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HOUSE BILL 1187

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Reams, Fuhrman, Van Luven, Stevens, Carrell, Campbell, Thompson, Blanton, Boldt, Koster, Sheahan and Huff

Read first time 01/17/95. Referred to Committee on Government Operations.

1 AN ACT Relating to state government organization; reenacting and  
2 amending RCW 43.17.010 and 43.17.020; adding new sections to chapter  
3 41.06 RCW; adding new chapters to Title 43 RCW; creating new sections;  
4 providing an effective date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that the  
7 department of social and health services is required to fulfill an  
8 immense number of responsibilities. Due to this, the department of  
9 social and health services has grown to an unmanageable and unwieldy  
10 bureaucracy that cannot function effectively. It is the intent of the  
11 legislature to abolish the department of social and health services and  
12 to divide the divisions of the department into five separate state  
13 agencies. It is also the intent of the legislature to eliminate the  
14 executive division of the department of social and health services,  
15 including but not limited to the office of the secretary.

16 (2) The legislature finds that smaller, more efficient direct  
17 service departments will be able to concentrate their efforts on  
18 providing direct services to the public if they can direct and rely on  
19 a central support agency to provide them with support services. The

1 legislature intends to create a single agency to provide support  
2 services to the four newly created human service departments and to the  
3 department of corrections. Inasmuch as the department of corrections  
4 was once a part of the department of social and health services, it is  
5 the intent of the legislature that the department of corrections rely  
6 on the human services central support agency created by this act and  
7 abolish those functions within the department of corrections that are  
8 provided by the central support agency.

9 **PART 1**

10 **HUMAN SERVICES CENTRAL SUPPORT AGENCY**

11 NEW SECTION. **Sec. 101.** As used in this chapter, unless the  
12 context indicates otherwise:

13 (1) "Department" means the human services central support agency.

14 (2) "Director" means the director of human resources central  
15 support.

16 NEW SECTION. **Sec. 102.** There is hereby created a department of  
17 state government to be known as the human services central support  
18 agency. The department shall be vested with all powers and duties  
19 transferred to it under this chapter and such other powers and duties  
20 as may be authorized by law.

21 NEW SECTION. **Sec. 103.** The executive head and appointing  
22 authority of the department shall be the director. The director shall  
23 be appointed by the governor, with the consent of the senate, and shall  
24 serve at the pleasure of the governor. The director shall be paid a  
25 salary to be fixed by the governor in accordance with RCW 43.03.040.  
26 If a vacancy occurs in the position while the senate is not in session,  
27 the governor shall make a temporary appointment until the next meeting  
28 of the senate.

29 NEW SECTION. **Sec. 104.** It is the intent of the legislature  
30 wherever possible to place the internal affairs of the department under  
31 the control of the director in order that the director may institute  
32 therein the flexible, alert, and intelligent management of its business  
33 that changing contemporary circumstances require. Therefore, whenever  
34 the director's authority is not specifically limited by law, the

1 director shall have complete charge and supervisory powers over the  
2 department. The director may create such administrative structures as  
3 the director considers appropriate, except as otherwise specified by  
4 law. The director may employ such assistants and personnel as may be  
5 necessary for the general administration of the department. This  
6 employment shall be in accordance with the state civil service law,  
7 chapter 41.06 RCW, except as otherwise provided.

8 NEW SECTION. **Sec. 105.** The department shall be subdivided into  
9 divisions as necessary. Except as otherwise specified or as federal  
10 requirements may differently require, these divisions shall be  
11 established and organized in accordance with plans to be prepared by  
12 the director and approved by the governor. In preparing such plans,  
13 the director shall endeavor to promote efficient public management, to  
14 improve programs, and to take full advantage of the economies, both  
15 fiscal and administrative, to be gained from the consolidation of  
16 functions and agencies under this chapter.

17 NEW SECTION. **Sec. 106.** The director shall appoint a deputy  
18 director, a department personnel director, and such assistant directors  
19 as may be needed to administer the department. The deputy director  
20 shall have charge and general supervision of the department in the  
21 absence or disability of the director and, in case of a vacancy in the  
22 office of director, shall continue in charge of the department until a  
23 successor is appointed and qualified, or until the governor appoints an  
24 acting director.

25 NEW SECTION. **Sec. 107.** Any power or duty vested in or transferred  
26 to the director by law, or executive order, may be delegated by the  
27 director to the deputy director or to any other assistant or  
28 subordinate; but the director shall be responsible for the official  
29 acts of the officers and employees of the department.

30 NEW SECTION. **Sec. 108.** The director may appoint such advisory  
31 committees or councils as may be required by any federal legislation as  
32 a condition to the receipt of federal funds by the department. The  
33 director may also appoint state-wide committees or councils on such  
34 subject matters as are or come within the department's  
35 responsibilities. The state-wide committees and councils shall have

1 representation from both major political parties and shall have  
2 substantial consumer representation. The committees or councils shall  
3 be constituted as required by federal law or as the director may  
4 determine. The members of the committees or councils shall hold office  
5 as follows: One-third to serve one year; one-third to serve two years;  
6 and one-third to serve three years. Upon expiration of the original  
7 terms, subsequent appointments shall be for three years except in the  
8 case of a vacancy, in which event appointment shall be only for the  
9 remainder of the unexpired term for which the vacancy occurs. No  
10 member may serve more than two consecutive terms.

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

13 NEW SECTION. **Sec. 109.** In furtherance of the policy of the state  
14 to cooperate with the federal government in all of the programs under  
15 the jurisdiction of the department, such rules as may become necessary  
16 to entitle the state to participate in federal funds may be adopted,  
17 unless expressly prohibited by law. Any internal reorganization  
18 carried out under the terms of this chapter shall meet federal  
19 requirements which are a necessary condition to state receipt of  
20 federal funds. Any section or provision of law dealing with the  
21 department which may be susceptible to more than one construction shall  
22 be interpreted in favor of the construction most likely to comply with  
23 federal laws entitling this state to receive federal funds for the  
24 various programs of the department. If any law dealing with the  
25 department is ruled to be in conflict with federal requirements which  
26 are a prescribed condition of the allocation of federal funds to the  
27 state, or to any departments or agencies thereof, the conflicting part  
28 is declared to be inoperative solely to the extent of the conflict.

29 NEW SECTION. **Sec. 110.** A new section is added to chapter 41.06  
30 RCW to read as follows:

31 In addition to the exemptions under RCW 41.06.070, the provisions  
32 of this chapter shall not apply in the human services central support  
33 agency to the director, the director's personal secretary, the deputy  
34 director, all division directors and assistant directors, and one  
35 confidential secretary for each of these officers.

1        NEW SECTION.    **Sec. 111.**    (1) All powers, duties, and functions of  
2 the department of social and health services pertaining to support  
3 services are transferred to the human services central support agency.  
4 All references to the secretary or the department of social and health  
5 services in the Revised Code of Washington shall be construed to mean  
6 the director or the human services central support agency when  
7 referring to the functions transferred in this section.

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

19        (b) Any appropriations made to the department of social and health  
20 services for carrying out the powers, functions, and duties transferred  
21 shall, on the effective date of this section, be transferred and  
22 credited to the human services central support agency.

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

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

38        (4) All rules and all pending business before the department of  
39 social and health services pertaining to the powers, functions, and

1 duties transferred shall be continued and acted upon by the human  
2 services central support agency. All existing contracts and obligations  
3 shall remain in full force and shall be performed by the human services  
4 central support agency.

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

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

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

20 **PART 2**

21 **DEPARTMENT OF INCOME AND MEDICAL ASSISTANCE**

22 NEW SECTION. **Sec. 201.** As used in this chapter, unless the  
23 context indicates otherwise:

24 (1) "Department" means the department of income and medical  
25 assistance.

26 (2) "Director" means the director of income and medical assistance.

27 NEW SECTION. **Sec. 202.** There is hereby created a department of  
28 state government to be known as the department of income and medical  
29 assistance. The department shall be vested with all powers and duties  
30 transferred to it under this chapter and such other powers and duties  
31 as may be authorized by law.

32 NEW SECTION. **Sec. 203.** The executive head and appointing  
33 authority of the department shall be the director. The director shall  
34 be appointed by the governor, with the consent of the senate, and shall  
35 serve at the pleasure of the governor. The director shall be paid a

1 salary to be fixed by the governor in accordance with RCW 43.03.040.  
2 If a vacancy occurs in the position while the senate is not in session,  
3 the governor shall make a temporary appointment until the next meeting  
4 of the senate.

5 NEW SECTION. **Sec. 204.** It is the intent of the legislature  
6 wherever possible to place the internal affairs of the department under  
7 the control of the director in order that the director may institute  
8 therein the flexible, alert, and intelligent management of its business  
9 that changing contemporary circumstances require. Therefore, whenever  
10 the director's authority is not specifically limited by law, the  
11 director shall have complete charge and supervisory powers over the  
12 department. The director may create such administrative structures as  
13 the director considers appropriate, except as otherwise specified by  
14 law. The director may employ such assistants and personnel as may be  
15 necessary for the general administration of the department. This  
16 employment shall be in accordance with the state civil service law,  
17 chapter 41.06 RCW, except as otherwise provided.

18 NEW SECTION. **Sec. 205.** The department shall be subdivided into  
19 divisions as necessary. Except as otherwise specified or as federal  
20 requirements may differently require, these divisions shall be  
21 established and organized in accordance with plans to be prepared by  
22 the director and approved by the governor. In preparing such plans,  
23 the director shall endeavor to promote efficient public management, to  
24 improve programs, and to take full advantage of the economies, both  
25 fiscal and administrative, to be gained from the consolidation of  
26 functions and agencies under this chapter.

27 NEW SECTION. **Sec. 206.** The director shall appoint a deputy  
28 director, a department personnel director, and such assistant directors  
29 as may be needed to administer the department. The deputy director  
30 shall have charge and general supervision of the department in the  
31 absence or disability of the director and, in case of a vacancy in the  
32 office of director, shall continue in charge of the department until a  
33 successor is appointed and qualified, or until the governor appoints an  
34 acting director.

1        NEW SECTION.    **Sec. 207.** Any power or duty vested in or transferred  
2 to the director by law, or executive order, may be delegated by the  
3 director to the deputy director or to any other assistant or  
4 subordinate; but the director shall be responsible for the official  
5 acts of the officers and employees of the department.

6        NEW SECTION.    **Sec. 208.** The director may appoint such advisory  
7 committees or councils as may be required by any federal legislation as  
8 a condition to the receipt of federal funds by the department. The  
9 director may also appoint state-wide committees or councils on such  
10 subject matters as are or come within the department's  
11 responsibilities. The state-wide committees and councils shall have  
12 representation from both major political parties and shall have  
13 substantial consumer representation. The committees or councils shall  
14 be constituted as required by federal law or as the director may  
15 determine. The members of the committees or councils shall hold office  
16 as follows: One-third to serve one year; one-third to serve two years;  
17 and one-third to serve three years. Upon expiration of the original  
18 terms, subsequent appointments shall be for three years except in the  
19 case of a vacancy, in which event appointment shall be only for the  
20 remainder of the unexpired term for which the vacancy occurs. No  
21 member may serve more than two consecutive terms.

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

24        NEW SECTION.    **Sec. 209.** In furtherance of the policy of the state  
25 to cooperate with the federal government in all of the programs under  
26 the jurisdiction of the department, such rules as may become necessary  
27 to entitle the state to participate in federal funds may be adopted,  
28 unless expressly prohibited by law. Any internal reorganization  
29 carried out under the terms of this chapter shall meet federal  
30 requirements which are a necessary condition to state receipt of  
31 federal funds. Any section or provision of law dealing with the  
32 department which may be susceptible to more than one construction shall  
33 be interpreted in favor of the construction most likely to comply with  
34 federal laws entitling this state to receive federal funds for the  
35 various programs of the department. If any law dealing with the  
36 department is ruled to be in conflict with federal requirements which  
37 are a prescribed condition of the allocation of federal funds to the

1 state, or to any departments or agencies thereof, the conflicting part  
2 is declared to be inoperative solely to the extent of the conflict.

3 NEW SECTION. **Sec. 210.** A new section is added to chapter 41.06  
4 RCW to read as follows:

5 In addition to the exemptions under RCW 41.06.070, the provisions  
6 of this chapter shall not apply in the department of income and medical  
7 assistance to the director, the director's personal secretary, the  
8 deputy director, all division directors and assistant directors, and  
9 one confidential secretary for each of these officers.

10 NEW SECTION. **Sec. 211.** (1) All powers, duties, and functions of  
11 the department of social and health services pertaining to income and  
12 medical assistance are transferred to the department of income and  
13 medical assistance. All references to the secretary or the department  
14 of social and health services in the Revised Code of Washington shall  
15 be construed to mean the director or the department of income and  
16 medical assistance when referring to the functions transferred in this  
17 section.

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

30 (b) Any appropriations made to the department of social and health  
31 services for carrying out the powers, functions, and duties transferred  
32 shall, on the effective date of this section, be transferred and  
33 credited to the department of income and medical assistance.

34 (c) Whenever any question arises as to the transfer of any  
35 personnel, funds, books, documents, records, papers, files, equipment,  
36 or other tangible property used or held in the exercise of the powers  
37 and the performance of the duties and functions transferred, the

1 director of financial management shall make a determination as to the  
2 proper allocation and certify the same to the state agencies concerned.

3 (3) All employees of the department of social and health services  
4 engaged in performing the powers, functions, and duties transferred are  
5 transferred to the jurisdiction of the department of income and medical  
6 assistance. All employees classified under chapter 41.06 RCW, the  
7 state civil service law, are assigned to the department of income and  
8 medical assistance to perform their usual duties upon the same terms as  
9 formerly, without any loss of rights, subject to any action that may be  
10 appropriate thereafter in accordance with the laws and rules governing  
11 state civil service.

12 (4) All rules and all pending business before the department of  
13 social and health services pertaining to the powers, functions, and  
14 duties transferred shall be continued and acted upon by the department  
15 of income and medical assistance. All existing contracts and  
16 obligations shall remain in full force and shall be performed by the  
17 department of income and medical assistance.

18 (5) The transfer of the powers, duties, functions, and personnel of  
19 the department of social and health services shall not affect the  
20 validity of any act performed before the effective date of this  
21 section.

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

28 (7) Nothing contained in this section may be construed to alter any  
29 existing collective bargaining unit or the provisions of any existing  
30 collective bargaining agreement until the agreement has expired or  
31 until the bargaining unit has been modified by action of the personnel  
32 board as provided by law.

33 **PART 3**

34 **DEPARTMENT OF LONG-TERM CARE**

35 NEW SECTION. **Sec. 301.** As used in this chapter, unless the  
36 context indicates otherwise:

37 (1) "Department" means the department of long-term care.

1 (2) "Director" means the director of long-term care.

2 NEW SECTION. **Sec. 302.** There is hereby created a department of  
3 state government to be known as the department of long-term care. The  
4 department shall be vested with all powers and duties transferred to it  
5 under this chapter and such other powers and duties as may be  
6 authorized by law.

7 NEW SECTION. **Sec. 303.** The executive head and appointing  
8 authority of the department shall be the director. The director shall  
9 be appointed by the governor, with the consent of the senate, and shall  
10 serve at the pleasure of the governor. The director shall be paid a  
11 salary to be fixed by the governor in accordance with RCW 43.03.040.  
12 If a vacancy occurs in the position while the senate is not in session,  
13 the governor shall make a temporary appointment until the next meeting  
14 of the senate.

15 NEW SECTION. **Sec. 304.** It is the intent of the legislature  
16 wherever possible to place the internal affairs of the department under  
17 the control of the director in order that the director may institute  
18 therein the flexible, alert, and intelligent management of its business  
19 that changing contemporary circumstances require. Therefore, whenever  
20 the director's authority is not specifically limited by law, the  
21 director shall have complete charge and supervisory powers over the  
22 department. The director may create such administrative structures as  
23 the director considers appropriate, except as otherwise specified by  
24 law. The director may employ such assistants and personnel as may be  
25 necessary for the general administration of the department. This  
26 employment shall be in accordance with the state civil service law,  
27 chapter 41.06 RCW, except as otherwise provided.

28 NEW SECTION. **Sec. 305.** The department shall be subdivided into  
29 divisions as necessary. Except as otherwise specified or as federal  
30 requirements may differently require, these divisions shall be  
31 established and organized in accordance with plans to be prepared by  
32 the director and approved by the governor. In preparing such plans,  
33 the director shall endeavor to promote efficient public management, to  
34 improve programs, and to take full advantage of the economies, both

1 fiscal and administrative, to be gained from the consolidation of  
2 functions and agencies under this chapter.

3 NEW SECTION. **Sec. 306.** The director shall appoint a deputy  
4 director, a department personnel director, and such assistant directors  
5 as may be needed to administer the department. The deputy director  
6 shall have charge and general supervision of the department in the  
7 absence or disability of the director and, in case of a vacancy in the  
8 office of director, shall continue in charge of the department until a  
9 successor is appointed and qualified, or until the governor appoints an  
10 acting director.

11 NEW SECTION. **Sec. 307.** Any power or duty vested in or transferred  
12 to the director by law, or executive order, may be delegated by the  
13 director to the deputy director or to any other assistant or  
14 subordinate; but the director shall be responsible for the official  
15 acts of the officers and employees of the department.

16 NEW SECTION. **Sec. 308.** The director may appoint such advisory  
17 committees or councils as may be required by any federal legislation as  
18 a condition to the receipt of federal funds by the department. The  
19 director may also appoint state-wide committees or councils on such  
20 subject matters as are or come within the department's  
21 responsibilities. The state-wide committees and councils shall have  
22 representation from both major political parties and shall have  
23 substantial consumer representation. The committees or councils shall  
24 be constituted as required by federal law or as the director may  
25 determine. The members of the committees or councils shall hold office  
26 as follows: One-third to serve one year; one-third to serve two years;  
27 and one-third to serve three years. Upon expiration of the original  
28 terms, subsequent appointments shall be for three years except in the  
29 case of a vacancy, in which event appointment shall be only for the  
30 remainder of the unexpired term for which the vacancy occurs. No  
31 member may serve more than two consecutive terms.

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

34 NEW SECTION. **Sec. 309.** In furtherance of the policy of the state  
35 to cooperate with the federal government in all of the programs under

1 the jurisdiction of the department, such rules as may become necessary  
2 to entitle the state to participate in federal funds may be adopted,  
3 unless expressly prohibited by law. Any internal reorganization  
4 carried out under the terms of this chapter shall meet federal  
5 requirements which are a necessary condition to state receipt of  
6 federal funds. Any section or provision of law dealing with the  
7 department which may be susceptible to more than one construction shall  
8 be interpreted in favor of the construction most likely to comply with  
9 federal laws entitling this state to receive federal funds for the  
10 various programs of the department. If any law dealing with the  
11 department is ruled to be in conflict with federal requirements which  
12 are a prescribed condition of the allocation of federal funds to the  
13 state, or to any departments or agencies thereof, the conflicting part  
14 is declared to be inoperative solely to the extent of the conflict.

15 NEW SECTION. **Sec. 310.** A new section is added to chapter 41.06  
16 RCW to read as follows:

17 In addition to the exemptions under RCW 41.06.070, the provisions  
18 of this chapter shall not apply in the department of long-term care to  
19 the director, the director's personal secretary, the deputy director,  
20 all division directors and assistant directors, and one confidential  
21 secretary for each of these officers.

22 NEW SECTION. **Sec. 311.** (1) All powers, duties, and functions of  
23 the department of social and health services pertaining to long-term  
24 care are transferred to the department of long-term care. All  
25 references to the secretary or the department of social and health  
26 services in the Revised Code of Washington shall be construed to mean  
27 the director or the department of long-term care when referring to the  
28 functions transferred in this section.

29 (2)(a) All reports, documents, surveys, books, records, files,  
30 papers, or written material in the possession of the department of  
31 social and health services pertaining to the powers, functions, and  
32 duties transferred shall be delivered to the custody of the department  
33 of long-term care. All cabinets, furniture, office equipment, motor  
34 vehicles, and other tangible property employed by the department of  
35 social and health services in carrying out the powers, functions, and  
36 duties transferred shall be made available to the department of long-  
37 term care. All funds, credits, or other assets held in connection with

1 the powers, functions, and duties transferred shall be assigned to the  
2 department of long-term care.

3 (b) Any appropriations made to the department of social and health  
4 services for carrying out the powers, functions, and duties transferred  
5 shall, on the effective date of this section, be transferred and  
6 credited to the department of long-term care.

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

13 (3) All employees of the department of social and health services  
14 engaged in performing the powers, functions, and duties transferred are  
15 transferred to the jurisdiction of the department of long-term care.  
16 All employees classified under chapter 41.06 RCW, the state civil  
17 service law, are assigned to the department of long-term care to  
18 perform their usual duties upon the same terms as formerly, without any  
19 loss of rights, subject to any action that may be appropriate  
20 thereafter in accordance with the laws and rules governing state civil  
21 service.

22 (4) All rules and all pending business before the department of  
23 social and health services pertaining to the powers, functions, and  
24 duties transferred shall be continued and acted upon by the department  
25 of long-term care. All existing contracts and obligations shall remain  
26 in full force and shall be performed by the department of long-term  
27 care.

28 (5) The transfer of the powers, duties, functions, and personnel of  
29 the department of social and health services shall not affect the  
30 validity of any act performed before the effective date of this  
31 section.

32 (6) If apportionments of budgeted funds are required because of the  
33 transfers directed by this section, the director of financial  
34 management shall certify the apportionments to the agencies affected,  
35 the state auditor, and the state treasurer. Each of these shall make  
36 the appropriate transfer and adjustments in funds and appropriation  
37 accounts and equipment records in accordance with the certification.

38 (7) Nothing contained in this section may be construed to alter any  
39 existing collective bargaining unit or the provisions of any existing

1 collective bargaining agreement until the agreement has expired or  
2 until the bargaining unit has been modified by action of the personnel  
3 board as provided by law.

4 **PART 4**

5 **DEPARTMENT OF CHILDREN, YOUTH, AND FAMILY SERVICES**

6 NEW SECTION. **Sec. 401.** As used in this chapter, unless the  
7 context indicates otherwise:

8 (1) "Department" means the department of children, youth, and  
9 family services.

10 (2) "Director" means the director of children, youth, and family  
11 services.

12 NEW SECTION. **Sec. 402.** There is hereby created a department of  
13 state government to be known as the department of children, youth, and  
14 family services. The department shall be vested with all powers and  
15 duties transferred to it under this chapter and such other powers and  
16 duties as may be authorized by law.

17 NEW SECTION. **Sec. 403.** The executive head and appointing  
18 authority of the department shall be the director. The director shall  
19 be appointed by the governor, with the consent of the senate, and shall  
20 serve at the pleasure of the governor. The director shall be paid a  
21 salary to be fixed by the governor in accordance with RCW 43.03.040.  
22 If a vacancy occurs in the position while the senate is not in session,  
23 the governor shall make a temporary appointment until the next meeting  
24 of the senate.

25 NEW SECTION. **Sec. 404.** It is the intent of the legislature  
26 wherever possible to place the internal affairs of the department under  
27 the control of the director in order that the director may institute  
28 therein the flexible, alert, and intelligent management of its business  
29 that changing contemporary circumstances require. Therefore, whenever  
30 the director's authority is not specifically limited by law, the  
31 director shall have complete charge and supervisory powers over the  
32 department. The director may create such administrative structures as  
33 the director considers appropriate, except as otherwise specified by  
34 law. The director may employ such assistants and personnel as may be

1 necessary for the general administration of the department. This  
2 employment shall be in accordance with the state civil service law,  
3 chapter 41.06 RCW, except as otherwise provided.

4 NEW SECTION. **Sec. 405.** The department shall be subdivided into  
5 divisions as necessary. Except as otherwise specified or as federal  
6 requirements may differently require, these divisions shall be  
7 established and organized in accordance with plans to be prepared by  
8 the director and approved by the governor. In preparing such plans,  
9 the director shall endeavor to promote efficient public management, to  
10 improve programs, and to take full advantage of the economies, both  
11 fiscal and administrative, to be gained from the consolidation of  
12 functions and agencies under this chapter.

13 NEW SECTION. **Sec. 406.** The director shall appoint a deputy  
14 director, a department personnel director, and such assistant directors  
15 as may be needed to administer the department. The deputy director  
16 shall have charge and general supervision of the department in the  
17 absence or disability of the director and, in case of a vacancy in the  
18 office of director, shall continue in charge of the department until a  
19 successor is appointed and qualified, or until the governor appoints an  
20 acting director.

21 NEW SECTION. **Sec. 407.** Any power or duty vested in or transferred  
22 to the director by law, or executive order, may be delegated by the  
23 director to the deputy director or to any other assistant or  
24 subordinate; but the director shall be responsible for the official  
25 acts of the officers and employees of the department.

26 NEW SECTION. **Sec. 408.** The director may appoint such advisory  
27 committees or councils as may be required by any federal legislation as  
28 a condition to the receipt of federal funds by the department. The  
29 director may also appoint state-wide committees or councils on such  
30 subject matters as are or come within the department's  
31 responsibilities. The state-wide committees and councils shall have  
32 representation from both major political parties and shall have  
33 substantial consumer representation. The committees or councils shall  
34 be constituted as required by federal law or as the director may  
35 determine. The members of the committees or councils shall hold office

1 as follows: One-third to serve one year; one-third to serve two years;  
2 and one-third to serve three years. Upon expiration of the original  
3 terms, subsequent appointments shall be for three years except in the  
4 case of a vacancy, in which event appointment shall be only for the  
5 remainder of the unexpired term for which the vacancy occurs. No  
6 member may serve more than two consecutive terms.

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

9 NEW SECTION. **Sec. 409.** In furtherance of the policy of the state  
10 to cooperate with the federal government in all of the programs under  
11 the jurisdiction of the department, such rules as may become necessary  
12 to entitle the state to participate in federal funds may be adopted,  
13 unless expressly prohibited by law. Any internal reorganization  
14 carried out under the terms of this chapter shall meet federal  
15 requirements which are a necessary condition to state receipt of  
16 federal funds. Any section or provision of law dealing with the  
17 department which may be susceptible to more than one construction shall  
18 be interpreted in favor of the construction most likely to comply with  
19 federal laws entitling this state to receive federal funds for the  
20 various programs of the department. If any law dealing with the  
21 department is ruled to be in conflict with federal requirements which  
22 are a prescribed condition of the allocation of federal funds to the  
23 state, or to any departments or agencies thereof, the conflicting part  
24 is declared to be inoperative solely to the extent of the conflict.

25 NEW SECTION. **Sec. 410.** A new section is added to chapter 41.06  
26 RCW to read as follows:

27 In addition to the exemptions under RCW 41.06.070, the provisions  
28 of this chapter shall not apply in the department of children, youth,  
29 and family services to the director, the director's personal secretary,  
30 the deputy director, all division directors and assistant directors,  
31 and one confidential secretary for each of these officers.

32 NEW SECTION. **Sec. 411.** (1) All powers, duties, and functions of  
33 the department of social and health services pertaining to children,  
34 youth, and family services are transferred to the department of  
35 children, youth, and family services. All references to the secretary  
36 or the department of social and health services in the Revised Code of

1 Washington shall be construed to mean the director or the department of  
2 children, youth, and family services when referring to the functions  
3 transferred in this section.

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

16 (b) Any appropriations made to the department of social and health  
17 services for carrying out the powers, functions, and duties transferred  
18 shall, on the effective date of this section, be transferred and  
19 credited to the department of children, youth, and family services.

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

26 (3) All employees of the department of social and health services  
27 engaged in performing the powers, functions, and duties transferred are  
28 transferred to the jurisdiction of the department of children, youth,  
29 and family services. All employees classified under chapter 41.06 RCW,  
30 the state civil service law, are assigned to the department of  
31 children, youth, and family services to perform their usual duties upon  
32 the same terms as formerly, without any loss of rights, subject to any  
33 action that may be appropriate thereafter in accordance with the laws  
34 and rules governing state civil service.

35 (4) All rules and all pending business before the department of  
36 social and health services pertaining to the powers, functions, and  
37 duties transferred shall be continued and acted upon by the department  
38 of children, youth, and family services. All existing contracts and

1 obligations shall remain in full force and shall be performed by the  
2 department of children, youth, and family services.

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

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

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

18 **PART 5**

19 **DEPARTMENT OF REHABILITATIVE AND HEALTH SERVICES**

20 NEW SECTION. **Sec. 501.** As used in this chapter, unless the  
21 context indicates otherwise:

22 (1) "Department" means the department of rehabilitative and health  
23 services.

24 (2) "Director" means the director of rehabilitative and health  
25 services.

26 NEW SECTION. **Sec. 502.** There is hereby created a department of  
27 state government to be known as the department of rehabilitative and  
28 health services. The department shall be vested with all powers and  
29 duties transferred to it under this chapter and such other powers and  
30 duties as may be authorized by law.

31 NEW SECTION. **Sec. 503.** The executive head and appointing  
32 authority of the department shall be the director. The director shall  
33 be appointed by the governor, with the consent of the senate, and shall  
34 serve at the pleasure of the governor. The director shall be paid a  
35 salary to be fixed by the governor in accordance with RCW 43.03.040.

1 If a vacancy occurs in the position while the senate is not in session,  
2 the governor shall make a temporary appointment until the next meeting  
3 of the senate.

4 NEW SECTION. **Sec. 504.** It is the intent of the legislature  
5 wherever possible to place the internal affairs of the department under  
6 the control of the director in order that the director may institute  
7 therein the flexible, alert, and intelligent management of its business  
8 that changing contemporary circumstances require. Therefore, whenever  
9 the director's authority is not specifically limited by law, the  
10 director shall have complete charge and supervisory powers over the  
11 department. The director may create such administrative structures as  
12 the director considers appropriate, except as otherwise specified by  
13 law. The director may employ such assistants and personnel as may be  
14 necessary for the general administration of the department. This  
15 employment shall be in accordance with the state civil service law,  
16 chapter 41.06 RCW, except as otherwise provided.

17 NEW SECTION. **Sec. 505.** The department shall be subdivided into  
18 divisions as necessary. Except as otherwise specified or as federal  
19 requirements may differently require, these divisions shall be  
20 established and organized in accordance with plans to be prepared by  
21 the director and approved by the governor. In preparing such plans,  
22 the director shall endeavor to promote efficient public management, to  
23 improve programs, and to take full advantage of the economies, both  
24 fiscal and administrative, to be gained from the consolidation of  
25 functions and agencies under this chapter.

26 NEW SECTION. **Sec. 506.** The director shall appoint a deputy  
27 director, a department personnel director, and such assistant directors  
28 as may be needed to administer the department. The deputy director  
29 shall have charge and general supervision of the department in the  
30 absence or disability of the director and, in case of a vacancy in the  
31 office of director, shall continue in charge of the department until a  
32 successor is appointed and qualified, or until the governor appoints an  
33 acting director.

34 NEW SECTION. **Sec. 507.** Any power or duty vested in or transferred  
35 to the director by law, or executive order, may be delegated by the

1 director to the deputy director or to any other assistant or  
2 subordinate; but the director shall be responsible for the official  
3 acts of the officers and employees of the department.

4 NEW SECTION. **Sec. 508.** The director may appoint such advisory  
5 committees or councils as may be required by any federal legislation as  
6 a condition to the receipt of federal funds by the department. The  
7 director may also appoint state-wide committees or councils on such  
8 subject matters as are or come within the department's  
9 responsibilities. The state-wide committees and councils shall have  
10 representation from both major political parties and shall have  
11 substantial consumer representation. The committees or councils shall  
12 be constituted as required by federal law or as the director may  
13 determine. The members of the committees or councils shall hold office  
14 as follows: One-third to serve one year; one-third to serve two years;  
15 and one-third to serve three years. Upon expiration of the original  
16 terms, subsequent appointments shall be for three years except in the  
17 case of a vacancy, in which event appointment shall be only for the  
18 remainder of the unexpired term for which the vacancy occurs. No  
19 member may serve more than two consecutive terms.

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

22 NEW SECTION. **Sec. 509.** In furtherance of the policy of the state  
23 to cooperate with the federal government in all of the programs under  
24 the jurisdiction of the department, such rules as may become necessary  
25 to entitle the state to participate in federal funds may be adopted,  
26 unless expressly prohibited by law. Any internal reorganization  
27 carried out under the terms of this chapter shall meet federal  
28 requirements which are a necessary condition to state receipt of  
29 federal funds. Any section or provision of law dealing with the  
30 department which may be susceptible to more than one construction shall  
31 be interpreted in favor of the construction most likely to comply with  
32 federal laws entitling this state to receive federal funds for the  
33 various programs of the department. If any law dealing with the  
34 department is ruled to be in conflict with federal requirements which  
35 are a prescribed condition of the allocation of federal funds to the  
36 state, or to any departments or agencies thereof, the conflicting part  
37 is declared to be inoperative solely to the extent of the conflict.

1        NEW SECTION.    **Sec. 510.**    A new section is added to chapter 41.06  
2    RCW to read as follows:

3        In addition to the exemptions under RCW 41.06.070, the provisions  
4    of this chapter shall not apply in the department of rehabilitative and  
5    health services to the director, the director's personal secretary, the  
6    deputy director, all division directors and assistant directors, and  
7    one confidential secretary for each of these officers.

8        NEW SECTION.    **Sec. 511.**    (1) All powers, duties, and functions of  
9    the department of social and health services pertaining to  
10    rehabilitative and health services are transferred to the department of  
11    rehabilitative and health services. All references to the secretary or  
12    the department of social and health services in the Revised Code of  
13    Washington shall be construed to mean the director or the department of  
14    rehabilitative and health services when referring to the functions  
15    transferred in this section.

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

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

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

1 (3) All employees of the department of social and health services  
2 engaged in performing the powers, functions, and duties transferred are  
3 transferred to the jurisdiction of the department of rehabilitative and  
4 health services. All employees classified under chapter 41.06 RCW, the  
5 state civil service law, are assigned to the department of  
6 rehabilitative and health services to perform their usual duties upon  
7 the same terms as formerly, without any loss of rights, subject to any  
8 action that may be appropriate thereafter in accordance with the laws  
9 and rules governing state civil service.

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

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

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

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

31 **PART 6**

32 **GENERAL DEPARTMENTAL PROVISIONS**

33 **Sec. 601.** RCW 43.17.010 and 1993 sp.s. c 2 s 16, 1993 c 472 s 17,  
34 and 1993 c 280 s 18 are each reenacted and amended to read as follows:

35 There shall be departments of the state government which shall be  
36 known as (1) the department of social and health services, (2) the  
37 department of ecology, (3) the department of labor and industries, (4)

1 the department of agriculture, (5) the department of fish and wildlife,  
2 (6) the department of transportation, (7) the department of licensing,  
3 (8) the department of general administration, (9) the department of  
4 community, trade, and economic development, (10) the department of  
5 veterans affairs, (11) the department of revenue, (12) the department  
6 of retirement systems, (13) the department of corrections, ((and)) (14)  
7 the department of health, ((and)) (15) the department of financial  
8 institutions, (16) the human services central support agency, (17) the  
9 department of income and medical assistance, (18) the department of  
10 long-term care, (19) the department of children, youth, and family  
11 services, and (20) the department of rehabilitative and health  
12 services, which shall be charged with the execution, enforcement, and  
13 administration of such laws, and invested with such powers and required  
14 to perform such duties, as the legislature may provide.

15 **Sec. 602.** RCW 43.17.020 and 1993 sp.s. c 2 s 17, 1993 c 472 s 18,  
16 and 1993 c 280 s 19 are each reenacted and amended to read as follows:

17 There shall be a chief executive officer of each department to be  
18 known as: (1) The secretary of social and health services, (2) the  
19 director of ecology, (3) the director of labor and industries, (4) the  
20 director of agriculture, (5) the director of fish and wildlife, (6) the  
21 secretary of transportation, (7) the director of licensing, (8) the  
22 director of general administration, (9) the director of community,  
23 trade, and economic development, (10) the director of veterans affairs,  
24 (11) the director of revenue, (12) the director of retirement systems,  
25 (13) the secretary of corrections, ((and)) (14) the secretary of  
26 health, ((and)) (15) the director of financial institutions, (16) the  
27 director of human services central support, (17) the director of income  
28 and medical assistance, (18) the director of long-term care, (19) the  
29 director of children, youth, and family services, and (20) the director  
30 of rehabilitative and health services.

31 Such officers, except the secretary of transportation, shall be  
32 appointed by the governor, with the consent of the senate, and hold  
33 office at the pleasure of the governor. The secretary of  
34 transportation shall be appointed by the transportation commission as  
35 prescribed by RCW 47.01.041.

36 NEW SECTION. **Sec. 603.** (1) By July 1, 1995, a transition team  
37 shall be appointed by the governor and the legislature. The transition

1 team shall develop a plan for the creation of the new departments as  
2 provided for in this act and central support agency that ensures a  
3 smooth transition. The governor shall appoint representatives from the  
4 office of financial management, the department of corrections, and the  
5 divisions of the department of social and health services. The team  
6 shall also consist of four legislators, one from each political party  
7 in the house of representatives, appointed by the speaker of the house  
8 of representatives, and one from each political party in the senate,  
9 appointed by the president of the senate.

10 (2) The transition team shall divide up the functions of the  
11 department of social and health services into the new departments and  
12 central support agency created in sections 102, 202, 302, 402, and 502  
13 of this act. All support services including but not limited to  
14 administration, personnel, constituent relations, comptroller,  
15 financial, revenue collection, support enforcement, auditing, and legal  
16 services of the attorney general's office shall remain with the human  
17 services central support agency. All personnel, funds, books,  
18 documents, records, papers, files, equipment, or other tangible  
19 property required for the direct provision of services to the public  
20 shall be transferred to the department to be responsible for providing  
21 the services.

22 NEW SECTION. Sec. 604. The transition team established by section  
23 603 of this act shall, by November 15, 1995, submit a plan and  
24 necessary legislation to the governor and the legislature for the  
25 abolition of the department of social and health services so that the  
26 new departments and agency will be operating by July 1, 1996.

27 The plan shall include, but is not limited to:

28 (1) Strategies for dividing the existing functions and  
29 responsibilities of the department of social and health services into  
30 the appropriate new departments and central support agency, including  
31 a strategic plan for each new agency created in this act that includes  
32 implementation steps, evaluation measures, and methods for  
33 collaboration among programs;

34 (2) Recommendations for changes in existing programs and functions  
35 of the department of social and health services; and

36 (3) Implementation steps necessary to bring about operation of the  
37 new agencies.



1           (2) Sections 1, 101 though 111, 201 through 211, 301 through 311,  
2 401 through 411, 501 through 511, 601, 602, 605, and 701 through 705 of  
3 this act shall take effect July 1, 1996.

--- END ---