

NEIL ABERCROMBIE
GOVERNOR



LATE TESTIMONY
BRUCE A. COPPA
Comptroller

RYAN OKAHARA
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES
P.O. BOX 119
HONOLULU, HAWAII 96810-0119

TESTIMONY
OF
BRUCE A. COPPA, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
HOUSE COMMITTEE
ON
HEALTH
ON
MARCH 15, 2011

S.B. 150, S.D. 2

RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES

Chair Yamane and members of the Committee, thank you for the opportunity to testify on
S.B. 150, S.D. 2

The Department of Accounting and General Services (DAGS) supports S.B. 150, S.D. 2
for the following reasons:

1. The fees are **not** a direct additional cost to the state or the general public. The fees are just another means of funding for the DCAB Facility Access Unit staff which is currently funded through general funds. In this bill the fees would come from project funds which would be more appropriate.
2. It should be noted that only State and County projects are required by law HRS 103-50 to send plans for review and this does not affect private sector projects except for private developments having public rights of way, and private sector landlords who design tenant

improvements for State agencies leasing commercial office lease space. If DCAB is not funded, all State and County projects will not be able to comply with this law.

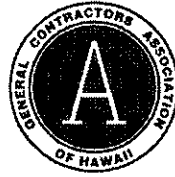
3. Without continued funding, DCAB's design review unit could cease to exist. This will have a very significant negative impact as their expertise, reviews, advice, training, keeping up with changes to ADA, and informing the design community would be lost. The negative result of this, are costly lawsuits and change orders. DCAB has saved the State and Counties millions of dollars.
4. The State Building Code Council has recently adopted the 2006 International Building Code with the exception of Chapter 11 -- Accessibility. The reason for not adopting Chapter 11 is that the State and County will rely on DCAB. Counties have historically stayed away from ADA reviews on for building permits because there is a huge potential liability and they have relied on DCAB in the past.
5. ADA requirements for projects are more than just ramps and parking stalls. They include items for which many design professionals have limited expertise such as visual fire alarms for the deaf, telecommunication systems for the deaf, Braille signage, tactile and detectable warnings for blind persons, accessible furniture and equipment, etc. Complex interpretations and guidance is often needed from credible sources that are consistent across all government projects. DCAB provides this credibility and consistency for all State and County projects and protects us from potential costly law suits and change orders.

In addition, the fee schedule in section 4 has been left blank in the current S.D.2 version of the bill. It is recommend that a fee schedule as previously proposed be included as a

temporary fee schedule until such time that DCAB can adopt a fee schedule pursuant to rules adopted under Chapter 91.

Thank you for the opportunity to testify on this matter.

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LATE TESTIMONY
GCA of Hawaii
GENERAL CONTRACTORS ASSOCIATION OF HAWAII
Quality People. Quality Projects.

March 14, 2011

TO: THE HONORABLE REPRESENTATIVE RYAN I. YAMANE, CHAIR AND MEMBERS OF THE COMMITTEE ON HEALTH

SUBJECT: S.B.150, SD2 RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES.

NOTICE OF HEARING

DATE: Tuesday, March 15, 2011
TIME: 8:30AM
PLACE: Conference Room 329

Dear Chair Yamane and Members of the Committee:

The General Contractors Association (GCA), an organization comprised of over five hundred and seventy (570) general contractors, subcontractors, and construction related firms, **opposes** S.B.150, HD2 Relating to Building Design for Persons with Disabilities.

The GCA opposes SB 150, SD2 Relating to Building Design for Persons with Disabilities Disability and Communications Access Board (DCAB) is mandated to review all plans for state and county projects for compliance with the Americans with Disabilities Act (ADA) where public access is required or allowed, the building community will face increases in the cost of projects and additional delays where a review is required.

Our members usually hire design and legal consultants to assure compliance with all applicable Federal, State and County laws. We believe that these consultants provide the necessary expertise and experience to prevent any needless delays in the review and permitting process. We believe that giving the DCAB the ability to charge fees for their services would duplicate the fees contractors pay to the design and legal professionals for their work to comply with ADA requirements.

The GCA **opposes** the passage of SB150, HD2 Relating to Building Design for Persons with Disabilities.

Thank you for the opportunity to present testimony on this measure.

From: lkakatsu@hawaii.rr.com
Sent: Monday, March 14, 2011 4:18 PM
To: HLTtestimony
Subject: Testimony for SB 150, SD 2 on 3/15/2011 at 8:30 AM

Testimony for Committee on Health, 3/15/2011 at 8:30 AM

Conference room: 329
Testifier position: Strongly support
Testifier will be present: NO
Submitted by: Lynn Murakami-Akatsuka
Organization: Individual
Address: 45-606 Keole Street; Kaneohe, HI 96744
E-mail: lkakatsu@hawaii.rr.com
Submitted on 3/14/2011

Comments: This bill will permit Disability and Communication Acces Board (DCAB) to assess a review fee for the service of conducting a plan review to ensure that building, facilities, and sites meet the state and federal requirements. The program currently is 100% general funded and operates with 5.5 staff. This bill will shift the cost of the program from the general fund to the costs of design and construction. This is the appropriate method to pay for building design, construction, and compliance costs.

DCAB has developed an interim fee schedule that is being proposed for the bill as well as an effective date of January 1, 2012.

I am in strong support of this bill SB 150, SD 2 with proposed changes by DCAB. Thank you for the opportunity to testify.

LATE TESTIMONY

morikawa2 - Grant

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 14, 2011 5:22 PM
To: HLTtestimony
Cc: Tlenzer@hawaii.rr.com
Subject: Testimony for SB150 on 3/15/2011 8:30:00 AM

Testimony for HLT 3/15/2011 8:30:00 AM SB150

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Anthony Lenzer
Organization:
Address:
Phone:
E-mail: Tlenzer@hawaii.rr.com
Submitted on: 3/14/2011

Comments:

Chair Yamane and Members of the Committee on Health:

My name is Anthony Lenzer. I am a member of several senior advocacy organizations, and currently also a member of the Disability and Communication Access Board (DCAB). I am testifying in strong support of Senate Bill 150.

The main purpose of this bill is to create a fee schedule and to allow DCAB to collect fees under this schedule to defray the costs of reviewing plans for public buildings, facilities, and sites, to assure that such buildings are in compliance with applicable laws regarding access for persons with disabilities. DCAB now reviews 900-1,000 such plans annually, and does not charge for this service. Such plan reviews are especially useful and valuable, inasmuch as they frequently reveal design flaws which are not compatible with ADA specifications. This could result in added costs for the constructing organization, either by having to redraft plans or retrofit facilities.

The proposed fee schedule has been reviewed by stakeholders, and appears to be reasonable. It will add only a small amount to the cost of each project. Given the State's financial crisis, it is very desirable to reduce general fund expenditures by state agencies, and replace these with user fees where possible. This is one such case. I hope you will support this desirable legislation, and thank you for the opportunity to testify in support of SB 150.

LATE TESTIMONY

Testimony of
Dean T. Aoki
Architect

Committee on Health
Tuesday, March 15, 2011 at 8:30 a.m.

Senate Bill No. 150, Senate Draft 2 (SB 150, SD2)
Relating to Building Design for Persons with Disabilities

Aloha Members of the Committee on Finance:

Thank you for this opportunity to **SUPPORT** Senate Bill No. 150, Senate Draft 2 which proposes to establish an accessible building design special account for the Disability and Communication Access Board, and also enables the Disability and Communication Access Board to charge a fee for the review of projects as required by Section 103-50 of the Hawaii Revised Statutes.

As a member of the design community for the past nineteen years, I have seen the benefit of the Disability and Communication Access Board .Facility Access Unit reviews and opinions since its inception. The Facility Access Unit plays a key role to ensure maximum compliance with the requirements of the Americans with Disabilities Act design standards for all Title II projects in the State of Hawaii. The Facility Access Unit also maintains a strong and consistent dialog with the United States Access Board and United States Department of Justice in order to forward opinions a seek clarifications on the guideline requirements and interpretations.

LATE TESTIMONY

**THE HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011**

**COMMITTEE ON HEALTH
Hearing date: March 15, 2011
Testimony on S.B. 150, SD2
(Relating to Building Design for Persons with Disabilities)**

Chair Yamane, Vice-Chair Morikawa, and members of the Committee, thank you for the opportunity to testify **in support** of Senate Bill 150, SD2.

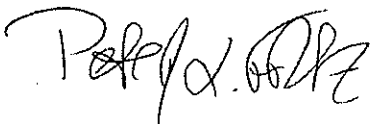
My name is Peter Fritz. I am an individual with a disability and an attorney. I support his bill because it will permit the Disability and Communications Access Board to assess a review fee for the service of conducting a plan review to ensure that buildings, facilities, and sites comply with the Americans with Disabilities Act and are accessible by all individuals.

DCAB is the State agency responsible for the overall coordination and administration of 103-50, Hawaii Revised Statutes. This review process ensures that government buildings, facilities, and sites meet the design requirements of the Americans with Disabilities Act and the Federal Fair Housing Act for access to persons with disabilities.

This bill will shift the cost of the program from the general fund to the costs of design and construction. As with any other cost related to construction, this is the most appropriate method to pay for building design, construction, and compliance costs.

Thank you for the opportunity to testify.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Fritz". The signature is written in a cursive, somewhat stylized font.