
SENATE BILL 6013

State of Washington

60th Legislature

2007 Regular Session

By Senator Hargrove

Read first time 02/13/2007. Referred to Committee on Human Services & Corrections.

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) The following persons are ineligible for appointment to the
12 commission:

13 (i) Persons who reside in a legislative district where an
14 institution that is scheduled for review during that review cycle is
15 located;

16 (ii) State officials, public employees, representatives of unions
17 that represent public employees, lobbyists, and immediate family
18 members of such officials, employees, representatives, or lobbyists.

19 (e) Upon a vacancy in any position on the commission, the original
20 appointing authority must appoint a successor to fill the unexpired
21 term within thirty days.

22 (2) Commissioners may not receive compensation for their services,
23 but shall receive a subsistence allowance and travel expenses under RCW
24 43.03.050 and 43.03.060.

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

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

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

34 (3) The commission shall hold at least one public hearing regarding
35 each institution under review within the vicinity of the facility under
36 review.

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (2) May make, execute, and deliver contracts, conveyances, and
5 other instruments necessary to exercise and discharge its powers and
6 duties;

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

10 (4) May contract with consultants as necessary to carry out its
11 responsibilities.

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

14 In addition to the exemptions set forth in RCW 41.06.070, the
15 provisions of this chapter do not apply to the institutions review
16 commission created in section 3 of this act or to the executive
17 director of the institutions review commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 Institutions established for the Washington national guard youth
27 challenge program are subject to the provisions of sections 1 through
28 8 of this act.

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

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

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

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