

Excerpts from SB 1608 Regarding the Creation of CCDA

The bill would establish the California Commission on Disability Access for certain purposes relating to disability access, and would require the commission to conduct studies and make reports to the Legislature, as specified. The bill would provide that these provisions shall not be implemented, and shall not remain operative, unless funds are appropriated for that purpose. The bill would appropriate \$80,000 from the General Fund to the commission, which would be available May 1, 2009, to fund its startup, as specified.

8299.04. The commission shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter, including, but not limited to, the following:

(a) To employ any administrative, technical, or other personnel that may be necessary for the performance of its powers and duties.

(b) To hold hearings, make and sign any agreement, and do or perform any act, including the collection of relevant information, that may be necessary, desirable, or proper to carry out the purposes of this chapter.

(c) To cooperate with, and secure the cooperation of, any department, division, board, bureau, commission, or other agency of the state to facilitate the proper execution of its powers and duties under this chapter.

(d) To appoint advisers or advisory committees from time to time when the commission determines that the experience or expertise of those advisers or advisory committees is needed for projects of the commission. Section 11009 shall apply to advisers or advisory committees.

(e) To accept any federal funds granted by an act of Congress or by executive order for any purpose of this chapter.

(f) To accept any gift, donation, grant, or bequest for any purpose of this chapter.

8299.05. (a) The commission shall study and make reports to the Legislature on the following: (1) Issues regarding compliance with state laws and regulations that are raised by either persons with disabilities or businesses, and any recommendations that would promote compliance. (2) Whether public and private inspection programs, including the Certified Access Specialist Program, are meeting the needs of both the business community and the disability community, including by the provision of timely, competent inspections that properly identify violations and recommend appropriate

remedial measures. (3) Whether existing training and continuing education requirements for personnel involved in designing, plan checking, building, or inspecting a structure are sufficient to provide the personnel with sufficient knowledge of the state and federal disability access laws and regulations. (4) Whether training and continuing education requirements should be enacted for landscape architects, professional engineers, and contractors to provide these professionals with sufficient knowledge of the state and federal disability access laws and regulations. This study and report shall be completed and delivered to the Legislature no later than January 1, 2011.

(b) (1) The commission shall act as an information center on the status of compliance in California with state laws and regulations providing persons with disabilities full and equal access to public facilities. To this end, it shall publish a biennial report, which may be combined with the biennial report required in odd-numbered years pursuant to subdivision (e), on the state of disability access compliance by both the public and private sector. The 91 — 25 — Ch. 549 report shall be written in general terms and shall not identify any particular violators. (2) The commission shall, to the extent feasible, coordinate with other state agencies and local building departments to ensure that information provided to the public on disability access requirements is uniform and complete.

(c) The commission may recommend, develop, prepare, or coordinate materials, projects, or other activities, as appropriate, relating to any subject within its jurisdiction.

(d) The commission shall provide, within its resources, technical information regarding any of the following: (1) Preventing or minimizing problems of compliance by California businesses by engaging in educational outreach efforts and by preparing and hosting on its Internet Web site a Guide to Compliance with State Laws and Regulations Regarding Disability Access Requirements. (2) Recommending programs to enable persons with disabilities to obtain full and equal access to public facilities.

(e) The commission shall make reports on its activities, findings, and recommendations to the Legislature from time to time, but not less often than once during every odd-numbered year, on or before May 1 of that year, commencing in 2011.

8299.08. (a) The commission, within its purview, is expressly authorized to inform the Legislature of its position on any legislative proposal pending before the Legislature and to urge the introduction of legislative proposals. (b) The commission is expressly authorized to state its position and viewpoint on issues developed in the performance of its duties and responsibilities as specified in this chapter.

8299.09. With respect to its duties, the commission shall be an advisory commission only, and there shall be no right or obligation on the part of the state to implement the

findings of the commission without further legislation that specifically authorizes that the evaluations, determinations, and findings of the commission be implemented.