
HOUSE BILL 2949

State of Washington

65th Legislature

2018 Regular Session

By Representatives Kilduff, Frame, Haler, and Ortiz-Self

Read first time 01/29/18. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to establishing a commission on persons with
2 disabilities; amending RCW 43.79A.040; and adding a new chapter to
3 Title 43 RCW.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that a truly full
6 life, from childhood through adulthood, for persons with disabilities
7 in communities, schools, and workplaces can only occur with
8 unfettered, and equal access to all rights and responsibilities
9 accorded to citizens of Washington. The legislature further finds
10 that a statewide commission on persons with disabilities will advance
11 economic opportunity and equality, and substantially improve the
12 lives of persons with disabilities by promoting full participation in
13 communities, schools, and workplaces, and lives of fulfillment,
14 independence, and self-determination. The legislature therefore
15 intends to establish a commission on persons with disabilities and a
16 related advisory council to advise and assist the executive director
17 of the commission.

18 NEW SECTION. **Sec. 2.** (1) The commission on persons with
19 disabilities is established within the office of the governor for the
20 purposes of: (a) Bringing about full and equal participation in all

1 aspects of life for all persons with disabilities; and (b) striving
2 for the advancement of legal rights and the promotion of the fullest
3 possible opportunities, supportive services, accommodations, and
4 accessibility, in a manner that fosters dignity, self-determination,
5 and person-centered planning.

6 (2) The governor shall appoint an executive director of the
7 commission who shall serve at the pleasure of the governor. The
8 executive director must have substantial professional or
9 administrative experience in disability policy. The executive
10 director, with the advice of the advisory council established in
11 section 4 of this act, shall have sole charge and supervision of the
12 commission.

13 (3)(a) The executive director shall employ staff and prescribe
14 the duties of staff as may be necessary to implement the purposes of
15 this section. In employing staff, the executive director must make
16 every reasonable effort to ensure that persons with disabilities are
17 employed with the commission. The executive director may apply for
18 and accept federal, local, or private grants of money or property,
19 whether real or personal, from any source to aid in the financing of
20 any of the programs of the commission. Such funds shall be received
21 and deposited into a separate fund and expended under the direction
22 of the executive director.

23 (b) Information that the executive director may require to
24 fulfill the functions of the commission must, to the full extent
25 permitted by state and federal law, be made available to him or her
26 upon request to any department, board, commission, or other state
27 entity.

28 (4) The commission may make agreements with other departments,
29 boards and commissions of the state and enter into performance-based
30 contracts with individuals, organizations, corporations,
31 associations, or other legal entities, including private entities or
32 any departments or agencies of the federal government or the state or
33 any political subdivisions thereof, to carry out the functions of the
34 commission. As used in this subsection (4), "performance-based
35 contract" has the same definition as in RCW 43.216.015.

36 NEW SECTION. **Sec. 3.** In accordance with section 2 of this act,
37 the commission on persons with disabilities has the following powers
38 and duties:

1 (1) To identify, analyze, evaluate, and monitor public policies,
2 programs, services, and regulations that affect or may affect persons
3 with disabilities. Actions performed under this section may include
4 an assessment of the needs of persons with disabilities, a survey of
5 services provided by public and private organizations, an
6 identification of unfilled needs, and the development of action plans
7 to meet objectives and measures of performance;

8 (2) To create and update every three years a comprehensive fully
9 integrated statewide plan to address the needs of persons with
10 disabilities at all stages of life, including birth, early childhood,
11 elementary and secondary school years, college, adulthood, and work;

12 (3) To utilize a system of collection of information for the
13 purpose of identifying inadequate or inaccessible programs and
14 services, inadequate coordination of programs and services,
15 unnecessary programs and services, and duplication of programs and
16 services;

17 (4) To make recommendations and provide comprehensive
18 coordination and support to appropriate state agencies regarding
19 public policies, programs, services, and rules as they affect or may
20 affect persons with disabilities;

21 (5) To develop and promote information and referral services
22 regarding programs, services, rights, and opportunities for persons
23 with disabilities;

24 (6) To identify and recommend to state and local agencies,
25 departments, and organizations appropriate sources of state and
26 federal funds that are available for expanding or improving services
27 and programs for persons with disabilities;

28 (7) To review and make recommendations to the governor, state
29 agencies, the legislature, and the public concerning the adequacy of
30 state programs, plans, and budgets for services to persons with
31 disabilities and for funding under various federal programs;

32 (8) To adopt rules necessary to implement to this section; and

33 (9) To prepare and submit to the governor an annual report
34 December 1st of each year, beginning in 2019. The report required by
35 this subsection must include: A description and evaluation of duties
36 and functions of the commission; a description, evaluation, and
37 analysis of public policies, programs, services, and rules or
38 regulations that affect or may affect persons with disabilities; and
39 recommendations for the development, coordination, and improved
40 responsiveness of these policies, programs, services, and regulations

1 or rules. The report required by this subsection is a public record
2 under chapter 42.56 RCW.

3 NEW SECTION. **Sec. 4.** (1)(a) A persons with disabilities
4 advisory council is established, with members as provided in this
5 subsection.

6 (i) The governor shall appoint twelve members, at least seven of
7 whom must be people with disabilities, and five additional persons
8 qualified by training, experience, or demonstrated interest in the
9 affairs of persons with disabilities and representing a broad range
10 of disabilities in the state.

11 (ii) The superintendent of public instruction shall appoint one
12 member.

13 (iii) The following entities shall each designate one person to
14 serve on the council as nonvoting ex officio members:

15 (A) The school for the blind;

16 (B) The center for childhood deafness and hearing loss;

17 (C) The educational opportunity gap oversight and accountability
18 committee;

19 (D) The department of social and health services, developmental
20 disability administration;

21 (E) The department of social and health services, division of
22 vocational rehabilitation;

23 (F) The department of children, youth, and families;

24 (G) The employment security department;

25 (H) The student achievement council; and

26 (I) The governor's disability employment task force.

27 (b) Initial members appointed by the governor shall serve terms
28 as follows: Seven members shall serve for a term of three years;
29 three for a term of two years; and two for a term of one year.
30 Thereafter all terms shall be three years in duration. Councilmembers
31 appointed by the superintendent of public instruction shall serve
32 three-year terms.

33 (c) Upon expiration of the term of any appointive member, his or
34 her successor must be appointed in like manner for a term of three
35 years. Any vacancy must be filled for the remainder of the unexpired
36 term.

37 (d) Members of the advisory council shall elect a chair from
38 among the voting members and must meet at least quarterly. Members of
39 the council shall serve without compensation but must be reimbursed

1 as provided in RCW 43.03.050 and 43.03.060. If any member is absent
2 from two regularly scheduled quarterly meetings in any one calendar
3 year, his or her position as a member of the council must be deemed
4 vacant, and the chair must immediately notify the governor of the
5 vacancy.

6 (2) The council shall: (a) Advise the executive director of the
7 commission on persons with disabilities on policy, planning, and
8 needs in the state for programs and services for persons with
9 disabilities; (b) assist the executive director in establishing
10 priorities for commission activities; and (c) annually review the
11 programs, budgets, and policies of the commission.

12 (3) Staff support for the council must be provided by the office
13 of the governor.

14 (4) All meetings of the council must be open to the public and
15 the commission must provide reasonable and appropriate accommodations
16 to make its meetings accessible to people with disabilities. Examples
17 of actions the commission may take to promote accessibility may
18 include providing communication access real-time translation, sign
19 language interpreters, Braille, and closed captioning.

20 NEW SECTION. **Sec. 5.** The commission on persons with
21 disabilities account is created in the custody of the state
22 treasurer. In collaboration with private and philanthropic partners,
23 private matching funds will be procured to support the commission on
24 persons with disabilities established in section 2 of this act. All
25 receipts from gifts, grants, or endowments from public or private
26 sources must be deposited into the account. Expenditures from the
27 account may be used only for the programs and actions of the
28 commission on persons with disabilities. Only the executive director
29 of the commission on persons with disabilities or the executive
30 director's designee may authorize expenditures from the account. The
31 account is subject to allotment procedures under chapter 43.88 RCW,
32 but an appropriation is not required for expenditures.

33 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act
34 constitute a new chapter in Title 43 RCW.

35 **Sec. 7.** RCW 43.79A.040 and 2017 3rd sp.s. c 5 s 89 are each
36 amended to read as follows:

1 (1) Money in the treasurer's trust fund may be deposited,
2 invested, and reinvested by the state treasurer in accordance with
3 RCW 43.84.080 in the same manner and to the same extent as if the
4 money were in the state treasury, and may be commingled with moneys
5 in the state treasury for cash management and cash balance purposes.

6 (2) All income received from investment of the treasurer's trust
7 fund must be set aside in an account in the treasury trust fund to be
8 known as the investment income account.

9 (3) The investment income account may be utilized for the payment
10 of purchased banking services on behalf of treasurer's trust funds
11 including, but not limited to, depository, safekeeping, and
12 disbursement functions for the state treasurer or affected state
13 agencies. The investment income account is subject in all respects to
14 chapter 43.88 RCW, but no appropriation is required for payments to
15 financial institutions. Payments must occur prior to distribution of
16 earnings set forth in subsection (4) of this section.

17 (4)(a) Monthly, the state treasurer must distribute the earnings
18 credited to the investment income account to the state general fund
19 except under (b), (c), and (d) of this subsection.

20 (b) The following accounts and funds must receive their
21 proportionate share of earnings based upon each account's or fund's
22 average daily balance for the period: The 24/7 sobriety account, the
23 Washington promise scholarship account, the Gina Grant Bull memorial
24 legislative page scholarship account, the Washington advanced college
25 tuition payment program account, the Washington college savings
26 program account, the accessible communities account, the Washington
27 achieving a better life experience program account, the community and
28 technical college innovation account, the agricultural local fund,
29 the American Indian scholarship endowment fund, the foster care
30 scholarship endowment fund, the foster care endowed scholarship trust
31 fund, the contract harvesting revolving account, the Washington state
32 combined fund drive account, the commemorative works account, the
33 county enhanced 911 excise tax account, the toll collection account,
34 the developmental disabilities endowment trust fund, the energy
35 account, the fair fund, the family and medical leave insurance
36 account, the food animal veterinarian conditional scholarship
37 account, the forest health revolving account, the fruit and vegetable
38 inspection account, the future teachers conditional scholarship
39 account, the game farm alternative account, the GET ready for math
40 and science scholarship account, the Washington global health

1 technologies and product development account, the grain inspection
2 revolving fund, the industrial insurance rainy day fund, the juvenile
3 accountability incentive account, the law enforcement officers' and
4 firefighters' plan 2 expense fund, the local tourism promotion
5 account, the low-income home rehabilitation revolving loan program
6 account, the multiagency permitting team account, the northeast
7 Washington wolf-livestock management account, the pilotage account,
8 the produce railcar pool account, the regional transportation
9 investment district account, the rural rehabilitation account, the
10 Washington sexual assault kit account, the stadium and exhibition
11 center account, the youth athletic facility account, the self-
12 insurance revolving fund, the children's trust fund, the Washington
13 horse racing commission Washington bred owners' bonus fund and
14 breeder awards account, the Washington horse racing commission class
15 C purse fund account, the individual development account program
16 account, the Washington horse racing commission operating account,
17 the life sciences discovery fund, the Washington state heritage
18 center account, the reduced cigarette ignition propensity account,
19 the center for childhood deafness and hearing loss account, the
20 school for the blind account, the Millersylvania park trust fund, the
21 public employees' and retirees' insurance reserve fund, ((and)) the
22 radiation perpetual maintenance fund, and the commission on persons
23 with disabilities account.

24 (c) The following accounts and funds must receive eighty percent
25 of their proportionate share of earnings based upon each account's or
26 fund's average daily balance for the period: The advanced right-of-
27 way revolving fund, the advanced environmental mitigation revolving
28 account, the federal narcotics asset forfeitures account, the high
29 occupancy vehicle account, the local rail service assistance account,
30 and the miscellaneous transportation programs account.

31 (d) Any state agency that has independent authority over accounts
32 or funds not statutorily required to be held in the custody of the
33 state treasurer that deposits funds into a fund or account in the
34 custody of the state treasurer pursuant to an agreement with the
35 office of the state treasurer shall receive its proportionate share
36 of earnings based upon each account's or fund's average daily balance
37 for the period.

1 (5) In conformance with Article II, section 37 of the state
2 Constitution, no trust accounts or funds shall be allocated earnings
3 without the specific affirmative directive of this section.

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