

SB3376



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3376

Introduced 2/7/2024, by Sen. Dan McConchie

SYNOPSIS AS INTRODUCED:

New Act

Creates the Commission on Disability Access within the Department of Human Services. Describes the composition of the Commission. Directs the Commission to work with other State agencies, including the Office of the Architect of the Capitol and the Department of Human Services, to develop educational materials and information to facilitate compliance with construction-related accessibility standards. Provides that the Commission shall develop and make available on its website educational modules to assist Illinois businesses in understanding their construction-related accessibility obligations. Describes other duties of the Commission. Requires the Commission to report to the General Assembly. Directs the Commission to compile and make publicly available data relating to demand letters and complaints concerning compliance with construction-related accessibility standards. Specifies that the Commission is an advisory body. Requires the Commission to hire staff or contract for services as needed to complete the tasks authorized under the Act. Provides that the Act shall not be implemented and shall not remain operative unless funds are appropriated for that purpose by the General Assembly. Effective immediately.

LRB103 37003 CES 69546 b

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Commission on Disability Access Act.

6 Section 5. Legislative findings and declarations. The
7 General Assembly finds and declares that, despite the fact
8 that State law has provided persons with disabilities the
9 right to full and equal access to public facilities, and that a
10 violation of the right of any person under the Americans with
11 Disabilities Act of 1990 has also constituted a violation of
12 the Illinois Human Rights Act, persons with disabilities are
13 still being denied full and equal access to public facilities
14 in many instances. The General Assembly further finds and
15 declares that businesses in Illinois have the responsibility
16 to provide full and equal access to public facilities as
17 required in State and federal laws and regulations. With a
18 view to developing recommendations that will enable persons
19 with disabilities to exercise their right to full and equal
20 access to public facilities, and that will facilitate business
21 compliance with the laws and regulations to avoid unnecessary
22 litigation, the General Assembly has, by this Act, created the
23 Commission on Disability Access within the Department of Human

1 Services.

2 Section 10. Commission on Disability Access;
3 establishment; membership; terms; vacancies.

4 (a) The Commission on Disability Access is hereby
5 established and shall consist of 11 public members and 6 ex
6 officio nonvoting members, appointed on or before January 1,
7 2025, as follows:

8 (1) 11 public members appointed by the Governor. Of
9 the Governor's appointees, 4 of the appointees shall be
10 from the disability community, and 3 appointees shall be
11 from the business community, including one appointee who
12 represents chambers of commerce throughout the State. The
13 Governor shall request and consider nominations from the
14 business community and the disability community for these
15 appointments.

16 (2) The Architect of the Capitol, or the Architect's
17 designee, as a nonvoting ex officio member.

18 (3) The Attorney General, or the Attorney General's
19 designee, as a nonvoting ex officio member.

20 (4) 2 members of the Senate, appointed by the Senate
21 Committee on Assignments, as nonvoting ex officio members.
22 One member shall be from the majority party, and one
23 member shall be from the minority party.

24 (5) 2 members of the House of Representatives,
25 appointed by the Speaker of the House of Representatives,

1 as nonvoting ex officio members. One member shall be from
2 the majority party, and one member shall be from the
3 minority party.

4 (b) It is the intent of this Section that the Commission
5 shall be broadly representative of the ethnic, gender, and
6 racial diversity of the population of Illinois. It is further
7 the intent of this Section that both of the following apply:

8 (1) The appointees from the disability community shall
9 be persons with a disability relating to, but not limited
10 to, vision, hearing, mobility, breathing, speech,
11 cognitive, cardiac, emotional, developmental, learning,
12 psychological, or immunological disabilities.

13 (2) The Commission recruitment and appointment process
14 shall engage in identifying qualified disability community
15 representatives who should possess elements of one or more
16 of the following qualifications:

17 (A) The representatives shall identify as people
18 with disabilities, activity limitations, or both.

19 (B) The representatives shall have personal
20 experience with disability and disability advocacy and
21 the ability to speak broadly on disability access
22 issues.

23 (C) The representatives shall be knowledgeable
24 about cross-disability access issues, including, but
25 not limited to, hearing, vision, mobility, speech, and
26 cognitive limitations.

1 (D) The representatives shall be knowledgeable
2 about a variety of physical, communication, and
3 program access issues.

4 (E) The representatives shall be involved with
5 segments of national, State, or local constituencies
6 of the disability community, such as active
7 involvement in broad-based disability organizations.

8 (F) The representatives shall have in place and
9 use communication networks to facilitate communication
10 with the segments of the disability community they are
11 representing, including, but not limited to, segments
12 of diverse ethnic, cultural, sex, sexual orientation,
13 age, and linguistic communities that are
14 representative of the diverse population of
15 Illinoisans with disabilities.

16 (c) Public members shall be appointed for 3-year terms,
17 except that, with respect to the initial appointees, the
18 Governor shall appoint 3 members for a one-year term, 4
19 members for a 2-year term, and 4 members for a 3-year term. The
20 Senate Committee on Assignments and the Speaker of the House
21 of Representatives shall each initially appoint one member for
22 a 2-year term and one member for a 3-year term. Public members
23 may be reappointed for additional terms.

24 (d) Vacancies shall be filled by the appointing authority
25 for the unexpired portion of the terms.

26 (e) Beginning January 1, 2025, the Commission on

1 Disability Access shall reside within and receive
2 administrative and other necessary support from the Department
3 of Human Services.

4 Section 15. Per diem and traveling expenses; chairperson
5 and vice chairperson.

6 (a) Public members of the Commission shall receive \$100
7 per diem while on official business of the Commission, not to
8 exceed 12 days per year. Each member of the Commission shall
9 also be entitled to receive the member's actual necessary
10 traveling expenses while on official business of the
11 Commission.

12 (b) The Commission shall select annually from its
13 membership a chairperson, who shall be a representative from
14 the disability community, and a vice chairperson, who shall be
15 a representative from the business community.

16 Section 20. Open meeting requirements. Meetings of the
17 Commission shall be subject to the Open Meetings Act.

18 Section 25. Powers and authority.

19 (a) The Commission shall have the powers and authority
20 necessary to carry out the duties imposed upon it by this Act,
21 including, but not limited to, the following:

22 (1) to employ any administrative, technical, or other
23 personnel that may be necessary for the performance of its

1 powers and duties;

2 (2) to hold hearings, make and sign any agreement, and
3 do or perform any act, including the collection of
4 relevant information, that may be necessary, desirable, or
5 proper to carry out the purposes of this Act;

6 (3) to cooperate with, and secure the cooperation of,
7 any department, division, board, bureau, commission, or
8 other agency of the State to facilitate the proper
9 execution of the Commission's powers and duties under this
10 Act;

11 (4) to appoint advisers or advisory committees from
12 time to time when the Commission determines that the
13 experience or expertise of those advisers or advisory
14 committees is needed for projects of the Commission;

15 (5) to accept any federal funds granted by an act of
16 Congress or by executive order for any purpose of this
17 Act; and

18 (6) to accept any gift, donation, grant, or bequest
19 for any purpose of this Act.

20 (b) The Commission may recommend, develop, prepare, or
21 coordinate materials, projects, or other activities, as
22 appropriate, relating to any subject within its jurisdiction.

23 (c) The Commission shall provide, within its resources,
24 information regarding how to:

25 (1) prevent or minimize problems of compliance by
26 Illinois businesses by providing educational services,

1 including outreach efforts, and by preparing and hosting
2 on its website a "Guide to Compliance with State Laws and
3 Regulations Regarding Disability Access Requirements";

4 (2) recommend programs to enable persons with
5 disabilities to obtain full and equal access to public
6 facilities; and

7 (3) provide information, as requested by the General
8 Assembly, on disability access issues and compliance.

9 Section 30. Duties of the Commission.

10 (a) A priority of the Commission shall be the development
11 and dissemination of educational materials and information to
12 promote and facilitate disability access compliance.

13 (b) The Commission shall work with other State agencies,
14 including the Office of the Architect of the Capitol and the
15 Department of Human Services, to develop educational materials
16 and information for use by businesses to understand their
17 obligations to provide disability access and to facilitate
18 compliance with construction-related accessibility standards,
19 including, but not limited to, accessibility standards for
20 websites.

21 (c) (1) The Commission shall develop and make available on
22 its website, or make available on its website if developed by
23 another governmental agency, including Americans with
24 Disabilities Act centers, toolkits or educational modules to
25 assist an Illinois business to understand its obligations

1 under the law and to facilitate compliance with respect to the
2 top 10 alleged construction-related violations, by type, as
3 specified in subsection (a) of Section 40.

4 (2) (A) Upon completion of this requirement, the Commission
5 shall develop and make available on its website, or work with
6 another agency to develop, other toolkits or educational
7 modules that would educate businesses of the accessibility
8 requirements, including, but not limited to, accessibility
9 standards for websites, and to facilitate compliance with
10 those requirements.

11 (B) On or before January 1, 2026, the Commission shall
12 develop toolkits or educational modules that focus on
13 construction-related accessibility violations in parking lots
14 and exterior paths of travel, including a checklist for
15 businesses to recognize the most common construction-related
16 accessibility violations in those areas.

17 (C) The General Assembly finds and declares, based upon
18 reports of the Commission, that construction-related
19 accessibility violations in parking lots and in exterior paths
20 of travel are consistently in the top 10 alleged
21 construction-related accessibility violations, by type, as
22 specified in subsection (a) of Section 40.

23 (d) The Commission shall post on its website educational
24 materials and information that will assist building owners,
25 tenants, building officials, and building inspectors to
26 understand the disability accessibility requirements and to

1 facilitate compliance with disability access laws. The
2 Commission shall at least annually review the educational
3 materials and information on disability access requirements
4 and compliance available on the website of other local, State,
5 or federal agencies, including Americans with Disabilities Act
6 centers, to augment the educational materials and information
7 developed by the Commission.

8 (e) The Commission shall, to the extent feasible,
9 coordinate with other State agencies and local building
10 departments to ensure that information provided to the public
11 on disability access requirements is uniform and complete, and
12 make its educational materials and information available to
13 those agencies and departments.

14 Section 35. Development and dissemination of educational
15 materials. On or before July 15, 2025, the Commission shall
16 report to the General Assembly, the Chair of the Senate
17 Judiciary Committee, and the Chair of the House of
18 Representatives Judiciary - Civil Committee, of its activities
19 and efforts since the Commission was established to implement
20 this Act. Commencing in 2026, the Commission shall report, on
21 or before March 31 and annually thereafter, to the General
22 Assembly, the Chair of the Senate Judiciary Committee, and the
23 Chair of the House of Representatives Judiciary - Civil
24 Committee, on its ongoing efforts to implement this Act.

1 Section 40. Compilation and posting of data relating to
2 demand letters or complaints; annual report. The Commission
3 shall compile the following data with respect to any demand
4 letter or complaint sent to the Commission and shall post the
5 information on its website pursuant to the following:

6 (1) The Commission shall identify the various types of
7 access violations alleged in the demand letters and in the
8 complaints, respectively, and shall tabulate the number of
9 claims alleged for each type of violation in the demand
10 letters and complaints, respectively. For purposes of this
11 subsection, any demand for money letters shall be grouped
12 as demand letters.

13 (2) Periodically, but not less than every 6 months
14 beginning July 31, 2026, the Commission shall post on its
15 website a list, by type, of the 10 most frequent types of
16 accessibility violations alleged in the demand letters and
17 in the complaints, respectively, and the numbers of
18 alleged violations for each listed type of violation for
19 the prior 2 quarters.

20 (3) The Commission shall, on a quarterly basis,
21 identify and tabulate the number of demand letters and
22 complaints received by the Commission. The Commission
23 shall further ascertain whether a complaint was filed in
24 State or federal court and tabulate the number of
25 complaints filed in State or federal court, respectively.
26 This data shall be posted on the Commission's website

1 periodically, but not less than every 6 months beginning
2 July 31, 2026.

3 (4) Commencing in 2027, the Commission shall make an
4 annual report to the General Assembly, the Chair of the
5 Senate Judiciary Committee, and the Chair of the House of
6 Representatives Judiciary - Civil Committee by March 31 of
7 each year of the tabulated data for the preceding calendar
8 year as set forth in subsections (a) to (c), inclusive.

9 (5) At least 30 days before requiring a new standard
10 format for the information to be sent to the Commission,
11 the Commission shall post on its website the new standard
12 format and the date on which the Commission shall begin
13 requiring that information to be sent to the Commission in
14 the new standard format.

15 Section 45. Advisory status of Commission. With respect to
16 its duties, the Commission shall be an advisory body only, and
17 there shall be no right or obligation on the part of the State
18 to implement the findings of the Commission without further
19 legislation that specifically authorizes that the evaluations,
20 determinations, and findings of the Commission be implemented.

21 Section 50. Staff hiring and contracting for services. The
22 Commission shall hire staff or contract for those experts or
23 technical and professional services that may be required for
24 the completion of any task authorized or study required under

1 this Act. Staff hired pursuant to this Section shall be hired
2 in compliance with all applicable State and federal laws and
3 regulations. Contracts awarded pursuant to this Section shall
4 be in compliance with the Illinois Procurement Code. The
5 Commission is expressly encouraged and authorized to seek the
6 technical and legal assistance of other State agencies and
7 departments in fulfilling its statutory responsibilities under
8 this Act.

9 Section 55. Implementation of this Act; funds
10 appropriation. This Act shall not be implemented and shall not
11 remain operative unless funds are appropriated for that
12 purpose by the General Assembly.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.