</p> <p>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.</p>	<p>DOJ to issue regulations except for public transportation by July 26, 1991.</p> <p>DOT to issue regulations for public transportation by July 26, 1991.</p> <p>ATCB 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 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.</p> <p>(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.)</p> <p>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.</p>

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

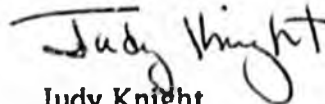
-2-

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

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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 Restrm 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-UAA	7
4	UA	UA20228	Elev Soft Touch Buttons Install	RT15 Barrier Removal	133.4	ANCHORAGE-UAA	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-UAA	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	<u>\$120,410</u>

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

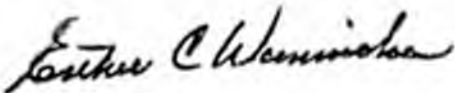
Dear Representative Brown,

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

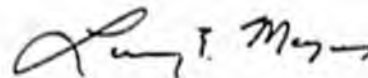
Dear Mr. Myers:

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.

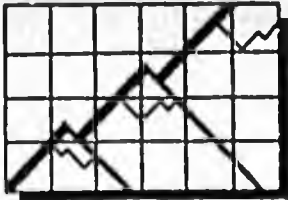
Sincerely,



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).

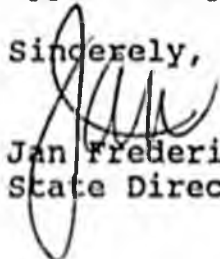
The University of Alaska Small Business Development Center certainly supports this legislation. One of the most frequent areas of concern expressed by small business involves the constraints experienced as a result of government regulations and the financial expense which often accompanies them. While 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.

**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

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

CITY OF PALMER



231 W. EVERGREEN AVE.
PALMER, ALASKA 99645



Phone (907) 745-3271

A HOME RULE CITY

December 17, 1991

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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**



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ANCHORAGE, ALASKA 99519-6650
(907) 343-4433
TOM FINK,
MAYOR

OFFICE OF THE MUNICIPAL MANAGER

MAR 15 1991

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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

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