

Assembly Joint Resolution No. 1

RESOLUTION CHAPTER 82

Assembly Joint Resolution No. 1—Relative to the Americans with Disabilities Act.

[Filed with Secretary of State July 17, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 1, Havice. Americans with Disabilities Act.

This measure would memorialize the President and the Congress to (1) stand firm in their resolve to uphold the current provisions of the Americans with Disabilities Act (ADA), (2) affirm the intent and substance of the ADA by enacting new legislation that would nullify the effect of any court decision that weakens the act, (3) take appropriate measures to encourage both public and private entities to implement the provisions of the ADA, and (4) establish whether the ADA has been applied in the manner in which it was intended, and whether any unintended consequences have resulted.

WHEREAS, The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990; and

WHEREAS, The ADA, a comprehensive civil rights act for people with disabilities, guarantees equal opportunity and access for disabled Americans in public and private sector services and employment; and

WHEREAS, More than 54 million Americans and 6.6 million Californians have one or more physical or mental disabilities, and this number is increasingly growing; and

WHEREAS, Discrimination against individuals with disabilities still exists in critical areas of employment, housing, public accommodations, education, transportation, communication, recreation, health services, and access to public services; and

WHEREAS, Individuals with disabilities are a distinct minority who continually experience restrictions and limitations in their daily lives; and

WHEREAS, Governments, businesses, and communities must strive to become inclusive and free of physical and social barriers; and

WHEREAS, The recent United States Court of Appeals, Eighth Circuit, decision in *Alsbrook v. City of Maumelle*, 184 F.3d 999 (1999) ruled that Title II of the Americans with Disabilities Act is unconstitutional and is not a proper exercise of Congress' power under the Fourteenth Amendment to the United States Constitution; and



WHEREAS, The recent United States Supreme Court decision in Board of Trustees of the University of Alabama v. Garrett, 121 S.Ct. 955 (2001) held that Title I of the Americans with Disabilities Act does not authorize private individuals with disabilities to recover money damages against any state; and

WHEREAS, This holding was based upon the view that Congress failed to make the factual findings necessary to abrogate the right of each state under the Eleventh Amendment to the United States Constitution to protection from damage suits under Title I of the American with Disabilities Act; and

WHEREAS, The rights of individuals as enumerated in the Americans with Disabilities Act and other civil rights legislation are fragile and must be watched over with great vigilance; and

WHEREAS, The federal government must continue to demonstrate leadership in the implementation and enforcement of the ADA at the federal and state level; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and Congress of the United States to do all of the following:

(1) Stand firm in their resolve to uphold the current provisions of the Americans with Disabilities Act.

(2) Affirm the intent and substance of the Americans with Disabilities Act by enacting new legislation that would nullify the effect of any court decision that weakens the act.

(3) Take appropriate measures to encourage both public and private entities to implement the provisions of the ADA.

(4) Establish whether the ADA has been applied in the manner in which it was intended, and whether any unintended consequences have resulted; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States and to all members of Congress of the United States.

