

## ACT 163

H.B. NO. 50

A Bill for an Act Relating to Persons with Disabilities.

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

SECTION 1. Chapter 348E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§348E- Rules.** The commission may adopt rules pursuant to chapter 91 including the adoption of rules to implement section 103-50.”

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

**“§103-50 Building design to consider needs of 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 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 persons with disabilities. The buildings and facilities shall conform to the Americans with Disabilities Act Accessibility Guidelines, 36 C.F.R. Pt. 1191[.], as adopted and amended by the architectural access committee.

[(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.

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

SECTION 3. Section 103-50.5, Hawaii Revised Statutes, is amended to read as follows:

**“§103-50.5 Architectural access committee.** (a) There is established within the department of health for administrative purposes, an architectural access committee to be composed of five members 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 Americans with Disabilities Act Accessibility Guidelines, 36 C.F.R. Pt. 1191[.], as adopted and amended by the architectural access committee.

[(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)] (c) The [director of health shall] committee may adopt rules pursuant to chapter 91 necessary for the purposes of this section.”

SECTION 4. Section 347D-1, Hawaii Revised Statutes, is amended to read as follows:

**“§347D-1 Hawaii state coordinating council on deafness; establishment.**

(a) There is established a Hawaii state coordinating council on deafness within the department of health for administrative purposes. The council shall consist of [thirteen] five members, [seven] three of whom shall be deaf, hard-of-hearing, or deaf-blind persons, or immediate family members of deaf, hard-of-hearing, or deaf-blind persons[.] knowledgeable about communication access. Two members may be certified or locally screened interpreters.

(b) Members shall be appointed by the governor without the necessity of the advice and consent of the senate and shall serve at the pleasure of the governor.

[(c) Members appointed shall include at least one resident from each of the counties of Honolulu, Hawaii, Maui, and Kauai.

(d) Seven or more members shall constitute a quorum to conduct business and a concurrence of the majority of the members of the quorum shall be necessary to validate any act of the council.

(e) Members shall elect the officers of the council.

(f) Members shall serve without compensation, but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

(g)] (c) Interpreters who serve as council members shall not be hired to interpret at any council meetings.”

SECTION 5. Section 347D-3, Hawaii Revised Statutes, is amended to read as follows:

**“§347D-3 Responsibility of council for [interpreter services.] communication access.** The council shall establish guidelines for the utilization of interpreter or other communication access services by deaf, hard-of-hearing, or deaf-blind persons in state programs and activities, including the qualifications of persons who may receive the services[, and the qualifications and recommended fee schedule of [interpreters] persons who may provide communication access services[, and the amount of payments to interpreters. The guidelines shall be consistent with Section 504 of the federal Rehabilitation Act of 1973, Public Law 93-112, as amended, for state programs and activities that receive federal financial assistance]. The council shall maintain a list of providers of communication access services and their level of qualification.”

SECTION 6. Section 348E-2, Hawaii Revised Statutes, is amended to read as follows:

**“§348E-2 Commission on persons with disabilities.** There is established the commission on persons with disabilities within the department of health for administrative purposes, to be composed of nine members to be appointed by the governor for staggered terms subject to section 26-34. The members of the commission shall include at least five persons with various disabling conditions, or parents or guardians of persons with disabilities. The members appointed shall include at least one resident from each of the counties of Honolulu, Hawaii, Maui, and Kauai. [Five or more members shall constitute a quorum to do business and a concurrence of the majority of the members of the quorum shall be necessary to validate any act of the commission.]”

The members shall serve without compensation, but shall be reimbursed their necessary and reasonable expenses incurred in the performance of their duties, including travel expenses. [The chairperson shall be elected annually by the members; provided that no member may serve as chairperson for more than two consecutive terms.]”

SECTION 7. Section 348E-6, Hawaii Revised Statutes, is amended to read as follows:

**“[§348E-6]] Staff.** The commission may hire staff to assist in the performance of its duties[;] under sections 103-50 and 348E-3; provided that [volunteer assistance shall be utilized to the greatest possible extent.] staff shall also assist in the implementation of sections 103-50.5 and 347D-3. The staff of the commission shall be hired without regard to chapters 76 and 77[; provided that salaries shall be determined in consultation with the director of human resources development]. Hired staff shall be eligible for participation in employee plans generally inuring to the benefit of state employees.”

SECTION 8. Section 347D-5, Hawaii Revised Statutes, is repealed.

SECTION 9. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

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

(Approved June 17, 1996.)

**Note**

1. Edited pursuant to HRS §23G-16.5.