
HOUSE BILL 2604

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Dickerson and Kenney; by request of Department of Health and Washington State Department of Commerce

Read first time 01/18/12. Referred to Committee on Health & Human Services Appropriations & Oversight.

1 AN ACT Relating to transferring the powers, duties, and functions
2 of the developmental disabilities endowment; amending RCW 43.70.733;
3 adding new sections to chapter 43.330 RCW; creating a new section;
4 recodifying RCW 43.70.730, 43.70.731, 43.70.732, 43.70.733, 43.70.734,
5 43.70.735, 43.70.736, and 43.70.737; and repealing RCW 43.330.906.

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

7 **Sec. 1.** RCW 43.70.733 and 2010 c 271 s 201 are each amended to
8 read as follows:

9 The developmental disabilities endowment governing board is
10 established to design and administer the developmental disabilities
11 endowment. To the extent funds are appropriated for this purpose, the
12 ((secretary)) director of the department shall provide staff and
13 administrative support to the governing board.

14 (1) The governing board shall consist of seven members as follows:

15 (a) Three of the members, who shall be appointed by the governor,
16 shall be persons who have demonstrated expertise and leadership in
17 areas such as finance, actuarial science, management, business, or
18 public policy.

1 (b) Three members of the board, who shall be appointed by the
2 governor, shall be persons who have demonstrated expertise and
3 leadership in areas such as business, developmental disabilities
4 service design, management, or public policy, and shall be family
5 members of persons with developmental disabilities.

6 (c) The seventh member of the board, who shall serve as chair of
7 the board, shall be appointed by the remaining six members of the
8 board.

9 (2) Members of the board shall serve terms of four years and may be
10 appointed for successive terms of four years at the discretion of the
11 appointing authority. However, the governor may stagger the terms of
12 the initial six members of the board so that approximately one-fourth
13 of the members' terms expire each year.

14 (3) Members of the board shall be compensated for their service
15 under RCW 43.03.240 and shall be reimbursed for travel expenses as
16 provided in RCW 43.03.050 and 43.03.060.

17 (4) The board shall meet periodically as specified by the call of
18 the chair, or a majority of the board.

19 (5) Members of the governing board and the state investment board
20 shall not be considered an insurer of the funds or assets of the
21 endowment trust fund or the individual trust accounts. Neither of
22 these two boards or their members shall be liable for the action or
23 inaction of the other.

24 (6) Members of the governing board and the state investment board
25 are not liable to the state, to the fund, or to any other person as a
26 result of their activities as members, whether ministerial or
27 discretionary, except for willful dishonesty or intentional violations
28 of law. The department and the state investment board, respectively,
29 may purchase liability insurance for members.

30 NEW SECTION. **Sec. 2.** (1) All powers, duties, and functions of the
31 department of health pertaining to the developmental disabilities
32 endowment are transferred to the department of commerce. All
33 references to the director or the department of health in the Revised
34 Code of Washington shall be construed to mean the director or the
35 department of commerce when referring to the functions transferred in
36 this section.

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

11 (b) Any appropriations made to the department of health for
12 carrying out the powers, functions, and duties transferred shall, on
13 the effective date of this section, be transferred and credited to the
14 department of commerce.

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

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

29 (4) All rules and all pending business before the department of
30 health pertaining to the powers, functions, and duties transferred
31 shall be continued and acted upon by the department of commerce. All
32 existing contracts and obligations shall remain in full force and shall
33 be performed by the department of commerce.

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

37 (6) If apportionments of budgeted funds are required because of the
38 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) All classified employees of the department of health assigned
6 to the department of commerce under this section whose positions are
7 within an existing bargaining unit description at the department of
8 commerce shall become a part of the existing bargaining unit at the
9 department of commerce and shall be considered an appropriate inclusion
10 or modification of the existing bargaining unit under the provisions of
11 chapter 41.80 RCW.

12 NEW SECTION. **Sec. 3.** RCW 43.330.906 (Transfer of powers, duties,
13 and functions pertaining to the developmental disabilities endowment)
14 and 2010 c 271 s 204 are each repealed.

15 NEW SECTION. **Sec. 4.** RCW 43.70.730, 43.70.731, 43.70.732,
16 43.70.733, 43.70.734, 43.70.735, 43.70.736, and 43.70.737 are each
17 recodified as sections in chapter 43.330 RCW.

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