

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 365 by Representative Simon

PUBLIC BLDGS/GROUNDS-ST: Requires a percentage of cost of building or remodeling state buildings to be used for implementation of principles of universal design

**Synopsis of Senate Amendments**

1. Revises the definition of "universal design."
2. Exempts the LA Chapter of the American Institute of Architects from liability for any advice, assistance, or opinion rendered pursuant to proposed law.
3. Also prohibits a cause of action against the state for the inclusion or failure to include a particular design feature.
4. Provides that the proposed law does not supercede, restrict, or limit the application of the ADA, the Rehabilitation Act, the Fair Housing Act, R.S. 40:1731 et seq., the Equal Access to Governmental and Public Facilities for Physically Handicapped, and R.S. 49:148 et seq., Public Buildings–Useability By Physically Handicapped.
5. Requires the House and Senate committees on transportation, highways, and public works to approve rules, prior to implementation.

Digest of Bill as Finally Passed by Senate

Proposed law provides for the establishment of the "Percent for Universal Design Program."

Proposed law declares it to be the public policy of the state that a portion of money spent by the state and state agencies on the construction or renovation of state buildings should be spent on implementing principles of universal design. Further provides that in pursuit of the declared policy, the Percent for Universal Design Program is established.

Proposed law provides that the purpose of the program is to provide for the implementation of such principles in or on state buildings and grounds to move beyond minimum accessibility requirements, maximize accessibility for all users regardless of their functional capabilities, and bring to the attention of architects, builders, and the public at large the vast benefits that can be realized by implementing universal design principles in the construction and renovation of all buildings, including those privately owned and personal residences.

Proposed law defines "renovation," "state building," "state funds," "state money," and "universal design."

Proposed law prohibits the provisions of proposed law from superceding, restricting, or limiting the application of certain federal and state laws.

Proposed law provides that whenever more than \$2 million of state funds is to be spent by a state agency for the construction or renovation of a state building let after Jan. 1, 2010, the agency that contracts for the construction or renovation shall expend 2% of the state money to utilize and incorporate universal design principles.

Proposed law provides for design disciplines and guidelines such as equitable use, flexibility in use, simple and intuitive use, perceptible information, tolerance for error, low physical effort, and size and space for approach and use.

Proposed law authorizes the commissioner of administration to adopt rules to implement the provisions of proposed law.

Proposed law authorizes the commissioner to solicit the assistance and advice of the LA Chapter of the American Institute of Architects in determining whether a particular design feature complies with the intent and principles of universal design. Further removes any liability from such organization for any opinion, assistance, or advice rendered. Also prohibits a cause of action against the state for the inclusion or failure to include a particular design feature.

Proposed law provides that the proposed law does not supercede, restrict, or limit the application of the ADA, the Rehabilitation Act, the Fair Housing Act, R.S. 40:1731 et seq., the Equal Access to Governmental and Public Facilities for Physically Handicapped, and R.S. 49:148 et seq., Public Buildings–Useability By Physically Handicapped.

Proposed law provides for the House and Senate committees on transportation, highways, and public works to have oversight on any rules adopted prior to implementation.

Proposed law provides that projects for the construction or renovations of state buildings let prior to Jan. 1, 2010, are not required to incorporate the principals of universal design.

Effective Jan. 1, 2010.

(Adds R.S. 38:2318.2)