
A BILL FOR AN ACT

RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 103-50, Hawaii Revised Statutes, is
2 amended by amending subsection (h) to read as follows:

3 "(h) For the purposes of this section:

4 "Infrastructure" or "infrastructure project" includes
5 water, drainage, sewer, waste disposal and waste treatment
6 systems, roads, and street lighting and projects relating to
7 that infrastructure. Projects with significant work to
8 accessible elements and spaces shall not be considered
9 infrastructure projects.

10 "Public buildings, facilities, and sites" means buildings,
11 facilities, sites, and the infrastructure thereof that:

12 (1) Are designed, constructed, purchased, or leased with
13 the use of any state or county funds or federal funds
14 administered by the State or a county;

15 (2) House state or county programs, services, or
16 activities that are intended to be accessed by the
17 general public; [~~or~~]

H.B. NO. 946

1 (3) Are places of public accommodation or commercial
2 facilities under the Americans with Disabilities Act,
3 28 CFR Part 36, and are constructed on state or county
4 ~~lands [or lands that will be transferred to the State~~
5 ~~or a county.] ; or~~


6 (4) Will be transferred to the State or a county upon
7 completion of construction."

8 SECTION 2. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 3. This Act shall take effect upon its approval.

11
12
13
14

INTRODUCED BY: _____



BY REQUEST

JAN 26 2015

Report Title:

Building Design Review, Disabilities and Communications Access Board

Description:

Exempts from mandatory review by the Disabilities and Communications Access Board certain construction projects constructed on state or county lands that would not ordinarily be open to public access.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES.

PURPOSE: To clarify that certain projects are exempt from review by the Disability and Communication Access Board (DCAB).

MEANS: Amend section 103-50(h), Hawaii Revised Statutes.

JUSTIFICATION: Currently, state law requires all plans and specifications for public buildings, facilities, and sites to come to DCAB for review. This includes not only projects funded by government but also those constructed on state or county lands. The rationale is that projects such as a concession at the airport or a developer subdivision where the roads are turned over to the State will all ultimately have liability to government. However, an unintended consequence of the wording is that all construction, such as private farms on land owned by the State (e.g., Department of Land and Natural Resources) or private homes on Hawaiian Homesteads, both of which are normally closed to public traffic, would be covered. This was not the intention and those exceptions need to be clarified.

Impact on the public: None.

Impact on the department and other agencies: No direct workload reduction. These projects are not now coming to DCAB and this is just a housekeeping measure.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HTH 520.

OTHER AFFECTED

AGENCIES: None.

EFFECTIVE DATE: Upon approval.