

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
MEETING MINUTES**

April 19, 2012

1. CALL TO ORDER

Chair Jakobson-Johnson called the meeting to order at 12:03 p.m. at the Department of Rehabilitation, 721 Capitol Mall, Room 244, Sacramento, California 95814.

The off-site meeting location for teleconference was Communities Actively Living Independent and Free, 634 South Spring Street, 2nd Floor, Los Angeles, California 90014.

ROLL CALL

Chair Jakobson-Johnson called the roll.

Commissioners Present: Margaret Jakobson-Johnson, Chair
Rocky Burks
Michael Dean
Richard Luehrs (Teleconference)

Commissioners Absent: Lillibeth Navarro

Committee Members Present: Peggy Collins

Staff Present: James V. Vitale, Executive Director
Angela Jemmott, Program Analyst
Lavonia Wade, Office Administrator

Also Present: Brandon Tartaglia, Disability Rights California
Kurt Cooknick, AIA California Council

Staff Member Jemmott announced a quorum was not yet present. A quorum was achieved after Commissioner Luehrs and Committee Member Collins arrived.

2. APPROVAL OF MEETING MINUTES (MARCH 15, 2012) – ACTION

MOTION: Commissioner Burks moved to approve the March 15, 2012, Meeting Minutes. Committee Member Collins seconded. Motion carried unanimously.

3. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA

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No public comment.

4. GENERAL BUSINESS ITEMS

a. CCDA Legislative Training – Brandon Tartaglia, DRC

Chair Jakobson-Johnson introduced the speaker for the legislative training. Brandon Tartaglia is a registered lobbyist, has been with Disability Rights California (DRC) for five or six years, and will be speaking from the perspective of a lobbyist.

Mr. Tartaglia stated he will discuss how bills are created, how the process works, how to find legislative information, and how to influence the process.

Mr. Tartaglia began his presentation with a summary of how bills are created. Every bill starts with an idea by constituents, organizations, or legislators themselves. They look for a potential legislator to author the bill based on legislative history and interests. Once they find a legislator who is interested in carrying and offering the bill, that legislator submits the idea or the proposed bill to the Legislative Counsel. The Legislative Counsel is the body responsible for drafting bills or amendments, preparing summaries of bills, providing legal opinions, and generally representing the Legislature in legal proceedings. The bill is read for the first time on the floor, at which point it is considered officially introduced and the legislative process begins.

A bill has to be in print for thirty days before any action can be taken; then it goes into the committee process. The Rules Committee is the first committee to which a bill goes. Each House has a Rules Committee that will assign the bill to the appropriate policy committee based on the subject matter of the bill. Sometimes a bill will have overlapping issues, so it will be referred to more than one policy committee. They review the legislation from a policy perspective, determining whether or not the legislation makes sense or if it will achieve the results intended.

The staff of the policy committee creates an analysis of the bill covering all the pertinent information about the bill, such as a description of and reasons for the bill, background information, how current law works, and how the bill will change current law. It notes any conflicts with state or federal laws, fiscal effects, related legislation on the subject, arguments for or against the legislation, and suggested amendments to make it better or resolve conflicts. Most analyses will list those that support and oppose the bill.

Each House has a fiscal committee called the Appropriations Committee. A bill will be referred to the Appropriations Committee if it has fiscal implications or requires expenditure of any state money, or if it creates any need to enforce the law, administer a project, or mandate any type of agency. If the Appropriations Committee determines a bill to cost less than \$50,000, it can

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send the bill directly to the floor to have it voted on. If a bill costs more than \$50,000, it may be put on the suspense calendar, which is a list of bills with fiscal implications which will be heard later in the process.

Once it gets through the policy and fiscal committees, the bill will go to the floor for vote. If a bill has costs attached to it or is an urgency bill, it must get 27 votes in the Senate or 54 votes in the Assembly. Urgency status means the bill will go into effect immediately upon enactment instead of waiting until January 1 like most other bills. Urgency bills and any vote that raises taxes require a two-thirds vote. If there are no costs, the bill requires 21 votes in the Senate and 41 votes in the Assembly.

Once a bill is passed in the first House, it will go through the same process all over again in the second House. If a bill is in a different form when it passes in the second House, it has to go back to the original House, where the members will vote on the amended bill. This is called concurrence. If the original House does not concur, they will create a conference committee with three members of each House. When they reach an agreement, the bill then goes back to each House for another floor vote.

Once the bill goes through all of the policy committees and through the floor vote, it will go to the governor's office. The governor signs the bill and it will be law January 1 of the next year unless there is some other date specified in the bill itself or it has urgency status and will take effect immediately.

Mr. Tartaglia stated the website Official California Legislative Information, leginfo.ca.gov, contains a wealth of information, such as the names of the legislators by zip code, districts, contact information, who is on which committee, legislators' homepages, information on specific bills or specific authors, and all of the amended versions of the bill as it goes through the committee process.

Mr. Tartaglia discussed implementing the outcome: writing letters, meeting with legislators and their staff, and testifying at committee hearings. He stressed the importance of timing. The Legislature has many firm deadlines. It is important to get involved in the process early so that decisions on the bill are not made without you. If you support a bill, let the author and the committee members know. If you have issues or want amendments on the bill, talk to the author who sponsors the bill early before everyone gets too invested in a certain outcome, not after all the stakeholders have worked out their differences. An early start ensures that, if your initial negotiations fail, there will still be time to convince other committee members of your perspective.

Mr. Tartaglia discussed the timing of letters. The committees should receive letters no later than one week prior to hearings so the committee consultants

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can consider your arguments. If pertinent, they will put them in the analysis. Being on time allows them to know your perspectives so they can have a more informed discussion during the hearings. He directed Commissioners to the letter-writing template on the DRC website. The template lists the information to include in a letter, how to set it up, and has example letters, such as the letter Chair Jakobson-Johnson wrote in 2008 on Senate Bill 1608. Another way to inform legislators and their staff is to use fact sheets or briefing papers in lieu of or in addition to letters.

Mr. Tartaglia stated a large part of the committee process happens through hearings, and recommended testifying at hearings as another way to let your voice be heard. He mentioned a few do's and don'ts when testifying in the committees:

- Do: State your name, organization, position, and why you support or oppose the bill. Be specific, clear, and concise. Keep testimony to a few main points. Sometimes committee hearings, especially on controversial bills, will have hundreds of people lined up to testify. The committees often limit testimony to your name, organization, and position.
- Do not: Do not read from a written statement. Notes with bullet points can be used to help keep you on track. Do not interrupt the legislators or other witnesses. Do not argue with them. Do not hold everyone's ear – once the point is made, get out of there.

Mr. Tartaglia discussed methods of influencing the legislators or the administration directly. When visiting a legislator's office, you are more likely to meet with a staff member than with the legislator. The key staff have often held their positions for years and may know more about the subject than legislators do. Show the staff the same respect that you would the legislators themselves. Make sure you are prepared for the meeting. Be concise and honest, and promptly send any promised follow-up information.

Another way to influence outcome is by asking other organizations to support your position on the bill. If you find other organizations that deal with the issue you are following, ask them to write letters or testify supporting your position. They may be able to help make visits to the committee members and other legislators. They can bring more people to the committees to represent your position. Many organizations support each other in this way.

Commissioner and Staff Member Questions and Discussion

Chair Jakobson-Johnson asked Mr. Tartaglia to discuss how he gathers support for different positions in working a particular bill. Mr. Tartaglia stated he looks through bills as they are introduced, finds the ones that are pertinent, takes a position, notes those that are controversial or may need

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help throughout the process, works with sponsors of the bill to get support, checks with other organizations if he wants some amendments, learns the committees the bill is assigned to, visits the committee members' offices, notes the members and the chairs of the committees the bill was assigned to, visits the offices of the people that handle the bill or handle that type of legislation, talks with them and expresses his opinions, and tries to bring them along to his side if their opinions differ.

Chair Jakobson-Johnson asked Mr. Tartaglia to discuss how he analyzes bills. Mr. Tartaglia stated, after a bill is reviewed, it is sent to staff attorneys who look at what this bill will do to change existing law and how it will affect people with disabilities. He also prioritizes bills in order of importance – the more people it will affect the higher the priority.

Commissioner Burks asked Mr. Tartaglia to explain why there are one-year bills and two-year bills. Mr. Tartaglia stated most bills are one-year bills. They are introduced in the first year of a two-year cycle. If a bill gets through the committees without controversy, it will continue to the governor's office that year. Sometimes there will be a bill that is not ready due to stakeholder disagreement or lack of data. This may become a two-year bill, with the first year spent resolving those issues and the second devoted to going through the process. Bills are introduced every year, but some are held off until the second year.

Commissioner Burks asked if Mr. Tartaglia interacts with committee staff in development of the analysis as a bill moves through the committees. Mr. Tartaglia stated he writes letters to the committees to get involved in the analysis. He also talks to committee staff and gives them information they need to discuss in committees. He often works back and forth with them to clarify pertinent information so they have a clear picture.

Committee Member Collins asked Mr. Tartaglia about the board's role in making decisions relative to supporting or opposing a bill, both initially and as bills are amended throughout the process. Mr. Tartaglia stated DRC has a group of legislative principles established by the board. As bills are analyzed, the DRC takes positions based on these principles. For instance, if a bill increases benefits for people with disabilities, it would be generally supported, and if it decreases benefits, it would be opposed. If DRC does not have a principle that covers the subject of the bill, it is taken to the board. DRC depends on the board for any bills that are controversial or do not fit within the principles.

Staff Member Jemmott asked how to approach the committees, staff members, and authors to find facts and information. Mr. Tartaglia said the thousands of bills generated keep them extremely busy and suggested being very concise so they can answer as quickly as possible. Chair Jakobson-

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Johnson emphasized the importance of understanding the difference between an author's office and the committee's office. An author's office has fact sheets that list the sponsors so you can ask individuals why they support this bill. A committee's office will tell you when the bill is going to be heard, but they may not answer specific questions. Both Mr. Tartaglia and Chair Jakobson-Johnson recommended contacting offices through email so they can respond without distractions or interruptions.

Staff Member Jemmott asked about bills having federal referencing and federal mandate versus new law. Mr. Tartaglia stated California legislation is implementing a more vague federal direction. Everything has to conform to federal law. They make references to the federal bills and implement them with a little more specificity.

Commissioner Burks asked if the committee staff creates an analysis of the purpose of the bill that the sponsor and the author have provided to them as they create the bill, and then legislative analysts create the language of the bill. Committee Member Collins stated committee staff creates a digest but not an analysis of a piece of legislation. This digest is written in more accessible language than the bill itself and summarizes the context of the bill as it relates to federal and state law. The digest always starts by stating the existing law, then stating the changes the bill proposes. The legislative analyst only analyzes issues relative to budget proposals, not to bills.

Committee Member Collins stated this Committee is at a slight disadvantage due to the busy season. Staff is working evenings and weekends trying to get bills analyzed through the upcoming year. She strongly recommended using the interim time, before next year, to meet committee staff and chairs who are going to hear bills that are important to this Committee and to start to develop relationships with them. Chair Jakobson-Johnson agreed and added emailing is also a good way to begin a relationship.

b. Update on Legislation Analysis Report

Executive Director Vitale prepared a bill-tracking spreadsheet identifying bills currently before the House.

- AB 1879 does not directly affect this Committee. It is a responsibility of the State Architect to report on conflicts with regard to new guidelines versus the present California Building Code.
- AB 1914 pertains to reporting and was referred to Appropriations.
- AB 1994 pertains to disability access causes of action. The author of this bill has selected county planning as a receiver of complaints. This goes contrary to the way building departments are set up and are typically run.

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- AB 2030 pertains to reducing the accessibility of press boxes in certain conditions. Executive Director Vitale stated this is something the Committee needs to take a position on and to get a response from the author as to why they would deny access to press boxes.
- AB 2041 is a communications bill regarding the availability of publications and advertising associated with bills being accessible to and readable by people with disabilities. Executive Director Vitale stated this Committee can probably take a favorable position.
- AB 2282 pertains to the change of the name “disabled persons” to “personal rights” in the bill language. It also names the Department of Fair Employment and Housing (DFEH) as an early receiver of complaints for Title III accessibility, which has always been in that position. Though the DFEH website acknowledges Title IIIs can file complaints there, it is not something that is readily advertised.
- AB 2325 is under an urgency request, pertaining to notice requirements with regard to access to Title III facilities.
- AB 2338 is an employment issue not directly affecting the Commission as far as the physicality of the spaces in which the employment would be held.
- SB 1163 is a carryover into the Senate of the notice requirements, as is SB 1186 by Dutton. Both of these are seeking a thirty- to ninety-day delay in the filing of a suit until an owner has been given notice to correct or resolve the conditions.

Executive Director Vitale stated this spreadsheet has hyperlinks to further information about these bills. The staff will complete a consolidated analysis and review, which will highlight the significant issues that directly impact the charges of the Commission and will be specific, succinct, clear, and concise.

Chair Jakobson-Johnson said she will send Commissioners the DRC legislative committee analysis on selected bills that did not have principles applied to them, as examples of what the DRC board found helpful in terms of explaining a bill and the position they have taken.

c. Core Principle Review and Samples from Other Organizations

Chair Jakobson-Johnson deferred this agenda item to the next Executive Committee meeting due to time constraints.

d. CCDA Logo – Update

MOTION: Commissioner Burks moved to submit the four logos to the full Commission for selection. Commissioner Dean seconded. Motion carried unanimously.

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e. CCDA Media Relations Protocol

Chair Jakobson-Johnson deferred this agenda item to the next Executive Committee meeting due to time constraints.

5. BUDGET UPDATE

Staff Member Jemmott noted the cost budget increased in the information technology area because of a recently-secured contract which was being encumbered. This will save funding from this year and cross it over to the fiscal year's budget, and includes potential growth in staffing.

6. DISABLED ACCESS LEGISLATIVE AND REGULATORY DEVELOPMENTS

a. Review of Written Analysis of AB 1610 by Assembly Member Wagner

Chair Jakobson-Johnson stated this item has already been discussed.

7. REPORT FROM CCDA COMMITTEE ACTIVITIES

a. Committee Reports

- Commissioner Dean stated the Civil Enforcement Committee will be meeting in five minutes.
- Commissioner Burks reported the Accessibility Enhancement Committee developed certain protocol information regarding Committee goals. The Mission Statement was given back to staff to broaden the scope.
- Commissioner Luehrs stated the Accessibility Checklist Committee had nothing to report at this time.
- Commissioner Burks reported the CASp and Education Committee is in the process of developing a survey tool that will go primarily to jurisdictions.

8. FUTURE AGENDA ITEMS

Chair Jakobson-Johnson recommended hearing Committee reports at the beginning of the next meeting to enable more in-depth discussion of their activities. Other agenda items are the core principle review, media relations protocol, budget update, and legislation.

9. ADJOURN

Chair Jakobson-Johnson adjourned the meeting at 2:01 p.m.