

HOUSE No. 161

The Commonwealth of Massachusetts

PRESENTED BY:

Denise Provost

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a commission to study the status of people with disabilities within the commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/18/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>1/30/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/22/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/23/2019</i>

HOUSE No. 161

By Ms. Provost of Somerville, a 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. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 112 OF 2017-2018.]

The Commonwealth of Massachusetts

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

An Act establishing a commission to study the status of people with disabilities within the commonwealth.

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. Section 66 of chapter 3 of the General Laws, as appearing in the 2012
2 Official Edition , is hereby amended by adding the following section:-

3 Section 70. (a) There shall be established a permanent commission on the status of people
4 with disabilities comprised of 17 persons including; 1 person appointed by the president of the
5 senate; 1 person appointed by the speaker of the house of representatives; and the following
6 persons appointed by the governor: 1 person nominated by the joint committee on children,
7 families and persons with disabilities; 6 persons nominated by local and regional disability rights
8 organizations; 1 person nominated by the architectural access board; 1 person nominated by the
9 Massachusetts office on disability; and 6 persons from among the following industries:

10 communications, education, architecture, assistive technologies, arts and engineering who have
11 demonstrated competence in universal or inclusive design within their respective industries.

12 The commission shall be an independent agency of the commonwealth and shall not be
13 subject to the control of any other department or agency.

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 from throughout the commonwealth and shall have experience working toward improving the
17 status of people with disabilities in society. Members of the commission shall be subject to the
18 provisions of chapter 268A as they apply to special state employees.

19 (c)(1) Members shall serve terms of 3 years and until their successors are appointed.

20 (2) Vacancies in the membership of the commission shall be filled by the original
21 appointing or nominating authority for the balance of the unexpired term. If the position was
22 filled by a nominating body, the replacement member shall be selected from solicited
23 nominations.

24 (3) Nominations for vacancies in the membership shall be solicited between January 1
25 and February 15 of each year through an open application process using a uniform application
26 that is widely distributed throughout the state. Appointments shall be announced on April 1 of
27 each year.

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

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

33 (d) An executive director shall be selected by the commission, and shall hire staff,
34 subject to appropriations. The executive director shall be qualified by his or her
35 accomplishments in eradicating barriers to equality for people with disabilities, in organizing
36 research and reports, and by having demonstrated leadership abilities. The executive director
37 shall not simultaneously serve as a member of the commission on the status people with
38 disabilities.

39 (f) The commission shall work to foster strategic integration of disability diversity within
40 all sectors of the commonwealth; collect data relevant to short and long-term community support
41 and independent living service delivery programs; continuously monitor and evaluate plans,
42 programs and policies relevant to equalizing access to justice as well as assets and opportunities
43 for people with disabilities; and provide an annual report with recommendations including, but
44 not limited to; (i) tools and guidelines; (ii) specific disability benchmarking goals and objectives;
45 (iii) necessary legislation, if any; and (iv) mechanisms and processes.

46 (g) The commission shall: (i) study, review and report on the status of people with
47 disabilities in the commonwealth; (ii) evaluate baseline conditions of accessibility and
48 integration throughout the commonwealth and propose improvements to further the equal
49 inclusion of people with disabilities in economic, housing and environmental programs including
50 new benchmarks and data collection efforts; (iii) establish an informal resource group to provide
51 and support a platform of dialogue and feedback amongst program users and planners; (iv)

52 inform leaders of business, education, health care, state and local governments and the
53 communications media of issues pertaining to people with disabilities; (v) identify and
54 recommend qualified disabled persons for appointive positions at all levels of government,
55 including boards and commissions, as the commission deems necessary and appropriate; (vi)
56 assess programs and practices in all state agencies as they affect people with disabilities, as the
57 commission deems necessary and appropriate; (vii) advise executive and legislative bodies
58 regarding the impact of proposed legislation on people with disabilities, as the commission
59 deems necessary and appropriate; and (viii) promote and facilitate collaboration among local
60 disabilities commissions and among disability rights advocacy organizations in the state, as the
61 commission deems necessary and appropriate. The commission shall annually, on or before June
62 2, report the results of its findings and activities of the preceding year and its recommendations
63 to the governor, the senate and house committees on ways and means, the clerks of the house of
64 representatives and the senate, and the joint committee on children, families and persons with
65 disabilities.

66 (h) The powers of the commission shall include but not be limited to the following: (i) to
67 use voluntary and uncompensated services of private individuals, agencies and organizations as
68 may from time to time be offered and needed; (ii) to recommend policies and make
69 recommendations to agencies and officers of the state and local subdivisions of government to
70 effectuate the purposes of subsection (f); (iii) to select an executive director and to acquire
71 adequate staff to perform its duties, subject to appropriation; (iv) to establish and maintain such
72 offices as it may deem necessary, subject to appropriation; (v) to enact bylaws for its own
73 governance; (vi) to appoint members to regional chapters of the commission; and (vii) to hold

74 regular, public meetings and fact-finding hearings and other public forums as it may deem
75 necessary.

76 (i) The commission shall meet once a month for at least 11 months each calendar year.
77 The governor, the speaker of the house of representatives, the president of the senate, the chairs
78 of the joint committee on children, families and persons with disabilities and the directors of the
79 state disability offices and commissions, or their designees, shall be invited to attend the monthly
80 meetings.

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

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