

SENATE BILL REPORT

SB 6545

As Reported by Senate Committee On:
Ways & Means, February 7, 2012

Title: An act relating to transferring the powers, duties, and functions of the developmental disabilities endowment.

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

Sponsors: Senator Murray; by request of Department of Health and Washington State Department of Commerce.

Brief History:

Committee Activity: Ways & Means: 2/02/12, 2/07/12 [DP, DNP].

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli, Ranking Minority Member; Parlette, Ranking Minority Member Capital; Brown, Conway, Fraser, Harper, Hatfield, Hewitt, Holmquist Newbry, Honeyford, Kastama, Keiser, Kohl-Welles, Padden, Pridemore, Regala, Schoesler and Tom.

Minority Report: Do not pass.

Signed by Senator Baumgartner.

Staff: Richard Ramsey (786-7412)

Background: Federal law authorizes developmental disabilities councils 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 established by executive order in 1976 and reaffirmed in subsequent executive orders. The most recent order identifies the Department of Community Trade and Economic

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Development (DCTED), now the Department of Commerce (Commerce), as the designated state agency to receive, account for, and disburse federal funds available to support the Council.

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. Commerce meets the criteria for this exception and remains the designated state agency for Washington.

In 1999 the Legislature established the Developmental Disabilities Endowment Trust Fund (Trust). Through 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 administers 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.

In 2010 the Legislature transferred the functions and authority of the Trust from Commerce to the Department of Health (DOH). Funding for the Council was also transferred to the DOH; however, Commerce remains the designated state agency for the receipt of federal funds that support the Council. In addition, some programs administered by the DOH benefit people with developmental disabilities.

Summary of Bill: All powers, duties, and functions of DOH pertaining to the Trust are transferred to Commerce. 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 Commerce.

Whenever a question arises related to the transfer of personnel or related materials or property, the director of Financial Management makes 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 DOH must become part of the existing bargaining unit at Commerce in accordance with state collective bargaining statutes.

Appropriation: None.

Fiscal Note: Available on companion bill, HB 2604.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The bill is technical in nature and we support it.

Persons Testifying: PRO: Greg Grunenfelder, DOH; Dan McConnon, Commerce.