

ACT 382

S.B. NO. 195

A Bill for an Act Relating to Handicapped Access.

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

SECTION 1. Section¹ 103, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated to read as follows:

“§103- Architectural access committee. (a) There is established within the department of health for administrative purposes, an architectural access committee to be composed of three 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.

(c) The committee may hire staff to assist in the performance of its duties. The staff shall be exempt from chapters 76 and 77.

(d) The director of health shall adopt rules pursuant to chapter 91 necessary for the purposes of this section.”

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

“§103-50 Building design to consider needs of handicapped. (a) Notwithstanding [the provisions of] any law to the contrary, all plans and specifications for the construction of public buildings and facilities by the State or any political subdivision thereof subject to this chapter shall be prepared so the buildings and facilities are accessible to and usable by the physically handicapped. The buildings and facilities shall conform to the [latest issue of the “American Standards Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped” as approved by the American Standards Association, Inc. (A117.1).] Uniform Federal Accessibility Standards, 41 C.F.R. §101-19.6, Appendix A.

(b) All agencies subject to this section shall seek advice and recommendation from the commission on the handicapped on any construction plans.”

SECTION 3. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by \$30,562, or 0.0013 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$30,562, or so much as may be necessary for fiscal year

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1989-1990, and the sum of \$30,562, or so much thereof as may be necessary for fiscal year 1990-1991, to carry out the purposes of this Act. The sums appropriated shall be expended by the department of health.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 6. This Act shall take effect on July 1, 1989.

(Approved June 26, 1989.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.