
**Health & Human Services Appropriations
& Oversight Committee**

HB 2604

Brief Description: Transferring the powers, duties, and functions of the developmental disabilities endowment from the department of health to the department of commerce.

Sponsors: Representatives Dickerson and Kenney; by request of Department of Health and Washington State Department of Commerce.

Brief Summary of Bill

- Transfers the Developmental Disabilities Endowment program from the Department of Health to the Department of Commerce.

Hearing Date: 1/31/12

Staff: Andy Toulon (786-7178).

Background:

Developmental Disabilities Councils and the Department of Commerce.

Developmental disabilities councils were authorized by federal law to engage in advocacy, capacity building, and systemic change activities that support the self-determination, independence, productivity, and integration of individuals with developmental disabilities in all facets of community life. Federal assistance is available to support the activities of a state's developmental disabilities council. States must designate a state agency for the receipt of these federal funds.

The Washington State Developmental Disabilities Planning Council (Council) was initially established by executive order in 1976 and reaffirmed in subsequent executive orders. The most recent order identifies the Department of Community Trade and Economic Development (DCTED) as the designated state agency to receive, account for, and disburse federal funds

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available to support the Council. In 2009 legislation created a state Department of Commerce (COM) as a successor agency to the DCTED.

Changes in federal law enacted in 2000 require that the designated state agency must be either (1) the Council, if allowable under the laws of the State; (2) a state agency that does not provide or pay for services for individuals with developmental disabilities; or (3) a state office, including the immediate office of the Governor or a state planning office. An exception in the federal law allows agencies designated prior to 1994 legislation to remain the designated state agency, even if they provide or pay for services for individuals with developmental disabilities, if other conditions are met. The COM meets the criteria for this exception and remains the designated state agency for Washington.

The Developmental Disabilities Endowment Trust Fund.

In 1999 state legislation established the Developmental Disabilities Endowment Trust Fund (Trust). Through a combination of private contributions and public appropriations, the Trust assists family members and others in developing long range financial plans to support individuals with developmental disabilities. A seven-member governing board was authorized to administer the Trust, and the DCTED was directed to provide staff and administrative support to the governing board. Funds in the Trust are invested by the Washington State Investment Board.

The activities of the Council and the Trust are linked in a number of ways. The governing board of the Trust has selected staff of the Council to administer the Trust. The administrative support for the governing board required from the state is also provided by staff from the Council.

2010 Legislation.

In 2010 legislation enabled the COM to focus on its newly defined mission to grow and improve jobs in Washington and facilitate innovation. A number of programs were transferred from the COM to other state agencies whose missions are more closely aligned with the core functions of those programs.

At this time, the functions and authority of the COM related to the Trust were transferred to the Department of Health (DOH). Funding for the Council was also transferred to the DOH; however, the COM, per executive order and as the successor agency to the DCTED, remains the designated state agency for the receipt of federal funds that support the Council.

Summary of Bill:

All powers, duties, and functions of the Department of Health (DOH) pertaining to the Developmental Disabilities Endowment Trust Fund (Trust) are transferred back to the Department of Commerce (COM). This includes all related personnel, appropriations, funds, credits or other assets, documents, files, office equipment, and other tangible property. All rules and pending business must be acted on, and all existing contracts and obligations continued in full force, by the COM.

Whenever a question arises related to the transfer of personnel or related materials or property, the director of financial management shall make a determination as to the proper allocation and provide certification to the agencies.

All transferred employees classified under the state civil service law are assigned to perform their usual duties on the same terms without any loss of rights. Those whose positions are within an existing bargaining unit description within the DOH must become part of the existing bargaining unit at the COM in accordance with state collective bargaining statutes.

Appropriation: None.

Fiscal Note: Available.

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