
SENATE BILL 6092

State of Washington 54th Legislature 1996 Regular Session

By Senators Thibaudeau, Wojahn, Wood and Quigley

Read first time 01/08/96. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to creating a department of children and family
2 services; amending RCW 43.17.020; reenacting and amending RCW
3 43.17.010; adding a new section to chapter 41.06 RCW; adding a new
4 chapter to Title 43 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** Unless the context clearly requires
7 otherwise, the definitions in this section apply throughout this
8 chapter.

9 (1) "Department" means the department of children and family
10 services.

11 (2) "Secretary" means the secretary of children and family
12 services.

13 NEW SECTION. **Sec. 2.** There is created a department of state
14 government to be known as the department of children and family
15 services. The department is vested with all powers and duties
16 transferred to it under this chapter and such other powers and duties
17 as may be authorized by law.

1 NEW SECTION. **Sec. 3.** The executive head and appointing authority
2 of the department is the secretary. The secretary shall be appointed
3 by the governor, with the consent of the senate, and shall serve at the
4 pleasure of the governor. The secretary shall be paid a salary to be
5 fixed by the governor in accordance with RCW 43.03.040. If a vacancy
6 occurs in the position while the senate is not in session, the governor
7 shall make a temporary appointment until the next meeting of the
8 senate.

9 NEW SECTION. **Sec. 4.** It is the intent of the legislature wherever
10 possible to place the internal affairs of the department under the
11 control of the secretary in order that the secretary may institute
12 therein the flexible, alert, and intelligent management of its business
13 that changing contemporary circumstances require. Therefore, whenever
14 the secretary's authority is not specifically limited by law, the
15 secretary has complete charge and supervisory powers over the
16 department. The secretary may create such administrative structures as
17 the secretary considers appropriate, except as otherwise specified by
18 law. The secretary may employ such assistants and personnel as
19 necessary for the general administration of the department. This
20 employment shall be in accordance with the state civil service law,
21 chapter 41.06 RCW, except as otherwise provided.

22 NEW SECTION. **Sec. 5.** The secretary shall appoint a deputy
23 secretary, a department personnel secretary, and such assistant
24 secretaries as may be needed to administer the department. The deputy
25 secretary shall have charge and general supervision of the department
26 in the absence or disability of the secretary and, in case of a vacancy
27 in the office of secretary, shall continue in charge of the department
28 until a successor is appointed and qualified, or until the governor
29 appoints an acting secretary.

30 NEW SECTION. **Sec. 6.** Any power or duty vested in or transferred
31 to the secretary by law or executive order may be delegated by the
32 secretary to the deputy secretary or to any other assistant or
33 subordinate; but the secretary shall be responsible for the official
34 acts of the officers and employees of the department.

1 NEW SECTION. **Sec. 7.** The secretary may appoint such advisory
2 committees or councils as may be required by any federal legislation as
3 a condition to the receipt of federal funds by the department. The
4 secretary may also appoint state-wide committees or councils on such
5 subject matters as are or come within the department's
6 responsibilities. The state-wide committees and councils shall have
7 representation from both major political parties and shall have
8 substantial consumer representation. The committees or councils shall
9 be constituted as required by federal law or as the secretary may
10 determine. The members of the committees or councils shall hold office
11 as follows: One-third to serve one year; one-third to serve two years;
12 and one-third to serve three years. Upon expiration of the original
13 terms, subsequent appointments shall be for three years except in the
14 case of a vacancy, in which event appointment shall be only for the
15 remainder of the unexpired term for which the vacancy occurs. No
16 member may serve more than two consecutive terms.

17 Members of such state advisory committees or councils may be paid
18 their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

19 NEW SECTION. **Sec. 8.** In furtherance of the policy of the state to
20 cooperate with the federal government in all of the programs under the
21 jurisdiction of the department, such rules as may become necessary to
22 entitle the state to participate in federal funds may be adopted,
23 unless expressly prohibited by law. Any internal reorganization
24 carried out under the terms of this chapter shall meet federal
25 requirements that are a necessary condition to state receipt of federal
26 funds. Any section or provision of law dealing with the department
27 that may be susceptible to more than one construction shall be
28 interpreted in favor of the construction most likely to comply with
29 federal laws entitling this state to receive federal funds for the
30 various programs of the department. If any law dealing with the
31 department is ruled to be in conflict with federal requirements that
32 are a prescribed condition of the allocation of federal funds to the
33 state, or to any departments or agencies thereof, the conflicting part
34 is declared to be inoperative solely to the extent of the conflict.

35 NEW SECTION. **Sec. 9.** A new section is added to chapter 41.06 RCW
36 to read as follows:

1 In addition to the exemptions under RCW 41.06.070, the provisions
2 of this chapter shall not apply in the department of children and
3 family services to the secretary, the secretary's personal secretary,
4 the deputy secretary, all division secretaries and assistant
5 secretaries, and one confidential secretary for each of these officers.

6 **Sec. 10.** RCW 43.17.010 and 1993 sp.s. c 2 s 16, 1993 c 472 s 17,
7 and 1993 c 280 s 18 are each reenacted and amended to read as follows:

8 There shall be departments of the state government which shall be
9 known as (1) the department of social and health services, (2) the
10 department of ecology, (3) the department of labor and industries, (4)
11 the department of agriculture, (5) the department of fish and wildlife,
12 (6) the department of transportation, (7) the department of licensing,
13 (8) the department of general administration, (9) the department of
14 community, trade, and economic development, (10) the department of
15 veterans affairs, (11) the department of revenue, (12) the department
16 of retirement systems, (13) the department of corrections, ((and)) (14)
17 the department of health, ((and)) (15) the department of financial
18 institutions, and (16) the department of children and family services,
19 which shall be charged with the execution, enforcement, and
20 administration of such laws, and invested with such powers and required
21 to perform such duties, as the legislature may provide.

22 **Sec. 11.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended
23 to read as follows:

24 There shall be a chief executive officer of each department to be
25 known as: (1) The secretary of social and health services, (2) the
26 director of ecology, (3) the director of labor and industries, (4) the
27 director of agriculture, (5) the director of fish and wildlife, (6) the
28 secretary of transportation, (7) the director of licensing, (8) the
29 director of general administration, (9) the director of community,
30 trade, and economic development, (10) the director of veterans affairs,
31 (11) the director of revenue, (12) the director of retirement systems,
32 (13) the secretary of corrections, ((and)) (14) the secretary of
33 health, ((and)) (15) the director of financial institutions, and (16)
34 the secretary of children and family services.

35 Such officers, except the secretary of transportation and the
36 director of fish and wildlife, shall be appointed by the governor, with
37 the consent of the senate, and hold office at the pleasure of the

1 governor. The secretary of transportation shall be appointed by the
2 transportation commission as prescribed by RCW 47.01.041. The director
3 of fish and wildlife shall be appointed by the fish and wildlife
4 commission as prescribed by RCW 77.04.055.

5 NEW SECTION. **Sec. 12.** (1) All powers, duties, and functions of
6 the department of social and health services pertaining to at-risk
7 youth, dependent children, and juvenile rehabilitation and the juvenile
8 justice system are transferred to the department of children and family
9 services. All references to the secretary or the department of social
10 and health services in the Revised Code of Washington shall be
11 construed to mean the secretary or the department of children and
12 family services when referring to the functions transferred in this
13 section.

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

26 (b) Any appropriations made to the department of social and health
27 services for carrying out the powers, functions, and duties transferred
28 shall, on the effective date of this section, be transferred and
29 credited to the department of children and family services.

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

36 (3) All employees of the department of social and health services
37 engaged in performing the powers, functions, and duties transferred are
38 transferred to the jurisdiction of the department of children and

1 family services. All employees classified under chapter 41.06 RCW, the
2 state civil service law, are assigned to the department of children and
3 family services to perform their usual duties upon the same terms as
4 formerly, without any loss of rights, subject to any action that may be
5 appropriate thereafter in accordance with the laws and rules governing
6 state civil service.

7 (4) All rules and all pending business before the department of
8 social and health services pertaining to the powers, functions, and
9 duties transferred shall be continued and acted upon by the department
10 of children and family services. All existing contracts and
11 obligations shall remain in full force and shall be performed by the
12 department of children and family services.

13 (5) The transfer of the powers, duties, functions, and personnel of
14 the department of social and health services shall not affect the
15 validity of any act performed before the effective date of this
16 section.

17 (6) If apportionments of budgeted funds are required because of the
18 transfers directed by this section, the director of financial
19 management shall certify the apportionments to the agencies affected,
20 the state auditor, and the state treasurer. Each of these shall make
21 the appropriate transfer and adjustments in funds and appropriation
22 accounts and equipment records in accordance with the certification.

23 (7) Nothing contained in this section may be construed to alter any
24 existing collective bargaining unit or the provisions of any existing
25 collective bargaining agreement until the agreement has expired or
26 until the bargaining unit has been modified by action of the personnel
27 board as provided by law.

28 NEW SECTION. **Sec. 13.** By December 1, 1996, the secretary of the
29 department of social and health services and the secretary of the
30 department of children and family services shall submit to the
31 appropriate committees of the legislature a joint report that addresses
32 implementation of this act.

33 NEW SECTION. **Sec. 14.** Sections 1 through 8 and 12 of this act
34 shall constitute a new chapter in Title 43 RCW.

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