

HOUSE BILL REPORT

SB 5705

As Passed House - Amended:

April 17, 2003

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: By Senators Winsley, Thibaudeau, Carlson, Fraser and Shin; by request of Department of Services for the Blind.

Brief History:

Committee Activity:

Children & Family Services: 3/26/03, 4/2/03 [DPA].

Floor Activity:

Passed House - Amended: 4/17/03, 98-0.

<p style="text-align: center;">Brief Summary of Bill (As Amended by House)</p> <ul style="list-style-type: none">· Changes statutory provisions for the Department of Services for the Blind.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass as amended. Signed by 8 members: Representatives Kagi, Chair; Darneille, Vice Chair; Boldt, 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.

One of the programs offered by the DSB is the Business Enterprise Program (BEP). The BEP trains and licenses legally blind people to manage snack/gift shops, espresso stands, and food service facilities in government buildings. The BEP ensures that applicants receive training to operate and manage a restaurant, provides the essential pieces of food service equipment, and provides ongoing management assistance to blind vendors. The BEP is entirely self-supporting and is not funded by state or federal dollars.

Funding for the majority of the DSB operations 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 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 Federal Rehabilitation Act. Currently, provisions in the Washington statutes are not in compliance with the amendments made to the federal provisions.

Summary of Amended Bill:

Technical Changes:

Language relating to the DSB is changed in several statutes to be more consistent with language in the Federal Rehabilitation 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 purposes 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 Federal Rehabilitation 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 BEP 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, 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 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;"
- A definition of "priority" is added to the BEP section to define and clarify the word "priority" which is currently in the statute; and
- The definition of "net proceeds" in the BEP section is changed to clarify the definition.

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 Federal Rehabilitation 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; and
- The Director of the DSB is required to provide access to a telephonic reading service for blind and disabled persons. The Director may determine the type and scope of the service and may contract for the service. The Director is authorized to expend funds from the Business Enterprise Program account, as well as donations and grant money, for the purpose of supporting the telephonic reading service.

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 Department of Social and Health Services and not the DSB.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill makes technical changes. The Department of Services for the Blind did not have the ability to conduct background checks. This is one of the most important thrusts of this bill. Most of the rest of the bill is complying with federal law or making technical changes. This is a good bill.

Testimony Against: None.

Testified: Senator Winsley, prime sponsor.