

# HOUSE BILL REPORT

## HB 1724

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**As Reported by House Committee On:**  
Children & Family Services

**Title:** An act relating to changing provisions on the department of services for the blind.

**Brief Description:** Conforming the department of services for the blind provisions with federal law.

**Sponsors:** Representatives Cody, Dickerson, Pflug, Skinner, Hunt, Alexander and Kenney; by request of Department of Services for the Blind.

**Brief History:**

**Committee Activity:**

Children & Family Services: 2/17/03, 2/26/03 [DPS].

**Brief Summary of Substitute Bill**

- Changes statutory provisions for the Department of Services for the Blind.

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### HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Darneille, Vice Chair; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey, Dickerson, Miloscia, Pettigrew and Shabro.

**Staff:** Sonja Hallum (786-7092).

**Background:**

The Department of Services for the Blind (DSB) provides a variety of programs to blind and visually impaired persons of all ages. People whose vision is not correctable by ordinary eye care are likely candidates for services. The purpose of the DSB is to help people who are blind or visually impaired to become employed or retain employment and to live independently in their communities.

Funding for the DSB is largely provided by federal funding. The primary source of federal funding provides 78.7 percent of the total funding for the DSB and the state is

required to match this funding at 21.3 percent in order to receive the federal dollars.

The Federal Rehabilitation Act of 1973 (Act) allocates the funding to the states for DSB services and is a central piece of legislation that affects people with disabilities. It prohibits discrimination in programs conducted by federal agencies, in programs receiving federal financial assistance, in federal employment, and in employment practices of federal contractors.

Any agency that receives money from the federal government must comply with the Act. Currently, provisions in the Washington statutes are not in compliance with the amendments made to the federal provisions.

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### **Summary of Substitute Bill:**

#### **Technical Changes:**

Language relating to the DSB is changed in several statutes to be more consistent with language in the Act, to be more consistent with the purposes of the DSB, and to modernize the terminology relating to blind persons. The following changes are made to the existing law:

- The intent section is changed to modernize the language and provide more focus on the purpose of the DSB and the services they provide;
- Changes are made to remove references to the DSB "advisory council" and replace the term with "rehabilitation council" to be consistent with the Act;
- The definition of "blind person" is modernized and clarified in the general definition section and a different definition of "blind person" is added to the statute relating to the business enterprise program to reflect the federal provisions relating to this program;
- Several sections change terminology to be more reflective of modern terminology relating to blind persons;
- Several sections change language to more clearly state the focus, the purpose, and work of the DSB with no substantive change to the services provided by the DSB;
- The definition of "public building" is changed to clarify that it includes outdoor space associated directly with the building;
- The definition of "net proceeds" in the business enterprise section is changed to clarify the definition; and
- A definition of "priority" is added to the business enterprise program section to define and clarify the word "priority" which is currently in the statute.

#### **Substantive Changes:**

The bill adds new sections and makes substantive changes to some existing statutes. The

following changes are made to the existing law:

- The appeal process for persons who are dissatisfied with the DSB is changed to be consistent with the requirements in the Act. The administrative review process prior to the administrative hearing process is removed.
- A new section is added establishing authority for the DSB to conduct background checks for employees and service providers who have unsupervised contact with participants with the DSB.
- A new section is added to state that personal information and records of applicants and eligible individuals are confidential. Authorization is also granted to the DSB to establish rules to comply with the laws regarding confidentiality.

**Repealed Sections:**

The bill repeals the following two sections:

- The statute relating to the vocational rehabilitation training centers is repealed, but the substantive language is added to another statute relating to similar issues so there is no change in services; and
- The statute relating to a service providing specialized medical eye care is repealed because this service is provided by the DSHS and not the DSB.

**Substitute Bill Compared to Original Bill:**

The substitute changes the definition of "public building" to specify that the outdoor space included in the definition of "public building" only extends to immediately adjacent outdoor space associated directly with the building rather than "adjacent outdoor property."

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** (Original bill) The DSB focuses on 4 major programs: vocational rehabilitation, older blind, child & family services and the Business Enterprise Program (BEP). The largest DSB program is the Vocational Rehabilitation Program. The bill began because the state was out-of-compliance with the federal appeal process. The change was needed to avoid any confusion for consumers. The Attorney General also suggested adding provisions on background checks, confidentiality, and priorities. In order to be a state licensing agency, the agency must be in compliance with federal

provisions. The bill is not expanding priorities in the BEP program.

**Testimony Against:** None.

**Testified:** Bill Palmer and Debbie Cook, Department of Services for the Blind; and Larry Watkinson, Blind Vendors Committee.