

ACT 308

S.B. NO. 552

A Bill for an Act Relating to Persons with Disabilities.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1: The legislature finds that Congress passed the Americans with Disabilities Act (ADA), Public Law 101-336, which directs the Architectural and Transportation Barriers Compliance Board (ATBCB) to promulgate design guidelines for privately-owned places of public accommodation, and state and county

government facilities. These guidelines are known as the ADA Accessibility Guidelines, 36 C.F.R. Pt. 1191.

The legislature finds that the ADA Accessibility Guidelines, as the singular standard, will ensure that privately-owned places of public accommodation, and state and county government facilities are accessible to persons with disabilities by requiring planners, designers, and contractors to design and construct accessible features conforming to a uniform standard.

The purpose of this Act is to conform Hawaii's law relating to the expenditure of public money and public contracts with the ADA Accessibility Guidelines. In addition, this Act increases the number of members on the architectural access committee to five members.

SECTION 2. Section 103-50, Hawaii Revised Statutes, is amended to read as follows:

“§103-50 Building design to consider needs of [handicapped.] persons with disabilities. (a) Notwithstanding any other law to the contrary, all plans and specifications for the construction of public buildings and facilities by the State or any [political subdivision thereof] county, or on behalf of the State or any county subject to this chapter, shall be prepared so the buildings and facilities are accessible to and usable by [the physically handicapped.] persons with disabilities. The buildings and facilities shall conform to the [Uniform Federal Accessibility Standards, 41 C.F.R. §101-19.6, Appendix A.] Americans with Disabilities Act Accessibility Guidelines, 36 C.F.R. Pt. 1191.

(b) The comptroller and the director of finance shall provide the legislature with an annual report of the number and types of buildings or facilities donated or being donated to the State and counties during the year, and the costs, if any, of bringing those buildings or facilities into compliance with the guidelines. The report shall be submitted to each house of the legislature no later than twenty days before the convening of each regular legislative session.

[(b)] (c) All agencies subject to this section shall seek advice and [recommendation] recommendations from the commission [on the handicapped] on persons with disabilities on any construction plans.”

SECTION 3. Section 103-50.5, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) There is established within the department of health for administrative purposes, an architectural access committee to be composed of [three] five members [to be] appointed by the governor for staggered terms of four years without the advice and consent of the senate. The members shall have a special interest or knowledge concerning design standards for persons with disabilities.

(b) The committee shall have the authority to vary specific requirements of section 103-50 when the variance will ensure an alternate design that provides equal access for persons with disabilities; and to establish guidelines for design specifications not covered in the [Uniform Federal Accessibility Standards.] Americans with Disabilities Act Accessibility Guidelines, 36 C.F.R. Pt. 1191.”

SECTION 4. This Act does not affect buildings and facilities constructed prior to its effective date, in conformance to the Uniform Federal Accessibility Standards, 41 C.F.R. §101-19.6, Appendix A.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$103,000, or so much thereof as may be necessary for fiscal

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year 1993-1994, and the sum of \$94,000, or so much thereof as may be necessary for fiscal year 1994-1995, for the purposes of this Act.

The sums appropriated shall be expended by the department of health.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect on January 1, 1994, provided that sections 3 and 5 shall take effect on July 1, 1993.

(Approved June 21, 1993.)