

# SENATE BILL REPORT

## ESSB 5902

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As Amended by House, March 9, 2010

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

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

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Pridemore, Fraser, McAuliffe, Kline, Kohl-Welles and McDermott).

**Brief History:**

**Committee Activity:** Ways & Means: 2/19/09, 2/25/09 [DPS, w/oRec].

Passed Senate: 2/10/10, 37-11.

Passed House: 3/05/10, 94-4; 3/09/10, 93-4.

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 5902 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Fairley, Hobbs, Keiser, Kline, Kohl-Welles, McDermott, Murray, Oemig, Parlette, Pridemore, Regala and Rockefeller.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Carrell and Pflug.

**Staff:** Jenny Greenlee (786-7711)

**Background:** Currently, any person blocking a parking space reserved for a person with physical disabilities or its access aisle can be fined a penalty of \$250. A \$250 fine can also be charged to any persons using a special license plate or placard who do not meet the qualifications. Local jurisdictions keep this amount to use for law enforcement.

In 2006 ESHB 2479 required county auditors to establish an advisory committee to assist elections officials in improving the accessibility of elections for voters with disabilities, made up of people with diverse disabilities and accommodation experts. Counties may form joint advisory committees if the total population of the joining counties does not exceed 30,000 and the counties are geographically adjacent.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Governor's Committee on Disability Issues and Employment was created by executive order in 1987 and advises the Governor, Legislature and other policy-makers on issues affecting people who have disabilities. The committee also recognizes employers employing people with disabilities, monitors equal opportunity and access legislation, and provides training and technical assistance to the business community and the public. At least 50 percent of the members are required to be persons with a disability. The committee is staffed and supported by the Employment Security Department.

The Emergency Management Council advises the Governor and the General of the Washington Military Department regarding state and local emergency management. The council consists of 17 members appointed by the Governor and includes representatives of local governments, including cities and counties, sheriffs, police and fire chiefs, the Washington State Patrol, and professionals knowledgeable in emergency and hazardous materials management. Council duties include developing recommendations for improving emergency management practices, conducting an annual assessment of statewide emergency preparedness, and acting as the state emergency response commission.

**Summary of Engrossed Substitute Bill:** The Governor's Committee on Disability Issues and Employment must oversee grant funding for proposals from accessible community advisory committees that promote greater awareness of disability issues. They must also establish an accessible communities website to provide technical assistance to local governments and accessible community advisory committees, examples of best practices, and a searchable listing of local public accommodations.

The county advisory committees are renamed to accessible community advisory committees and these committees may be reimbursed for travel and meeting costs and receive grant funding. Counties looking to form joint committees can exceed a combined population of 30,000 as long as not more than one of the participating counties has a population greater than 70,000.

An additional \$200 is added to the penalty currently charged for parking in or blocking a space reserved for persons with physical disabilities and the infraction is changed from a traffic infraction to a parking infraction. The courts retain the discretion to reduce the entire penalty but must do so proportionally. This additional penalty must be deposited into the Accessible Communities Account, also created in this bill. Expenditures from the account can be used for:

- reimbursing travel and meeting expenses for county accessible community advisory committees and the disaster response work group;
- creating and maintaining the accessible communities website;
- making changes to court software;
- providing technical assistance for county accessible community advisory committees; and
- issuing grants to county accessible community advisory committees.

Only the Commissioner of the Employment Security Department may authorize expenditures. The account is budgeted but does not require an appropriation and earns interest.

**Appropriation:** None.

**Fiscal Note:** Available on original bill.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: This bill supports the inclusion of people with special needs in the disaster planning process and ensures the inclusion of their needs in local disaster plans. By expanding the use of the existing voting accessibility committees, local communities can build a culture of inclusivity and use an existing structure to address broader issues of accessibility. People with disabilities bring expertise to the table by giving examples of barriers they currently face and also ideas about how to overcome those barriers. The funding in the bill can mitigate the increased costs associated with holding meetings and trainings for people with special needs, due to enhanced accessibility issues.

**Persons Testifying:** PRO: Sheri Badger, Washington State Emergency Management Association; Jim Morris, Governor's Committee on Disability Issues and Employment; David Long, Disability Rights Washington.

**House Amendment(s):** Counties are provided the option of expanding an existing advisory committee or creating a new Accessible Community Committee. For counties that expand an existing committee, the county auditor must support the expansion. The structure of the penalties for unauthorized use of placards and license plates and blocking or parking in a space reserved for persons with physical disabilities is changed. Instead of the \$450 penalty, a \$250 penalty for the parking infraction plus a separate \$200 assessment will be imposed. Of the \$200 assessment imposed, \$100 will be deposited into the Accessible Communities account. The other half of the fine must be deposited into the Multimodal account to be used for grants for special needs transportation. Any reduction in the penalty or the fine and assessment must be applied proportionally between the penalty or fine and assessment. The amounts deposited into the accounts from the assessment, if it's reduced, must be reduced equally.