

HOUSE No. 4496

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 5, 2020.

The committee on Children, Families and Persons with Disabilities, to whom were referred the petition (accompanied by bill, House, No. 88) of Brian M. Ashe and others relative to community based day support services appropriate to the needs of persons with disabilities, the petition (accompanied by bill, House, No. 100) of Jeffery Calnan for legislation to promote employment for people with disabilities, the petition (accompanied by bill, House, No. 142) of Jack Patrick Lewis for legislation to establish a system for tracking the unmet service needs of persons with developmental disabilities, the petition (accompanied by bill, House, No. 161) of Denise Provost and others for the establishment of a permanent commission on the status of people with disabilities, and the petition (accompanied by bill, House, No. 3752) of Tram T. Nguyen and others relative to employment for persons with intellectual disabilities and autism spectrum disorders, reports recommending that the accompanying bill (House, No. 4496) ought to pass.

For the committee,

KAY KHAN.

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act establishing a permanent Commission on the Status of Persons with Disabilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 3 of the General Laws, as appearing in the 2018 Official Edition, is
2 hereby amended by adding the following section:-

3 Section 72. (a) There shall be established a permanent Commission on the Status of
4 Persons with Disabilities comprised of 19 persons including; 1 persons appointed by the
5 president of the senate; 1 persons appointed by the speaker of the house of representatives; 1
6 person appointed by the minority leader of the senate; 1 person appointed by the minority leader
7 of the house of representatives; 7 persons appointed by the governor; the attorney general or their
8 designee; the state treasurer or their designee; the secretary of state or their designee; the
9 executive director of the Disabled Persons Protection Commission or their designee; 1 person
10 from the University of Massachusetts Medical School Work Without Limits program; 1 person
11 from the Massachusetts Disability Policy Consortium; 1 person from the Massachusetts
12 Association of Developmental Disabilities Providers; and 1 person from the Massachusetts
13 Developmental Disabilities Council.

14 (b) Members of the commission shall be drawn from diverse racial, ethnic, religious, age,
15 disability, sexual orientation, gender identity and expression, and socio-economic backgrounds,
16 and should have personal experience, professional background or demonstrated interest on issues
17 relating to persons with disabilities. It shall be desirous that the commission include
18 representation from a broad spectrum of disabilities, as well as perspectives of family members,
19 disability advocacy organizations, human service agencies, regional employment collaboratives
20 and business and labor organizations throughout the commonwealth.

21 (c) The commission shall be an independent agency of the commonwealth and shall not
22 be subject to the control of any other department or agency. Members of the commission shall be
23 subject to the provisions of chapter 268A as they apply to special state employees.

24 (d)(1) Members shall serve terms of 3 years and until their successors are appointed, or
25 they are reappointed by their appointing or nominating authority.

26 (2) Vacancies in the membership of the commission shall be filled by the original
27 appointing or nominating authority for the balance of the unexpired term. If the position was
28 filled by a nominating body, the replacement member shall be selected from solicited
29 nominations. If the nominating body or appointing authority does not fill a position, the existing
30 members of the commission shall fill the vacancy from a pool of qualified applicants as pursuant
31 to subsection (b).

32 (3) Nominations for vacancies in the membership shall be solicited through an open
33 application process using a uniform and accessible application, which accommodates candidates
34 of all abilities. Appointments shall be announced no later than April 1 of each year.

35 (4) The commission shall elect from among its members a chair, a vice-chair, a clerk, a
36 treasurer and any other officers it deems necessary to carry out its mission.

37 (5) The members of the commission shall receive no compensation for their services, but
38 shall be reimbursed for any usual and customary expenses incurred in the performance of their
39 duties.

40 (e) An executive director shall be selected by the commission, and may hire staff. The
41 executive director shall be qualified by his or her experience working on issues relating to
42 persons with disabilities, organizing research and reports, advocacy and communication skills,
43 and demonstrated leadership abilities. The executive director shall not simultaneously serve as a
44 member of the commission.

45 (f) The commission shall work to advance the cause of all persons with disabilities in the
46 commonwealth. The commission shall be empowered to (i) study, review, advise and report on:
47 (A) any disparities across service or geographical areas concerning the range of available options
48 within state disability services; (B) the status of transportation for persons with disabilities
49 including access to employment opportunities; (C) the effect of public assistance for persons
50 with disabilities as it pertains to earning limits and eligibility for subsidies for food, housing,
51 child care, and other benefits; (D) establishing school-to-work activities for transition aged youth
52 with disabilities that establish a bridge to self-sufficiency and engage school supports, family
53 members and employers; (E) the status of the strategic plan to make the commonwealth a model
54 employer by seeking to increase the number of people with disabilities employed by the
55 executive branch; (F) the enhanced enforcement of state requirements that promote diversity in
56 state government employment; (F) and the number of persons with disabilities who apply for

57 state disability services and are unsuccessful in receiving services; (ii) facilitate and promote
58 public awareness to encourage inclusion of persons with disabilities as employees and vendors
59 within the private and public sector workforce, including under-represented business sectors of
60 all sizes; (iii) assess programs and practices in all state agencies as they affect persons with
61 disabilities, as the commission deems necessary and appropriate; (iv) advise executive and
62 legislative bodies regarding the impact of proposed legislation on persons with disabilities; and,
63 (v) promote and facilitate collaboration among local disability commissions, disability rights
64 advocacy organizations, and disability employment service providers.

65 (g) The commission shall annually, on or before October 31, report the results of its
66 findings and activities of the preceding fiscal year and its recommendations which may include
67 draft legislation to the governor; the senate and house committees on ways and means; the clerks
68 of the house of representatives and the senate; the joint committee on children, families and
69 persons with disabilities; and, the joint committee on labor and workforce development.

70 (h) The powers of the commission shall include but not be limited to the following: (i) to
71 use voluntary and uncompensated services of private individuals, agencies and organizations as
72 may from time to time be offered and needed; (ii) to review policies and legislation and make
73 recommendations to agencies and officers of the state and local subdivisions of government to
74 effectuate the purposes of subsections (f) and (g); (iii) to select an executive director and to
75 acquire adequate staff to perform its duties; (iv) to establish and maintain such offices as it may
76 deem necessary; (v) to enact bylaws for its own governance; (vi) to establish subcommittees or
77 regional chapters of the commission as it deems necessary; and (vii) to hold regular, public
78 meetings and fact-finding hearings and other public forums as it may deem necessary.

79 (i) The commission shall meet regularly and for at least nine times each calendar year.
80 The governor; the speaker of the house of representatives; the president of the senate; the chairs
81 of the joint committee on children, families and persons with disabilities; the chairs of the joint
82 committee on labor and workforce development; and the directors of the state disability offices
83 and commissions or their designees, as non-voting members, shall be invited to attend. Public
84 meetings should be held in a manner accessible to and welcoming of persons of all abilities with
85 necessary accommodations to ensure broad participation. Notices of meetings and other
86 information shall be posted to a publicly accessible website that also accommodates persons who
87 are visually impaired.

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89 (j) The commission may request from all state agencies such information and assistance
90 as the commission may require.

91 (k) The commission may accept and solicit funds, including any gifts, donations, grants
92 or bequests or any federal funds, for any of the purposes of this section. Such funds shall be
93 deposited in a separate account with the state treasurer, be received by said treasurer on behalf of
94 the commonwealth, and be expended by the commission in accordance with commission bylaws
95 and state and federal law.