



CALIFORNIA STATE SENATE
SENATE OPERATIONS

DEPARTMENTS
Constituent Services/Events
(916) 651-1504
Mail Program
(916) 651-1504
Training Office
(916) 651-1848

July 11, 2023

Paul McGavin
pmcgavin@wirecalifornia.org

RE: FEDERAL AMERICANS WITH DISABILITIES ACT OF 1990

Dear Mr. McGavin:

This letter is in response to your recent correspondence with the Senate Committee on Rules in which you have requested various changes to the Senate committee process relating to Assembly Bill 965 of the 2023–24 Regular Session. Specifically, during a discussion with myself on July 6, 2023, you asked that the July 12, 2012 Senate Governance and Finance Committee hearing on A.B. 965 be set at a time certain, that six electromagnetically sensitive Californians be given a time certain that they may each speak for two minutes, that an additional eighteen minutes be allocated for opposition testimony, and that thirty minutes be allocated for testimony in support of the bill. You have framed these requests as requests for accommodations made pursuant to the federal Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 et seq.; hereafter “ADA”).

It is our understanding that your disability, electromagnetic sensitivity (EMS), requires you to limit the amount of time you spend in the State Capitol. While we cannot grant the precise accommodation you have requested, we are making accommodations to limit the amount of time you will need to be in the Capitol building.

We estimate that the Senate Governance and Finance Committee hearing on A.B. 965 will begin around 2:00pm. The start time of this particular committee hearing follows the Senate Education Committee hearing that occurs in the same room. Therefore, it is not possible to predict the start time with more specificity. You may monitor the progress of the Senate Education Committee hearing here: <https://www.senate.ca.gov/calendar>. This should enable you minimize the time you spend in the Capitol. Additionally, the Senate Governance and Finance Committee has put A.B. 965 first on its agenda which will make the start time for testimony on that bill easier to predict. These accommodations should enable you to spend as little time in the Capitol as possible and to participate in the same manner as those without disabilities.

Your request for six speakers to have two minutes each to testify in opposition to A.B. 965 as well as your other requests regarding the time allocated to testimony, are unrelated to accessibility for individuals with disabilities. Because the ADA does not require the Senate to provide services to individuals with disabilities that it does not provide to individuals without disabilities, we are denying that aspect of your request. We are further denying those requests because to agree to them would fundamentally change the nature of the hearing by limiting the amount of time that the public is allowed to testify on other bills being heard by the committee that day.

However, the Committee will allow you to testify for two minutes following the two principal speakers. In addition to this opportunity to provide testimony in person, you and any other interested individuals may provide testimony on the bill in writing, in the same manner as any other member of the public.

The Senate provides a legislative process that is open to all Californians and, when requested, we will make reasonable accommodations to ensure that individuals with disabilities have an equal opportunity to participate in our proceedings. Other requests for changes to the legislative process that are unrelated to accessibility, however, will not be granted.

Sincerely,



JOHN NAM
ADA Coordinator
California State Senate