
SENATE BILL 5653

State of Washington

54th Legislature

1995 Regular Session

By Senators Gaspard, McDonald, Smith, Oke, Wojahn, Winsley, Fraser, McAuliffe, Loveland, Kohl, Spanel, Franklin, Snyder, Drew, Haugen, Hargrove, Bauer and Rasmussen

Read first time 01/30/95. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to investigations of public assistance fraud;
2 adding a new section to chapter 74.04 RCW; adding a new section to
3 chapter 43.10 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature intends to bolster the
6 capacity of the state to do independent investigations of public
7 assistance fraud and to remove conflicts that may arise when an agency
8 is required to investigate its own staff and clients.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.04 RCW
10 to read as follows:

11 All investigations under this title that in the normal course of
12 business would have been conducted by a certified criminal justice
13 agency under chapter 10.93 RCW and RCW 43.43.705 before the effective
14 date of this section shall be conducted by the office of the attorney
15 general.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.10 RCW
17 to read as follows:

1 (1) All powers, duties, and functions of the department of social
2 and health services conducted by a certified criminal justice agency
3 under chapter 10.93 RCW and RCW 43.43.705 are transferred to the office
4 of the attorney general. All references to the secretary or the
5 department of social and health services in the Revised Code of
6 Washington pertaining to the functions transferred in this section
7 shall be construed to mean the attorney general or the office of the
8 attorney general when referring to the functions transferred in this
9 section.

10 (2)(a) All reports, documents, surveys, books, records, files,
11 papers, or written material in the possession of the department of
12 social and health services pertaining to the powers, functions, and
13 duties transferred shall be delivered to the custody of the office of
14 the attorney general. All cabinets, furniture, office equipment, motor
15 vehicles, and other tangible property employed by the department of
16 social and health services in carrying out the powers, functions, and
17 duties transferred shall be made available to the office of the
18 attorney general. All funds, credits, or other assets held in
19 connection with the powers, functions, and duties transferred shall be
20 assigned to the office of the attorney general.

21 (b) Any appropriations made to the department of social and health
22 services for carrying out the powers, functions, and duties transferred
23 shall, on the effective date of this section, be transferred and
24 credited to the office of the attorney general.

25 (c) Whenever any question arises as to the transfer of any
26 personnel, funds, books, documents, records, papers, files, equipment,
27 or other tangible property used or held in the exercise of the powers
28 and the performance of the duties and functions transferred, the
29 director of financial management shall make a determination as to the
30 proper allocation and certify the same to the state agencies concerned.

31 (3) All employees of the department of social and health services
32 engaged in performing the powers, functions, and duties transferred are
33 transferred to the jurisdiction of the office of the attorney general.
34 All employees classified under chapter 41.06 RCW, the state civil
35 service law, are assigned to the office of the attorney general to
36 perform their usual duties upon the same terms as formerly, without any
37 loss of rights, subject to any action that may be appropriate
38 thereafter in accordance with the laws and rules governing state civil
39 service.

1 (4) All rules and all pending business before the department of
2 social and health services pertaining to the powers, functions, and
3 duties transferred shall be continued and acted upon by the office of
4 the attorney general. All existing contracts and obligations shall
5 remain in full force and shall be performed by the office of the
6 attorney general.

7 (5) The transfer of the powers, duties, functions, and personnel of
8 the department of social and health services shall not affect the
9 validity of any act performed before the effective date of this
10 section.

11 (6) If apportionments of budgeted funds are required because of the
12 transfers directed by this section, the director of financial
13 management shall certify the apportionments to the agencies affected,
14 the state auditor, and the state treasurer. Each of these shall make
15 the appropriate transfer and adjustments in funds and appropriation
16 accounts and equipment records in accordance with the certification.

17 (7) Nothing contained in this section may be construed to alter any
18 existing collective bargaining unit or the provisions of any existing
19 collective bargaining agreement until the agreement has expired or
20 until the bargaining unit has been modified by action of the personnel
21 board as provided by law.

--- END ---