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SENATE BILL 5653

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State of Washington

56th Legislature

1999 Regular Session

By Senators Honeyford, Fairley, Oke, Rossi, Heavey, Benton, Kohl-Welles, Costa and Rasmussen

Read first time 02/01/1999. Referred to Committee on Commerce, Trade, Housing & Financial Institutions.

1 AN ACT Relating to providing entrepreneurial opportunities for  
2 disabled persons; adding new sections to chapter 39.19 RCW; creating a  
3 new section; providing an effective date; providing expiration dates;  
4 and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 39.19 RCW  
7 to read as follows:

8 (1) The legislature recognizes that disabled persons contracting  
9 independently or as owners of small businesses may initially: Lack  
10 capital to start a business; have increased costs for personal care  
11 attendants and assistive technology; and have difficulty competing  
12 economically because of a disability. The legislature further  
13 recognizes that these disadvantages diminish as the business grows in  
14 size and as employees become available for support. Therefore, it is  
15 the intent of this chapter to limit participation in the program  
16 established for disabled persons' business enterprises under this  
17 chapter to newly established businesses of small size.

18 (2) The legislature finds that businesses owned and controlled by  
19 disabled persons are significantly underrepresented and have been

1 denied equitable competitive opportunities in contracting. It is the  
2 intent of this chapter to mitigate societal discrimination and other  
3 factors in participating in public works and in providing goods and  
4 services and to delineate a policy that an increased level of  
5 participation by businesses owned and controlled by disabled persons is  
6 desirable at all levels of state government. The purpose and intent of  
7 this chapter is to provide the maximum practicable opportunity for  
8 increased participation by businesses owned and controlled by disabled  
9 persons in participating in public works and the process by which goods  
10 and services are procured by state agencies and educational  
11 institutions from the private sector. The legislature further finds  
12 that no court has held that a program which promotes contracting  
13 opportunities for businesses owned and controlled by disabled persons  
14 must be subjected to the strict-scrutiny standard or must be justified  
15 by a disparity study. If a court of proper jurisdiction determines  
16 that the program for disabled persons is subject to the strict-scrutiny  
17 standard or must be justified by a disparity study, the program may be  
18 suspended until the legislature determines a proper course of action.

19 (3) This section expires June 30, 2004.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 39.19 RCW  
21 to read as follows:

22 (1) The provisions of RCW 39.19.030 through 39.19.060, 39.19.080  
23 through 39.19.160, and 39.19.200 through 39.19.921 shall apply to  
24 businesses that are owned and controlled by disabled persons. The  
25 certification of businesses that are owned and controlled by disabled  
26 persons, is subject to the following restrictions: (a) The business  
27 may not have more than seven employees; and (b) no more than eighty  
28 applicants for certification may be accepted per year.

29 (2) Unless the context clearly requires otherwise, the definitions  
30 in this section apply throughout this chapter. The term "disabled  
31 person" means a person with a physical or mental impairment that  
32 substantially limits a major life activity. The impairment must be  
33 material and medically cognizable or diagnosable. The impairment must  
34 also be permanent in that it is seldom significantly corrected by  
35 medical replacement, therapy, or surgical means. Impairment does not  
36 include drug or alcohol addiction or any negative effects brought on by  
37 the use of drugs or alcohol.

38 (3) This section expires June 30, 2004.

1        NEW SECTION.    **Sec. 3.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 4.**    If any part of this act is found to be in  
6 conflict with federal requirements that are a prescribed condition to  
7 the allocation of federal funds to the state, the conflicting part of  
8 this act is inoperative solely to the extent of the conflict and with  
9 respect to the agencies directly affected, and this finding does not  
10 affect the operation of the remainder of this act in its application to  
11 the agencies concerned. Rules adopted under this act must meet federal  
12 requirements that are a necessary condition to the receipt of federal  
13 funds by the state.

14        NEW SECTION.    **Sec. 5.**    This act is necessary for the immediate  
15 preservation of the public peace, health, or safety, or support of the  
16 state government and its existing public institutions, and takes effect  
17 July 1, 1999.

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