

Honolulu, Hawaii

FEB 17 2011

RE: S.B. No. 150
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 150 entitled:

"A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Enable the Disability and Communication Access Board to charge a review fee as part of the design and construction process; and
- (2) Establish an Accessible Building Design Special Account within the Disability and Communication Access Board Special Fund.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services; the Disability and Communication Access Board; Next Design LLC; Kimmey Unabia Architects, Ltd.; Riecke Sunnland Kono Architects, Ltd.; and three individuals.

Your Committee finds that Hawaii law requires that all plans and specifications for the construction of public buildings, facilities, and sites be prepared so that the buildings, facilities, and sites are accessible to and usable by persons with disabilities.



Your Committee further finds that the Disability and Communication Access Board is the state agency responsible for ensuring that government buildings, facilities, and sites meet the design requirements of the Americans with Disabilities Act and the Federal Fair Housing Amendments Act of 1988. The Disability and Communication Access Board's review is the State's best risk management strategy to avoid design and construction errors that could result in expensive legal costs and retrofits.

Your Committee also finds that the current program is fully funded through General Fund monies. Your Committee notes that this measure will shift the funding source for the program costs from the General Fund to a fee mechanism. Your Committee finds that this is the most appropriate method to pay for building design, construction, and compliance costs.

Your Committee finds that S.B. No. 1299, which is substantively similar to this measure, was introduced after being reviewed by the Department of the Attorney General and is clearer in effectuating the purpose and intent of this measure.

Accordingly, your Committee has amended this measure by replacing its contents with the contents of S.B. No. 1299 and making technical, nonsubstantive amendments, noting that as a result of inserting the contents of S.B. No. 1299, your Committee has amended this measure by:

- (1) Changing the fee imposed for projects with an estimated cost of over \$10,000,000; and
- (2) Changing the effective date to January 1, 2012, upon adoption of administrative rules pursuant to chapter 348F, Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 150, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 150, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committee on Human Services,

Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* SB 150	Committee Referral: Hms, WARM	Date: 2/11/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)				✓
GREEN, M.D., Josh	✓			
SLOM, Sam			✓	
TOTAL	2	0	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes