

# HOUSE BILL REPORT

## HB 1739

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**As Reported by House Committee On:**  
Human Services

**Title:** An act relating to promoting accessible communities for persons with disabilities.

**Brief Description:** Promoting accessible communities for persons with disabilities.

**Sponsors:** Representatives Wallace, Campbell, Williams, Moeller, Jacks, Pettigrew and Ormsby.

**Brief History:**

**Committee Activity:**

Human Services: 2/12/09, 2/19/09 [DPS].

**Brief Summary of Substitute Bill**

- Creates an Accessible Communities Account (Account) to be administered by the Commissioner of the Employment Security Division.
- Permits moneys in the Account to be used to reimburse the state agency that provides administrative support to the Governor's Committee on Disability and Employment for costs associated with implementing the act.
- Requires the Governor's Committee on Disability Issues and Employment to determine eligibility of Accessible Community Advisory Committees (Advisory Committee) for reimbursement or for grant funding and to solicit proposals for projects to improve disability awareness.
- Allows counties that have established active Advisory Committees for promotion of accessible communities to be reimbursed for travel and other expenses incurred for the Advisory Committees' meetings.
- Increases parking infraction penalties for blocking or otherwise making inaccessible the access aisle located next to a space reserved for persons with physical disabilities or for parking in a parking place reserved for persons with developmental disabilities and requires that a portion of the penalties collected for parking infractions are to be deposited into the Account.
- Requires the Governor's office, under supervision of the Governor's Emergency Management Council, to facilitate a state and local work group to develop a planning template for local emergency management jurisdictions to

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identify and respond to the needs of persons with disabilities when there is a disaster.

- Requires local emergency management jurisdictions to complete the planning template and incorporate necessary changes to local comprehensive emergency management.
- Requires the Military Department's Emergency Management Division to use existing resources to provide technical assistance in developing the planning template and in assisting local emergency management jurisdictions with incorporating the template into local comprehensive emergency plans.

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## HOUSE COMMITTEE ON HUMAN SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green, Klippert, Morrell, O'Brien and Walsh.

**Staff:** Linda Merelle (786-7092)

### **Background:**

#### County Advisory Committees.

Under the state's election law, counties are required to have an advisory committee established to assist election officials in developing a plan to identify and implement changes to improve the accessibility of elections for voters with disabilities.

#### Special Parking Privilege.

The Department of Licensing is required to grant special parking privileges to any person that has a permanent or temporary disability that limits or impairs the ability to walk or involves acute sensitivity to light and meets one of the following criteria, as determined by a licensed physician or an advanced nurse practitioner:

- cannot walk further than 200 feet without stopping to rest;
- is severely limited in the ability to walk due to an arthritic, neurological, or orthopedic condition;
- is so severely disabled that the person cannot walk without an assistive device;
- uses portable oxygen;
- is restricted by lung disease to a particular extent;
- is impaired by cardiovascular disease or cardiac condition to a particular extent;
- has a disability resulting from acute sensitivity to automobile emissions that impairs the ability to walk;
- is legally blind and has limited mobility; or
- has a form of porphyria to the extent that the applicant would significantly benefit from a decrease in exposure to light.

### Parking Permits.

A permanent parking privilege must be renewed every five years, and a temporary parking privilege must be renewed every six months. If granted a special parking privilege, a person may choose one of the following options:

- up to two blue placards that hang from the rear-view mirror and can be used by any vehicle at the time the vehicle is providing transportation for the individual with a disability;
- one set of disabled parking license plates issued to the qualified individual, who must be one of the registered owners of the vehicle;
- one set of disabled parking license plates and one placard; and
- one special disabled parking year tab and one blue placard.

### Traffic Infraction Penalties.

Any unauthorized use of a special parking permit, parking a vehicle in a space reserved for a person with a physical disability without a placard or special license plate, or making inaccessible the access aisle located next to a space reserved for a person with a physical disability is a \$250 traffic infraction.

### Local Comprehensive Emergency Plans.

Each county, city, and town must establish a local organization for emergency management or join a joint organization of local governments. Each local organization is required to prepare a Local Comprehensive Emergency Plan that must be submitted to the Adjutant General for recommendations and verification of consistency with the State Comprehensive Emergency Management Plan.

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### **Summary of Substitute Bill:**

#### Accessible Communities Account.

The Accessible Communities Account is created in the custody of the State Treasurer. Appropriation is not required for expenditures from the Account, and only the Commissioner of the Employment Security Department (ESD) may authorize expenditures from the Account.

The ESD may make expenditures for awareness and improved access for and acceptance of persons with disabilities; reimbursement for travel, reasonable accommodation, and meeting expenses for county Accessible Community Advisory Committees (Advisory Committee); establishing and maintaining an Accessible Communities Website; and a grant program to promote greater awareness of disability issues and access for persons with disabilities within the community.

#### Governor's Committee on Disability and Employment.

The Governor's Committee on Disability and Employment (Governor's Committee) is required to determine eligibility of Advisory Committees for reimbursement or for grant funding and to solicit proposals for projects to improve disability awareness. The Governor's Committee will establish an Accessible Communities Website.

#### Accessible Community Advisory Committees.

The bill changes the name of the county advisory committee established under the state's election law to the Accessible Community Advisory Committee and allows counties to receive reimbursement from the Account to promote accessible communities. For the Advisory Committee to receive funding, it must be active. To be considered active, an active Advisory Committee must submit annual assurances to the Governor's Committee. Members must be from a diverse range of disabilities who can identify attitudinal, programmatic, and physical barriers encountered by persons with disabilities. Adjacent counties may form joint Advisory Committees so long as only one county has a population greater than 70,000.

#### Traffic Infraction Penalties.

Penalties for parking infractions for use of parking spaces reserved for persons with disabilities, or parking in, blocking or otherwise making inaccessible the access aisle located next to a space reserved for persons with physical disabilities, are raised from \$250 to \$450. Two hundred dollars of the increased penalty for an infraction is to be deposited into the Account.

#### Local Comprehensive Emergency Plan.

The Governor's office, under the supervision of the Governor's Emergency Management Council, must facilitate a state and local work group to develop a planning template for local emergency management jurisdictions to identify and respond to the needs of persons with disabilities when there is a disaster. The issues to be addressed are: notification; medications; refrigeration; backup power; access to mobility devices; service to animals while in transit or at shelters; and access to information. Local emergency management jurisdictions shall work with the Advisory Committee to complete the planning template and incorporate necessary changes to local comprehensive emergency plans.

#### Military Department Emergency Management Division.

Within existing resources, the Military Department's Emergency Management Division is required to provide technical assistance in developing the planning template and in assisting local emergency management jurisdictions in incorporating the template into local comprehensive emergency plans.

### **Substitute Bill Compared to Original Bill:**

#### Accessible Communities Trust Account.

The list of permissive expenditures from the Account is expanded to include reimbursement to the state agency that provides administrative support to the Governor's Committee for costs associated with implementing this act.

Traffic Infraction Penalties.

Only the penalties for parking infractions are increased to \$450. The penalties for traffic infractions remain at \$250. No moneys from the penalties collected for traffic infractions are deposited into the Account.

Local Comprehensive Emergency Plan.

A deadline is no longer in place for the facilitation of a state and local work group by the Governor's Emergency Management Council to develop a planning template for local emergency management jurisdictions to identify and respond to the needs of persons with disabilities when there is a disaster. There is also no longer a deadline for the local emergency management jurisdictions to incorporate necessary changes to local comprehensive emergency plans.

Military Department Emergency Management Division.

The original bill had no requirement for participation by the Military Department. Under the substitute, that department is required to provide technical assistance.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 7, relating to the distribution of income received from the investment of the Treasury Trust Fund and adds the Accessible Communities Account, which takes effect August 1, 2009.

**Staff Summary of Public Testimony:**

(In support) It is important to raise awareness in communities regarding persons with disabilities. When parking in a space designated for disabled drivers, people make a decision about whether they want to pay a fine. Projects that are supposed to make accommodations for those with disabilities often do not meet the appropriate criteria. The revenue stream in this bill should fund the awareness activities. We need to change the public's mindset. The provisions in this bill are not just for persons with disabilities; they are for everyone. It is difficult to find motels or motel rooms that are accessible, even when are advertised as such. This law expands the functions of Advisory Committees to address the issues of access to the community. It is imperative that persons with special needs are included in emergency planning. By working with local groups, the level of success of these plans will increase dramatically. Cost may keep communities from proceeding with planning activities. The

income stream from the increase in penalties in this bill may help. In the elections community, it is important that there is an awareness that special equipment is available for use. The voting advisory committee that was created on accessibility has been able to come up with simple and effective ideas. This bill represents an opportunity to do something progressive where there are real physical challenges.

(Opposed) None.

**Persons Testifying:** Representative Wallace, prime sponsor; Jesse Magaña; Beverly Peralta; Jim Morris, Governor's Committee on Disability Issues and Employment; Jody Woodcock, Washington State Emergency Management Association; Katie Blinn, Office of the Secretary of State; Kim Wyman, Thurston County Auditor; and David Lord, Disability Rights Washington.

**Persons Signed In To Testify But Not Testifying:** None.