
SUBSTITUTE HOUSE BILL 1070

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Government Reform & Land Use (originally sponsored by Representatives Reams, Thompson, Boldt, Carrell, Dunn and O'Brien)

Read first time 02/28/97.

1 AN ACT Relating to state government reorganization; amending RCW
2 72.09.040 and 43.17.020; reenacting and amending RCW 43.17.010; adding
3 a new section to chapter 41.06 RCW; adding a new section to chapter
4 72.09 RCW; adding a new section to chapter 43.20A RCW; adding a new
5 chapter to Title 43 RCW; creating new sections; providing an effective
6 date; providing an expiration date; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that the provision of
9 services to protect and serve children and families in need is of
10 utmost importance. Further, the legislature finds that it is in the
11 best interests of this state to meet the needs of juvenile offenders by
12 providing a system of accountability, punishment, and treatment. The
13 legislature finds that the current provider of these services, the
14 department of social and health services, is overwhelmed by a large and
15 varied number of responsibilities. By creating a separate children and
16 family services agency, the legislature intends to demonstrate its
17 commitment to children and families, and to ensure coordination of
18 services, efficiency, and accountability.

1 By setting up a process to allocate the functions relating to
2 youthful offenders between the department of corrections and the new
3 children and family services agency, the legislature intends to
4 determine the agency best able to address the needs of juvenile
5 offenders and society.

6 NEW SECTION. **Sec. 2.** 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) "Director" means the director of children and family services.

12 NEW SECTION. **Sec. 3.** The department of children and family
13 services is created. The department shall be vested with all powers
14 and duties transferred to it under this chapter and such other powers
15 and duties as may be authorized by law.

16 NEW SECTION. **Sec. 4.** (1)(a) All powers, duties, and functions of
17 the department of social and health services pertaining to children
18 and family services are transferred to the department of children and
19 family services. This includes all functions performed by the
20 children's administration except those child protective services
21 functions transferred in section 11 of this act, as they existed on
22 November 1, 1996. All references to the secretary or the department of
23 social and health services in the Revised Code of Washington shall be
24 construed to mean the director or the department of children and family
25 services when referring to the functions transferred in this section.

26 (b) All powers, duties, and functions of the department of
27 community, trade, and economic development pertaining to early
28 childhood education assistance programs, head start programs, and youth
29 violence contracts are transferred to the department of children and
30 family services. All references to the director or the department of
31 community, trade, and economic development in the Revised Code of
32 Washington shall be construed to mean the director or the department of
33 children and family services when referring to the functions
34 transferred in this section.

35 (2)(a) All reports, documents, surveys, books, records, files,
36 papers, or written material in the possession of the department of

1 social and health services or the department of community, trade, and
2 economic development pertaining to the powers, functions, and duties
3 transferred shall be delivered to the custody of the department of
4 children and family services. All cabinets, furniture, office
5 equipment, motor vehicles, and other tangible property employed by the
6 department of social and health services or the department of
7 community, trade, and economic development in carrying out the powers,
8 functions, and duties transferred shall be made available to the
9 department of children and family services. All funds, credits, or
10 other assets held in connection with the powers, functions, and duties
11 transferred shall be assigned to the department of children and family
12 services.

13 (b) Any appropriations made to the department of social and health
14 services or the department of community, trade, and economic
15 development for carrying out the powers, functions, and duties
16 transferred shall, on the effective date of this section, be
17 transferred and credited to the department of children and family
18 services.

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

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

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

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

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

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

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

19 NEW SECTION. **Sec. 5.** The executive head and appointing authority
20 of the department shall be the director. The director shall be
21 appointed by the governor, with the consent of the senate, and shall
22 serve at the pleasure of the governor. The director shall be paid a
23 salary to be fixed by the governor in accordance with RCW 43.03.040.
24 If a vacancy occurs in the position while the senate is not in session,
25 the governor shall make a temporary appointment until the next meeting
26 of the senate.

27 NEW SECTION. **Sec. 6.** (1) The director may create such
28 administrative structures as the director considers appropriate, except
29 as otherwise specified by law. In creating administrative structures,
30 the director shall endeavor to promote efficient public management, to
31 improve programs, and to take full advantage of the economies, both
32 fiscal and administrative, to be gained from the consolidation of
33 functions.

34 (2) The director may appoint assistant directors as may be needed
35 to administer the department. The director may employ such personnel
36 as may be necessary for the administration of the department. This

1 employment shall be in accordance with the state civil service law,
2 chapter 41.06 RCW, except as otherwise provided.

3 (3) Any power or duty vested in or transferred to the director by
4 law or executive order may be delegated by the director to any officer
5 or employee; but the director shall be responsible for the official
6 acts of the officers and employees of the department.

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

23 Members of state advisory committees or councils created under this
24 section may be paid their travel expenses in accordance with RCW
25 43.03.050 and 43.03.060.

26 NEW SECTION. **Sec. 8.** In furtherance of the policy of the state to
27 cooperate with the federal government in all of the programs under the
28 jurisdiction of the department, such rules as may become necessary to
29 entitle the state to participate in federal funds may be adopted,
30 unless expressly prohibited by law. Any internal reorganization
31 carried out under the terms of this chapter shall meet federal
32 requirements that are a necessary condition to state receipt of federal
33 funds. Any section or provision of law dealing with the department
34 that may be susceptible to more than one construction shall be
35 interpreted in favor of the construction most likely to comply with
36 federal laws entitling this state to receive federal funds for the
37 various programs of the department. If any law dealing with the

1 department is ruled to be in conflict with federal requirements that
2 are a prescribed condition of the allocation of federal funds to the
3 state, or to any departments or agencies thereof, the conflicting part
4 is inoperative solely to the extent of the conflict.

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

7 In addition to the exemptions under RCW 41.06.070, the provisions
8 of this chapter shall not apply in the department of children and
9 family services to the director, the director's personal secretary, all
10 assistant directors, and one confidential secretary for each assistant
11 director.

12 NEW SECTION. **Sec. 10.** A new section is added to chapter 72.09 RCW
13 to read as follows:

14 (1)(a) All powers, duties, and functions of the department of
15 social and health services pertaining to juvenile rehabilitation and
16 the juvenile justice system are transferred to the department of
17 corrections and to the department of children and family services in
18 accordance with the provisions of chapter . . . , Laws of 1997 (this
19 act).

20 (b) All references to the secretary or the department of social and
21 health services in the Revised Code of Washington shall be construed to
22 mean the secretary or the department of corrections or the director or
23 the department of children and family services when referring to the
24 functions transferred in this section.

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

1 assigned to the department of corrections or the department of children
2 and family services, as determined by the office of financial
3 management.

4 (b) Any appropriations made to the department of social and health
5 services for carrying out the powers, functions, and duties transferred
6 shall, on the effective date of this section, be transferred and
7 credited between the department of corrections and the department of
8 children and family services, as determined by the office of financial
9 management.

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

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

26 (4) All rules and all pending business before the department of
27 social and health services pertaining to the powers, functions, and
28 duties transferred shall be continued and acted upon by either the
29 department of corrections or the department of children and family
30 services, as determined by the office of financial management. All
31 existing contracts and obligations shall remain in full force and shall
32 be performed by the department of corrections or the department of
33 children and family services, as determined by the office of financial
34 management.

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

38 (6) If apportionments of budgeted funds are required because of the
39 transfers directed by this section, the director of financial

1 management shall certify the apportionments to the agencies affected,
2 the state auditor, and the state treasurer. Each of these shall make
3 the appropriate transfer and adjustments in funds and appropriation
4 accounts and equipment records in accordance with the certification.

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

10 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.20A
11 RCW to read as follows:

12 (1) All powers, duties, and functions of the department of social
13 and health services pertaining to child protective services are
14 transferred to the department of children and family services and
15 county sheriffs in accordance with chapter . . . , Laws of 1997 (this
16 act). All references to the secretary or the department of social and
17 health services in the Revised Code of Washington shall be construed to
18 mean the director or the department of children and family services and
19 county sheriffs when referring to the functions transferred in this
20 section.

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

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

37 (c) Whenever any question arises as to the transfer of any
38 personnel, funds, books, documents, records, papers, files, equipment,

1 or other tangible property used or held in the exercise of the powers
2 and the performance of the duties and functions transferred, the
3 director of financial management shall make a determination as to the
4 proper allocation and certify the same to the state agencies concerned.

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

14 (4) All rules and all pending business before the department of
15 social and health services pertaining to the powers, functions, and
16 duties transferred shall be continued and acted upon by the department
17 of children and family services and county sheriffs. All existing
18 contracts and obligations shall remain in full force and shall be
19 performed by the department of children and family services and county
20 sheriffs.

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

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

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

36 NEW SECTION. **Sec. 12.** (1) The director of financial management,
37 the secretary of corrections, the secretary of social and health
38 services, and the director of the department of community, trade, and

1 economic development shall jointly develop a reorganization
2 implementation plan to implement sections 2 through 11 of this act. The
3 plan shall take into account recommendations from interested
4 individuals, as well as state and local agencies.

5 (2) The plan shall detail the implementation steps to effectuate
6 the transfer of the:

7 (a) Children's administration and the functions of the department
8 of community, trade, and economic development relating to children to
9 the new children and family services agency;

10 (b) Juvenile rehabilitation administration to the department of
11 corrections and the new children and family services agency; and

12 (c) Child protective services to the county sheriffs and the new
13 children and family services agency.

14 (3) The plan shall include allocation of the functions of the
15 juvenile rehabilitation administration to the new department of
16 children and family services and the department of corrections. The
17 legislature intends that:

18 (a) The plan consider which state agency is best suited to address
19 the needs of various groups of juvenile offenders, and the needs of
20 society with respect to those juveniles; and

21 (b) The plan incorporate the functions of treatment and sentencing
22 provisions of law as of July 1, 1998, over juvenile offenders
23 including, but not limited to juvenile rehabilitation and the juvenile
24 justice system, including functions performed by the juvenile
25 rehabilitation administration as it exists June 30, 1998. Any juvenile
26 offenders transferred as a result of chapter . . . , Laws of 1997 (this
27 act) shall be housed separately from adult offenders.

28 (4) The legislature intends that because child abuse or neglect
29 investigations frequently reveal criminal activity, the authority to
30 conduct such investigations should be transferred to the county
31 sheriffs in larger counties. The legislature further finds that the
32 authority to conduct investigations to determine whether there is
33 evidence that would support a judicial determination that a child is a
34 dependent child should be vested in the county sheriff in the larger
35 counties. The reorganization plan shall include recommendations as to
36 the allocation of functions between the new department of children and
37 family services, the county sheriffs, and other appropriate agencies.

38 (5) In developing the recommendations required under this section,
39 the directors, secretaries, and commissioner shall consult with the

1 directors of the departments of general administration and personnel to
2 ensure that no duplication of functions will occur between the
3 departments of general administration, personnel, and other
4 departments.

5 (6) The completed reorganization implementation plan shall be
6 submitted to the governor and the appropriate standing committees of
7 the legislature by November 15, 1997.

8 (7) The plan shall include details addressing the following areas
9 of legislative, public, and departmental concerns:

10 (a) Assessment and increased accountability measures over all
11 transferred functions;

12 (b) Quantifiable outcomes for all transferred functions;

13 (c) Equitable cost-effective coordinated service delivery and
14 continuity of care enhancements, including coordination with all
15 relevant service delivery components at the state, local, and private
16 level for the family and individuals in need;

17 (d) Staffing support and caseload management enhancements;

18 (e) Retention of the collocation of facilities wherever
19 economically possible until at least the year 2005, including
20 procedures for client referrals to new departments;

21 (f) Federal requirements, including but not limited to federal
22 reforms and the ability to continue participating to the maximum extent
23 possible in the receipt of federal funds and grants;

24 (g) Promotion of public and private partnerships; and

25 (h) Retention of centralized core administrative services such as
26 payment, financial, and information systems, until at least the year
27 2005.

28 (8) By December 15, 1997, the director of financial management, the
29 secretary of the department of social and health services, the
30 secretary of the department of corrections, and the director of the
31 department of community, trade, and economic development shall jointly
32 submit to the governor and the appropriate standing committees of the
33 legislature any proposed legislation necessary to implement the
34 reorganization implementation plan.

35 (9) This section expires June 30, 1998.

36 **Sec. 13.** RCW 72.09.040 and 1981 c 136 s 4 are each amended to read
37 as follows:

1 All powers, duties, and functions assigned to the secretary of
2 social and health services and to the department of social and health
3 services relating to adult correctional programs and institutions are
4 hereby transferred to the secretary of corrections and to the
5 department of corrections. ~~((Except as may be specifically provided,
6 all functions of the department of social and health services relating
7 to juvenile rehabilitation and the juvenile justice system shall remain
8 in the department of social and health services. Where functions of
9 the department of social and health services and the department of
10 corrections overlap in the juvenile rehabilitation and/or juvenile
11 justice area, the governor may allocate such functions between these
12 departments.~~

13 ~~The secretaries of the department of social and health services and
14 the department of corrections shall submit to the 1983 session of the
15 Washington state legislature a joint report which addresses the
16 question of in which agency juvenile rehabilitation and state level
17 juvenile justice programs should be located.))~~

18 **Sec. 14.** RCW 43.17.010 and 1993 sp.s. c 2 s 16, 1993 c 472 s 17,
19 and 1993 c 280 s 18 are each reenacted and amended to read as follows:

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

34 **Sec. 15.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended
35 to read as follows:

36 There shall be a chief executive officer of each department to be
37 known as: (1) The secretary of social and health services, (2) the

1 director of ecology, (3) the director of labor and industries, (4) the
2 director of agriculture, (5) the director of fish and wildlife, (6) the
3 secretary of transportation, (7) the director of licensing, (8) the
4 director of general administration, (9) the director of community,
5 trade, and economic development, (10) the director of veterans affairs,
6 (11) the director of revenue, (12) the director of retirement systems,
7 (13) the secretary of corrections, ((and)) (14) the secretary of
8 health, ((and)) (15) the director of financial institutions, and (16)
9 the director of children and family services.

10 Such officers, except the secretary of transportation and the
11 director of fish and wildlife, shall be appointed by the governor, with
12 the consent of the senate, and hold office at the pleasure of the
13 governor. The secretary of transportation shall be appointed by the
14 transportation commission as prescribed by RCW 47.01.041. The director
15 of fish and wildlife shall be appointed by the fish and wildlife
16 commission as prescribed by RCW 77.04.055.

17 NEW SECTION. Sec. 16. Sections 2 through 8 of this act constitute
18 a new chapter in Title 43 RCW.

19 NEW SECTION. Sec. 17. Section 12 of this act is necessary for the
20 immediate preservation of the public peace, health, or safety, or
21 support of the state government and its existing public institutions,
22 and takes effect immediately.

23 NEW SECTION. Sec. 18. Sections 1 through 11 and 13 through 15 of
24 this act take effect July 1, 1998.

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