

FISCAL NOTE
Requested by Legislative Council
01/28/2019

Amendment to: HB 1298

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2017-2019 Biennium	2019-2021 Biennium	2021-2023 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides for a legislative management study of accessibility of the capitol grounds.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Should the legislative management study require the assistance of an architectural or engineering firm, then there will be a cost of approximately \$50,000 associated for their services.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Name: John Boyle

Agency: OMB Facility Management

Telephone: 701-328-4002

Date Prepared: 01/28/2019

FISCAL NOTE
Requested by Legislative Council
01/07/2019

Bill/Resolution No.: HB 1298

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$50,000			
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2017-2019 Biennium	2019-2021 Biennium	2021-2023 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The \$50,000 would need to be appropriated to hire an engineer to provide a schematic design and cost estimate for an enlarged visitors parking lot. The enlarged parking lot would provide handicap accessible parking spaces within the 125 foot request. The nearest handicap accessible parking space is 225 feet from the entrance. The American with Disabilities Act of 1990 states that handicap accessible parking should be provided and such spaces must be the nearest to the building. In this current location, these spaces are the nearest to the south entrance to the Capitol.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Name: John Boyle

Agency: OMB Facility Management

Telephone: 701-328-4002

Date Prepared: 01/10/2019

2019 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1298

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union Room, State Capitol

HB 1298
1/24/2019
31402

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Carmen Hart by Marjorie Conley
--

Explanation or reason for introduction of bill/resolution:

Relating to accessibility of the state capitol

Minutes:

Attachment 1, 2 ,3

Chairman Kasper opened the hearing on HB 1298.

Rep. Marvin Nelson, appeared in support of HB 1298. (Attachment 1). I would not concur with the general fund (:47-11:29)

Rep. Schneider: How do you get in the visitor's door? Outside door does not have a handicap door opener on it and it is very heavy.

Rep. Nelson: Real problem is there is no signage.

Carel Two-Eagle appeared in support of HB 1298. (Attachment 2). (13:34-21:05)

Chairman Kasper: I appreciate your research and appreciate your information.

Carel Two-Eagle: Had a difficult time getting here today. If I fall down, I can't get up. Just to get into the building is a major project.

Rep. Rohr: Do you have suggestions for the interior as well as your suggestions for the outside?

Carel Two-Eagle: There is no place to sit down and a family bathroom is needed.

Chairman Kasper: Any further support for HB1298? Anyone to testify against HB1298? Anyone in a neutral position on HB 1298? I see John Boyle in the room so John could you come forward and maybe we have a few questions for you.

John Boyle, Director of Facilities Management: (Attachment 3) By shutting down other doors, we knew the handicapped is very far away. The south door is really the only access

for visitors. Buzzers aren't advertised. Instead of coming out of the general fund it could come out of the capitol building trust fund.

Chairman Kasper: I don't think the bill says it is a study. It says all necessary steps to bring the state capitol into compliance with the ADA.

John Boyle: We would have to put a plan together with the schematic design, but it would have to go through the planning commission and then we would have to ask for an appropriation and make the necessary changes.

Chairman Kasper: Once you do your analysis, will it take two years to implement?

John Boyle: Well we would need an appropriation.

Chairman Kasper: From the capitol building fund?

John Boyle: That is correct. The planning commission can spend up to \$175,000 out of that fund without any legislative approval.

Rep. B. Koppelman: Why does it take a bill to instigate this?

John Boyle: It was just last session that security has come in place. Security has caused the issue. We didn't have issues prior to that. The closest parking accommodations are the handicapped spots.

Rep. B. Koppelman: Anyone on your staff has the knowledge of the updated codes.

John Boyle: Planner, licensed architect, Life safety #1, ADA, #2 We haven't had any violations.

Rep. B. Koppelman: Things that could be done without legislature. Will they consider doing some things like changing door handles and smaller items?

John Boyle: Once we receive a report, we take care of the minor issues. It's the 125 ft. that I think is the main issue of the bill. Now that this has come up, we can put signage and it doesn't cost much to put benches in the hallways for people to rest.

Rep. Schneider: When was the last time ADA compliance assessment here?

John Boyle: I think it is every other year.

Rep. Schneider: Without having to have a bill, does it make some sense to have a citizen task force or advisory to work with your architect since this is the peoples' building. If we ask the handicapped people for suggestions rather than wait for complaints.

John Boyle: That is already provided through the capitol grounds planning commission. People can come and make presentations of what they would like to see changed. Inside and outside of the building.

Rep. Schneider: You might have to ask people what they need in order to make the capitol more handicap accessible. That's what I would like to see instead of a bill to do it. It would also be good public relations.

Rep. Karls: Handicapped stalls in women's bathroom. The stalls do not have a hook for a purse or a coat.

Rep. Schauer: What is your process of communicating with handicapped people or people in general?

John Boyle: I do return emails. Any time we get complaints from the public, we take action immediately. We are in compliance with the ADA.

Rep. Schauer: Signage, buzzers, dumping of the snow on handicapped spots?

John Boyle: Two handicapped spots were taken up with snow, but there were several spots available.

Rep. P. Anderson: Can you request an ADA compliance check?

John Boyle: Yes, we can. They do them so frequently that we don't have to request one?

Rep. P. Anderson: It is my understanding that one hasn't been done since we did the south entrance.

John Boyle: I haven't received a report. Usually I don't get the report unless there are violations. I can request a report to make sure our ADA issues are in compliance.

Rep. P. Anderson: Do you believe that we are in compliance?

John Boyle: I believe we are in compliance, except for the 2 areas in the men's room. And now the hooks in the women's room.

Rep. P. Anderson: How about the 125 feet from the door?

John Boyle: That is not an ADA compliance issue. The nearest available parking must be ADA. If we were to be 125 feet from the door, we would have to take out the statue and the trees to get a parking lot close enough.

Chairman Kasper: Can you get us a copy of the ADA, the act itself?

John Boyle: I can get that for you.

Rep. Laning: Are homeland security and ADA in conflict?

John Boyle: Yes, that is why we have the setbacks on the north side.

Rep. B. Koppelman: Are you going to look into this?

John Boyle: We can add more handicapped parking in the spring and restripe if that is required.

Closed the hearing.

Chairman Kasper: Bill has contradictory language to what Mr. Boyle said. I think we should look at a study. I have asked Seth to turn into a study, but before we take action on that I want to talk with Rep. Nelson to see if he would be agreeable to that. I think the message was loud and clear to look at the capitol grounds committee to take immediate action.

Rep. P Anderson: I thought that it was an interesting comment that it all works fine until we are in session, and that's when we really want the people to come see us.

Chairman Kasper: If you have any creative thoughts by tomorrow about what we might add language on the study or a directive to the capitol grounds things that are easily implementable like we heard, write the suggestions down.

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union Room, State Capitol

HB 1298
1/25/2019
31511

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Carmen Hart by Marjorie Conley
--

Explanation or reason for introduction of bill/resolution:

Relating to accessibility of the state capitol

Minutes:

Attachment 1

Chairman Kasper: I asked Seth to draft an amendment to this bill.

Rep. P. Anderson: In the first session, I was in a wheel chair for six weeks, so I can't imagine. That is all I have to say.

Chairman Kasper: (Attachment 1) which is a proposed amendment turns the bill into a study. The reason I asked for this amendment is I am very sympathetic to the testimony of the people that support the bill, but if you notice the capitol will come into compliance with the American Disabilities Act. John Boyle stated that we are in compliance, but we also heard that there are a whole lot of other things that should be done to help the disabled people get into the capitol and out of the capitol and be comfortable while they are here. So we cannot address that in a bill in that something must be done, so I think this should be a study and flush out what the problems are. In the meantime, I think Mr. Boyle got the message that he needs to do things that don't need to wait. My suggestion is that we change this to a study instead of a bill.

Rep. B. Koppelman: Moved the amendment. The bill is way too specific, the study would be more broad and hopefully encompassing.

Rep. Steiner seconded the motion on the amendment.

Voice Vote Carried.

Rep. Kasper: Further discussion on the amendment?

Rep. Vetter: I agree with the chairman. I support the amendment.

Rep. Schneider: My question is whether it is too limiting. We talked about a lot of

interior considerations and I would like it on the record that including but not limited to handicapped rest rooms etc.

Rep. Kasper: So you would suggest we add “but not limited to” after the word “including”.

Rep. Schneider: I so move that we make the addition following including of not limited to and that appears on the fifth line from the bottom.

Rep. Steiner: Seconded the motion.

Voice Vote was carried on the amendment

Chairman Kasper: So the amendment is on the bill and the amendment is the bill. What are the committees wishes?

Rep. Vetter: I move for a Do Pass as amended.

Rep. Schauer: Seconded motion for Do Pass as amended.

Roll Call Vote Yes 14 No 0 Absent 0

Rep P. Anderson is the **Carrier**.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1298

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study concerning the accessibility of the state capitol.

SECTION 1. LEGISLATIVE MANAGEMENT STUDY – ACCESSIBILITY OF THE STATE CAPITOL. During the 2019-2020 interim, the legislative management shall consider studying accessibility issues on the state capitol grounds related to the Americans with Disabilities Act of 1990 [104 Stat. 327; 42 U.S.C. 12101 et seq.]. The study shall include the effectiveness of the quantity and location of handicapped accessible parking spaces and the accessibility of entrances to the capitol building in consideration of security concerns. The study shall also include interior considerations including handicapped accessible restrooms with appropriate signage and seating areas on the ground floor of the capitol for individuals to rest. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

DP 1/25/19

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1298

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study concerning the accessibility of the state capitol.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - ACCESSIBILITY OF THE STATE CAPITOL. During the 2019-20 interim, the legislative management shall consider studying the accessibility of the state capitol grounds as related to the Americans with Disabilities Act of 1990 [104 Stat. 327; 42 U.S.C. 12101 et seq.]. The study must include the effectiveness of the quantity and location of handicapped accessible parking spaces and the accessibility of entrances to the capitol in consideration of security concerns. The study also must include interior considerations including handicapped accessible restrooms with appropriate signage and seating areas on the ground floor of the capitol for individuals to rest. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly

Date: 1-25-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1298

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: to make the bill a legislative study

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. B. Koppelman Seconded By Rep. Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Pamela Anderson		
Vice Chair Vicky Steiner			Rep. Mary Schneider		
Rep. Jeff Hoverson					
Rep. Craig Johnson					
Rep. Daniel Johnston					
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Karen Rohr					
Rep. Austen Schauer					
Rep. Steve Vetter					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Voice Vote Carried

Date: 1-25-19
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1298

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: to add "but not limited to"

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Schneider Seconded By Rep. Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Pamela Anderson		
Vice Chair Vicky Steiner			Rep. Mary Schneider		
Rep. Jeff Hoverson					
Rep. Craig Johnson					
Rep. Daniel Johnston					
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Karen Rohr					
Rep. Austen Schauer					
Rep. Steve Vetter					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Voice vote Carried

Date: 1-25-19
Roll Call Vote #: 3

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1298

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 19.0861.01001

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep Vetter Seconded By Rep Schauer

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Pamela Anderson	X	
Vice Chair Vicky Steiner	X		Rep. Mary Schneider	X	
Rep. Jeff Hoverson	X				
Rep. Craig Johnson	X				
Rep. Daniel Johnston	X				
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Karen Rohr	X				
Rep. Austen Schauer	X				
Rep. Steve Vetter	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Anderson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1298: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1298 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study concerning the accessibility of the state capitol.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - ACCESSIBILITY OF THE STATE CAPITOL. During the 2019-20 interim, the legislative management shall consider studying the accessibility of the state capitol grounds as related to the Americans with Disabilities Act of 1990 [104 Stat. 327; 42 U.S.C. 12101 et seq.]. The study must include the effectiveness of the quantity and location of handicapped accessible parking spaces and the accessibility of entrances to the capitol in consideration of security concerns. The study also must include interior considerations including handicapped accessible restrooms with appropriate signage and seating areas on the ground floor of the capitol for individuals to rest. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly

2019 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1298

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

HB1298
3/14/2019
#33742

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

Provide for a legislative management study concerning the accessibility of a state capitol.

Minutes:

Att #1- Rep. M Nelson; Att #2 –Carel Two-Eagle; Att #3 – Cynthia Goulet ;
--

Chairman Davison: Let's open the hearing for HB1298.

Rep. Marvin Nelson, Dist. 9: This bill is for a study to make our capitol more assessable for disabled people. (see att # 1) He explained all the pictures. Distance is an accessibility issue for pulmonary people. We need more signs to help disabled people. We have no electric cars to assist people, just a manual wheelchair. We need automatic doors on all bathrooms. There is no sign when you come into the capitol to say where the handicap restrooms are located. The west entrance is the best for wheelchairs. There is a tie to some women's bathroom doors for wheelchair people to gab. We don't have a family bathroom in the capitol. A female caregiver can't take a male disabled person into the restroom to help. This bill is to get people who need these services exactly what they need. (10.38) Any questions?

Carel Two-Eagle: (see att #2) There is a picture of one of the grab straps on the bathroom door. I have to use crutches. If I fall, I can't get up. Getting into this building is hard. 350 feet is exhausting. She told about all her ailments.

Chairman Davison: What area in the capital needs the most attention? (13.30)

Carel: Visitors parking. It should be moved to the south side. The west side has spots that could be turned into handicapped. They are closer to building. (15.39)

John Boyle, Capitol Grounds: We are in favor of this study. A lot changed last session when the east-west doors changed and all visitors had to go through security in south door. We have done in house ADA updates. It would be helpful to have someone outside us to evaluate what we could do. If security remains, we will have to do something. We could go beyond the ADA. We can work with the capitol grounds committee. We want to enclose the south entrance. We need to have enough money.

Chairman Davison: Do you know what your balance is in your account?

John: Even if we put the \$2 million in plus all the rest we are taking out, it will end this biennium with \$5.4 million. It will be \$3.1 million at the end of 2021. (18.00)

Sen. Richard Marcellais: Is there any plans to put ramps in the capital?

John: I know that was looked at 16 years ago. I don't know if we still have the temporary ramps that we bring in. I know they are stored somewhere. Not sure if they are used this session. (18.44)

Chairman Davison: Any more in favor? Agency?

Cynthia Goulet, N.D. Protection Advocacy Project attorney: (see att # 3) We recommend this study include people that use disability devices like hearing and vision impaired in discussion groups. (20.50)

Chairman Davison: Any against? We are closed.

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

HB1298
3/14/2019
#33746

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

Provide for a legislative management study concerning the accessibility of a state capital.

Minutes:

Chairman Davison: Look at HB1298. What are the committee wishes?

Sen. Kristin Roers: I move a DO PASS.

Sen. Jay Elkin: I second.

Chairman Davison: Discussion? If you get the person in charge of capital ground in support, I think it is a good idea. Take the roll: **YES -- 7 NO -- 0 -0-absent. HB1298 PASSED.**

Sen. Kristin Roers will carry the bill. (1.12)

3-14-19
Date:
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES HB 1298
BILL/RESOLUTION NO.

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
 Other Actions: ☐ Reconsider ☐ _____

Motion Made By Sen. Roers Seconded By Sen. Elkin

Senators	Yes	No	Senators	Yes	No
Chair Davison	/		Sen. Oban	/	
Vice Chair Meyer	/		Sen. Marcellais	/	
Sen. Elkin	/				
Sen. K. Roers	/				
Sen. Vedaa	/				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Roers

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1298, as engrossed: Government and Veterans Affairs Committee (Sen. Davison, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1298 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1298

Chairman Kasper and members of the House Government Affairs Committee

I am Representative Marvin Nelson from District 9

¹²⁹⁸
HB1301 wants to see our capital accessible to those with handicaps. I really didn't know how to say that so I asked for two things, compliance with the Americans with Disabilities Act and parking within 125 feet of the entrance, and by entrance I meant the public entrance.

One could get bogged down in the letter of the law, but the ADA itself isn't really intended to be read that way, places are to be accessible, it gives some guidelines which if one doesn't do you really aren't accessible but which aren't hard and fast, the basic thing to do is to ask the handicapped person and make it so they can function as best possible. And so that is the real thing behind this bill, to ask people what they experience and what they need to access our capital.

I would note that in the visitor's lot there are two spaces nearest the entrance. Nearest means 350 to 370 feet to the public entrance depending on exact route.

The first spot on the north when someone parks there, their wheel blocks the ramp. The second van spot has the 8 foot area required, but access to the ramp is also required. There, we just did away with an argument the capital complies. The quickest would be to put blocks so the first vehicle leaves at least a 3 foot path to the ramp. Snow removal then becomes the problem.

That 3 foot rule comes up when you come on the sidewalk from the east. There is a very narrow pinch point. The 3 foot really look at doors so a 36" door would comply, but on the sidewalk, just before the ramp is this narrow spot with just an inch or so on each side. Unlike the door though, any miss sends the wheel chair off the curb and possibly injures the person. When the new concrete was poured, I think that should have been widened. I include a photo showing that spot.

Then there is distance. One thing we give a permit for is if a person cannot walk 200 feet without stopping. As stated before the distance to the closest place is about 350 feet. Now distance really isn't in itself a violation, but why is there no place to sit down, to rest. I checked and once inside, vital records is another 470 feet. If you know to go up a floor right away there is a place to rest near the Secretary of State's but otherwise, nothing except restrooms to the cafeteria. I would also note we do not have any carts for people to use.

Signage, well, pretty much what signage. Could be a sign saying if you need assistance call..... by the parking.

I note that it was mentioned that people can go to the other entrances and buzz and people will come and let them in. All well and good but all the signs say go to south entrance.

I would also note we already had an incident the other day, a handicapped student was in the capital and needed a restroom but there was no family bathroom where the student and the caregiver could both enter.

#1
HB 1298
1-24-19
page 1

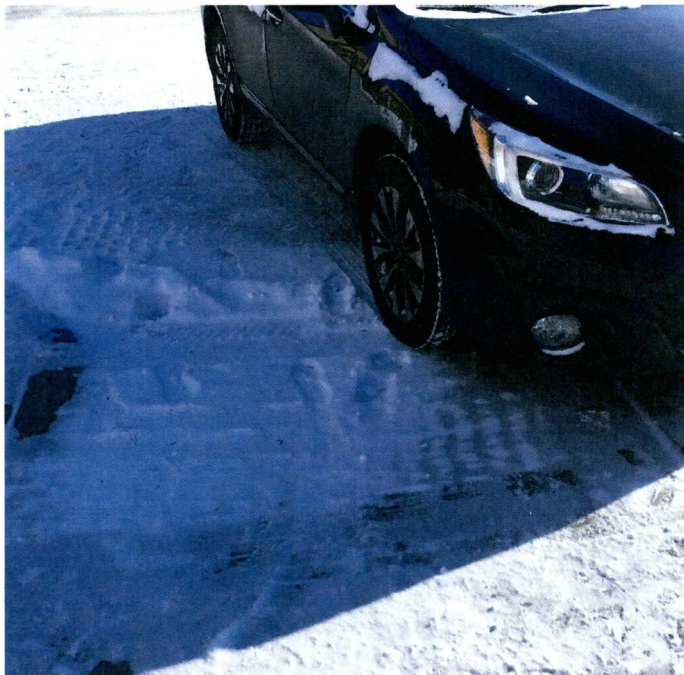
Another part of the bill is to have parking 125 feet from the entrance, the public entrance. On the west side. The road is much closer, from the barriers to the door is about 175 feet, about half as far. The easiest thing to do would be to widen that road to make a small handicapped parking area. That wouldn't cost much and would cut the distance in half. I think it wouldn't be too difficult to get closer yet and that was where I was considering the 125 feet.

So one thing I have learned is one cannot assume, and so I hope that if we listen we will be told what is needed. Some things need study. Some things obviously need change. I would note that the special fund for the capital grounds could pay for this and I think it should. This is the people's house, let's let the people come in and use it.

#1
HB 1298
1-24-19
page 3



East side entrance, proposed area of parking.



Ramp visitor's lot

#1
HB 1298
1-24-19
page 4



Going towards capital, from Visitor's lot.



Pinch point on sidewalk

Good morning Chairman Kasper and members of House GVA Committee. For the record, my name is Carel Two-Eagle, and I stand in support of HB1298. In fact, I was the person who motivated Representative Marvin Nelson to put this bill in.

As you can see, I am physically handicapped. I detest the term “disabled” - It speaks about what a person cannot do, instead of focusing on what they can do. It promotes victim-hood. It has a negative focus. I don't take that perspective well.

HB 1298 is needed, however. I and various Legislators have communicated a need for better access to the People's house – the State Capitol building – for any number of years. John Boyle, the Facility Management Director for the Capitol campus, has ignored us. In my case, not so much as a return email telling me to drop dead. Dead silence.

A person's actions speak far louder than their words ever will. They always have. They always will. John Boyle's actions have stated emphatically that handicapped people are second-class citizens, undeserving of respect or consideration in the matter of our access to the People's house. Yet we are part of the People. We are citizens of the state of North Dakota as well as of the United States. In my case, I am also a citizen of my Native Nation, which is commonly called a Reservation. In none of them am I considered to be less than a full citizen in the eyes of the law. But in John Boyle's view, I am. All of us who are physically challenged are considered to be less than full citizens. This is offensive and insulting. It is not true.

The federal law that covers access is the Americans with Disabilities Act. The ADA. It states, “All state and local entities **will** accommodate all persons covered under this Act”. There is no wiggle room. The Act says, “All” ... “will”.

John Boyle's response to the bill indicates that a minimum distance from any entrance we can use is 225 feet. My secretary cannot walk more than 50 feet without having to rest. She uses a walker with a seat. But a hike of 225 feet – and usually more – especially in cold weather, or worse, in cold and windy weather, is simply beyond her because there is a trade-off between the amount of clothing she can wear and still move, and the need to breathe at all. A mask is not sufficient.

I now live on crutches. I have bone spurs around my left hip and on the outside of my spine. I can stand without aid, but I cannot walk without aid. If I slip, I will fall. There is no “maybe”. If I fall, I cannot get up without a 5-gallon bucket or a suitable

chair to balance against as I plank to rise. Or, if there are 2 men strong enough to help me stand as if they were standing a plank on its end.. Past that, we're talking about some kind of crane. There's a real dearth of those last 2, especially right when I need them.

I had a great time getting like this. I have always worked and played hard. I have been an activist since I was 6, and have been beaten on by some truly dedicated people, not without response from me. It is no fun being like this, however, and now we have an official of North Dakota's government telling me – and everyone else who is physically handicapped – that we don't count. That he doesn't care about our suffering. That we are second-class citizens, not worthy of consideration or accommodation. That is absolutely unacceptable to any decent person. It is definitely unacceptable to me and the Legislators who sponsored this bill. I believe it is unacceptable to you.

John Boyle claims it will cost \$50,000 to hire an engineer to develop a plan to fix our situation. That is not true. Any engineer John Boyle would hire would be able-bodied. Such a person will have no idea what we physically handicapped people need to fix this parking and access situation. However, I have an answer.

I consult. I get \$250/hour to do that. I assessed the parking areas and handicapped access around the Capitol building and around the other buildings on the Capitol campus and developed a plan to fix the situation – in 2 hours flat. I saved the state of North Dakota \$49,500. To that end, I have attached a statement, with an address, should you choose to send me a check.

There is also attached a statement of where the current handicapped parking is, relative to each building. For some areas, there is digitally-measured distance. In the case of the “main” handicapped parking lot, it is on the North side of the Capitol. From the farthest space by the most direct route to the access door, I measured 374 feet. The North side of the building gets the least sunlight, so there is the least melting there. It is least protected from winds & wind-blown precipitation. Half of those spaces could easily be moved to the South side of the building, right in front, along the building-side of the road. Van access would be simple – the lifts would contact the sidewalk that is already there. Further access could easily be had by putting handicapped access on the West side of the Visitor Lot and on the stub of road that runs along the West side of the Visitor Lot, where there are currently only 2 handicapped spaces. Or, some handicapped spots could be put along the West side of the Visitor Lot and the first lane to the East. That there are easy options is my point.

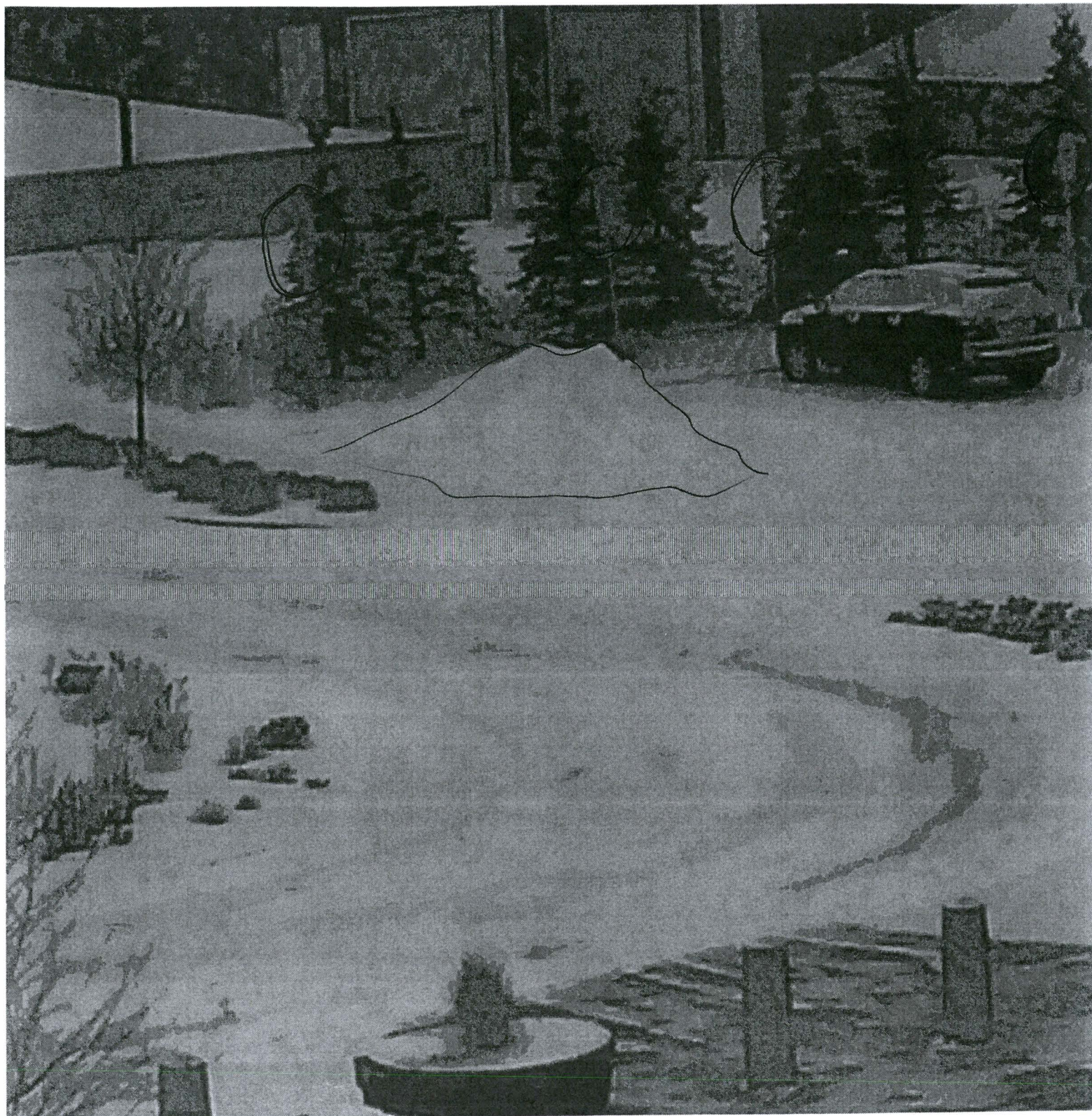
Last Friday it snowed here. I saw the North handicapped lot from a window and took a picture of it. Guess where facility management people piled snow? You're right – they piled it in a handicapped parking space.

Please give this bill a unanimous DO PASS and show respect to the physically handicapped citizens of North Dakota! To fix this situation would definitely do a great deal to help heal the Sacred Hoop.

Thank you for hearing me in a good way now. I am always available to answer any questions you may have.

#2
HB 1298
1-24-19
page 3

#2
HB1298
1-24-19
page 4



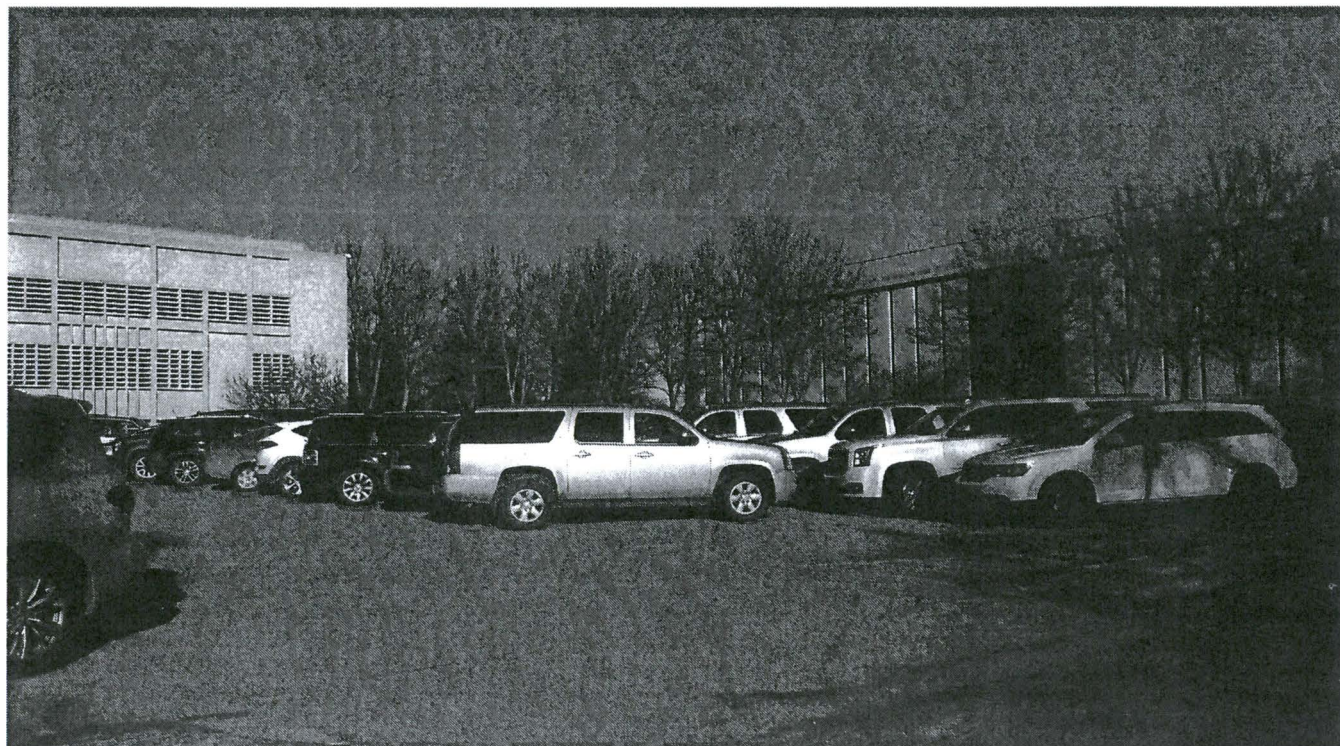
N

#2
HB1298
1-24-19
pages



S

#2
HB1098
1-24-19
page 6



DATA ON LOTS.

Capitol Visitor Lot - ONLY considering the West line of spaces – 14 total spaces, 2 HC spaces.

North / Main Handicapped Lot – 15 total spaces, all HC spaces.

North of DOT – 194 spaces, 8 HC spaces.

Heritage Center – 108 total spaces, 10 HC spaces.

State Library – 54 total spaces, 2 HC at top with considerable slope to get up plus 2 HC at bottom with considerable distance to access nearest door at back of Heritage Center.

Water - 84 total spaces; including 16 on the South side, of which 2 are HC spaces; AND 6 HC on the West end of the peanut-shaped parking lot BUT the HC access ramp is on the East end of the building, where there are NO HC spaces.

#3
HB 1298
1-24-19
page 1

NDLA, H GVA - Hart, Carmen

From: Boyle, John A.
Sent: Tuesday, January 29, 2019 1:42 PM
To: NDLA, H GVA - Hart, Carmen
Subject: Chairman Kasper's request
Attachments: SOMB 4th FI19012913180.pdf

Good afternoon Carmen,

Chairman Kasper requested the attached code that addresses accessible parking space for handicapped individuals. Please see attached the code highlighted in yellow. On the south side of the Capitol entrance, the closest handicap parking spaces are in the nearest accessible location to the south entrance.

Let me know if you need anything else.

Thanks.

John Boyle
Director
Facilities Management

701.328.4002 • jaboyle@nd.gov • www.nd.gov/omb

NORTH
Dakota | Management
Be Legendary.™ and Budget

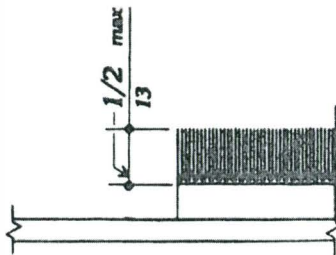
4.6 Parking and Passenger Loading Zones

Fig. 8 (f)
Carpet Pile Thickness

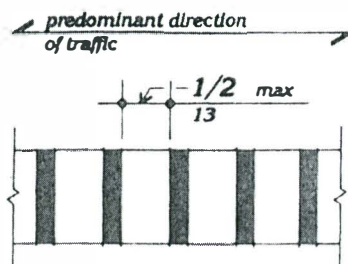


Fig. 8 (g)
Gratings

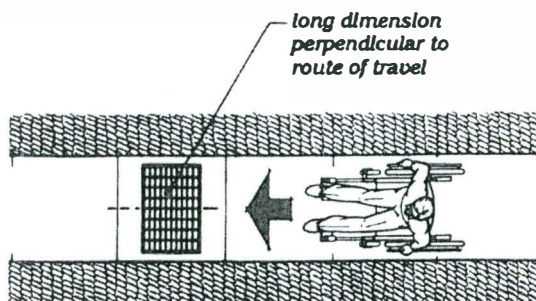


Fig. 8 (h)
Grating Orientation

4.6.2 Location. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

4.6.3* Parking Spaces. Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with 4.3. Two accessible parking spaces may share a common access aisle (see Fig. 9). Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

4.6.4* Signage. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility (see 4.30.7). Spaces complying with 4.1.2(5)(b) shall have an additional sign "Van-Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

4.6.5* Vertical Clearance. Provide minimum vertical clearance of 114 in (2895 mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 4.1.2(5)(b), provide minimum vertical clearance of 98 in (2490 mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

4.6.6 Passenger Loading Zones. Passenger loading zones shall provide an access aisle at least 60 in (1525 mm) wide and 20 ft (240 in) (6100 mm) long adjacent and parallel to the vehicle pull-up space (see Fig. 10). If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with 4.7 shall be provided. Vehicle standing spaces and access aisles shall be level with

#1
HB 1298
1-25-19
page 1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1298

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study concerning the accessibility of the state capitol.

SECTION 1. LEGISLATIVE MANAGEMENT STUDY – ACCESSIBILITY OF THE STATE CAPITOL. During the 2019-2020 interim, the legislative management shall consider studying accessibility issues on the state capitol grounds related to the Americans with Disabilities Act of 1990 [104 Stat. 327; 42 U.S.C. 12101 et seq.]. The study shall include the effectiveness of the quantity and location of handicapped accessible parking spaces and the accessibility of entrances to the capitol building in consideration of security concerns. The study shall also include interior considerations including handicapped accessible restrooms with appropriate signage and seating areas on the ground floor of the capitol for individuals to rest. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Chairman Davison and members of the Government and Veteran's Affairs Committee

I am Representative Marvin Nelson from District 9

HB1298 is for a study of making our capital accessible more easily accessible to those with handicaps

One could get bogged down in the letter of the law, but the ADA itself isn't really intended to be read that way, places are to be accessible, it gives some guidelines which if one doesn't do you really aren't accessible but which aren't hard and fast, the basic thing to do is to ask the handicapped person and make it so they can function as best possible. And so that is the real thing behind this bill, to ask people what they experience and what they need to access our capital.

I would note that in the visitor's lot there are two spaces nearest the entrance. Nearest means 350 to 370 feet to the public entrance depending on exact route.

The first spot on the north when someone parks there, their wheel blocks the ramp. The second van spot has the 8 foot area required, but access to the ramp is also required. There, we just did away with an argument the capital complies. The quickest would be to put blocks so the first vehicle leaves at least a 3 foot path to the ramp. Snow removal then becomes the problem.

That 3 foot rule comes up when you come on the sidewalk from the east. There is a very narrow pinch point. The 3 foot rule really look at doors so a 36" door would comply, but on the sidewalk, just before the ramp is this narrow spot with just an inch or so on each side of a wheelchair. Unlike the door though, any miss sends the wheel chair off the curb and possibly injures the person. When the new concrete was poured, I think that should have been widened. I include a photo showing that spot.

Then there is distance the ADA really doesn't limit distance, but people's handicaps do. One thing we give a permit for is if a person cannot walk 200 feet without stopping. As stated before the distance to the closest place is about 350 feet. Now distance really isn't in itself a violation, but why is there no place to sit down, to rest. I checked and once inside, vital records is another 470 feet. If you know to go up a floor right away there is a place to rest near the Secretary of State's but otherwise, nothing except restrooms to the cafeteria. I would also note we do not have any carts for people to use.

Signage, well, pretty much what signage. Could be a sign saying if you need assistance call..... by the parking. Could be signage telling where handicapped bathrooms are. The Capital is like a mystery if you don't already know where to go.

For instance the bathroom near the Supreme Court in the judicial wing. Automatic door openers on ground floor and floor 3 but not on the other floors, though there is a strap on the door handle on floor 1 in the women's bathroom so someone can back their wheelchair up and use the strap to pull the door open. In the tower, handicapped bathroom on the 10th and 11th floors but no others. How does one know? You just need to know, many of the bathrooms in the tower just have a 30 inch door and some are very small. It would probably be a reasonable assumption they are all the same, but they are not. Just you have to know.

HB 1298
3-14-19
AH #1
pg 1

HB 1298
3-14-19
att 41
pg 2

The stick containers have been showing up more during legislative session. They are maybe not as much an accommodation to people with diabetes as a safety measure for our janitorial staff.

I note handicapped people if they know to ignore the signs can go to the other entrances and buzz and people will come and let them in. All well and good but all the signs say go to south entrance.

I would also note we already had an incident the other day, a handicapped student was in the capital and needed a restroom but there was no family bathroom where the student and the caregiver could both enter. There is no family bathroom in the capital that I am aware of. Just yesterday there were three young gentlemen in electric chairs and at least one was severe enough his caregiver was feeding him in the cafeteria. All the caregivers were women.

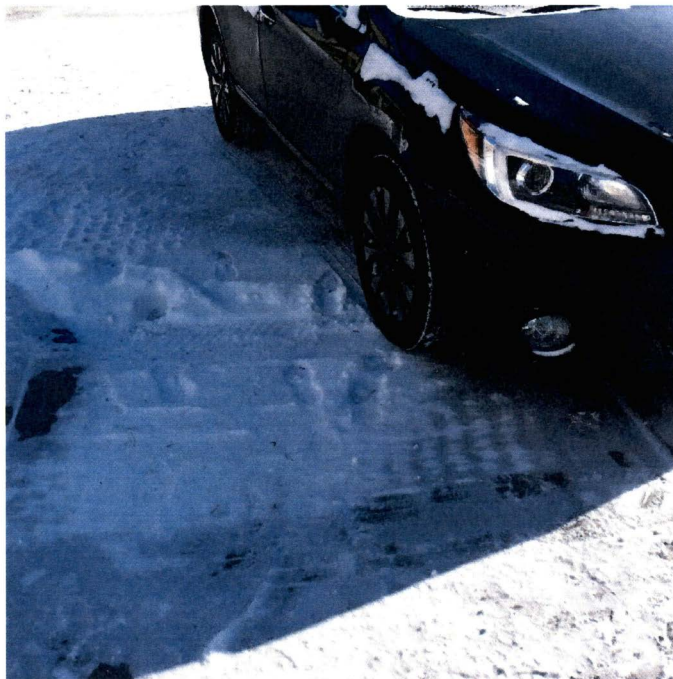
While distance isn't really a part of the law, it really is part of accessibility. I would note that while the closest handicapped parking to the public entrance is 350 feet, there is an area by the House Chambers where the road goes on the west side that could be easily expanded to provide some handicapped parking. The road is about 175 feet from the entrance, so it would cut the distance in half or potentially even less.

One thing I have learned is one cannot assume, and so I hope that if we listen we will be told what is needed. Some things need study. Some things obviously need change. I would note that the special fund for the capital grounds could pay for this and I think it should. This is the people's house, let's let the people come in and use it.

AB 1298.
3-14-19
AH #1
Pg 3



East side entrance, proposed area of parking.

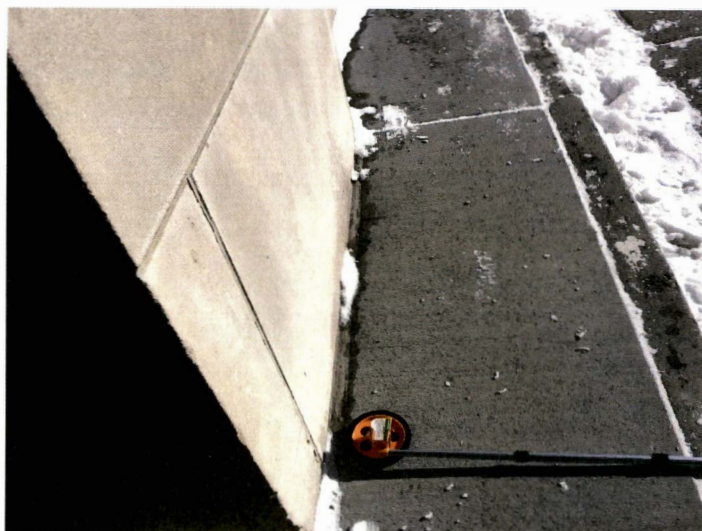


Ramp visitor's lot

11B 1298
3-14-19
Att #1
pg 4



Going towards capital, from Visitor's lot.



Pinch point on sidewalk

HB 1298
3-14-19
AH #2
pg 1

Good morning Chairman Davison and members of Senate GVA Committee. For the record, my name is Carel Two-Eagle, and I stand in support of HB1298. In fact, I am the person who motivated Representative Marvin Nelson to put this bill in.

As you can see, I am physically handicapped. I detest the term "disabled" - It speaks about what a person cannot do, instead of focusing on what they can do. It promotes victim-hood. It has a negative focus. I don't take that perspective well.

HB 1298 is needed, however. I and various Legislators have communicated a need for better access to the People's house - the State Capitol building - for any number of years. John Boyle, the Facility Management Director for the Capitol campus, has ignored us. In my case, not so much as a return email telling me to drop dead. Dead silence.

A person's actions speak far louder than their words ever will. They always have. They always will. The lack of responses have stated emphatically that handicapped people are second-class citizens, undeserving of respect or consideration in the matter of our access to the People's house. Yet we are part of the People. We are citizens of the state of North Dakota as well as of the United States. In my case, I am also a citizen of my Native Nation, which is commonly called a Reservation. In none of them am I considered to be less than a full citizen in the eyes of the law. But in Facility Management's view, I am. All of us who are physically challenged are considered to be less than full citizens. This is offensive and insulting. It is not true.

The federal law that covers access is the Americans with Disabilities Act. The ADA. It states, "All state and local entities will accommodate all persons covered under this Act". There is no wiggle room. The Act says, "All" ... "will".

Facility Management's response to the bill indicates that a minimum distance from any entrance we can use is 225 feet is perfectly acceptable. It is neither perfect nor acceptable. My secretary cannot walk more than 50 feet without having to rest. She uses a walker with a seat. But a hike of 225 feet - and usually more - especially in cold weather, or worse, in cold and windy weather, is simply beyond her because there is a trade-off between the amount of clothing she can wear and still move, and the need to breathe at all. A mask is not sufficient.

I now live on crutches. I have bone spurs around my left hip and on the outside of my spine. I can stand without aid, but I cannot walk without aid. If I slip, I will fall. There is no "maybe". If I fall, I cannot get up without a 5-gallon bucket or a suitable chair to balance against as I plank to rise. Or, if there are 2 men strong enough to help me stand as if they

HB 1298
3-14-19
Att #2
pg 2

were standing a plank on its end.. Past that, we're talking about some kind of crane. There's a real dearth of those last 2, especially right when I need them.

Access to The People's House means simply being able to **easily and safely get to the building**. A minimum distance of 225 feet is too far, and in bad weather, is definitely neither easy nor safe. One day in January of this year we had 35-40 – mph wind. Governor Burgum happened to look out a window and saw me struggling just to stand and he sent one of his aides to help me get in safely! Wow! What a difference between his response to an obvious need and that of Facility Management. It tells me, one of them cares and one of them does not.

I had a great time getting like I now am. I have always worked and played hard. I have been an activist since I was 6, and have been beaten on by some truly dedicated people (not without response from me). It is no fun being like this, however, and now we have an official of North Dakota's government telling me – and everyone else who is physically handicapped – that we don't count or we count less. That he doesn't care about our suffering. That we are second-class citizens, not worthy of consideration or accommodation. That is absolutely unacceptable to me and the Legislators who sponsored this bill. I believe it is unacceptable to you.

John Boyle claims it will cost \$50,000 to hire an engineer to develop a plan to fix our situation. That is not true. And, any engineer John Boyle would hire would be able-bodied. Such a person will have no idea what we physically handicapped people need to fix this parking and access situation. Moreover, we mobility-impaired do not need paternalism or some able-bodied person to think and decide for us. We are intellectually capable. However, I have an answer.

I consult. I get \$250/hour to do that. I assessed the parking areas and handicapped access around the Capitol building and around the other buildings on the Capitol campus and developed a plan to fix the situation – in 2 hours flat. I saved the state of North Dakota \$49,500. To that end, I will be happy to provide you with my business address, should you choose to send me a check. I am not joking.

For some areas, there is digitally-measured distance. In the case of the “main” handicapped parking lot, it is on the North side of the Capitol. From the farthest space by the most direct route to the access door, I measured 374 feet. The North side of the building gets the least sunlight, so there is the least melting there. It is least protected from winds & wind-blown precipitation. Those spaces could easily be moved to the South side of the building, right in front, along the building-side of the road. Van access would be simple – the lifts would contact the sidewalk that is already there. Further access could easily be had by putting handicapped access on the West side of the Visitor Lot and on the stub of road that runs along the West side of the Visitor Lot, where there are currently only 2 handicapped spaces.

Or, some handicapped spots could be put along the West side of the Visitor Lot and the first lane to the East. The lot where Legislators park has a number of regular parking spaces near the building that could be converted to handicapped spaces. Access through the West door is easy, and it is simple to provide the attendants there with a metal-detecting wand. That there are easy options is my point.

On the Friday before HB 1298's House Committee hearing, it snowed about 8" here. I saw the North handicapped lot from a window and took a picture of it. Guess where facility management people piled snow? You're right – they piled it in a handicapped parking space.

Since this bill was hog-housed to a study, I have gone through the Capitol building and taken photos of the bathrooms and some stairwells with an eye to access for us mobility-impaired. Among my favorites are the handrail and steps to the Brynhild Haugland room, (the handrail does not meet code OR common sense), and the grab straps on the insides of most of the Handicapped restrooms. I'm still very able physically if we discount my leg.. It is a major trick to be able to hold onto a strap while pushing a manual wheelchair backwards to open the door. The doors are heavy; they do not swing easily; and there is no way for anyone to see another person on the other side of the doors. Moreover, at least in the women's restrooms, women come in at a high rate of speed. Think of that and the potential for injury to someone in a wheelchair. I have been nearly bowled over many times and I'm on crutches. Someone in a wheelchair has no way to get out of the way.

I suggest you each take one of the manual wheelchairs in the building and try opening a bathroom door from the inside while holding onto a strap. No one can assist you. You must do this alone. You will get an entirely new perspective on what it is to be mobility-impaired, especially in The People's House.

Please give this bill a unanimous DO PASS and show respect to the physically handicapped citizens of North Dakota! To fix this situation would definitely do a great deal to help heal the Sacred Hoop.

Thank you for hearing me in a good way now. I am always available to answer any questions you may have.

HB 1298
3-14-19 AH #2
P83



HB1298 AH #2
3-14-19 pg 4

AB 1298
374-19
AH #2
PS 5

I checked and took pictures of G – 3rd floors women's bathrooms of Judicial wing in the atrium area March 11, 2019.

1st & 3rd floors have automatic door openers; Ground & 2nd do not and have straps on the inside of the door "to aid mobility-impaired people in opening the door". (As if..)

I then rode the main elevators from 1st – 18th floors and noted the kinds of bathrooms on each, & took photos in some cases. They are noted here; I will print them separately with their identifications.

1st floor and 2nd floor only have bathrooms in the Judicial wing in the atrium area, so you will have to check the men's bathrooms. I suspect there would be A Row if I did it (:-D) so I will bypass that. After that, the data is as follows:

3rd floor – No women's; only a men's; no HC

4th floor – Same as 3rd floor

5th floor – Same as 3rd & 4th floors

6th floor – Women's; No men's; No HC

7th floor - Men's; no women's; no HC

8th floor - Women's; No men's; No HC

9th floor - Women's; No men's; No HC (took photos)

10th floor – HC women's; No men's; took photos

11th floor – HC men's; No women's

12th floor – Men's; No women's (Photo has scale in it)

13th floor – Women's; No men's; No HC

14th floor – Women's; No men's; No HC

15th floor – Men's; No women's; No HC

16th floor – Women's; No men's; No HC

AB 1298
3-14-19
AH #2
pg 6

17th floor – Men's marked "For employees only"; No women's; took photo

18th floor – No bathrooms.

Note: In the photo of the 17th floor facility, there is a sign that appears to point to the Men's room as also being where the stairwell to the 18th floor is. The stairwell is, of course, elsewhere on the 17th floor. BUT when I walked the observation deck of the 18th floor, the sign on the stairwell door says, "For emergency use only". An interesting quandary arises.

NB 1298
3-14-19

SENATE GOVERNMENT AND VETERAN AFFAIRS COMMITTEE

Sixty-sixth Legislative Assembly of North Dakota

H.B. 1298

March 14, 2019

Att #3
P81

Good afternoon, Chair Davison and members of the Committee. I am Cynthia Wagner Goulet, an attorney with the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency that advocates for the human, civil and legal rights of persons with disabilities.

P&A supports House Bill 1298. The bill, as now amended, directs a study to be undertaken of accessibility issues of our very stately but elderly (85 years old) State Capitol and its grounds. There have obviously been additions and alterations made intermittently to the Capitol complex over the years in an ongoing effort to address accessibility concerns. But given such things as continuing changes in technology and in accessible design principles, and the growing societal understanding of inclusion, there's unquestionably more that can and should be done with accessibility concerns for our state government complex. You have likely seen for yourselves the considerable distance between accessible parking spaces and entrances to the Capitol, the path of travel made more difficult by our weather of this winter, and then issues with ease of entrance into the building, particularly with the current security restrictions. Undoubtedly, you've also been able to observe during your days here those difficulties that persons who use wheelchairs and walkers experience in accessing the rooms throughout the Capitol complex to attend and participate in committee hearings and

original

make copy

HP 1298

3-14-19

AMH 3
ps 2

other public meetings. Some users of the sole chair lift in the Capitol which is for use with the Brynhild Haugland room report that they cannot use it except with the assistance of a second person. The two parts of the lift-- a stationary platform and the elevator unit-- present a gap when aligned that's large enough for the wheels of a chair to become stuck in. Probably like many of you, P&A has received many reports from persons with disabilities who find the multiple accessibility issues with the Capitol's exterior and interior to be frustrating, and some are a real deterrent to these individuals' ability to fully participate as North Dakota citizens in our state government.

While it may already be the planned course of action, I will go on record, on behalf of P&A, with the recommendation that this study invites and involves the participation by persons who use mobility devices, who have vision impairments and who have hearing impairments. They are the experts in these fields, and their input to this study is critical to obtain optimum results.

Thank you. I am glad to try to answer any questions you may have for me.

HB 1298
3-14-19
att #3
pg 3

Or, some handicapped spots could be put along the West side of the Visitor Lot and the first lane to the East. The lot where Legislators park has a number of regular parking spaces near the building that could be converted to handicapped spaces. Access through the West door is easy, and it is simple to provide the attendants there with a metal-detecting wand. That there are easy options is my point.

On the Friday before HB 1298's House Committee hearing, it snowed about 8" here. I saw the North handicapped lot from a window and took a picture of it. Guess where facility management people piled snow? You're right – they piled it in a handicapped parking space.

Since this bill was hog-housed to a study, I have gone through the Capitol building and taken photos of the bathrooms and some stairwells with an eye to access for us mobility-impaired. Among my favorites are the handrail and steps to the Brynhild Haugland room, (the handrail does not meet code OR common sense), and the grab straps on the insides of most of the Handicapped restrooms. I'm still very able physically if we discount my leg.. It is a major trick to be able to hold onto a strap while pushing a manual wheelchair backwards to open the door. The doors are heavy; they do not swing easily; and there is no way for anyone to see another person on the other side of the doors. Moreover, at least in the women's restrooms, women come in at a high rate of speed. Think of that and the potential for injury to someone in a wheelchair. I have been nearly bowled over many times and I'm on crutches. Someone in a wheelchair has no way to get out of the way.

I suggest you each take one of the manual wheelchairs in the building and try opening a bathroom door from the inside while holding onto a strap. No one can assist you. You must do this alone. You will get an entirely new perspective on what it is to be mobility-impaired, especially in The People's House.

Please give this bill a unanimous DO PASS and show respect to the physically handicapped citizens of North Dakota! To fix this situation would definitely do a great deal to help heal the Sacred Hoop.

Thank you for hearing me in a good way now. I am always available to answer any questions you may have.