

SA13-6

SB0521

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**JOINT
STANDING
COMMITTEE
HEARINGS**

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REP. SERRA: The first person to testify will be Representative Mike Demicco.

REP. DEMICCO: Good morning. Good morning, Senator Ayala. Good morning, Representative Serra and Members of the Aging Committee. My name is Mike Demicco, a Representative from the 21st District, which is Farmington and Unionville. I appreciate the opportunity to testify about Senate Bill 521, AN ACT CONCERNING A REPORT ON THE SURVEY OF ACCESSIBILITY IN AND TO STATE BUILDINGS.

HB5353

The Americans with Disability Act of 1990 and the amendments since then have changed the lives of many Americans by providing them access to public and private spaces that were not previously available to them. The ADA provided the first comprehensive civil rights law for individuals with disabilities, and it continues to play an essential role.

Several of my constituents, as members of the Citizens Coalition for Equal Access, some of whom are here today, have worked diligently to ensure greater access to public buildings for all persons, notably resulting in the installation of power-assisted doors in the Farmington and Unionville post offices.

The sense of equality, empowerment, and fairness that these projects engendered cannot be measured in dollars and cents. As you're aware, current law excludes buildings, including state buildings built or substantially renovated before October 1st, 1977, from being in compliance with the provisions of the ADA.

The law also allows the state building inspector and the director of the Office of Protection and Advocacy or persons with

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disabilities to jointly grant a variation or exemption for the accessibility requirement in any buildings, including state buildings, when such construction would not be feasible or would unreasonably complicate their construction, alteration, or repair.

And now as a result of these exemptions, persons with disabilities are frequently unable to conduct personal business with the State as independent adults. Now in order to remedy this situation, Senator Beth Bye and I have submitted Proposed House Bill 5353, AN ACT REQUIRING STATE BUILDINGS TO BE ACCESSIBLE TO PERSONS WITH A DISABILITY, which has been referred to the Public Safety Committee.

House Bill 5353 would amend the General Statutes to require that no later than January 1st, 2021, all existing state buildings that the general public may require access to in order to conduct business be made handicap accessible. And we would like to ask that the provisions of our bill be incorporated into Senate Bill 521 in order to strengthen the bill.

These two bills seek to create the environment that's necessary to allow many individuals to interact with their state government. And I urge you to give consideration to both bills and, as I mentioned, potentially merge them. And I look forward to your questions. Thank you.

REP. SERRA: Thank you. So any questions from the Committee? If not, thank you, and we'll take your remarks under advisement.

REP. DEMICCO: Thank you very much.

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REP. SERRA: Any other questions? Thank you.

MARTIN SBRIGLIO: Thank you.

REP. SERRA: Next is Gary Gross, and I think it's Ruth Grobe followed by Matt Barrett.

GARY GROSS: Good afternoon. My name is Gary Gross. I am co-chairman of CC=A, which Mike has, Representative Demicco has already mentioned. I'm going to talk broadly about funding. I've been disabled all my life.

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And I don't care what year you talk about or who the governor is or who is in the Legislature, it's always the economy, it's always, it seems like to me the economy is always bad, no matter if it's 1960 or 2013. It just seems like disabled people, people in nursing homes, no matter where they live, it seems like disabled people always, always get the short end of the stick.

Like I said, I know the economy is bad, but I just want to ask in what, our Legislature a question. And I'd like one Legislator to answer just this one question for me. How come I, and I realize you guys weren't around in like 1960, but it just seems like when I was growing up I always heard the same things, the economy is always bad.

And can someone just tell me why that always is? I don't think you can. And when I hear that the economy is bad, like I just said, it's always been bad from my perspective, and I wish somebody could tell me why. And sometimes I'm wondering, is it really that the economy is bad, or is it other reasons that things don't get done for the disabled? Thank you.

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RUTH GROBE: Representative Serra, my name is Ruth Grobe, and I'm hoping I'm following Gary. I thought I was on the list of speakers to follow. I'm not --

REP. SERRA: Fine.

RUTH GROBE: Oh, thank you.

REP. SERRA: Fine.

RUTH GROBE: I'm also from the, I am the secretary of the Citizens Coalition for Equal Access, and we're a grass roots advocacy group for people with disabilities that grew out of the work of the Farmington Human Relations Commission, which I chair. And we are speaking today to Senate Bill 521, AN ACT CONCERNING A REPORT ON THE SURVEY OF ACCESSIBILITY IN AND TO STATE BUILDINGS.

And in working with Farmington town government and experiencing the daily travails of disabled people like Gary who just spoke to you movingly about that, I realize how ignorant I was previously as an abled person and how little the vast majority of abled people understand about disability issues, including many of the officials in charge of carrying out ADA requirements in our towns.

S.B. 521 has great intentions, but I believe it needs to be coordinated with two other initiatives, the State of Connecticut ADA Self-Evaluations that will presently be conducted by the Department of Administrative Services and with H.B. 5353, which Representative Demicco referred to earlier in this hearing, AN ACT REQUIRING STATE BUILDINGS TO BE ACCESSIBLE TO PERSONS WITH A DISABILITY.

We would urge your Committee to work with Commissioner DeFronzo and with the sponsors of H.B. 5353 to come up with amended wording for S.B. 521 that ensures two different outcomes, first, that the State ADA Self-Evaluations and Transition Plans result in concrete accessibility upgrades that have been well vetted by people who are actually disabled, and, second, that the upgrades include buildings used by the judicial and legislative branches in addition to those used by the executive branch.

Since the original version of the ADA was passed in 1990, we have not done a good job of realizing its promise of equality for all citizens with disabilities. As our population ages and more and more people are faced with physical impairments, the issue becomes all the more pressing.

And this time around, we need to get it right. I, you've all been provided with a background paper that the Citizens Coalition prepared to give you the kind of general context of disability issues at the present time. I hope that you all have a chance to read it, and I thank you very much for this chance to testify.

REP. SERRA: Thank you. Any questions? Thank you. Matt Barrett followed by Maggie Drag, I think.

MATTHEW BARRETT: Good afternoon, Chairman Serra. It's a great privilege to appear before the Committee on Aging. My name is Matthew Barrett, and I'm the Executive Vice President of the Connecticut Association of Health Care Facilities, which is our state's 167-member trade association of skilled nursing facilities and rehabilitation centers.

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freedom of movement and association. They also have the same responsibility as everyone else to obey the law. Any person, including a registered sex offender, is subject to arrest for trespassing, creating a disturbance or any other criminal offense at a senior housing complex, senior center, or any other location.

Requiring police to monitor these locations for former offenders who aren't causing trouble would waste police resources and invite discriminatory policing. Giving police chiefs and resident troopers discretion on whether to waive the restrictions would allow them to deprive a person of basic rights, essentially imposing an unconstitutional form of banishment for any reason or no reason at all.

This would violate due process and the fundamental American principle of the rule of law, which invests power in established laws and procedures and not in any individual's arbitrary discretion. For these reasons and others, the town of Montville recently repealed an ordinance establishing senior safety zones. I respectfully ask the Committee to follow that example and oppose this bill. Thank you.

SENATOR AYALA: Thank you for your testimony. Does any Member of the Committee have a question? No? Thank you.

ANDREW SCHNEIDER: Thank you.

SENATOR AYALA: Senator Beth Bye.

SENATOR BYE: Good afternoon. I miss my friends on this Committee. How are you all doing? First of all, I want to just say how moving the testimony of Byron was and understanding what families are dealing with with Alzheimer's, and easy to forget that often they're up all night,

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because people with Alzheimer's get in different sleeping patterns, so that respite is so important.

But I'm here about Senate Bill 521, which is a bill that's been before this Committee before. The big idea is that we need to take a look at our state buildings, because they're not accessible. And it's difficult for more and more of our residents to access the state buildings.

I have a particular constituent who couldn't get into DEEP to get a fishing license. So we have people who are dealing with physical disabilities to add -- it's hard enough to get downtown to get to DEEP. And I know this particular situation was ameliorated, but it goes on at state buildings all over Connecticut.

I have a very active group of constituents in my district from Farmington. You saw Gary was here today with Ruth Grobe. They have been really strong advocates in getting Farmington to upgrade its facilities. And they see the same issue at the state. So I hope you will support this bill.

And also we have a similar bill, House Bill 5353, and we would like to take parts of that bill to put a date certain on when these surveys need to be conducted. ADA was a really important step forward, but it's not, it doesn't really take care of all the problems.

For example, when my constituents come here to testify, they cannot get in a bathroom on the first floor if they're men. The way that the door is set up, you cannot get in the bathroom. I think some of you see some of the interns here. We had an intern last year, and we have

one this year, and we have a state Representative in a wheelchair, and you can see there are a lot of places even in this building that they cannot access without help. .

All of us want to be as independent as we can be. And I think that a bill like this helps our residents keep that independence that's so important to them. And I just want to close my testimony by thanking Ray Elling and the whole group at CC=A, which is a community access group in Farmington, for their advocacy for this bill and really for all residents of our state to have access to buildings. Thank you.

SENATOR AYALA: Thank you, Senator Bye, for your testimony. Chairman Serra has a question.

REP. SERRA: Good afternoon, Senator. You and I know this is not a new issue. Maybe you can bring us up to date. I know that you've had conversation, I think you have, with DAS on state buildings and this building. Was it legislative management?

I'm sure they're aware of this, and I'm not sure if they're working on to try to make this ADA-compatible with the law and the same thing. Unfortunately, there is some buildings, since I had a similar role in a municipality many years ago in another lifetime, certain old buildings, you know, the cost is so prohibitive of trying to make it compatible.

But, you know, even that, the fishing license that you described, I'm sure that DEEP, if they can't modify that building, you know, I'm visualizing the one you're talking about, they should at least have other alternatives for people with disabilities to be able to obtain that, whether it's over the Internet or mail it to them or whatever.

But, yeah, I think that we've got to continue to push DAS and legislative management on this building to make it compatible so that our citizens who have different degrees of handicap can interact with our government, yeah, so --

SENATOR BYE: Exactly, and be out and about in the community is definitely preferred. I think you raise a really good point, Representative Serra, because right now DAS is working to do a required analysis of state buildings for the Americans with Disabilities Act.

And in that way, I think a bill like this really could be compatible with the work they're doing, that they have to do anyway. And part of what this talks about is going beyond ADA. For example, you don't need electric doors for ADA.

But if you think about, when I think about getting into the education office without a button on the wall, if you're in a wheelchair, it's just, the doors are too heavy. You can't do it. And so, you know, people are stuck waiting to get in. So it's almost even going further than ADA.

I think as a government, we have to be accessible to the people. But your point about DAS is right. I know CC=A has met with DAS, and Don DeFronzo has been very supportive of them, because he used to represent Farmington as well.

But we'd really like, Representative Demicco and I would really like this bill to move forward and get it passed with a date certain so the disability community can look forward and say, okay, we don't have it in 2013, but by

2021 or 2020, we know that all the buildings will have been checked and improved.

REP. SERRA: Yeah, I had a conversation with Representative Demicco. He came to see me about the possibility of merging those two bills. And I know our Co-Chair here and the Committee will definitely look into it and see if we can accommodate you, not only you but the people who need access to our state buildings. And thank you for testifying.

SENATOR BYE: Thank you so much.

SENATOR AYALA: Any further questions?

REP. ADINOLFI: Just a quickie. I agree with you 100 percent. We need that. But is it possible in some of the places where it would be too expensive to do, like going into the education office in a wheelchair, if there was a button you could press or somebody could come out and open the door, even if it's, you know, an interim-type of thing we could do until we get better? Okay. Thank you.

SENATOR BYE: Yeah, I think that's a good suggestion, and that's exactly why you do a survey. Maybe there are some simple fixes in the short term that would help people. So thank you, Representative Adinolfi.

SENATOR AYALA: Thank you. Any further questions?

A VOICE: (Inaudible).

SENATOR AYALA: Okay. Thank you, Senator Bye. We appreciate your testimony. And if there are no further speakers on today's agenda, I'd move to close the public hearing.

A VOICE: So moved.



Citizens
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T16



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My name is Gary Gross, and I am the Co-Chair of The Citizens Coalition For Equal Access, (CC=A). We are a grass roots advocacy group that grew out of the work of the Farmington Human Relations Commission to make sure that the redevelopment of Unionville Center would result in an extremely accessible environment for the unusually high number of Farmington residents with disabilities. Since its formation in 2008, CC=A has successfully advocated for the installation of automatic doors in both Farmington branches of the U.S. Post Office and has presented educational offerings to members of the Farmington community, including the Town Council, the Police Department, and the Planning & Zoning Commission.

I am a disability advocate for the following reason. I have been disabled all my life for 62 years, and what I have found is that there is a lack of understanding and a lack of funding for accessibility issues, no matter what times we are in. In both good times and bad, in both Republican and Democratic administrations, the needs of people with disabilities are never a priority.

I urge the Committee to make sure that there is enough funding to carry out whatever recommendations come out of the study contemplated by S.B. 521.



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My name is Ruth Grobe, and I am Secretary of The Citizens Coalition For Equal Access and Chair of the Farmington Human Relations Commission. The Citizens Coalition has prepared a background paper that describes the large and pressing issues that have a bearing on S.B. 521, and I have copies for all of you.

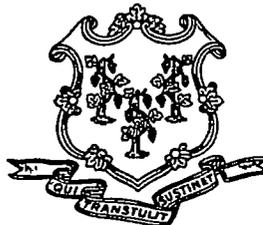
In working with Farmington town government and experiencing the daily travails of disabled people, I now realize how ignorant I was previously and how little the vast majority of abled people understand about disability issues, including many of the officials in charge of carrying out ADA requirements.

S. B. 521 has great intentions, but it needs to be better coordinated with two other initiatives: the State ADA Self-Evaluations that will presently be conducted by the Department of Administrative Services and H.B. 5353, "An Act Requiring State Buildings To Be Accessible To Persons With A Disability," submitted by Representative Mike Demicco and Senator Beth Bye. We would urge your Committee to work with Commissioner DeFronzo and with the sponsors of H.B. 5353 to come up with amended wording for S.B. 521 to ensure two outcomes: first, that the State ADA Self-Evaluations and Transition Plans result in concrete accessibility upgrades that have been well vetted by people who are actually disabled and second, that the upgrades include buildings used by the judicial and legislative branches in addition to those used by the executive branch.

Since the original version of the ADA was passed in 1990, we have not done a good job of realizing its promise of equality for all citizens with disabilities. As our population ages and more and more people are faced with physical impairments, the issue becomes all the more pressing. This time around, we need to get it right. Please read the Citizens Coalition background paper, and please make every effort to learn more about the daily struggle of people with disabilities and the societal accommodations that could transform the struggle into triumph.

SENATOR BETH BYE*Fifth District*

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State of Connecticut
SENATE

Chair
 Higher Education & Employment
 Advancement Committee
Vice Chair
 Education Committee
Member
 Appropriations Committee
 Judiciary Committee

T28

February 5, 2013

Testimony to the Aging Committee

**SB 521: AN ACT CONCERNING A REPORT ON THE SURVEY OF ACCESSIBILITY
 IN AND TO STATE BUILDINGS**

Senator Ayala, Representative Serra, and members of the Aging Committee:

My name is Beth Bye, State Senator for the 5th district, representing West Hartford, Farmington, Burlington, and Bloomfield.

I come to you today, first to thank you for raising SB 521 to require a survey of the accessibility of state buildings. As I have stated to this committee in previous years, accessibility is a cause that has been championed by a very dedicated group of constituents of mine from Farmington, some of whom are here today.

But I am also here to ask this committee to consider modifications to this bill so that it more closely mirrors the goals of HB 5353, as proposed by Rep. Demicco and myself. Because it is not absolutely known which modifications will be required to make our state buildings exceed the ADA requirements, HB 5353 necessarily will require state buildings to be surveyed.

Additionally, by modifying this committee's raised bill to put a date-certain on required modifications, you will signal to the disability community that their ability to access these buildings is as important as that of the rest of the citizens of our state. Because these modifications will have a cost, and will take time, I would welcome the committee to set a date several years out. In our own bill, Rep. Demicco and I have proposed 2021.

Residents of this state, like my constituent Ray Elling, should not be forced to rely on others for the simple action of opening a door to a state building. It is a frustrating symbol to him and countless others, and is a reminder of the unfortunate and inexcusable lack of access they have to the institutions of our state.

Thank you.



Background Information: A General Context For S.B. 521

General Concerns

- GROWING NEED:** 1 out of 5 Americans have some sort of disability or mobility impairment, and the numbers will only increase as the U.S. elderly population doubles between now and the year 2050. For all these individuals, every foray into the built environment bears a measure of uncertainty or sometimes even danger because of inadequate infrastructure, maintenance, and understanding of the needs of disabled people. The 80% should take a moment to ponder the real impact on their own lives should a catastrophic event, often instantaneous, affect their lives: would they be content to be considered as part of an insignificant minority group and be assigned to the garbage can of society – an all too prevalent viewpoint.

***EXAMPLE:** When negotiating the curb in front of the Legislative Office Building (LOB), a CC=A member almost tipped over backward in his wheelchair. The curb cut was not marked in any way, and he mistakenly tried to drive over the curb. Even more importantly, within the unmarked curb cut, the transition between sidewalk and roadway was dangerously deteriorated.*

- INADEQUACY OF ADA:** While many facilities claim to meet access codes and often do, the reality is that these codes—particularly the Architectural Barriers Act (ABA 1969) and the Americans With Disabilities Act (ADA 1990)—frequently fall far short of meeting the real need. Many of the people with expertise in the *technical requirements* of these codes—such as architects, engineers, and public officials—do not have a deep understanding of the concrete realities of the disability experience or of the principles of Universal Design. Nor are they aware of how inexpensive many accommodations that go beyond ADA have become. We need to strengthen the ADA and ABA laws and State building codes.

***EXAMPLE:** In response to advocacy efforts by the Citizens Coalition, an automatic opening system was installed on the outside doors of 79 Elm Street. However, State officials failed to install a similar system on the **inside doors**, even though the additional cost would have been relatively small. Despite the admirable manifestation of good intent, this omission reveals a fundamental lack of understanding of real equal, dignified access.*

- **MAINTENANCE IS KEY:** Inadequate and/or uninformed maintenance protocols contribute to access problems as frequently as do lack of adequate standards.
EXAMPLE: At the University of Connecticut Health Center, the code compliant hallway running past the rest rooms was used as a storage place for a large cart with folding chairs, thereby reducing the turning radius into the restrooms to the point that it was difficult for a wheelchair to gain entry.
- **NEED FOR BETTER UNDERSTANDING OF THE DISABILITY EXPERIENCE:** Most attempts at creating a better environment are hampered by the abled majority's ignorance of the issues faced by people with disabilities.
EXAMPLE: On the first floor of the LOB, the only restrooms with automatic doors are accessed through a very heavy door that is difficult to push open.
- **NEVER A HIGH PRIORITY:** Even in times of plenty, the needs of people with disabilities are a low budget priority. This often results in a "penny wise, pound foolish" scenario in which skimping on one accommodation means that other accommodations are underutilized because the people in wheelchairs can't get to them. *EXAMPLE: See example directly above.*

Specific legislative/administrative issues

- **S.B. 521:** The language in S.B. 521 needs to be coordinated and merged with the language in H.B. 5353. As stated in S.B. 521, a survey of state buildings needs to be completed and reported in order to identify accessibility issues and prioritize improvements, *with input sought from people with disabilities*. A deadline for completion of upgrades should be identified, as it is in H.B. 5353. Bonds should be issued to cover and actually carry out needed improvements.
- **STATE BUILDING CODES:** New State building codes should go beyond ADA in establishing accessibility standards in 3 key areas:
 - Entrances and exits, including ramps
 - Restrooms
 - Parking Areas
- **MAINTENANCE:** Maintenance protocols need to be reviewed and maintenance staff trained with the goal of being more proactive in identifying potential access problems to be fixed or to be avoided in the first place.



Testimony of Commissioner Donald DeFronzo
Departments of Administrative & Construction Services

165 Capitol Avenue
Hartford, CT 06106-1658

Raised Bill 521
AAC Concerning a Report on the Survey of Accessibility in and to State Buildings

Aging Committee
February 5, 2013

Thank you for the opportunity to submit testimony on Raised Senate Bill 521, AAC a Report on the Survey of Accessibility in and To State Buildings.

By way of background, in December of 2011, Governor Malloy asked me to coordinate Executive Branch policy on issues related to the state's compliance with the Americans with Disabilities Act ("ADA" or "the Act"). In this capacity, I have focused on the efforts of the Executive Branch agencies to comply with all applicable provisions of the ADA and how state agencies accommodate employees and clients with disabilities, including issues of access and communications.

I have remained cognizant of the need to avoid overlapping or impinging on the authority or responsibility of any other state agency in this area, such as the Office of Protection & Advocacy, which is responsible for assuring that individuals with disabilities are represented in legal proceedings and other public matters of concern to the community. In general, as the Statewide ADA Coordinator, I have tried to be a point of contact for discussion and communications generally within state government on these issues, and have offered to assist in resolving matters that may arise in the context of state employees or agency clients with disabilities.

Shortly after being appointed, I requested that each Executive Branch agency head appoint an ADA coordinator within the agency, and provide me with the contact information so that we could develop and maintain a statewide list and coordinate statewide activities. I also requested that the agency head provide me with information concerning his or her agency's current compliance with the Act and any information about the agency's interaction with the community of persons with disabilities.

We also began a process of outreach to the various stakeholders around the issues of concern to the community and participated in several meetings over the last year with interested groups, including the ADA Coalition of Connecticut, the state's Independent Living Centers and the Concerned Citizens for Equal Access and several smaller groups of persons with disabilities.

On December 3, 2012, we convened a training conference of the ADA coordinators for each state agency. Participants were trained on the role of the ADA coordinator and the process for accommodating persons with disabilities. The history and purpose of the Act was discussed,

along with information concerning a variety of resources available to assist persons with disabilities in accessing state facilities and programs.

At the conference, we presented a unit on the new requirements for self-evaluations and the agencies received quite a bit of information on the compliance standards. We have recently followed up with the agencies, asking that they provide information concerning the self-evaluations and any recommendations for improvements to facilities or programs.

Raised Bill 521 would require DAS, by 2014, report to this Committee on the results of a survey on accessibility in and to state buildings. I respectfully request that, instead of enacting a statutory reporting requirement this session, that the Committee allow the self-assessment process within the agencies to continue, and permit us to complete that evaluation. At such time-which we anticipate to be in or around the summer of 2013-DAS would be more than happy to provide the results to this Committee and the Legislature.

As this concept moves forward, my staff and I are happy to work with the proponents on this laudable goal. Thank you again for the opportunity to submit testimony.



State of Connecticut
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February 5, 2013

Testimony to the Aging Committee

Senate Bill 521: An Act Concerning a Report on the Survey of Accessibility in and to State Buildings.

Senator Ayala, Representative Serra, and Members of the Aging Committee.

My name is Mike Demicco, Representative from the 21st District, Farmington and Unionville.

I appreciate the opportunity to testify about this important bill regarding accessibility in and to State buildings. HB5353

The Americans with Disability Act of 1990 and the amendments since then have changed the lives of many Americans by providing them access to public and private spaces that were not previously available to them. The ADA provided the first comprehensive civil rights laws for individuals with disabilities and continues to play an essential role.

Several of my constituents, as members of the Citizens Coalition for Equal Access (CC=A), have worked diligently to ensure greater access to public buildings for all persons, notably resulting in the installation of power-assist doors in the Farmington and Unionville Post Offices. The sense of equality, empowerment, and fairness that these projects engendered cannot be measured in dollars and cents.

As you are aware, current law excludes buildings, including state buildings, built or substantially renovated before October 1, 1977 from being in compliance with the provisions of the ADA (CGS § 29-269(a)). The law also allows the state building inspector and the director of the Office of Protection and Advocacy for Persons with Disabilities to jointly grant a variation or exemption for the accessibility requirement in any buildings, including state buildings, when such construction would not be feasible or would unreasonably complicate their construction, alteration, or repair (CGS § 29-269(b)).

As a result of these exemptions, persons with disabilities are frequently unable to conduct personal business with the State as independent adults.

In order to remedy this situation, Senator Beth Bye and I have submitted proposed House Bill 5353: An Act Requiring State Buildings to Be Accessible to Persons with a Disability, which has been referred to the Public Safety Committee. House Bill 5353 would amend the general statutes to require that no later than January 1, 2021, all existing state buildings that the general public may require access to in order to conduct business be handicap accessible.

We would like to ask that the provisions of our bill be incorporated into Senate Bill 521, in order to strengthen the Bill.

These two bills seek to create the environment that is necessary to allow many individuals to interact with their State government.

I look forward to your questions. Thank you.

H – 1164

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 15
4856 – 5209**

Have all members voted? Have all members voted?
Will members please check the board to determine if
their vote is properly cast. If all members have
voted, the machine will be locked and the Clerk will
take the tally.

Will the Clerk please announce the tally.

THE CLERK:

Bill Number 6545, as amended by House "A".

Total number voting	136
Necessary for passage	69
Those voting Yea	136
Those voting Nay	0
Absent and not voting	14

DEPUTY SPEAKER RYAN:

The bill as amended is passed.

Will the Clerk please call Calendar number 374.

THE CLERK:

On page 16, Calendar number 374, Favorable Report
of the Joint Standing Committee on Public Safety and
Security, Senate Bill 521, AN ACT CONCERNING A REPORT
ON THE SURVEY OF ACCESSIBILITY IN AND TO STATE
BUILDINGS.

DEPUTY SPEAKER RYAN:

Representative Serra, you have the floor, sir.

REP. SERRA (33rd):

Thank you, Mr. Speaker.

I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER RYAN:

The question before the Chamber is on acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

Representative Serra, you have the floor.

REP. SERRA (33rd):

Thank you, Mr. Speaker.

Mr. Speaker, this bill requires the Department of Administrative Services to submit a report regarding the State's compliance with the Americans with Disability Act to the General Assembly by January 1, 2014. There also is no fiscal impact to the State or municipalities as DAS is currently evaluating state agency's compliance. I move for passage, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Will you remark further on the -- the question before the Chamber is on acceptance of the Joint

Committee's Favorable Report and passage of the bill
which --

Will you remark further on the bill before us?

Representative Adinolfi of the 103rd.

REP. ADINOLFI (103rd):

Thank you, Mr. Speaker.

I rise in support of this bill for the following reasons. It's only a study, so it's not costing us anything. Number two, in order to implement this bill sometime in the future when the study is finished, we must know what the federal requirements are. And in the federal requirements, they make sure that historical buildings and such will not be affected by this and they are exempt. So I think it's important that we do the study to determine which buildings actually has to be made in the future for accessibility for handicapped people. So I urge my colleagues to support this bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Urban of the 43rd.

Will you remark further on the bill before us?

Will you remark further on the bill before us?

If not, will staff and guests please come to the well of the House, will the members please take your seats, the machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the Chamber immediately.

DEPUTY SPEAKER RYAN:

Have all members -- have all members voted? Will the Clerk please -- have all members voted? Will members please check the board to determine if their vote is properly cast. If all members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

THE CLERK:

In concurrence with the Senate, S.B. 521.

Total number voting	137
Necessary for passage	69
Those voting Yea	137
Those voting Nay	0
Absent and not voting	13

DEPUTY SPEAKER RYAN:

The bill passes in concurrence with the Senate.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
SAFETY AND
SECURITY
PART 6
1768 - 2112**

2013

REP. DEMICCO: Good evening, Senator Hartley, Representative Dargan, members of the Public Safety Committee. Thank you for allowing me the opportunity to testify. My name is Mike Demicco. I represent the 21st Assembly District of Farmington and Unionville.

SB 521

Senator Beth Bye and I introduced House Bill 5353, AN ACT REQUIRING STATE BUILDINGS TO BE ACCESSIBLE TO PERSONS WITH DISABILITIES. As drafted this bill would amend the general statutes to require that not later than January 1, 2021 all existing state buildings open to the public be handicapped accessible.

Thus such buildings would contain a sloped ramp, an automatically activated door and at least one bathroom and one elevator that's accessible to the physically handicapped. The Americans With Disabilities Act of 1990 and the amendments since then have changed the lives of many Americans by providing them access to public and private spaces that were previously not available to them.

The ADA provided the first comprehensive civil rights laws for individuals with disabilities and it continues to play an essential role. However, as you may know, the current law excludes buildings, including state buildings, that were built or substantially renovated before October 1, 1977 from the handicapped accessibility requirement.

The law also allows the state building inspector and the director of the Office of Protection and Advocacy for Persons With Disabilities to jointly grant a variation or an exemption for the accessibility requirement in any buildings, including state buildings, when such construction would not be feasible or

would unreasonably complicate their construction, alteration or repair.

Now as a result of these exemptions persons with disabilities are frequently unable to conduct personal business with the state as independent adults and are thus denied our nation's promise of fairness, dignity and equality for all.

I applaud the fact that this Committee recently favorably reported Senate Bill 521 which requires the Department of Administrative Services to conduct a survey, within this calendar year, on the accessibility of state buildings for persons with disabilities.

The bill before you today goes even further by requiring assess -- accessibility to be not merely studied but in fact implemented.

House Bill 5353 will give all people in Connecticut, regardless of physical ability, equal access to their government. I urge this Committee to make the needs of people with disabilities a priority and not an afterthought and I look forward to your questions.

Thank you.

SENATOR HARTLEY: Thank you -- thank you, Representative Demicco, for being here and also for your well articulated testimony. So essentially what we're talking about really are those buildings that have an exemption because every state building would be handicapped accessible but for the fact that perhaps it is an old building.

I'm thinking of, for example, some buildings at the University of Connecticut, okay, our host

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cah/gbr PUBLIC SAFETY & SECURITY
COMMITTEE

March 18, 2013
6:00 P.M.

REP. ZUPKUS: Thank you, Madam Chair.

Representative, do you know about how many -- I may have missed it when you were talking (inaudible) the buildings or how many buildings we're talking about and does it include buildings on the historical registry also?

REP. DEMICCO: Um to -- to answer the first part I -
- I don't know the number of buildings but again the -- the Department of Administrative Services is conducting a survey and -- and actually the -- the --- they are -- they are going -- supposedly they are going to be finished with that survey within this calendar year and then -- then we will have -- we'll have that knowledge and go forward from there.

But now the bill -- the bill -- and again obviously this is in its -- its infant stages but the -- the bill that Senator Bye and I introduced talks about buildings that -- that are open to the public so I guess it's a matter of interpretation, you know, if -- if those historical buildings fall into that but I -- I don't want to wade into that but I'm -- I'm sure that one of the lawyers will at some point.

SENATOR HARTLEY: Representative Esposito.

REP. ESPOSITO: Hi, Michael.

REP. DEMICCO: Hi, how are you?

REP. ESPOSITO: Good evening, fine thank you. As much as I hate to ask questions of a colleague that might be of a nature that might be contrary to what you're believing, if -- if we already have a bill that came out of this Committee to require DAS to look at all of the

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state buildings that aren't in compliance, to pass this bill now wouldn't that be a little bit premature not knowing what the study is going to tell us as to how we're going to retrofit these buildings to -- to work.

And as was asked by one of the other Representatives what if they're on a historic registry and we can't get the buildings to conform then the state will be out of compliance and -- and where do we fall in that particular instance.

So as good intentioned as the bill is, maybe it's just a little premature at this time. Maybe we should wait until after the study comes back and then we'll -- we'll know better what the bill should say and what it should apply to.

REP. DEMICCO: Well I appreciate that, Representative --

REP. ESPOSITO: Observations.

REP. DEMICCO: -- but -- but -- and -- and in anticipation of that Senator Bye and I chose -- chose a date that's fair -- fairly in -- in the future. It's -- it's about well almost eight years from now and -- and I guess the other part of my answer would -- would say that -- that this bill represents a commitment that -- that we will -- that -- that the state will make, through the Legislature, that -- that yes, in fact, eight years from now we don't want Senator Hartley's son to have to go through the experience that --

SENATOR HARTLEY: He better not be in school eight years from now or there'll be a problem at my house.

REP. DEMICCO: -- I -- I can appreciate that being in about the same boat, Senator.

REP. ESPOSITO: Well, Mike, then -- I mean appreciate that thought.

REP. DEMICCO: Sure.

REP. ESPOSITO: And maybe then the bill should have some amendment to it stating that pending the DAS's survey of the buildings, you know before we put the bill into law saying that we must comply --

REP. DEMICCO: Right.

REP. ESPOSITO: -- maybe there should be a little bit of a -- of -- of a tag in there that says depending on what the DAS comes back with that we will be able to make the buildings that are able to be compliant put them into compliance and -- and I'm sure that it's going to hel -- all have a cost factor to it anyway but --

REP. DEMICCO: Sure.

REP. ESPOSITO: -- that aside, I -- I think there should be some wiggle room so that the law isn't saying that you will comply by January 2021 as opposed to we'll comply with what we can by -- by that date.

REP. DEMICCO: Okay. I -- I will leave that to the -- the good deliberations of the Public Safety and Security Committee but yeah I -- you know I -- I can appreciate that concern and I'm -- I'm sure that that would probably happen at some point down the road but again Senator Bye and I wanted to make sure that we -- that -- that we made a strong statement, you know, that this -- that this is -- the Legislature feels strongly

enough that this is what we should do and, you know, give the state eight years in which to accomplish it and, of course, I -- I guess the phrase within available appropriations applies to just about everything so perhaps it has to apply here as well.

REP. ESPOSITO: Thank you.

REP. DEMICCO: Thank you.

SENATOR HARTLEY: Thank you, Representative Esposito.

Yes, Representative Hampton.

REP. HAMPTON: Thank you, Madam Chairman.

And as a fellow freshman -- fellow freshman I'm committed to hazing you by grilling you for the next 30 minutes. So I'm really --

REP. DEMICCO: Be careful your turn is coming, John.

REP. HAMPTON: I know, I know. You'll get me, you'll get me. I think this is a great idea. We -- we did an audit when I was a selectman in Simsbury of buildings and we were pretty surprised about some of the accessibility issues. We had some schools where you could push that automatic button the outer door but then when you get in the inner door there was no -- I actually took a friend in a wheelchair and we -- we were really stunned by some of the -- the problems.

And also on voting day, especially our schools where our polls happen to be, the accessibility issues are -- are pretty troubling so I applaud your -- your efforts for -- for doing this so good luck.



State of Connecticut
 HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE MIKE DEMICCO
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MEMBER
 EDUCATION COMMITTEE
 INTERNSHIP COMMITTEE
 PUBLIC HEALTH COMMITTEE
 EXECUTIVE & LEGISLATIVE NOMINATIONS COMMITTEE

March 18, 2013

SB 521

Testimony to the Public Safety and Security Committee
House Bill 5353: An Act Requiring State Buildings to be Accessible to Persons with Disabilities

Senator Hartley, Representative Dargan, and members of the Public Safety and Security Committee. My name is Mike Demicco, Representative of the 21st District, Farmington and Unionville.

Senator Beth Bye and I introduced House Bill 5353: An Act Requiring State Buildings to Be Accessible to Persons with Disabilities. As drafted, this bill would amend the general statutes to require that not later than January 1, 2021, all existing state buildings open to the public be handicap accessible. Thus, such buildings would contain a sloped ramp, an automatically activated door, and at least one bathroom and one elevator that is accessible to the physically handicapped.

The Americans with Disability Act of 1990 and the amendments since then have changed the lives of many Americans by providing them access to public and private spaces that were previously not available to them. The ADA provided the first comprehensive civil rights laws for individuals with disabilities and continues to play an essential role.

However, as you may know, the current law excludes buildings, including state buildings, built or substantially renovated before October 1, 1977 from the handicapped accessibility requirement (CGS § 29-269(a)). The law also allows the state building inspector and the director of the Office of Protection and Advocacy for Persons with Disabilities to jointly grant a variation or exemption for the accessibility requirement in any buildings, including state buildings, when such construction would not be feasible or would unreasonably complicate their construction, alteration, or repair (CGS § 29-269(b)).

As a result of these exemptions, persons with disabilities are frequently unable to conduct personal business with the State as independent adults, and are thus denied our nation's promise of fairness, dignity, and equality for all.

I applaud the fact that this committee recently favorably reported Senate Bill 521, which requires the Department of Administrative Services to conduct a survey, within this calendar year, on the accessibility of state buildings for persons with disabilities. The bill before you today goes further, by requiring accessibility to be not merely studied, but in fact implemented.

House Bill 5353 will give all people in Connecticut, regardless of physical ability, equal access to their government. I urge this committee to make the needs of people with disabilities a priority, and not an afterthought.

I look forward to your questions. Thank you.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 3
614 - 910**

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THE CLERK:

Senate Bill Number 273.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The bill passes.

Mr. Clerk.

THE CLERK:

On page 11, Calendar 110, Senate Bill Number 521, AN ACT CONCERNING A REPORT OF THE SURVEY OF ACCESSIBILITY IN AND TO STATE BUILDINGS, favorable report of the Committee on Public Safety.

THE CHAIR:

Senator Ayala.

SENATOR AYALA:

Thank you, Madam President.

I move acceptance of the joint committee's favorable report and urge passage of the bill.

THE CHAIR:

Motion is on passage. Will you remark, sir?

SENATOR AYALA:

Yes, Madam President.

This bill requires that the Department of Administrative Services submit a report regarding the State's compliance with the Americans with

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Disabilities Act to the General Assembly by January 1, 2014. There's no fiscal impact and, actually, DAS is currently evaluating state agency compliance as we go forth.

THE CHAIR:

Will you remark further?

Senator Fasano -- Senator Welch. Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

I think Senator Ayala kind of made my opposition to this bill for me. I think the ADA is something that's been around for a while. We ought to be compliant with it. But, frankly, the State of Connecticut should be doing this already, and it shouldn't take an act of this body to have somebody go out, do a report, and come back to us. I know this says that it's -- there's not going to be a cost to the state, but I think the reality is when we total up all of the -- the commissions and reports that -- that we set out, there is a cost because people are busy doing something other than what they should be doing so I will be opposing this bill.

Thank you, Madam President.

THE CHAIR:

Thank you, sir.

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

Madam President, I should have gone before Senator Welch because he said what I was going to say, which, essentially, is I don't think we need to have a report. I think DAS should find what we need to do and tell the agency to make them ADA compliant. Why do we have to tell DAS to go out, find these places,

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present a report to the General Assembly, who's going to look at the report to tell somebody to fix the problem? I think it's just sort of silly. So I'm going to vote no only because this a waste of the Chamber's time, with all due respect to the chairman of the committee, I know he has to do it because he's been asked to do it by agencies. We should just be doing it. We shouldn't be able to -- have to tell agencies to do what they're supposed to do.

Thank you, Madam President, so for that reason I'll be voting no because this should be done -- it's going to be a cost and it should be a cost because every state building needs to be ADA compliant.

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Bye.

SENATOR BYE:

Thank you, Madam President.

I stand in support of this bill, and I thank Senator Ayala and the Aging Committee for -- for raising it -- or is it P&D? Aging.

Madam President, through you, I've been working with some constituents of mine in Farmington who live in New Horizons Village and are disabled. And for the past three years, they have rented vans and come down here -- come down here to testify before Aging Committee and other committees, depending on where the bill was that year, to say that our state buildings need to be ADA compliant.

They began their work with the legislative process because some of the residents and other advocates in Farmington, who maybe didn't live in New Horizons Village, couldn't get into the Department of Environmental Protection -- that's what it was called then when they started this plate -- to get a fishing license because the doors were too heavy. And then at

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the same time, they took on the post office in Farmington to say, we can't get in the post office. The town of Farmington Town Council moved forward and fixed that.

But this is year three working on a bill to get through this body to simply say that the State will assure that its buildings meet ADA guidelines by 2021. And I know Senator Hartley has been helping Representative Diminico and I with a bill like this and Senator Gerratana has been a supporter. So while I agree with Senator Fasano and Senator Welch that it seems silly that we have to ask for a report, in fact, I think we do, and I think we need to be clear about these investments, that we need to make.

Members of this body may also know that the American with Disabilities Act, though a wonderful step forward, only requires that buildings be fixed and more adaptable as they are -- as construction happens. It's -- it -- they have to be sort of open up the building and then you have to make it ADA compliant. In addition, the American with Disabilities Act makes it -- does not require that doors open automatically. And Madam President, the last point I'll make is in the many times, and believe me it takes a lot of time and effort to organize for these residents to come down here. We realize this building is not friendly at all to people who are in wheelchairs or people who have disabilities. They can't get in the bathrooms with their wheelchair, they can't get into the Education Office in their wheelchairs, depending on the strength of their arms. So, though, I wish this wasn't necessary and I wish we'd passed the bonding money to make every building where our residents need to access accessible, it has been a big challenge to -- to move these bills along. So I think for this year this is an important step that the Aging Committee has taken, and I know -- thank you for the respect, Senator Ayala, that you showed my constituents -- they are amazing and they're going to continue to fight and they've come back every year, but I don't think they should have to come back again. I think we can look at this study and then this body will take the appropriate next step. But I know that they're very excited this bill is before us today.

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Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark? If not -- sorry,
Senator Boucher.

Senator Boucher.

SENATOR BOUCHER:

Yes, thank you, Madam President.

Madam President, this line of questioning does raise some questions in my view and is somewhat confusing. I was under the impression that, in fact, our ADA laws, both in the state of Connecticut and federally, required that we had our public buildings and particularly our government buildings accessible to those that have disabilities. And so, through you, Madam President, may I ask the question to the proponent of this bill, are -- is not the Executive Branch of Connecticut's government required to make sure that all government buildings are accessible to those that are handicapped?

Through you, Madam President.

THE CHAIR:

Senator Ayala.

SENATOR AYALA:

Thank you, Madam President.

Through you, it is my impression that is the case and should be the case.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

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Well, thank you, Madam President.

It does, then, certainly, raise a question as to whether or not the Executive Branch is carrying out their legal responsibilities in this regard and that, in fact, those that may be aggrieved of not being able to enter a building may have a legal recourse to require it. And so I can understand why there is much confusion about whether they should be voting in favor of this bill or just simply stating that our -- our Executive Branch should be making sure that each and every building is accessible to all of our citizens no matter what disability they have.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you -- Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

For the second time. I agree with what Senator Bye had said that, you know, it's shameful that our buildings in government are not accessible to those who have disabilities. But I find it inexcusable that the commissioners who reside in these buildings that have businesses aren't coming forth and saying, Hey, I got a call from someone who said they couldn't assess -- access my building because it wasn't handicap accessible. We require private business owners to be handicap accessible. Why don't we require the same onus on our agencies? And why isn't our agencies looking inward and saying, Hey, we have to make our building accessible. To say that it's up to us to mandate an agency to do a report so we could look at it -- you know how this building works, in a year and a half we're going to turn around and say we either have the money or we don't. We should just be fixing the problem. It's unfair. They're paying taxes, they're citizens, they have a right of access to the building. And it's shameful that we have to go through this process. But I understand, after

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listening to Senator Bye, the problem and that is a problem and we need to fix it.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark --

Senator McKinney.

SENATOR MCKINNEY:

Thank you.

Madam President, if I could, through you, a question to the Chair of the Committee on Aging.

THE CHAIR:

Please proceed, sir.

SENATOR MCKINNEY:

Thank you, Madam President.

Senator Ayala, I think we all know the Commissioner of DAS is a -- is a former colleague and extraordinary individual, have -- has the committee reached out to him and asked for a report on the status of state buildings compliance with ADA?

Through you, Madam President.

THE CHAIR:

Senator Ayala.

SENATOR AYALA:

Thank you, Madam President.

Through you, to the fine Senator, we have had conversations, and in that conversation is what was alluded to the fact that there was an actual study

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going in place to do just what you're saying and that's why we are aware of that. And I think that the point in putting a time specific on it is to really hold their feet to the fire to get this done and, to Senator Fasano's case, to actually move on in getting these projects done to make these buildings accessible. I mean, these buildings have been inaccessible for many years and many administrations and it's important that we move on this.

SENATOR AYALA:

Thank you.

THE CHAIR:

(Inaudible).

SENATOR AYALA:

And, Madam President, that -- that I think you hear some frustration on our side. From the frustration of, well, why can't the committee chairs -- and hopefully, chairs and ranking members say to a commissioner, commissioner, please appear before our committee for a public hearing on the status of compliance with the American Disabilities Act, we know that you're looking at it and give us a report. And if the commission won't reply, we shouldn't have to pass a law, we should hold the commissioner accountable.

Senator Bye gave it -- a speech that all of us could give. This isn't going to solve any of the problems she recognized. And I guarantee you when we get this report, if we find out that there are state buildings that are not in compliance with the American for Disabilities Act, not one employee of the state is going to be held accountable for that failure, not one. We're going to get it -- we're probably not even going to give them enough money to comply, and the very people who are charged with following federal law on behalf of people with disabilities who walk into buildings knowing that their buildings don't comply with federal law, will not be held accountable by this General Assembly. So we're going to add another page in a statute book. We're going to get a report that

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we can make a phone call to get or we're going to pass a law to do it, and at the end of the day nothing is going to happen to help those constituents that Senator Bye talked about.

Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark? Will you remark?

If not, Mr. Clerk, will you please call for a roll call vote, and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call has been ordered in the Senate.

THE CHAIR:

If all members have vote, all members have voted, the machine will be closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

Senate Bill 521.

Total Number Voting	36
Those voting Yea	28
Those voting Nay	8
Those absent and not voting	0

THE CHAIR:

The bill passes.

Mr. Clerk.

THE CLERK: