
SENATE BILL 5656

State of Washington

61st Legislature

2009 Regular Session

By Senators Roach, Delvin, and Swecker

Read first time 01/28/09. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to state government reorganization; amending RCW
2 43.17.010, 43.17.020, and 43.70.555; reenacting and amending RCW
3 42.17.2401 and 69.50.520; adding new sections to chapter 41.06 RCW;
4 adding a new section to chapter 74.04 RCW; adding new chapters to Title
5 43 RCW; creating new sections; repealing RCW 70.190.005, 70.190.010,
6 70.190.020, 70.190.030, 70.190.040, 70.190.050, 70.190.060, 70.190.065,
7 70.190.070, 70.190.075, 70.190.080, 70.190.085, 70.190.090, 70.190.100,
8 70.190.110, 70.190.120, 70.190.130, 70.190.150, 70.190.160, 70.190.170,
9 70.190.180, 70.190.190, 70.190.910, and 70.190.920; and providing an
10 effective date.

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

12 NEW SECTION. **Sec. 1.** The legislature finds that the needs of
13 Washingtonians for social services, public assistance, juvenile
14 rehabilitation, and specialized rehabilitative and medical services are
15 not being effectively served by the department of social and health
16 services. The department has grown too large, and become too unwieldy
17 and unfocused to cope adequately with caseload demands and social and
18 demographic change. Despite the efforts of many employees of the

1 department, egregious incidents have occurred in the lives of the
2 clients the department is supposed to protect and help.

3 The legislature finds that, in the interest of efficient and humane
4 assistance to the state's citizens who are in need, the creation of
5 new, smaller, and more focused agencies will give the provision of
6 welfare, juvenile, and medical and social rehabilitative services an
7 improved focus and accountability.

8 It is the intent of the legislature that the combined biennial
9 budgets of the three new agencies created in this act not exceed ninety
10 percent of the department of social and health services' 2007-09
11 budget, and that future budgets of the new departments be tied to
12 inflation rates.

13 **PART I**

14 **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

15 NEW SECTION. **Sec. 101.** It is the purpose of this chapter to
16 administer and enforce programs relating to juvenile rehabilitation and
17 children, youth, and family services.

18 NEW SECTION. **Sec. 102.** The definitions in this section apply
19 throughout this chapter unless the context clearly requires otherwise.

20 (1) "Department" means the department of children and family
21 services.

22 (2) "Director" means the director of children and family services.

23 NEW SECTION. **Sec. 103.** The department of children and family
24 services is created as an executive branch agency. The department is
25 vested with all powers and duties transferred to it under this chapter
26 and such other powers and duties as may be authorized by law.

27 NEW SECTION. **Sec. 104.** (1) The executive head and appointing
28 authority of the department is the director. The director shall be
29 appointed by the governor, with the consent of the senate, and shall
30 serve at the pleasure of the governor. The director shall be paid a
31 salary to be fixed by the governor in accordance with RCW 43.03.040.
32 If a vacancy occurs in the position while the senate is not in session,

1 the governor shall make a temporary appointment until the next meeting
2 of the senate.

3 (2) The director may employ staff members, who shall be exempt from
4 chapter 41.06 RCW, and any additional staff members as are necessary to
5 administer this chapter. The director may delegate any power or duty
6 vested in him or her by this chapter, including authority to make final
7 decisions and enter final orders in hearings conducted under chapter
8 34.05 RCW.

9 NEW SECTION. **Sec. 105.** (1) It is the intent of the legislature
10 wherever possible to place the internal affairs of the department under
11 the control of the director in order that the director may institute
12 the flexible, alert, and intelligent management of its business that
13 changing contemporary circumstances require. Therefore, whenever the
14 director's authority is not specifically limited by law, the director
15 has complete charge and supervisory powers over the department. The
16 director may create such administrative structures as the director
17 considers appropriate, except as otherwise specified by law. The
18 director may employ such assistants and personnel as may be necessary
19 for the general administration of the department. This employment
20 shall be in accordance with the state civil service law, chapter 41.06
21 RCW, except as otherwise provided.

22 (2) In addition to other powers granted to the director, the
23 director may:

24 (a) Enter into contracts on behalf of the department to carry out
25 the purposes of this chapter;

26 (b) Accept gifts, grants, or other funds for the purposes of this
27 chapter; and

28 (c) Adopt, in accordance with chapter 34.05 RCW, rules necessary to
29 implement this chapter. This section does not expand the rule-making
30 authority of the director beyond that necessary to implement and
31 administer programs and services existing July 1, 2010, as transferred
32 to the department of children and family services under this act.

33 NEW SECTION. **Sec. 106.** Except as otherwise specified or as
34 federal requirements may differently require, the department may be
35 subdivided into divisions established and organized in accordance with
36 plans prepared by the director and approved by the governor. In

1 preparing such plans, the director shall endeavor to promote efficient
2 public management, to improve programs, and to take full advantage of
3 the economies, both fiscal and administrative, to be gained from the
4 consolidation of functions and agencies under this chapter.

5 NEW SECTION. **Sec. 107.** The director shall appoint a deputy
6 director, a department personnel director, and such assistant directors
7 as may be needed to administer the department. The deputy director
8 shall have charge and general supervision of the department in the
9 absence or disability of the director and, in case of a vacancy in the
10 office of director, shall continue in charge of the department until a
11 successor is appointed and qualified, or until the governor appoints an
12 acting director.

13 NEW SECTION. **Sec. 108.** Any power or duty vested in or transferred
14 to the director by law or executive order may be delegated by the
15 director to the deputy director or to any other assistant or
16 subordinate; but the director shall be responsible for the official
17 acts of the officers and employees of the department.

18 NEW SECTION. **Sec. 109.** The director may appoint such advisory
19 committees or councils as may be required by any federal legislation as
20 a condition to the receipt of federal funds by the department. The
21 director may also appoint statewide committees or councils on such
22 subject matters as are or come within the department's
23 responsibilities. The committees or councils shall be constituted as
24 required by federal law or as the director may determine.

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

27 NEW SECTION. **Sec. 110.** In furtherance of the policy of the state
28 to cooperate with the federal government in all of the programs under
29 the jurisdiction of the department, such rules as may become necessary
30 to entitle the state to participate in federal funds may be adopted,
31 unless expressly prohibited by law. Any internal reorganization
32 carried out under the terms of this chapter shall meet federal
33 requirements that are a necessary condition to state receipt of federal
34 funds. Any section or provision of law dealing with the department

1 that may be susceptible to more than one construction shall be
2 interpreted in favor of the construction most likely to comply with
3 federal laws entitling this state to receive federal funds for the
4 various programs of the department. If any law dealing with the
5 department is ruled to be in conflict with federal requirements that
6 are a prescribed condition of the allocation of federal funds to the
7 state, or to any departments or agencies thereof, the conflicting part
8 is declared to be inoperative solely to the extent of the conflict.

9 NEW SECTION. **Sec. 111.** The department shall endeavor to collocate
10 facilities with the departments of public welfare and medical and
11 rehabilitative services, and shall establish procedures for referring
12 clients to those departments if circumstances warrant referral.

13 NEW SECTION. **Sec. 112.** A new section is added to chapter 41.06
14 RCW to read as follows:

15 In addition to the exemptions under RCW 41.06.070, the provisions
16 of this chapter shall not apply in the department of children and
17 family services to the director, the director's personal secretary, the
18 deputy director, all division directors and assistant directors, and
19 one confidential secretary for each of these officers.

20 NEW SECTION. **Sec. 113.** (1) All powers, duties, and functions of
21 the department of social and health services currently performed by the
22 juvenile rehabilitation administration, and the children's
23 administration are transferred to the department of children and family
24 services. All references to the secretary or the department of social
25 and health services in the Revised Code of Washington shall be
26 construed to mean the director or the department of children and family
27 services when referring to the functions transferred in this section.

28 (2)(a) All reports, documents, surveys, books, records, files,
29 papers, or written material in the possession of the department of
30 social and health services pertaining to the powers, functions, and
31 duties transferred shall be delivered to the custody of the department
32 of children and family services. All cabinets, furniture, office
33 equipment, motor vehicles, and other tangible property employed by the
34 department of social and health services in carrying out the powers,
35 functions, and duties transferred shall be made available to the

1 department of children and family services. All funds, credits, or
2 other assets held in connection with the powers, functions, and duties
3 transferred shall be assigned to the department of children and family
4 services.

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

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

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

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

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

34 (6) If apportionments of budgeted funds are required because of the
35 transfers directed by this section, the director of financial
36 management shall certify the apportionments to the agencies affected,
37 the state auditor, and the state treasurer. Each of these shall make

1 the appropriate transfer and adjustments in funds and appropriation
2 accounts and equipment records in accordance with the certification.

3 (7) Nothing contained in this section may be construed to alter any
4 existing collective bargaining unit or the provisions of any existing
5 collective bargaining agreement until the agreement has expired.

6 **PART II**

7 **DEPARTMENT OF PUBLIC WELFARE**

8 NEW SECTION. **Sec. 201.** It is the purpose of this chapter to
9 administer and enforce programs relating to cash assistance, including
10 temporary assistance for needy families, basic food, WorkFirst, child
11 care assistance, child support, and refugee and immigrant assistance.

12 NEW SECTION. **Sec. 202.** The definitions in this section apply
13 throughout this chapter unless the context clearly requires otherwise.

14 (1) "Department" means the department of public welfare.

15 (2) "Director" means the director of public welfare.

16 NEW SECTION. **Sec. 203.** The department of public welfare is
17 created as an executive branch agency. The department is vested with
18 all powers and duties transferred to it under this chapter and such
19 other powers and duties as may be authorized by law.

20 NEW SECTION. **Sec. 204.** (1) The executive head and appointing
21 authority of the department is the director. The director shall be
22 appointed by the governor, with the consent of the senate, and shall
23 serve at the pleasure of the governor. The director shall be paid a
24 salary to be fixed by the governor in accordance with RCW 43.03.040.
25 If a vacancy occurs in the position while the senate is not in session,
26 the governor shall make a temporary appointment until the next meeting
27 of the senate.

28 (2) The director may employ staff members, who shall be exempt from
29 chapter 41.06 RCW, and any additional staff members as are necessary to
30 administer this chapter. The director may delegate any power or duty
31 vested in him or her by this chapter, including authority to make final
32 decisions and enter final orders in hearings conducted under chapter
33 34.05 RCW.

1 NEW SECTION. **Sec. 205.** (1) It is the intent of the legislature
2 wherever possible to place the internal affairs of the department under
3 the control of the director in order that the director may institute
4 the flexible, alert, and intelligent management of its business that
5 changing contemporary circumstances require. Therefore, whenever the
6 director's authority is not specifically limited by law, the director
7 has complete charge and supervisory powers over the department. The
8 director may create such administrative structures as the director
9 considers appropriate, except as otherwise specified by law. The
10 director may employ such assistants and personnel as may be necessary
11 for the general administration of the department. This employment
12 shall be in accordance with the state civil service law, chapter 41.06
13 RCW, except as otherwise provided.

14 (2) In addition to other powers granted to the director, the
15 director may:

16 (a) Enter into contracts on behalf of the department to carry out
17 the purposes of this chapter;

18 (b) Accept gifts, grants, or other funds for the purposes of this
19 chapter; and

20 (c) Adopt, in accordance with chapter 34.05 RCW, rules necessary to
21 implement this chapter. This section does not expand the rule-making
22 authority of the director beyond that necessary to implement and
23 administer programs and services existing July 1, 2010, as transferred
24 to the department of public welfare under this act.

25 NEW SECTION. **Sec. 206.** Except as otherwise specified or as
26 federal requirements may differently require, the department may be
27 subdivided into divisions established and organized in accordance with
28 plans prepared by the director and approved by the governor. In
29 preparing such plans, the director shall endeavor to promote efficient
30 public management, to improve programs, and to take full advantage of
31 the economies, both fiscal and administrative, to be gained from the
32 consolidation of functions and agencies under this chapter.

33 NEW SECTION. **Sec. 207.** The director shall appoint a deputy
34 director, a department personnel director, and such assistant directors
35 as may be needed to administer the department. The deputy director
36 shall have charge and general supervision of the department in the

1 absence or disability of the director and, in case of a vacancy in the
2 office of director, shall continue in charge of the department until a
3 successor is appointed and qualified, or until the governor appoints an
4 acting director.

5 NEW SECTION. **Sec. 208.** Any power or duty vested in or transferred
6 to the director by law or executive order may be delegated by the
7 director to the deputy director or to any other assistant or
8 subordinate; but the director shall be responsible for the official
9 acts of the officers and employees of the department.

10 NEW SECTION. **Sec. 209.** The director may appoint such advisory
11 committees or councils as may be required by any federal legislation as
12 a condition to the receipt of federal funds by the department. The
13 director may also appoint statewide committees or councils on such
14 subject matters as are or come within the department's
15 responsibilities. The committees or councils shall be constituted as
16 required by federal law or as the director may determine.

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

19 NEW SECTION. **Sec. 210.** In furtherance of the policy of the state
20 to cooperate with the federal government in all of the programs under
21 the jurisdiction of the department, such rules as may become necessary
22 to entitle the state to participate in federal funds may be adopted,
23 unless expressly prohibited by law. Any internal reorganization
24 carried out under the terms of this chapter shall meet federal
25 requirements that are a necessary condition to state receipt of federal
26 funds. Any section or provision of law dealing with the department
27 that may be susceptible to more than one construction shall be
28 interpreted in favor of the construction most likely to comply with
29 federal laws entitling this state to receive federal funds for the
30 various programs of the department. If any law dealing with the
31 department is ruled to be in conflict with federal requirements that
32 are a prescribed condition of the allocation of federal funds to the
33 state, or to any departments or agencies thereof, the conflicting part
34 is declared to be inoperative solely to the extent of the conflict.

1 NEW SECTION. **Sec. 211.** The department shall endeavor to collocate
2 facilities with the departments of children and family services and
3 medical and rehabilitative services, and shall establish procedures for
4 referring clients to those departments if circumstances warrant
5 referral.

6 NEW SECTION. **Sec. 212.** A new section is added to chapter 41.06
7 RCW to read as follows:

8 In addition to the exemptions under RCW 41.06.070, the provisions
9 of this chapter shall not apply in the department of public welfare to
10 the director, the director's personal secretary, the deputy director,
11 all division directors and assistant directors, and one confidential
12 secretary for each of these officers.

13 NEW SECTION. **Sec. 213.** (1) All powers, duties, and functions of
14 the department of social and health services currently performed by the
15 economic services administration are transferred to the department of
16 public welfare. All references to the secretary or the department of
17 social and health services in the Revised Code of Washington shall be
18 construed to mean the director or the department of public welfare when
19 referring to the functions transferred in this section.

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

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

35 (c) If any question arises as to the transfer of any personnel,
36 funds, books, documents, records, papers, files, equipment, or other

1 tangible property used or held in the exercise of the powers and the
2 performance of the duties and functions transferred, the director of
3 financial management shall make a determination as to the proper
4 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 public welfare.
8 All employees classified under chapter 41.06 RCW, the state civil
9 service law, are assigned to the department of public welfare to
10 perform their usual duties upon the same terms as formerly, without any
11 loss of rights, subject to any action that may be appropriate
12 thereafter in accordance with the laws and rules governing state civil
13 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 public welfare. All existing contracts and obligations shall remain
18 in full force and shall be performed by the department of public
19 welfare.

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

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

30 (7) Nothing contained in this section may be construed to alter any
31 existing collective bargaining unit or the provisions of any existing
32 collective bargaining agreement until the agreement has expired.

33 **PART III**

34 **DEPARTMENT OF MEDICAL AND REHABILITATIVE SERVICES**

35 NEW SECTION. **Sec. 301.** It is the purpose of this chapter to
36 administer and enforce programs relating to medicaid, children's health

1 programs, mental health, alcohol and substance abuse, disability
2 determination services, home and community services, residential care
3 services, and developmental disabilities.

4 NEW SECTION. **Sec. 302.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Department" means the department of medical and rehabilitative
7 services.

8 (2) "Director" means the director of medical and rehabilitative
9 services.

10 NEW SECTION. **Sec. 303.** The department of medical and
11 rehabilitative services is created as an executive branch agency. The
12 department is vested with all powers and duties transferred to it under
13 this chapter and such other powers and duties as may be authorized by
14 law.

15 NEW SECTION. **Sec. 304.** (1) The executive head and appointing
16 authority of the department is the director. The director shall be
17 appointed by the governor, with the consent of the senate, and shall
18 serve at the pleasure of the governor. The director shall be paid a
19 salary to be fixed by the governor in accordance with RCW 43.03.040.
20 If a vacancy occurs in the position while the senate is not in session,
21 the governor shall make a temporary appointment until the next meeting
22 of the senate.

23 (2) The director may employ staff members, who shall be exempt from
24 chapter 41.06 RCW, and any additional staff members as are necessary to
25 administer this chapter. The director may delegate any power or duty
26 vested in him or her by this chapter, including authority to make final
27 decisions and enter final orders in hearings conducted under chapter
28 34.05 RCW.

29 NEW SECTION. **Sec. 305.** (1) 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 the flexible, alert, and intelligent management of its business that
33 changing contemporary circumstances require. Therefore, whenever the
34 director's authority is not specifically limited by law, the director

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

8 (2) In addition to other powers granted to the director, the
9 director may:

10 (a) Enter into contracts on behalf of the department to carry out
11 the purposes of this chapter;

12 (b) Accept gifts, grants, or other funds for the purposes of this
13 chapter; and

14 (c) Adopt, in accordance with chapter 34.05 RCW, rules necessary to
15 implement this chapter. This section does not expand the rule-making
16 authority of the director beyond that necessary to implement and
17 administer programs and services existing July 1, 2010, as transferred
18 to the department of medical and rehabilitative services under this
19 act.

20 NEW SECTION. **Sec. 306.** Except as otherwise specified or as
21 federal requirements may differently require, the department may be
22 subdivided into divisions established and organized in accordance with
23 plans prepared by the director and approved by the governor. In
24 preparing such plans, the director shall endeavor to promote efficient
25 public management, to improve programs, and to take full advantage of
26 the economies, both fiscal and administrative, to be gained from the
27 consolidation of functions and agencies under this chapter.

28 NEW SECTION. **Sec. 307.** The director shall appoint a deputy
29 director, a department personnel director, and such assistant directors
30 as may be needed to administer the department. The deputy director
31 shall have charge and general supervision of the department in the
32 absence or disability of the director and, in case of a vacancy in the
33 office of director, shall continue in charge of the department until a
34 successor is appointed and qualified, or until the governor appoints an
35 acting director.

1 NEW SECTION. **Sec. 308.** 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. 309.** 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 statewide committees or councils on such
10 subject matters as are or come within the department's
11 responsibilities. The committees or councils shall be constituted as
12 required by federal law or as the director may determine.

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

15 NEW SECTION. **Sec. 310.** In furtherance of the policy of the state
16 to cooperate with the federal government in all of the programs under
17 the jurisdiction of the department, such rules as may become necessary
18 to entitle the state to participate in federal funds may be adopted,
19 unless expressly prohibited by law. Any internal reorganization
20 carried out under the terms of this chapter shall meet federal
21 requirements that are a necessary condition to state receipt of federal
22 funds. Any section or provision of law dealing with the department
23 that may be susceptible to more than one construction shall be
24 interpreted in favor of the construction most likely to comply with
25 federal laws entitling this state to receive federal funds for the
26 various programs of the department. If any law dealing with the
27 department is ruled to be in conflict with federal requirements that
28 are a prescribed condition of the allocation of federal funds to the
29 state, or to any departments or agencies thereof, the conflicting part
30 is declared to be inoperative solely to the extent of the conflict.

31 NEW SECTION. **Sec. 311.** The department shall endeavor to collocate
32 facilities with the departments of children and family services and
33 public welfare, and shall establish procedures for referring clients to
34 those departments if circumstances warrant referral.

1 NEW SECTION. **Sec. 312.** 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 medical and
5 rehabilitative services to the director, the director's personal
6 secretary, the deputy director, all division directors and assistant
7 directors, and one confidential secretary for each of these officers.

8 NEW SECTION. **Sec. 313.** (1) All powers, duties, and functions of
9 the department of social and health services currently performed by the
10 aging and disability services and health and recovery services
11 administrations are transferred to the department of medical and
12 rehabilitative services. All references to the secretary or the
13 department of social and health services in the Revised Code of
14 Washington shall be construed to mean the director or the department of
15 medical and rehabilitative services when referring to the functions
16 transferred in this section.

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

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

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

1 financial management shall make a determination as to the proper
2 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 medical and
6 rehabilitative services. All employees classified under chapter 41.06
7 RCW, the state civil service law, are assigned to the department of
8 medical and rehabilitative services to perform their usual duties upon
9 the same terms as formerly, without any loss of rights, subject to any
10 action that may be appropriate thereafter in accordance with the laws
11 and rules governing 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 medical and rehabilitative services. All existing contracts and
16 obligations shall remain in full force and shall be performed by the
17 department of medical and rehabilitative services.

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.

31 **PART IV**

32 **FRAUD INVESTIGATIONS**

33 NEW SECTION. **Sec. 401.** A new section is added to chapter 74.04
34 RCW to read as follows:

35 All investigations of fraud under this title shall be conducted by
36 the office of the attorney general.

1 **PART V**

2 **FAMILY POLICY COUNCIL**

3 NEW SECTION. **Sec. 501.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 70.190.005 (Purpose) and 1994 sp.s. c 7 s 301 & 1992 c 198
6 s 1;

7 (2) RCW 70.190.010 (Definitions) and 1996 c 132 s 2, 1995 c 399 s
8 200, & 1992 c 198 s 3;

9 (3) RCW 70.190.020 (Consolidate efforts of existing entities) and
10 1994 sp.s. c 7 s 315 & 1992 c 198 s 4;

11 (4) RCW 70.190.030 (Proposals to facilitate services at the
12 community level) and 1994 sp.s. c 7 s 316 & 1992 c 198 s 5;

13 (5) RCW 70.190.040 (Finding--Grants to improve readiness to learn)
14 and 1993 c 336 s 901;

15 (6) RCW 70.190.050 (Community networks--Outcome evaluation) and
16 1998 c 245 s 122 & 1994 sp.s. c 7 s 207;

17 (7) RCW 70.190.060 (Community networks--Legislative intent--
18 Membership--Open meetings) and 2005 c 274 s 345, 1998 c 314 s 12, 1996
19 c 132 s 3, & 1994 sp.s. c 7 s 303;

20 (8) RCW 70.190.065 (Member's authorization of expenditures--
21 Limitation) and 1996 c 132 s 5;

22 (9) RCW 70.190.070 (Community networks--Duties) and 1994 sp.s. c 7
23 s 304;

24 (10) RCW 70.190.075 (Lead fiscal agent) and 1996 c 132 s 4;

25 (11) RCW 70.190.080 (Community networks--Programs and plans) and
26 1996 c 132 s 6 & 1994 sp.s. c 7 s 305;

27 (12) RCW 70.190.085 (Community networks--Sexual abstinence and
28 activity campaign) and 1994 c 299 s 5;

29 (13) RCW 70.190.090 (Community networks--Planning grants and
30 contracts--Distribution of funds--Reports) and 1999 c 309 s 918, 1996
31 c 132 s 7, & 1994 sp.s. c 7 s 306;

32 (14) RCW 70.190.100 (Duties of council) and 1998 c 245 s 123 & 1994
33 sp.s. c 7 s 307;

34 (15) RCW 70.190.110 (Program review) and 1998 c 245 s 124 & 1994
35 sp.s. c 7 s 308;

36 (16) RCW 70.190.120 (Interagency agreement) and 1994 sp.s. c 7 s
37 309;

1 (17) RCW 70.190.130 (Comprehensive plan--Approval process--Network
2 expenditures--Penalty for noncompliance with chapter) and 1998 c 314 s
3 13, 1996 c 132 s 8, & 1994 sp.s. c 7 s 310;

4 (18) RCW 70.190.150 (Federal restrictions on funds transfers,
5 waivers) and 1994 sp.s. c 7 s 312;

6 (19) RCW 70.190.160 (Community networks--Implementation in federal
7 and state plans) and 1994 sp.s. c 7 s 314;

8 (20) RCW 70.190.170 (Transfer of funds and programs to state
9 agency) and 1994 sp.s. c 7 s 320;

10 (21) RCW 70.190.180 (Community network--Grants for use of school
11 facilities) and 1994 sp.s. c 7 s 604;

12 (22) RCW 70.190.190 (Network members immune from civil liability--
13 Network assets not subject to attachment or execution) and 1996 c 132
14 s 9;

15 (23) RCW 70.190.910 (Severability--1992 c 198) and 1992 c 198 s 20;
16 and

17 (24) RCW 70.190.920 (Effective date--1992 c 198) and 1992 c 198 s
18 21.

19 PART VI

20 GENERAL AND MISCELLANEOUS PROVISIONS

21 **Sec. 601.** RCW 43.17.010 and 2007 c 341 s 46 are each amended to
22 read as follows:

23 There shall be departments of the state government which shall be
24 known as (1) the department of social and health services, (2) the
25 department of ecology, (3) the department of labor and industries, (4)
26 the department of agriculture, (5) the department of fish and wildlife,
27 (6) the department of transportation, (7) the department of licensing,
28 (8) the department of general administration, (9) the department of
29 community, trade, and economic development, (10) the department of
30 veterans affairs, (11) the department of revenue, (12) the department
31 of retirement systems, (13) the department of corrections, (14) the
32 department of health, (15) the department of financial institutions,
33 (16) the department of archaeology and historic preservation, (17) the
34 department of early learning, (~~and~~) (18) the Puget Sound partnership,
35 (19) the department of children and family services, (20) the
36 department of public welfare, and (21) the department of medical and

1 rehabilitative services, which shall be charged with the execution,
2 enforcement, and administration of such laws, and invested with such
3 powers and required to perform such duties, as the legislature may
4 provide.

5 **Sec. 602.** RCW 43.17.020 and 2007 c 341 s 47 are each amended to
6 read as follows:

7 There shall be a chief executive officer of each department to be
8 known as: (1) The secretary of social and health services, (2) the
9 director of ecology, (3) the director of labor and industries, (4) the
10 director of agriculture, (5) the director of fish and wildlife, (6) the
11 secretary of transportation, (7) the director of licensing, (8) the
12 director of general administration, (9) the director of community,
13 trade, and economic development, (10) the director of veterans affairs,
14 (11) the director of revenue, (12) the director of retirement systems,
15 (13) the secretary of corrections, (14) the secretary of health, (15)
16 the director of financial institutions, (16) the director of the
17 department of archaeology and historic preservation, (17) the director
18 of early learning, (~~and~~) (18) the executive director of the Puget
19 Sound partnership, (19) the director of children and family services,
20 (20) the director of public welfare, and (21) the director of medical
21 and rehabilitative services.

22 Such officers, except the director of fish and wildlife, shall be
23 appointed by the governor, with the consent of the senate, and hold
24 office at the pleasure of the governor. The director of fish and
25 wildlife shall be appointed by the fish and wildlife commission as
26 prescribed by RCW 77.04.055.

27 **Sec. 603.** RCW 42.17.2401 and 2007 c 341 s 48, 2007 c 241 s 2, and
28 2007 c 15 s 1 are each reenacted and amended to read as follows:

29 For the purposes of RCW 42.17.240, the term "executive state
30 officer" includes:

31 (1) The chief administrative law judge, the director of
32 agriculture, the administrator of the Washington basic health plan, the
33 director of the department of services for the blind, the director of
34 the department of children and family services, the director of the
35 state system of community and technical colleges, the director of
36 community, trade, and economic development, the secretary of

1 corrections, the director of early learning, the director of ecology,
2 the commissioner of employment security, the chair of the energy
3 facility site evaluation council, the secretary of the state finance
4 committee, the director of financial management, the director of fish
5 and wildlife, the executive secretary of the forest practices appeals
6 board, the director of the gambling commission, the director of general
7 administration, the secretary of health, the administrator of the
8 Washington state health care authority, the executive secretary of the
9 health care facilities authority, the executive secretary of the higher
10 education facilities authority, the executive secretary of the horse
11 racing commission, the executive secretary of the human rights
12 commission, the executive secretary of the indeterminate sentence
13 review board, the director of the department of information services,
14 the executive director of the state investment board, the director of
15 labor and industries, the director of licensing, the director of the
16 lottery commission, the director of the department of medical and
17 rehabilitative services, the director of the office of minority and
18 women's business enterprises, the director of parks and recreation, the
19 director of personnel, the executive director of the public disclosure
20 commission, the director of the department of public welfare, the
21 executive director of the Puget Sound partnership, the director of the
22 recreation and conservation office, the director of retirement systems,
23 the director of revenue, the secretary of social and health services,
24 the chief of the Washington state patrol, the executive secretary of
25 the board of tax appeals, the secretary of transportation, the
26 secretary of the utilities and transportation commission, the director
27 of veterans affairs, the president of each of the regional and state
28 universities and the president of The Evergreen State College, and each
29 district and each campus president of each state community college;

30 (2) Each professional staff member of the office of the governor;

31 (3) Each professional staff member of the legislature; and

32 (4) Central Washington University board of trustees, the boards of
33 trustees of each community college and each technical college, each
34 member of the state board for community and technical colleges, state
35 convention and trade center board of directors, committee for deferred
36 compensation, Eastern Washington University board of trustees,
37 Washington economic development finance authority, The Evergreen State
38 College board of trustees, executive ethics board, forest practices

1 appeals board, forest practices board, gambling commission, life
2 sciences discovery fund authority board of trustees, Washington health
3 care facilities authority, each member of the Washington health
4 services commission, higher education coordinating board, higher
5 education facilities authority, horse racing commission, state housing
6 finance commission, human rights commission, indeterminate sentence
7 review board, board of industrial insurance appeals, information
8 services board, (~~recreation and conservation funding board,~~) state
9 investment board, commission on judicial conduct, legislative ethics
10 board, liquor control board, lottery commission, marine oversight
11 board, Pacific Northwest electric power and conservation planning
12 council, parks and recreation commission, board of pilotage
13 commissioners, pollution control hearings board, public disclosure
14 commission, public pension commission, shorelines (~~hearings~~)
15 hearings board, public employees' benefits board, recreation and
16 conservation funding board, salmon recovery funding board, board of tax
17 appeals, transportation commission, University of Washington board of
18 regents, utilities and transportation commission, Washington state
19 maritime commission, Washington personnel resources board, Washington
20 public power supply system executive board, Washington State University
21 board of regents, Western Washington University board of trustees, and
22 fish and wildlife commission.

23 **Sec. 604.** RCW 43.70.555 and 1998 c 245 s 77 are each amended to
24 read as follows:

25 The department(~~(, in consultation with the family policy council~~
26 ~~created in chapter 70.190 RCW,~~) shall establish, by rule, standards
27 for local health departments (~~and networks~~) to use in assessment,
28 performance measurement, policy development, and assurance regarding
29 social development to prevent health problems caused by risk factors
30 empirically linked to: Violent criminal acts by juveniles, teen
31 substance abuse, teen pregnancy and male parentage, teen suicide
32 attempts, dropping out of school, child abuse or neglect, and domestic
33 violence. The standards shall be based on the standards set forth in
34 the public health services improvement plan as required by RCW
35 43.70.550.

1 **Sec. 605.** RCW 69.50.520 and 2005 c 518 s 937, 2005 c 514 s 1107,
2 and 2005 c 514 s 202 are each reenacted and amended to read as follows:

3 The violence reduction and drug enforcement account is created in
4 the state treasury. All designated receipts from RCW 9.41.110(8),
5 66.24.210(4), 66.24.290(2), 69.50.505(9)(a), 82.08.150 (5) and
6 (7)(b)(iii), 82.24.020(2), 82.24.026(2)(c), 82.64.020, and section 420,
7 chapter 271, Laws of 1989 shall be deposited into the account.
8 Expenditures from the account may be used only for funding services and
9 programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994
10 sp. sess. excluding sections 201 through 207, including state
11 incarceration costs. Funds from the account may also be appropriated
12 to reimburse local governments for costs associated with implementing
13 criminal justice legislation including chapter 338, Laws of 1997.
14 During the 2003-2005 and 2005-2007 bienniums, funds from the account
15 may also be used for costs associated with providing grants to local
16 governments in accordance with chapter 338, Laws of 1997, funding drug
17 offender treatment services in accordance with RCW 70.96A.350,
18 maintenance and operating costs of the Washington association of
19 sheriffs and police chiefs jail reporting system, maintenance and
20 operating costs of the juvenile rehabilitation administration's client
21 activity tracking system, civil indigent legal representation,
22 multijurisdictional narcotics task forces, and transfers to the health
23 services account(~~(, and grants to community networks under chapter~~
24 ~~70.190 RCW by the family policy council)~~)).

25 NEW SECTION. **Sec. 606.** Part headings used in this act are not any
26 part of the law.

27 NEW SECTION. **Sec. 607.** Sections 101 through 111 and 113 of this
28 act constitute a new chapter in Title 43 RCW.

29 NEW SECTION. **Sec. 608.** Sections 201 through 211 and 213 of this
30 act constitute a new chapter in Title 43 RCW.

31 NEW SECTION. **Sec. 609.** Sections 301 through 311 and 313 of this
32 act constitute a new chapter in Title 43 RCW.

1 NEW SECTION. **Sec. 610.** This act takes effect January 1, 2010.

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