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**HOUSE BILL 2949**

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**State of Washington 65th Legislature 2018 Regular Session**

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

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

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

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

NEW SECTION. **Sec.**  (1) The commission on persons with disabilities is established within the office of the governor for the purposes of: (a) Bringing about full and equal participation in all aspects of life for all persons with disabilities; and (b) striving for the advancement of legal rights and the promotion of the fullest possible opportunities, supportive services, accommodations, and accessibility, in a manner that fosters dignity, self-determination, and person-centered planning.

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) To prepare and submit to the governor an annual report December 1st of each year, beginning in 2019. The report required by this subsection must include: A description and evaluation of duties and functions of the commission; a description, evaluation, and analysis of public policies, programs, services, and rules or regulations that affect or may affect persons with disabilities; and recommendations for the development, coordination, and improved responsiveness of these policies, programs, services, and regulations or rules. The report required by this subsection is a public record under chapter 42.56 RCW.

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

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

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

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

(A) The school for the blind;

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

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

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

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

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

(G) The employment security department;

(H) The student achievement council; and

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

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

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

(d) Members of the advisory council shall elect a chair from among the voting members and must meet at least quarterly. Members of the council shall serve without compensation but must be reimbursed as provided in RCW 43.03.050 and 43.03.060. If any member is absent from two regularly scheduled quarterly meetings in any one calendar year, his or her position as a member of the council must be deemed vacant, and the chair must immediately notify the governor of the vacancy.

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

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

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

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

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

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

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

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

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

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

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, ((~~and~~)) the radiation perpetual maintenance fund, and the commission on persons with disabilities account.

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

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

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

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