

Regular Session, 2009

HOUSE BILL NO. 365

BY REPRESENTATIVE SIMON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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

1 AN ACT

2 To enact Part VII-B of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 38:2318.2, to establish and provide for the Percent for
4 Universal Design Program; to require that a certain percent of the expenditure for
5 construction or renovation of a state building shall be used to implement principles
6 of universal design; to provide exceptions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part VII-B of Chapter 10 of Title 38 of the Louisiana Revised Statutes of
9 1950, comprised of R.S. 38:2318.2, is hereby enacted to read as follows:

10 §2318.2. Percent for Universal Design Program; established

11 A. Recognizing the declaration of rights underlying the state's constitution,
12 government is instituted to protect the rights of the individual and provide for the
13 good of the whole; hence, the legislature declares it to be the public policy of the
14 state that a portion of money spent by the state and state agencies on the construction
15 or renovation of state buildings should be spent on implementing principles of
16 universal design. In pursuit of this policy, the Percent for Universal Design Program
17 is established for the purpose of providing for the implementation of such principles
18 in or on state buildings and grounds to move beyond minimum accessibility
19 requirements, maximize accessibility for all users regardless of their functional
20 capabilities, and bring to the attention of architects, builders, and the public at large

1 the vast benefits that can be realized by implementing universal design principles in
2 the construction and renovation of all buildings, including those privately owned and
3 personal residences.

4 B. The following terms as used in this Section shall have the meaning
5 provided in this Subsection unless the context clearly indicates otherwise:

6 (1) "Renovation" does not include a project the principal purpose of which
7 is the rehabilitation of plumbing, heating, ventilating, air conditioning, or electrical
8 systems.

9 (2) "State building" means any building, facility, structure, or park built or
10 renovated using state funds that will be owned by a department or agency in the
11 executive, judicial, or legislative branch of state government, including any
12 state-owned lands or space surrounding or integral to the building. "State building"
13 does not include bridges, tunnels, or sewers, unless such structures are adjuncts of
14 the principal element of the project.

15 (3) "State funds" or "state money" shall not include federal funds or
16 insurance proceeds for the construction, replacement, renovation, or improvement
17 of a state building damaged by a natural catastrophe when conditions governing the
18 expenditure of such monies specifically preclude their use for the utilization and
19 implementation of universal design features, nor shall it include state monies used
20 as a match for such federal funds or insurance proceeds.

21 (4) "Universal design" as more fully defined in Subsection C of this Section,
22 means certain design features that are not currently required by the Americans with
23 Disabilities Act of 1990, although they may be used to satisfy the Americans with
24 Disabilities Act requirements and when so utilized, the cost may be applied in
25 satisfaction of the monetary requirements of this Section.

26 C. Universal design is a principle of design guiding a wide range of design
27 disciplines including environments, products, and communications including all of
28 the following:

1 (1)(a) Equitable Use. The design is useful and marketable to people with
2 diverse abilities.

3 (b) Guidelines. Provides the same means of use for all users: identical
4 whenever possible; equivalent when not. Avoids segregating or stigmatizing any
5 users. Incorporates provisions for privacy, security, and safety should be equally
6 available to all users. Makes the design appealing to all users.

7 (2)(a) Flexibility in Use. The design accommodates a wide range of
8 individual preferences and abilities.

9 (b) Guidelines. Provides choice in methods of use. Accommodates right or
10 left handed access and use. Provides adaptability to the user's pace.

11 (3)(a) Simple and Intuitive Use. Use of the design is easy to understand,
12 regardless of the user's experience, knowledge, language skills, or current
13 concentration level.

14 (b) Guidelines. Eliminates unnecessary complexity. Consistent with user
15 expectations and intuition. Accommodates a wide range of literacy and language
16 skills. Arranges information consistent with its importance. Provides effective
17 prompting and feedback during and after task completion.

18 (4)(a) Perceptible Information. The design communicates necessary
19 information effectively to the user, regardless of ambient conditions or the user's
20 sensory abilities.

21 (b) Guidelines. Uses different modes (pictorial, verbal, tactile) for redundant
22 presentation of essential information. Provides adequate contrast between essential
23 information and its surroundings. Maximize "legibility" of essential information.
24 Differentiates elements in ways that can be described which includes making it easy
25 to give instructions or directions. Provides compatibility with a variety of techniques
26 or devices used by people with sensory limitations.

27 (5)(a) Tolerance for Error. The design minimizes hazards and the adverse
28 consequences of accidental or unintended actions.

1 **(b) Guidelines. Arranges elements to minimize hazards and errors: most**
2 **used elements, most accessible; hazardous elements eliminated, isolated, or shielded.**
3 **Provides warnings of hazards and errors. Provides fail safe features. Discourages**
4 **unconscious action in tasks that require vigilance.**

5 **(6)(a) Low Physical Effort. The design can be used efficiently and**
6 **comfortably and with a minimum of fatigue.**

7 **(b) Guidelines. Allows user to maintain a neutral body position. Uses**
8 **reasonable operating forces. Minimizes repetitive actions. Minimizes sustained**
9 **physical effort.**

10 **(7)(a) Size and Space for Approach and Use. Appropriate size and space is**
11 **provided for approach, reach, manipulation, and use regardless of user's body size,**
12 **posture, or mobility.**

13 **(b) Guidelines. Provides a clear line of sight to important elements for any**
14 **seated or standing user. Makes reach to all components comfortable for any seated**
15 **or standing user. Accommodates variations in hand and grip size. Provides adequate**
16 **space for the use of assistive devices or personal assistance.**

17 **D. Except as otherwise provided in this Section, whenever more than two**
18 **million dollars of state funds, whether obtained from the sale of bonds or otherwise,**
19 **is to be spent by a state agency for the construction or renovation of a state building,**
20 **the agency that contracts for the construction or renovation shall expend two percent**
21 **of the state money to utilize and incorporate universal design principles.**

22 **E. The commissioner of administration may adopt rules not inconsistent with**
23 **the stated intent of this program to implement the provisions of this Section.**

24 Section 2. This Act shall become effective upon signature by the governor or, if not
25 signed by the governor, upon expiration of the time for bills to become law without signature
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
28 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Simon

HB No. 365

Abstract: Creates the universal design program whereby a certain percentage of the total cost of the construction or renovation of a state building be used to implement principles of design that extend beyond ADA requirements.

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 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, 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.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 38:2318.2)