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**SUBSTITUTE HOUSE BILL 1640**

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**State of Washington**

**57th Legislature**

**2002 Regular Session**

**By** House Committee on State Government (originally sponsored by Representatives Miloscia, Dunn, Casada, Conway and Santos)

Read first time 02/08/2002. Referred to Committee on .

1 AN ACT Relating to employment opportunities for people with  
2 disabilities; adding new sections to chapter 43.19 RCW; and providing  
3 an effective date.

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

5 NEW SECTION. **Sec. 1.** The purpose of this section is to further  
6 the policy of the state of Washington to encourage and assist persons  
7 with disabilities to achieve personal independence, through expanded  
8 employment and employment opportunities. The legislature intends to  
9 accomplish this purpose specifically by increasing the number of  
10 persons with disabilities employed, improving wages earned, and  
11 enhancing opportunities for integrated employment.

12 NEW SECTION. **Sec. 2.** The definitions in this section apply  
13 throughout this chapter unless the context clearly requires otherwise.

14 (1) "Central nonprofit agency" means a private tax-exempt  
15 organization with relationships to a statewide network of community  
16 rehabilitation programs and with experience and capability in both  
17 procurement and contracting, and disability employment issues.

1 (2) "Certified community rehabilitation program" means a program  
2 approved by the department of social and health services that directly  
3 provides or facilitates the provision of vocational rehabilitation and  
4 employment services to people with disabilities to enable them to  
5 maximize opportunities for employment, including career advancement.

6 (3) "Commission" means the commission for purchase of products and  
7 services from persons with disabilities.

8 (4) "Disabilities" means physical, mental, or sensory impairments  
9 that would impede a person from obtaining and maintaining permanent  
10 employment and obtaining opportunities for promotion. The impairments  
11 must be material rather than slight and must be static and permanent in  
12 that they are seldom fully corrected by medical replacement, therapy,  
13 or surgical means.

14 (5) "Equitable market value" means the price determined by the  
15 commission. The equitable market value shall be determined through  
16 consideration of current market pricing for goods or services of equal  
17 quality and value. It may include a negotiated bid process that takes  
18 into consideration: Last price bid, established pricing as derived  
19 through averaging of current comparable contracts, the effect of  
20 changes in specifications, supply costs, and other current market  
21 variables.

22 (6) "State agency" means all offices, departments, agencies,  
23 institutions, boards, and commissions of state government including  
24 those headed by an elected official but not including institutions of  
25 higher education.

26 NEW SECTION. **Sec. 3.** State agencies shall, where possible,  
27 purchase products and services from certified community rehabilitation  
28 programs provided that such services and products are of standard price  
29 and quality, and have been certified by the commission, and placed on  
30 the commission's list of certified products and services.

31 NEW SECTION. **Sec. 4.** (1) A commission for purchase of products  
32 and services from persons with disabilities is created in the division  
33 of vocational rehabilitation in the department of social and health  
34 services to facilitate and oversee the purchase of products and  
35 services produced by persons with disabilities who are employed by  
36 certified community rehabilitation programs. The commission is

1 composed of eight members, five of whom are appointed by the governor,  
2 consisting of one representative from:

3 (a) One division from the health and rehabilitation cluster of the  
4 department of social and health services;

5 (b) The governor's committee on disability issues and employment;

6 (c) An advocacy organization for people with disabilities;

7 (d) A certified community rehabilitation program; and

8 (e) The department of general administration.

9 (2) The commission members appointed by the governor shall appoint  
10 three additional at-large members.

11 (3) Members of the commission serve four-year terms. Members may  
12 not receive compensation for their service on the commission, but they  
13 are entitled to reimbursement for actual and necessary expenses  
14 incurred in performing their duties as members as set forth in RCW  
15 43.03.050 and 43.03.060.

16 (4) The commission shall meet four times per year, or as often as  
17 necessary to conduct its business. The commission shall select a  
18 chairperson from among its members at its first meeting.

19 NEW SECTION. **Sec. 5.** The commission shall:

20 (1) Develop and administer policies and procedures to be followed  
21 by certified community rehabilitation programs, consistent with  
22 sections 1 through 7 of this act;

23 (2) Develop criteria for certification and certify community  
24 rehabilitation programs;

25 (3) Review all products, services, and bids, and establish an  
26 equitable market value for all products and services provided by  
27 persons who are disabled and employed by certified community  
28 rehabilitation programs. Such price shall recover all reasonable  
29 direct and indirect costs associated with the production and delivery  
30 of products and services to the state;

31 (4) Approve and issue a publication that lists all products and  
32 services currently available from certified community rehabilitation  
33 programs. Such a list and revisions shall be made available to the  
34 purchasing officers of all state agencies;

35 (5) Prepare and issue a report annually to the governor and the  
36 legislature. The report shall be consistent with the purposes of  
37 sections 1 through 7 of this act, and shall describe the benefits of

1 certified community rehabilitation programs to the state of Washington  
2 and to persons with disabilities.

3 NEW SECTION. **Sec. 6.** The commission shall immediately designate  
4 a central nonprofit agency that has as its main purpose the  
5 representation of the interests of individuals who are disabled and are  
6 employed by certified community rehabilitation programs, and the  
7 certified community rehabilitation programs providing rehabilitation  
8 services and employment for persons with disabilities. The purpose of  
9 the designated central nonprofit agency is to provide support for the  
10 activities and purposes of the commission. The central nonprofit  
11 agency is authorized to coordinate the activities among the commission,  
12 certified community rehabilitation programs, and the department of  
13 general administration. It shall provide administrative support as  
14 necessary to the commission in the conduct of its duties and  
15 responsibilities. It shall be financed by a fee generated through the  
16 contracts between certified community rehabilitation programs and the  
17 state and regulated by the commission. It shall assist the commission  
18 in determining the eligibility of community rehabilitation programs for  
19 certification, and it shall oversee for the commission the compliance  
20 with contract and quality standards required by the purchasing  
21 authority.

22 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act shall not  
23 apply in any case where products and services are available by prior  
24 agreement between any state agency with another state agency.

25 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act are each  
26 added to chapter 43.19 RCW.

27 NEW SECTION. **Sec. 9.** If any provision of this act or its  
28 application to any person or circumstance is held invalid, the  
29 remainder of the act or the application of the provision to other  
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 10.** This act takes effect January 1, 2003.

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