

BILL ANALYSIS

Senate Research Center
76R13132 CLG-F

C.S.S.B. 959
By: Barrientos
State Affairs
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Committee Report (Substituted)

DIGEST

In 1990, the U.S. Congress approved an architectural barriers program called the Americans with Disabilities Act (ADA), similar to Texas' architectural barrier law passed in 1970. There exists some inconsistencies between the two programs. The commissioner of licensing and regulation oversees laws regarding architectural barriers. C.S.S.B. 959 would amend certain provisions of Texas's compliance with ADA and makes the board of the Texas Commission of Licensing and Regulation, rather than the commissioner, the enforcer of ADA.

PURPOSE

As proposed, C.S.S.B. 959 amends certain provisions of Texas' compliance with the Americans with Disabilities Act.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1, Article 9102, V.T.C.S., to delete in the state policy the provision "when such persons cannot readily use public building" in the intention to eliminate unnecessary barriers encountered by persons with disabilities whose ability to engage in gainful occupations or to achieve maximum personal independence is needlessly restricted when such persons cannot readily use public buildings.

SECTION 2. Amends Sections 2(a), (d), (e), and (f), Article 9102, V.T.C.S., to apply this article to a building or facility that is constructed or renovated on or after January 1, 1970, rather than a facility used by the building or substantially renovated on or after January 1, 1970; and to a privately funded building or facility defined as a "public accommodation" by the Americans with Disabilities Act (ADA) and its subsequent amendments, that is constructed or renovated on or after January 1, 1992, rather than to a facility defined as a "public accommodation" by ADA, or substantially renovated by January 1, 1992. Requires certain owners to present proof required by Subsection (c) (2) to the commission, rather than the commissioner. Prohibits the commission, rather than the commissioner, from waiving any standard or specification when the commission knows that waiving or modifying a standard or specification would result in a violation of the ADA and its subsequent amendments. Makes conforming changes.

SECTION 3. Amends Section 2(c), Article 9102, V.T.C.S., to make conforming changes.

SECTION 4. Amends Section 3(b), Article 9102, V.T.C.S., to make conforming changes.

SECTION 5. Amends Section 4, Article 9102, V.T.C.S., to redefine "architect" and define "disability," and to define "interior designer" and "landscape architect."

SECTION 6. Amends Section 5, Article 9102, V.T.C.S., as follows:

Sec. 5. New heading: DEPARTMENT RESPONSIBILITIES. Authorizes the commission to contract with certain agencies to perform a review and inspection for facilities, rather than privately financed buildings, that are not leased by the state or political subdivision. Requires plans relating to the building to be submitted to the department by the landscape architect, or the owner if there is no landscape architect. Requires the Texas Department of Licensing and Regulation

(department) to notify certain state professional boards or a licensing authority that regulates an individual, if a landscape architect fails to submit the required plans. Requires certain professional individuals to submit their plans to the department for approval by a certain date. Requires an owner to submit proof of the submission to a local governmental entity upon request by the entity. Deletes the requirement that certain plans be submitted to be adopted by the commissioner prior to the time the construction begins. Deletes the requirement that automatically approves certain resubmitted plans within a certain date if not approved by that date. Deletes certain requirements that the department contract with a municipality regarding inspection functions for privately financed buildings. Makes conforming and nonsubstantive changes.

SECTION 7. Amends Section 6, Article 9102, V.T.C.S., to require the commission to set and charge in accordance with Article 9100, V.T.C.S., certain fees, rather than charge the fees in accordance with Section 12, Article 9100, V.T.C.S.

SECTION 8. Amends Section 7(d), Article 9102, V.T.C.S., to make conforming changes.

SECTION 9. Amends Section 681.009(b), Transportation Code, to require a political subdivision to designate certain parking spaces as established by the Texas Commission of Licensing and Regulation, under Section 5(i), Article 9102, V.T.C.S., rather than the commissioner of licensing and regulation under Section 5(c), Article 9102, V.T.C.S.

SECTION 10. Requires certain rules adopted by the commissioner to continue as a rule of the commission.

SECTION 11. Makes application of this Act prospective.

SECTION 12. Effective date: September 1, 1999.

SECTION 13. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Deletes proposed SECTION 1 regarding changes to Section 13(a), Article 9100, V.T.C.S., that prohibits the commission from assigning certain authority to the commissioner.

Redesignates SECTIONS 2-14 as SECTIONS 1-13.

SECTION 6.

Amends Section 5, Article 9102, V.T.C.S., to require certain plans to be submitted to the department for approval and to a local government entity for proof of submission, to remove deletions of requirements regarding the standards and specifications, and to delete certain requirements to approve construction worth more than \$50,000.