
SUBSTITUTE SENATE BILL 6013

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove)

READ FIRST TIME 02/26/07.

1 AN ACT Relating to state institutions; amending RCW 71A.20.020 and
2 72.23.020; adding a new section to chapter 41.06 RCW; adding a new
3 section to chapter 72.05 RCW; adding a new section to chapter 72.16
4 RCW; adding a new section to chapter 72.19 RCW; adding a new section to
5 chapter 72.20 RCW; adding a new section to chapter 72.40 RCW; adding a
6 new section to chapter 72.36 RCW; adding a new section to chapter
7 28A.150 RCW; adding a new section to chapter 72.09 RCW; and adding a
8 new chapter to Title 43 RCW.

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

10 NEW SECTION. **Sec. 1.** The legislature finds that state
11 institutions serve a critical role in the delivery of services and
12 long-term residential care for the people of the state of Washington.
13 Maintaining the capital needs and assessing the need for efficiencies,
14 consolidation, expansion, reduction, closure, and replacement of state
15 institutions requires both long-term planning and financing. A fair,
16 objective, and factual assessment of the capital facilities is a
17 critical part of how to best meet the needs of the clients of the
18 institutions and the citizens of Washington. However, the state lacks
19 an independent review process for state institutions with excess

1 capacity or with alternative service delivery models to meet state
2 policy. The legislature further finds that independent evidence-based
3 facts are crucial to any decision that affects Washington citizens who
4 reside in state institutions; and that a fair and objective analysis of
5 the independent evidence-based facts will be better for the clients of
6 the institutions.

7 For these reasons, the legislature intends to create an
8 institutions review commission as an independent entity to review state
9 institutions on a regular basis.

10 NEW SECTION. **Sec. 2.** The definitions in this section apply
11 throughout this chapter unless the context clearly requires otherwise.

12 (1) "Commission" means the institutions review commission created
13 under section 3 of this act.

14 (2) "Commissioner" means a member of the commission created under
15 section 3 of this act.

16 (3) "Immediate family member" means the parents, spouse, siblings,
17 children, or dependent relative of the official, employee, or lobbyist
18 whether or not living in the household of the official, employee, or
19 lobbyist.

20 (4) "Lobbyist" means a person registered as a lobbyist under
21 chapter 42.17 RCW.

22 (5) "Public official" means any person holding federal, state,
23 county, city, town, school district, port district, special district,
24 or other state political subdivision elective office.

25 (6) "Review cycle" means the period beginning July 1st of an odd-
26 numbered year and ending December 1st of the following even-numbered
27 year.

28 (7) "State institution" means residential habilitation centers,
29 state institutions for juvenile offenders, state hospitals, the state
30 school for the deaf, the state school for the blind, the department of
31 corrections, the department of veterans affairs, and facilities
32 associated with the Washington national guard youth challenge program
33 pursuant to RCW 28A.150.305.

34 NEW SECTION. **Sec. 3.** The institutions review commission is
35 established to review the effectiveness of and the need for state
36 institutions.

1 (1) The nine-member commission must be appointed as follows:

2 (a) By July 1, of 2007, and by July 1st of each odd-numbered year
3 thereafter, the two largest caucuses of each house of the legislature
4 shall each appoint one commissioner. The governor shall appoint five
5 commissioners.

6 (b) Commissioners serve two-year terms expiring July 1st of each
7 odd-numbered year. Commissioners may be reappointed, subject to the
8 conditions of this section.

9 (c) The commission members shall be appointed based on geographic
10 representation of the state.

11 (d) Upon a vacancy in any position on the commission, the original
12 appointing authority must appoint a successor to fill the unexpired
13 term within thirty days.

14 (2) Commissioners may not receive compensation for their services,
15 but shall receive a subsistence allowance and travel expenses under RCW
16 43.03.050 and 43.03.060.

17 (3) The commissioners shall elect a chair from among their members.

18 NEW SECTION. **Sec. 4.** (1) The commission shall investigate, make
19 findings of fact, and make determinations about the efficiency of the
20 institutions reviewed, including but not limited to a recommendation on
21 whether an institution under review should be consolidated, expanded,
22 closed, replaced, or retained.

23 (2) The commission is authorized to access state information and
24 data regarding institutions, and state agencies shall cooperate with
25 the commission in its efforts to collect data.

26 (3) The commission shall hold at least one public hearing regarding
27 each institution under review within the vicinity of the facility under
28 review.

29 (4) The commission shall provide its recommendations to the
30 governor and the appropriate policy and fiscal committees of the
31 legislature before December 1st of each even-numbered year.

32 NEW SECTION. **Sec. 5.** In conducting its review of state
33 institutions and in making its recommendation regarding consolidation,
34 expansion, reduction, closure, replacement, or retention of an
35 institution, the commission shall consider criteria including but not
36 limited to the following:

1 (1) The best quality of care for the institution's residents based
2 on state laws and policies regarding care and treatment, including
3 community care and treatment, for clients and potential clients of the
4 institutions;

5 (2) The condition of the institution's physical plant and the need
6 for repair or renovation;

7 (3) The institution's location relative to population centers,
8 supporting services, persons served, and families of persons served;

9 (4) The best and highest use of the institution's property;

10 (5) The costs of providing service at that institution relative to
11 like institutions and community care or treatment; and

12 (6) State duties, objectives, and policies as expressed in law or
13 in formally adopted agency policies.

14 NEW SECTION. **Sec. 6.** During the 2007-08 review cycle, the
15 commission shall review the state school for the blind and the state
16 school for the deaf and report its recommendations by December 1, 2008.

17 NEW SECTION. **Sec. 7.** The commission shall review all state
18 institutions at least once during the five consecutive review cycles
19 that begin July 1, 2007.

20 By May 31, 2009, and each odd-numbered year thereafter, the
21 commission shall designate the institutions to be reviewed in the
22 following review cycle by the subsequently appointed commissioners.

23 NEW SECTION. **Sec. 8.** The commission has the following powers and
24 duties in addition to any other powers and duties authorized or
25 required by law. The commission:

26 (1) Shall employ an executive director, who serves at the
27 discretion of the commission, and other staff as are necessary to
28 implement the purposes of this chapter;

29 (2) May make, execute, and deliver contracts, conveyances, and
30 other instruments necessary to exercise and discharge its powers and
31 duties;

32 (3) May contract for all or part of the services necessary for the
33 management and operation of the commission with other state or nonstate
34 entities authorized to do business in the state; and

1 (4) May contract with consultants as necessary to carry out its
2 responsibilities.

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

5 In addition to the exemptions set forth in RCW 41.06.070, the
6 provisions of this chapter do not apply to the institutions review
7 commission created in section 3 of this act or to the executive
8 director of the institutions review commission.

9 **Sec. 10.** RCW 71A.20.020 and 1994 c 215 s 1 are each amended to
10 read as follows:

11 The following residential habilitation centers are (~~permanently~~)
12 established, subject to sections 1 through 8 of this act, to provide
13 services to persons with developmental disabilities: Lakeland Village,
14 located at Medical Lake, Spokane county; Rainier School, located at
15 Buckley, Pierce county; Yakima Valley School, located at Selah, Yakima
16 county; Fircrest School, located at Seattle, King county; and Frances
17 Haddon Morgan Children's Center, located at Bremerton, Kitsap county.

18 NEW SECTION. **Sec. 11.** A new section is added to chapter 72.05 RCW
19 to read as follows:

20 The institutions established in this chapter are subject to the
21 provisions of sections 1 through 8 of this act.

22 NEW SECTION. **Sec. 12.** A new section is added to chapter 72.16 RCW
23 to read as follows:

24 The institutions established in this chapter are subject to the
25 provisions of sections 1 through 8 of this act.

26 NEW SECTION. **Sec. 13.** A new section is added to chapter 72.19 RCW
27 to read as follows:

28 The institutions established in this chapter are subject to the
29 provisions of sections 1 through 8 of this act.

30 NEW SECTION. **Sec. 14.** A new section is added to chapter 72.20 RCW
31 to read as follows:

1 The institutions established in this chapter are subject to the
2 provisions of sections 1 through 8 of this act.

3 **Sec. 15.** RCW 72.23.020 and 1959 c 28 s 72.23.020 are each amended
4 to read as follows:

5 There are hereby (~~permanently~~) located and established, subject
6 to sections 1 through 8 of this act, the following state hospitals:
7 Western state hospital at Fort Steilacoom, Pierce county; eastern state
8 hospital at Medical Lake, Spokane county; and northern state hospital
9 near Sedro Woolley, Skagit county.

10 NEW SECTION. **Sec. 16.** A new section is added to chapter 72.40 RCW
11 to read as follows:

12 The institutions established in this chapter are subject to the
13 provisions of sections 1 through 8 of this act.

14 NEW SECTION. **Sec. 17.** A new section is added to chapter 72.36 RCW
15 to read as follows:

16 The institutions established in this chapter are subject to the
17 provisions of sections 1 through 8 of this act.

18 NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.150
19 RCW to read as follows:

20 Institutions established for the Washington national guard youth
21 challenge program are subject to the provisions of sections 1 through
22 8 of this act.

23 NEW SECTION. **Sec. 19.** A new section is added to chapter 72.09 RCW
24 to read as follows:

25 Institutions established by the department of corrections are
26 subject to the provisions of sections 1 through 8 of this act.

27 NEW SECTION. **Sec. 20.** Sections 1 through 8 of this act constitute
28 a new chapter in Title 43 RCW.

--- END ---