## SENATE BILL REPORT SB 5705

As Passed Senate, March 11, 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:** Senators Winsley, Thibaudeau, Carlson, Fraser and Shin; by request of Department of Services for the Blind.

## **Brief History:**

Committee Activity: Government Operations & Elections: 2/19/03, 2/26/03 [DP].

Passed Senate: 3/11/03, 48-0.

## SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Staff: Ronda Larson (786-7429)

**Background:** The Department of Services for the Blind 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 department is to help such people become employed or retain employment so that they can live independently wherever they choose to live. When a client of the department's services is dissatisfied with the department, he or she can appeal the department's decision. Before a hearing occurs, the department conducts a process of reviewing the complaint.

Funding for the department mostly comes from federal sources. The Federal Rehabilitation Act of 1973 allocates the federal funding. To receive the federal dollars, the state must fund at least 21.3 percent of the department's costs. Any agency that receives the federal money must comply with the federal act. Currently, provisions in the Washington statutes are not in compliance with amendments to the act.

**Summary of Bill:** Technical changes are made in language relating to the department. The changes make language more consistent with language in the Federal Rehabilitation Act. For example, terms relating to blindness are modernized and some definitions are clarified.

Substantive changes address the appeals process within the department. The administrative review that occurs before the hearing is removed, allowing the appellant to go straight to the hearing stage.

Senate Bill Report - 1 - SB 5705

Substantive changes also give the department the authority to conduct background checks of applicants for jobs within the department. When doing background checks, the department must protect the confidentiality of applicants' personal information.

Finally, sections are repealed that are repetitive or not used. The section relating to vocational rehabilitation training centers is repealed because another statute addresses such centers. The statute relating to medical eye care services is repealed because this is within the purview of the Department of Social and Health Services rather than the department.

**Appropriation:** None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The Department of Services for the Blind should have the authority to do background checks because blind people are in a position to be taken advantage of by people wanting to defraud them. The department's current appeals process, which is set out in state statute, is inconsistent with the federal statute, which requires an appellant to have a hearing without the intermediate step of the department reviewing the complaint. This bill has been a collaborative process among all affected constituents and takes the needs of all of them into consideration.

**Testimony Against:** None.

**Testified:** PRO: Senator Shirley Winsley, prime sponsor; Bill Palmer, Director, Dept. of Services for the Blind; Debbie Cook, Asst. Director, Dept. of Services for the Blind; Larry Watkinson, Chair, Blind Vendors Committee.

**House Amendment(s):** The amended bill adds the requirement that the Director of the Department of Services for the Blind (DSB) provide access to a telephonic reading service for blind and disabled persons. The amended bill authorizes the director 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. In the original bill and in existing law, the DSB runs the business enterprise program, which entails a vending service staffed by blind and disabled persons at vending sites in public buildings. The amended bill clarifies the meaning 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."

Senate Bill Report - 2 - SB 5705