
HOUSE BILL 2008

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Nelson, Leonard, Winsley, Tate, Brekke, Phillips, H. Sommers, D. Sommers, Holland, Mitchell and P. Johnson.

Read first time February 19, 1991. Referred to Committee on Human Services.

1 AN ACT Relating to disabled persons; amending RCW 9.94A.270,
2 9A.36.080, 18.29.056, 18.59.020, 18.59.040, 19.27.170, 20.01.330,
3 26.33.350, 26.40.010, 26.40.020, 26.40.030, 26.44.020, 27.04.030,
4 27.04.045, 28A.26.040, 28A.150.220, 28A.150.260, 28A.150.280,
5 28A.150.370, 28A.150.390, 28A.155.020, 28A.155.010, 28A.155.030,
6 28A.155.040, 28A.155.050, 28A.155.060, 28A.155.070, 28A.155.080,
7 28A.155.090, 28A.160.040, 28A.160.160, 28A.160.180, 28A.190.030,
8 28A.310.190, 28A.320.080, 28A.330.100, 28A.400.030, 28A.505.190,
9 28A.525.030, 28A.525.162, 28A.545.040, 28A.545.100, 28A.630.050,
10 28A.630.190, 28A.630.400, 28B.04.120, 28B.07.010, 28B.20.410,
11 28B.20.414, 29.19.010, 29.51.200, 29.57.010, 29.57.090, 29.57.120,
12 29.57.140, 29.57.160, 35.58.240, 35.68.075, 35.68.076, 35.86A.010,
13 35.86A.070, 35.92.060, 36.57.040, 36.57A.090, 39.23.005, 39.32.010,
14 41.26.030, 43.19.520, 43.20A.635, 43.20A.725, 43.24.090, 43.31.512,
15 43.70.080, 43.99C.010, 43.99C.015, 43.99C.020, 43.99C.040, 43.99C.047,
16 43.99C.050, 43.180.070, 43.220.070, 46.74.010, 47.01.071, 47.04.170,
17 48.01.035, 48.20.420, 48.21.150, 48.30.300, 48.30.320, 48.41.140,

1 48.44.200, 48.44.210, 48.44.220, 48.44.260, 48.46.320, 48.46.370,
2 48.46.380, 49.12.110, 49.60.010, 49.60.020, 49.60.030, 49.60.120,
3 49.60.130, 49.60.174, 49.60.175, 49.60.176, 49.60.178, 49.60.180,
4 49.60.190, 49.60.200, 49.60.222, 49.60.223, 49.60.224, 49.60.225,
5 49.74.005, 50.12.210, 51.08.030, 56.08.014, 57.08.014, 66.24.425,
6 70.58.300, 70.58.310, 70.82.010, 70.82.030, 70.84.010, 70.84.080,
7 70.106.110, 71A.10.020, 71A.10.040, 71A.12.010, 71A.12.020, 72.04A.120,
8 72.05.010, 72.05.130, 72.29.010, 72.40.040, 72.70.010, 74.09.524,
9 74.12.290, 74.13.031, 74.13.095, 74.13.109, 74.13.150, 74.13.270,
10 74.13.310, 74.18.010, 74.18.060, 74.18.130, 74.26.010, 74.29.005,
11 74.29.010, 74.29.020, 74.29.080, 74.29.100, 74.38.070, 75.25.110,
12 75.25.180, 75.25.200, 77.12.010, 77.32.230, 77.32.235, 79.90.460,
13 81.66.010, 81.68.015, 82.04.355, 82.16.047, 82.36.285, 82.38.080,
14 82.44.015, 82.44.041, 82.80.030, 84.36.350, 84.36.353, and 84.52.0531;
15 and reenacting and amending RCW 19.27.031, 49.60.040, 49.60.215,
16 74.09.520, and 82.04.385.

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

18 **Sec. 1.** RCW 9.94A.270 and 1989 c 252 s 8 are each amended to read
19 as follows:

20 (1) Whenever a punishment imposed under this chapter requires
21 community supervision services to be provided, the sentencing court
22 shall require that the offender pay to the department of corrections
23 the monthly assessment, prescribed under subsection (2) of this
24 section, which shall be for the duration of the probation and which
25 shall be considered as payment or part payment of the cost of providing
26 probation supervision to the probationer. The court may exempt a
27 person from the payment of all or any part of the assessment based upon
28 any of the following factors:

1 (a) The offender has diligently attempted but has been unable to
2 obtain employment that provides the offender sufficient income to make
3 such payments.

4 (b) The offender is a student in a school, college, university, or
5 a course of vocational or technical training designed to fit the
6 student for gainful employment.

7 (c) The offender has an employment (~~handicap~~) disability, as
8 determined by an examination acceptable to or ordered by the court.

9 (d) The offender's age prevents him from obtaining employment.

10 (e) The offender is responsible for the support of dependents and
11 the payment of the assessment constitutes an undue hardship on the
12 offender.

13 (f) Other extenuating circumstances as determined by the court.

14 (2) The department of corrections shall adopt a rule prescribing
15 the amount of the assessment. The department may, if it finds it
16 appropriate, prescribe a schedule of assessments that shall vary in
17 accordance with the intensity or cost of the supervision. The
18 department may not prescribe any assessment that is less than ten
19 dollars nor more than fifty dollars.

20 (3) All amounts required to be paid under this section shall be
21 collected by the department of corrections and deposited by the
22 department in the dedicated fund established pursuant to RCW 72.11.040.

23 (4) This section shall not apply to probation services provided
24 under an interstate compact pursuant to chapter 9.95 RCW or to
25 probation services provided for persons placed on probation prior to
26 June 10, 1982.

27 **Sec. 2.** RCW 9A.36.080 and 1989 c 95 s 1 are each amended to read
28 as follows:

1 (1) A person is guilty of malicious harassment if he or she
2 maliciously and with the intent to intimidate or harass another person
3 because of, or in a way that is reasonably related to, associated with,
4 or directed toward, that person's race, color, religion, ancestry,
5 national origin, or mental, physical, or sensory ((handicap))
6 disability:

7 (a) Causes physical injury to another person; or

8 (b) By words or conduct places another person in reasonable fear of
9 harm to his or her person or property or harm to the person or property
10 of a third person. Such words or conduct include, but are not limited
11 to, (i) cross burning, (ii) painting, drawing, or depicting symbols or
12 words on the property of the victim when the symbols or words
13 historically or traditionally connote hatred or threats toward the
14 victim, or (iii) written or oral communication designed to intimidate
15 or harass because of, or in a way that is reasonably related to,
16 associated with, or directed toward, that person's race, color,
17 religion, ancestry, national origin, or mental, physical, or sensory
18 ((handicap)) disability. However, it does not constitute malicious
19 harassment for a person to speak or act in a critical, insulting, or
20 deprecatory way unless the context or circumstances surrounding the
21 words or conduct places another person in reasonable fear of harm to
22 his or her person or property or harm to the person or property of a
23 third person; or

24 (c) Causes physical damage to or destruction of the property of
25 another person.

26 (2) The following constitute per se violations of this section:

27 (a) Cross burning; or

28 (b) Defacement of the property of the victim or a third person with
29 symbols or words when the symbols or words historically or
30 traditionally connote hatred or threats toward the victim.

1 (3) Malicious harassment is a class C felony.

2 (4) In addition to the criminal penalty provided in subsection (3)
3 of this section, there is hereby created a civil cause of action for
4 malicious harassment. A person may be liable to the victim of
5 malicious harassment for actual damages and punitive damages of up to
6 ten thousand dollars.

7 (5) The penalties provided in this section for malicious harassment
8 do not preclude the victims from seeking any other remedies otherwise
9 available under law.

10 **Sec. 3.** RCW 18.29.056 and 1984 c 279 s 63 are each amended to read
11 as follows:

12 (1) Dental hygienists licensed under this chapter with two years'
13 practical clinical experience with a licensed dentist within the
14 preceding five years may be employed or retained by health care
15 facilities to perform authorized dental hygiene operations and services
16 without dental supervision, limited to removal of deposits and stains
17 from the surfaces of the teeth, application of topical preventive or
18 prophylactic agents, polishing and smoothing restorations, and
19 performance of root planing and soft-tissue curettage, but shall not
20 perform injections of anesthetic agents, administration of nitrous
21 oxide, or diagnosis for dental treatment. The performance of dental
22 hygiene operations and services in health care facilities shall be
23 limited to patients, students, and residents of the facilities. For
24 dental planning and dental treatment, dental hygienists shall refer
25 patients to licensed dentists.

26 (2) For the purposes of this section, "health care facilities" are
27 limited to hospitals; nursing homes; home health agencies; group homes
28 serving the elderly, (~~handicapped~~) disabled, and juveniles; state-
29 operated institutions under the jurisdiction of the department of

1 social and health services or the department of corrections; and
2 federal, state, and local public health facilities.

3 **Sec. 4.** RCW 18.59.020 and 1984 c 9 s 3 are each amended to read as
4 follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

7 (1) "Board" means the board of occupational therapy practice.

8 (2) "Occupational therapy" is the scientifically based use of
9 purposeful activity with individuals who are limited by physical injury
10 or illness, psychosocial dysfunction, developmental or learning
11 disabilities, or the aging process in order to maximize independence,
12 prevent disability, and maintain health. The practice encompasses
13 evaluation, treatment, and consultation. Specific occupational therapy
14 services include but are not limited to: Using specifically designed
15 activities and exercises to enhance neurodevelopmental, cognitive,
16 perceptual motor, sensory integrative, and psychomotor functioning;
17 administering and interpreting tests such as manual muscle and sensory
18 integration; teaching daily living skills; developing prevocational
19 skills and play and avocational capabilities; designing, fabricating,
20 or applying selected orthotic and prosthetic devices or selected
21 adaptive equipment; and adapting environments for the ((handicapped))
22 disabled. These services are provided individually, in groups, or
23 through social systems.

24 (3) "Occupational therapist" means a person licensed to practice
25 occupational therapy under this chapter.

26 (4) "Occupational therapy assistant" means a person licensed to
27 assist in the practice of occupational therapy under the supervision or
28 with the regular consultation of an occupational therapist.

1 (5) "Occupational therapy aide" means a person who is trained to
2 perform specific occupational therapy techniques under professional
3 supervision as defined by the board but who does not perform activities
4 that require advanced training in the sciences or practices involved in
5 the profession of occupational therapy.

6 (6) "Person" means any individual, partnership, unincorporated
7 organization, or corporate body, except that only an individual may be
8 licensed under this chapter.

9 (7) "Department" means the department of (~~licensing~~) health.

10 (8) (~~("Director" means the director of licensing)~~) "Secretary"
11 means the secretary of health.

12 **Sec. 5.** RCW 18.59.040 and 1985 c 296 s 1 are each amended to read
13 as follows:

14 This chapter shall not be construed as preventing or restricting
15 the practice, services, or activities of:

16 (1) A person licensed in this state under any other law from
17 engaging in the profession or occupation for which the person is
18 licensed;

19 (2) A person employed as an occupational therapist or occupational
20 therapy assistant by the government of the United States, if the person
21 provides occupational therapy solely under the directions or control of
22 the organization by which the person is employed;

23 (3) A person pursuing a course of study leading to a degree or
24 certificate in occupational therapy in an accredited or approved
25 educational program if the activities and services constitute a part of
26 a supervised course of study, if the person is designated by a title
27 which clearly indicated the person's status as a student or trainee;

28 (4) A person fulfilling the supervised fieldwork experience
29 requirements of RCW 18.59.050, if the activities and services

1 constitute a part of the experience necessary to meet the requirements
2 of RCW 18.59.050;

3 (5) A person performing occupational therapy services in the state,
4 if the services are performed for no more than ninety working days and
5 if:

6 (a) The person is licensed under the laws of another state which
7 has licensure requirements at least as stringent as the requirements of
8 this chapter, as determined by the board; or

9 (b) The person has met commonly accepted standards for the practice
10 of occupational therapy as specifically defined by the board;

11 (6) A person employed by or supervised by an occupational therapist
12 as an occupational therapy aide;

13 (7) A person with a limited permit. A limited permit may be
14 granted to persons who have completed the education and experience
15 requirements of this chapter, or education and experience requirements
16 which the board deems equivalent to those specified as requirements for
17 licensure. The limited permit allows the applicant to practice in
18 association with an occupational therapist. The limited permit is
19 valid until the results of the next examination have been made public.
20 One extension of this permit may be granted if the applicant has failed
21 the examination, but during this period the person shall be under the
22 direct supervision of an occupational therapist;

23 (8) Any persons who teach daily living skills, develop
24 prevocational skills, and play and avocational capabilities, or adapt
25 equipment or environments for the ((handicapped)) disabled, or who do
26 specific activities to enhance cognitive, perceptual motor, sensory
27 integrative and psychomotor skills, but who do not hold themselves out
28 to the public by any title, initials, or description of services as
29 being engaged in the practice of occupational therapy; or

1 (9) Any person who designs, fabricates, or applies orthotic or
2 prosthetic devices which are prescribed by a health care professional
3 authorized by the laws of the state of Washington to prescribe the
4 device or to direct the design, fabrication or application of the
5 device.

6 **Sec. 6.** RCW 19.27.031 and 1989 c 348 s 9 and 1989 c 266 s 1 are
7 each reenacted and amended to read as follows:

8 Except as otherwise provided in this chapter, there shall be in
9 effect in all counties and cities the state building code which shall
10 consist of the following codes which are hereby adopted by reference:

11 (1) Uniform Building Code and Uniform Building Code Standards,
12 published by the International Conference of Building Officials;

13 (2) Uniform Mechanical Code, including Chapter 22, Fuel Gas Piping,
14 Appendix B, published by the International Conference of Building
15 Officials;

16 (3) The Uniform Fire Code and Uniform Fire Code Standards,
17 published by the International Conference of Building Officials and the
18 Western Fire Chiefs Association: PROVIDED, That, notwithstanding any
19 wording in this code, participants in religious ceremonies shall not be
20 precluded from carrying hand-held candles;

21 (4) Except as provided in RCW 19.27.150, the Uniform Plumbing Code
22 and Uniform Plumbing Code Standards, published by the International
23 Association of Plumbing and Mechanical Officials: PROVIDED, That
24 chapters 11 and 12 of such code are not adopted; and

25 (5) The rules and regulations adopted by the council establishing
26 standards for making buildings and facilities accessible to and usable
27 by the physically ((handicapped)) disabled or elderly persons as
28 provided in RCW 70.92.100 through 70.92.160.

1 In case of conflict among the codes enumerated in subsections (1),
2 (2), (3), and (4) of this section, the first named code shall govern
3 over those following.

4 The codes enumerated in this section shall be adopted by the
5 council as provided in RCW 19.27.074.

6 The council may issue opinions relating to the codes at the request
7 of a local building official.

8 **Sec. 7.** RCW 19.27.170 and 1989 c 348 s 8 are each amended to read
9 as follows:

10 (1) The state building code council shall adopt rules under chapter
11 34.05 RCW that implement and incorporate the water conservation
12 performance standards in subsections (3) and (4) of this section.
13 These standards shall apply to all new construction and all remodeling
14 involving replacement of plumbing fixtures in all residential, hotel,
15 motel, school, industrial, commercial use, or other occupancies
16 determined by the council to use significant quantities of water.

17 (2) The legislature recognizes that a phasing-in approach to these
18 new standards is appropriate. Therefore, standards in subsection (3)
19 of this section shall take effect on July 1, 1990. The standards in
20 subsection (4) of this section shall take effect July 1, 1993.

21 (3) Standards for water use efficiency effective July 1, 1990.

22 (a) Standards for waterclosets. The guideline for maximum water
23 use allowed in gallons per flush (gpf) for any of the following
24 waterclosets is the following:

- 25 Tank-type toilets... 3.5 gpf.
- 26 Flushometer-valve toilets..... 3.5 gpf.
- 27 Flushometer-tank toilets..... 3.5 gpf.
- 28 Electromechanical hydraulic toilets..... 3.5 gpf.

1 (b) Standard for urinals. The guideline for maximum water use
2 allowed for any urinal is 3.0 gallons per flush.

3 (c) Standard for showerheads. The guideline for maximum water use
4 allowed for any showerhead is 3.0 gallons per minute.

5 (d) Standard for faucets. The guideline for maximum water use
6 allowed in gallons per minute (gpm) for any of the following faucets
7 and replacement aerators is the following:

8 Bathroom faucets..... 3.0 gpm.

9 Lavatory faucets 3.0 gpm.

10 Kitchen faucets 3.0 gpm.

11 Replacement aerators..... 3.0 gpm.

12 (e) Except where designed and installed for use by the physically
13 (~~handicapped~~) disabled, lavatory faucets located in restrooms
14 intended for use by the general public must be equipped with a metering
15 valve designed to close by spring or water pressure when left
16 unattended (self-closing).

17 (f) No urinal or watercloset that operates on a continuous flow or
18 continuous flush basis shall be permitted.

19 (4) Standards for water use efficiency effective July 1, 1993.

20 (a) Standards for waterclosets. The guideline for maximum water
21 use allowed in gallons per flush (gpf) for any of the following
22 waterclosets is the following:

23 Tank-type toilets... 1.6 gpf.

24 Flushometer-tank toilets..... 1.6 gpf.

25 Electromechanical hydraulic toilets 1.6 gpf.

26 (b) Standards for urinals. The guideline for maximum water use
27 allowed for any urinal is 1.0 gallons per flush.

28 (c) Standards for showerheads. The guideline for maximum water use
29 allowed for any showerhead is 2.5 gallons per minute.

1 (d) Standards for faucets. The guideline for maximum water use
2 allowed in gallons per minute for any of the following faucets and
3 replacement aerators is the following:

4 Bathroom faucets..... 2.5 gpm.

5 Lavatory faucets 2.5 gpm.

6 Kitchen faucets 2.5 gpm.

7 Replacement aerators..... 2.5 gpm.

8 (e) Except where designed and installed for use by the physically
9 (~~handicapped~~) disabled, lavatory faucets located in restrooms
10 intended for use by the general public must be equipped with a metering
11 valve designed to close by water pressure when unattended (self-
12 closing).

13 (f) No urinal or watercloset that operates on a continuous flow or
14 continuous basis shall be permitted.

15 (5) The building code council shall make an assessment regarding
16 the low-volume fixtures required under subsection (4) of this section.
17 The assessment shall consider the availability of low-volume fixtures
18 which are technologically feasible, will operate effectively, and are
19 economically justified. The council shall also assess the potential
20 impact on the necessary flow or water required to insure sewerage or
21 septic lines and treatment plants will effectively operate.

22 The council shall submit a report to the chief clerk of the house
23 of representatives and the secretary of the senate by October 30, 1992,
24 setting forth its conclusions, and any recommendations for legislative
25 action.

26 (6) The water conservation performance standards shall supersede
27 all local government codes. After July 1, 1990, cities, towns, and
28 counties shall not amend the code revisions and standards established
29 under subsection (3) or (4) of this section.

1 **Sec. 8.** RCW 20.01.330 and 1989 c 354 s 40 are each amended to read
2 as follows:

3 The director may refuse to grant a license or renew a license and
4 may revoke or suspend a license or issue a conditional or probationary
5 order if he is satisfied after a hearing, as herein provided, of the
6 existence of any of the following facts, which are hereby declared to
7 be a violation of this chapter:

8 (1) That fraudulent charges or returns have been made by the
9 applicant, or licensee, for the handling, sale or storage of, or for
10 rendering of any service in connection with the handling, sale or
11 storage of any agricultural product.

12 (2) That the applicant, or licensee, has failed or refused to
13 render a true account of sales, or to make a settlement thereon, or to
14 pay for agricultural products received, within the time and in the
15 manner required by this chapter.

16 (3) That the applicant, or licensee, has made any false statement
17 as to the condition, quality or quantity of agricultural products
18 received, handled, sold or stored by him.

19 (4) That the applicant, or licensee, directly or indirectly has
20 purchased for his or her own account agricultural products received by
21 him or her upon consignment without prior authority from the consignor
22 together with the price fixed by consignor or without promptly
23 notifying the consignor of such purchase. This shall not prevent any
24 commission merchant from taking to account of sales, in order to close
25 the day's business, miscellaneous lots or parcels of agricultural
26 products remaining unsold, if such commission merchant shall forthwith
27 enter such transaction on his account of sales.

28 (5) That the applicant, or licensee, has intentionally made any
29 false or misleading statement as to the conditions of the market for
30 any agricultural products.

1 (6) That the applicant, or licensee, has made fictitious sales or
2 has been guilty of collusion to defraud the consignor.

3 (7) That a commission merchant to whom any consignment is made has
4 reconsigned such consignment to another commission merchant and has
5 received, collected, or charged by such means more than one commission
6 for making the sale thereof, for the consignor, unless by written
7 consent of such consignor.

8 (8) That the licensee was guilty of fraud or deception in the
9 procurement of such license.

10 (9) That the licensee or applicant has failed or refused to file
11 with the director a schedule of his charges for services in connection
12 with agricultural products handled on account of or as an agent of
13 another, or that the applicant, or licensee, has indulged in any unfair
14 practice.

15 (10) That the licensee has rejected, without reasonable cause, or
16 has failed or refused to accept, without reasonable cause, any
17 agricultural product bought or contracted to be bought from a consignor
18 by such licensee; or failed or refused, without reasonable cause, to
19 furnish or provide boxes or other containers, or hauling, harvesting,
20 or any other service contracted to be done by licensee in connection
21 with the acceptance, harvesting, or other handling of said agricultural
22 products bought or handled or contracted to be bought or handled; or
23 has used any other device to avoid acceptance or unreasonably to defer
24 acceptance of agricultural products bought or handled or contracted to
25 be bought or handled.

26 (11) That the licensee has otherwise violated any provision of this
27 chapter and/or rules and regulations adopted hereunder.

28 (12) That the licensee has knowingly employed an agent, as defined
29 in this chapter, without causing said agent to comply with the
30 licensing requirements of this chapter applicable to agents.

1 (13) That the applicant or licensee has, in the handling of any
2 agricultural products, been guilty of fraud, deceit, or negligence.

3 (14) That the licensee has failed or refused, upon demand, to
4 permit the director or his or her agents to make the investigations,
5 examination or audits, as provided in this chapter, or that the
6 licensee has removed or sequestered any books, records, or papers
7 necessary to any such investigations, examination, or audits, or has
8 otherwise obstructed the same.

9 (15) That the licensee, without reasonable cause, has failed or
10 refused to execute or carry out a lawful contract with a consignor.

11 (16) That the licensee has failed or refused to keep and maintain
12 the records as required by this chapter and/or rules and regulations
13 adopted hereunder.

14 (17) That the licensee has attempted payment by a check the
15 licensee knows not to be backed by sufficient funds to cover such
16 check.

17 (18) That the licensee has been guilty of fraud or deception in his
18 dealings with purchasers including misrepresentation of goods as to
19 grade, quality, weights, quantity, or any other essential fact in
20 connection therewith.

21 (19) That the licensee has permitted a person to in fact operate
22 his or her own separate business under cover of the licensee's license
23 and bond.

24 (20) That a commission merchant or dealer has failed to furnish
25 additional bond coverage within fifteen days of when it was requested
26 in writing by the director.

27 (21) That the licensee has discriminated in the licensee's dealings
28 with consignors on the basis of race, creed, color, national origin,
29 sex, or the presence of any sensory, mental, or physical (~~handicap~~)
30 disability.

1 **Sec. 9.** RCW 26.33.350 and 1990 c 146 s 6 are each amended to read
2 as follows:

3 (1) Every person, firm, society, association, or corporation
4 receiving, securing a home for, or otherwise caring for a minor child
5 shall transmit to the prospective adopting parent prior to placement
6 and shall make available to all persons with whom a child has been
7 placed by adoption a complete medical report containing all available
8 information concerning the mental, physical, and sensory (~~handicaps~~)
9 disabilities of the child. The report shall not reveal the identity of
10 the natural parent of the child but shall include any available mental
11 or physical health history of the natural parent that needs to be known
12 by the adoptive parent to facilitate proper health care for the child
13 or that will assist the adoptive parent in maximizing the developmental
14 potential of the child.

15 (2) Where available, the information provided shall include:

16 (a) A review of the birth family's and the child's previous medical
17 history, if available, including x-rays, examinations,
18 hospitalizations, and immunizations;

19 (b) A physical exam of the child by a licensed physician with
20 appropriate laboratory tests and x-rays;

21 (c) A referral to a specialist if indicated; and

22 (d) A written copy of the evaluation with recommendations to the
23 adoptive family receiving the report.

24 **Sec. 10.** RCW 26.40.010 and 1977 ex.s. c 80 s 22 are each amended
25 to read as follows:

26 The purpose of this chapter is to assure the right of every
27 physically, mentally or sensory (~~handicapped~~) disabled child to
28 parental love and care as long as possible, to provide for adequate
29 custody of a (~~handicapped~~) disabled child who has lost parental care,

1 and to make available to the ((handicapped)) disabled child the
2 services of the state through its various departments and agencies.

3 **Sec. 11.** RCW 26.40.020 and 1955 c 272 s 2 are each amended to read
4 as follows:

5 So long as the parents of a ((handicapped)) disabled child are able
6 to assume parental responsibility for such child, their parental
7 responsibility may not be removed or denied, and commitment by the
8 state or any officer or official thereof shall never be a requirement
9 for the admission of such child to any state school, or institution, or
10 to the common schools.

11 **Sec. 12.** RCW 26.40.030 and 1977 ex.s. c 80 s 23 are each amended
12 to read as follows:

13 The parents or parent of any child who is temporarily or
14 permanently delayed in normal educational processes and/or normal
15 social adjustment by reason of physical, sensory or mental ((handicap))
16 disability, or by reason of social or emotional maladjustment, or by
17 reason of other ((handicap)) disability, may petition the superior
18 court for the county in which such child resides for an order for the
19 commitment of such child to custody as provided in RCW 26.40.040, as
20 now or hereafter amended.

21 **Sec. 13.** RCW 26.44.020 and 1988 c 142 s 1 are each amended to read
22 as follows:

23 For the purpose of and as used in this chapter:

24 (1) "Court" means the superior court of the state of Washington,
25 juvenile department.

1 (2) "Law enforcement agency" means the police department, the
2 prosecuting attorney, the state patrol, the director of public safety,
3 or the office of the sheriff.

4 (3) "Practitioner of the healing arts" or "practitioner" means a
5 person licensed by this state to practice (~~podiatry~~) podiatric
6 medicine and surgery, optometry, chiropractic, nursing, dentistry,
7 osteopathy and surgery, or medicine and surgery or to provide other
8 health services. The term "practitioner" shall include a duly
9 accredited Christian Science practitioner: PROVIDED, HOWEVER, That a
10 person who is being furnished Christian Science treatment by a duly
11 accredited Christian Science practitioner shall not be considered, for
12 that reason alone, a neglected person for the purposes of this chapter.

13 (4) "Institution" means a private or public hospital or any other
14 facility providing medical diagnosis, treatment or care.

15 (5) "Department" means the state department of social and health
16 services.

17 (6) "Child" or "children" means any person under the age of
18 eighteen years of age.

19 (7) "Professional school personnel" shall include, but not be
20 limited to, teachers, counselors, administrators, child care facility
21 personnel, and school nurses.

22 (8) "Social service counselor" shall mean anyone engaged in a
23 professional capacity during the regular course of employment in
24 encouraging or promoting the health, welfare, support or education of
25 children, or providing social services to adults or families, including
26 mental health, drug and alcohol treatment, and domestic violence
27 programs, whether in an individual capacity, or as an employee or agent
28 of any public or private organization or institution.

29 (9) "Psychologist" shall mean any person licensed to practice
30 psychology under chapter 18.83 RCW, whether acting in an individual

1 capacity or as an employee or agent of any public or private
2 organization or institution.

3 (10) "Pharmacist" shall mean any registered pharmacist under the
4 provisions of chapter 18.64 RCW, whether acting in an individual
5 capacity or as an employee or agent of any public or private
6 organization or institution.

7 (11) "Clergy" shall mean any regularly licensed or ordained
8 minister, priest or rabbi of any church or religious denomination,
9 whether acting in an individual capacity or as an employee or agent of
10 any public or private organization or institution.

11 (12) "Child abuse or neglect" shall mean the injury, sexual abuse,
12 sexual exploitation, or negligent treatment or maltreatment of a child
13 by any person under circumstances which indicate that the child's
14 health, welfare, and safety is harmed thereby. An abused child is a
15 child who has been subjected to child abuse or neglect as defined
16 herein: PROVIDED, That this subsection shall not be construed to
17 authorize interference with child-raising practices, including
18 reasonable parental discipline, which are not proved to be injurious to
19 the child's health, welfare, and safety: AND PROVIDED FURTHER, That
20 nothing in this section shall be used to prohibit the reasonable use of
21 corporal punishment as a means of discipline. No parent or guardian
22 shall be deemed abusive or neglectful solely by reason of the parent's
23 or child's blindness, deafness, developmental disability, or other
24 (~~handicap~~) disability.

25 (13) "Child protective services section" shall mean the child
26 protective services section of the department.

27 (14) "Adult dependent persons not able to provide for their own
28 protection through the criminal justice system" shall be defined as
29 those persons over the age of eighteen years who have been found
30 legally incompetent pursuant to chapter 11.88 RCW or found disabled to

1 such a degree pursuant to said chapter, that such protection is
2 indicated: PROVIDED, That no persons reporting injury, abuse, or
3 neglect to an adult dependent person as defined herein shall suffer
4 negative consequences if such a judicial determination of incompetency
5 or disability has not taken place and the person reporting believes in
6 good faith that the adult dependent person has been found legally
7 incompetent pursuant to chapter 11.88 RCW.

8 (15) "Sexual exploitation" includes: (a) Allowing, permitting, or
9 encouraging a child to engage in prostitution by any person; or (b)
10 allowing, permitting, encouraging, or engaging in the obscene or
11 pornographic photographing, filming, or depicting of a child for
12 commercial purposes as those acts are defined by state law by any
13 person.

14 (16) "Negligent treatment or maltreatment" means an act or omission
15 which evidences a serious disregard of consequences of such magnitude
16 as to constitute a clear and present danger to the child's health,
17 welfare, and safety.

18 (17) "Developmentally disabled person" means a person who has a
19 disability defined in RCW ((~~71.20.016~~)) 71A.10.020.

20 (18) "Child protective services" means those services provided by
21 the department designed to protect children from child abuse and
22 neglect and safeguard the general welfare of such children and shall
23 include investigations of child abuse and neglect reports, including
24 reports regarding child care centers and family child care homes, and
25 the development, management, and provision of or referral to services
26 to ameliorate conditions which endanger the welfare of children, the
27 coordination of necessary programs and services relevant to the
28 prevention, intervention, and treatment of child abuse and neglect, and
29 services to children to ensure that each child has a permanent home.
30 In determining whether protective services should be provided, the

1 department shall not decline to provide such services solely because of
2 the child's unwillingness or developmental inability to describe the
3 nature and severity of the abuse or neglect.

4 (19) "Malice" or "maliciously" means an evil intent, wish, or
5 design to vex, annoy, or injure another person. Such malice may be
6 inferred from an act done in willful disregard of the rights of
7 another, or an act wrongfully done without just cause or excuse, or an
8 act or omission of duty betraying a willful disregard of social duty.

9 **Sec. 14.** RCW 27.04.030 and 1987 c 330 s 401 are each amended to
10 read as follows:

11 The state library commission:

12 (1) May make such rules under chapter 34.05 RCW as may be deemed
13 necessary and proper to carry out the purposes of this chapter;

14 (2) Shall set general policy direction pursuant to the provisions
15 of this chapter;

16 (3) Shall appoint a state librarian who shall serve at the pleasure
17 of the commission;

18 (4) Shall adopt a recommended budget and submit it to the governor;

19 (5) Shall have authority to contract with any agency of the state
20 of Washington for the purpose of providing library materials, supplies,
21 and equipment and employing assistants as needed for the development,
22 growth, and operation of any library facilities or services of such
23 agency;

24 (6) Shall have authority to contract with any public library in the
25 state for that library to render library service to the blind and/or
26 physically (~~handicapped~~) disabled throughout the state. The state
27 library commission shall have authority to compensate such public
28 library for the cost of the service it renders under such contract;

1 (7) May adopt rules under chapter 34.05 RCW for the allocation of
2 any grants of state, federal, or private funds for library purposes;

3 (8) Shall have authority to accept and to expend in accordance with
4 the terms thereof any grant of federal or private funds which may
5 become available to the state for library purposes. For the purpose of
6 qualifying to receive such grants, the state library commission is
7 authorized to make such applications and reports as may be required by
8 the federal government or appropriate private entity as a condition
9 thereto;

10 (9) Shall have the authority to provide for the sale of library
11 material in accordance with RCW 27.12.305; and

12 (10) Shall have authority to establish rules and regulations for,
13 and prescribe and hold examinations to test, the qualifications of
14 those seeking certificates as librarians.

15 (a) The commission shall grant librarians' certificates without
16 examination to applicants who are graduates of library schools
17 accredited by the American library association for general library
18 training, and shall grant certificates to other applicants when it has
19 satisfied itself by examination that the applicant has attainments and
20 abilities equivalent to those of a library school graduate and is
21 qualified to carry on library work ably and efficiently.

22 (b) The commission shall require a fee of not less than one dollar
23 nor greater than that required to recover the costs associated with the
24 application to be paid by each applicant for a librarian's certificate.
25 Money paid as fees shall be deposited with the state treasurer.

26 (c) A library serving a community having over four thousand
27 population shall not have in its employ, in the position of librarian
28 or in any other full-time professional library position, a person who
29 does not hold a librarian's certificate issued by the commission or its
30 predecessor.

1 (d) A full-time professional library position, as intended by this
2 subsection, is one that requires, in the opinion of the commission, a
3 knowledge of books and of library technique equivalent to that required
4 for graduation from an accredited library school.

5 (e) The provisions of this subsection apply to every library
6 serving a community having over four thousand population and to every
7 library operated by the state or under its authority, including
8 libraries of institutions of higher learning: PROVIDED, That nothing in
9 this subsection applies to the state law library or to county law
10 libraries.

11 **Sec. 15.** RCW 27.04.045 and 1989 c 96 s 7 are each amended to read
12 as follows:

13 The state library commission shall be responsible for the following
14 functions:

15 (1) Maintaining a library at the state capitol grounds to
16 effectively provide library and information services to members of the
17 legislature, state officials, and state employees in connection with
18 their official duties;

19 (2) Acquiring and making available information, publications, and
20 source materials that pertain to the history of the state;

21 (3) Serving as the depository for newspapers published in the state
22 of Washington thus providing a central location for a valuable
23 historical record for scholarly, personal, and commercial reference and
24 circulation;

25 (4) Collecting and distributing copies of state publications by
26 ensuring that:

27 (a) The state library collects and makes available as part of its
28 collection copies of any state publication, as defined in RCW
29 40.06.010, prepared by any state agency whenever fifteen or more copies

1 are prepared for distribution. The state library commission, on
2 recommendation of the state librarian, may provide by rule for deposit
3 with the state library of up to three copies of such publication; and

4 (b) The state library maintains a division to serve as state
5 publications distribution center, as provided in chapter 40.06 RCW;

6 (5) Providing advisory services to state agencies regarding their
7 information needs;

8 (6) Providing for library and information service to residents and
9 staff of state-supported residential institutions;

10 (7) Providing for library and information services to persons
11 throughout the state who are blind and/or physically (~~handicapped~~)
12 disabled;

13 (8) Assisting individuals and groups such as libraries, library
14 boards, governing bodies, and citizens throughout the state toward the
15 establishment and development of library services;

16 (9) Making studies and surveys of library needs in order to
17 provide, expand, enlarge, and otherwise improve access to library
18 facilities and services throughout the state;

19 (10) Serving as a primary interlibrary loan, information,
20 reference, and referral center for all libraries in the state;

21 (11) Assisting in the provision of direct library and information
22 services to individuals;

23 (12) Overseeing of the Washington library network in accordance
24 with chapters 27.26 and 43.105 RCW. This subsection shall expire on
25 June 30, 1997.

26 **Sec. 16.** RCW 28A.26.040 and 1979 c 4 s 4 are each amended to read
27 as follows:

1 For the purposes of RCW 28A.26.010 "special education, care or
2 guidance" includes the education, care or guidance of students who are
3 physically, mentally or emotionally (~~handicapped~~) disabled.

4 **Sec. 17.** RCW 28A.150.220 and 1990 c 33 s 105 are each amended to
5 read as follows:

6 (1) For the purposes of this section and RCW 28A.150.250 and
7 28A.150.260:

8 (a) The term "total program hour offering" shall mean those hours
9 when students are provided the opportunity to engage in educational
10 activity planned by and under the direction of school district staff,
11 as directed by the administration and board of directors of the
12 district, inclusive of intermissions for class changes, recess and
13 teacher/parent-guardian conferences which are planned and scheduled by
14 the district for the purpose of discussing students' educational needs
15 or progress, and exclusive of time actually spent for meals.

16 (b) "Instruction in work skills" shall include instruction in one
17 or more of the following areas: Industrial arts, home and family life
18 education, business and office education, distributive education,
19 agricultural education, health occupations education, vocational
20 education, trade and industrial education, technical education and
21 career education.

22 (2) Satisfaction of the basic education goal identified in RCW
23 28A.150.210 shall be considered to be implemented by the following
24 program requirements:

25 (a) Each school district shall make available to students in
26 kindergarten at least a total program offering of four hundred fifty
27 hours. The program shall include reading, arithmetic, language skills
28 and such other subjects and such activities as the school district

1 shall determine to be appropriate for the education of the school
2 district's students enrolled in such program;

3 (b) Each school district shall make available to students in grades
4 one through three, at least a total program hour offering of two
5 thousand seven hundred hours. A minimum of ninety-five percent of the
6 total program hour offerings shall be in the basic skills areas of
7 reading/language arts (which may include foreign languages),
8 mathematics, social studies, science, music, art, health and physical
9 education. The remaining five percent of the total program hour
10 offerings may include such subjects and activities as the school
11 district shall determine to be appropriate for the education of the
12 school district's students in such grades;

13 (c) Each school district shall make available to students in grades
14 four through six at least a total program hour offering of two thousand
15 nine hundred seventy hours. A minimum of ninety percent of the total
16 program hour offerings shall be in the basic skills areas of
17 reading/language arts (which may include foreign languages),
18 mathematics, social studies, science, music, art, health and physical
19 education. The remaining ten percent of the total program hour
20 offerings may include such subjects and activities as the school
21 district shall determine to be appropriate for the education of the
22 school district's students in such grades;

23 (d) Each school district shall make available to students in grades
24 seven through eight, at least a total program hour offering of one
25 thousand nine hundred eighty hours. A minimum of eighty-five percent
26 of the total program hour offerings shall be in the basic skills areas
27 of reading/language arts (which may include foreign languages),
28 mathematics, social studies, science, music, art, health and physical
29 education. A minimum of ten percent of the total program hour
30 offerings shall be in the area of work skills. The remaining five

1 percent of the total program hour offerings may include such subjects
2 and activities as the school district shall determine to be appropriate
3 for the education of the school district's students in such grades;

4 (e) Each school district shall make available to students in grades
5 nine through twelve at least a total program hour offering of four
6 thousand three hundred twenty hours. A minimum of sixty percent of the
7 total program hour offerings shall be in the basic skills areas of
8 language arts, foreign language, mathematics, social studies, science,
9 music, art, health and physical education. A minimum of twenty percent
10 of the total program hour offerings shall be in the area of work
11 skills. The remaining twenty percent of the total program hour
12 offerings may include traffic safety or such subjects and activities as
13 the school district shall determine to be appropriate for the education
14 of the school district's students in such grades, with not less than
15 one-half thereof in basic skills and/or work skills: PROVIDED, That
16 each school district shall have the option of including grade nine
17 within the program hour offering requirements of grades seven and eight
18 so long as such requirements for grades seven through nine are
19 increased to two thousand nine hundred seventy hours and such
20 requirements for grades ten through twelve are decreased to three
21 thousand two hundred forty hours.

22 (3) In order to provide flexibility to the local school districts
23 in the setting of their curricula, and in order to maintain the intent
24 of this legislation, which is to stress the instruction of basic skills
25 and work skills, any local school district may establish minimum course
26 mix percentages that deviate by up to five percentage points above or
27 below those minimums required by subsection (2) of this section, so
28 long as the total program hour requirement is still met.

1 (4) Nothing contained in subsection (2) of this section shall be
2 construed to require individual students to attend school for any
3 particular number of hours per day or to take any particular courses.

4 (5) Each school district's kindergarten through twelfth grade basic
5 educational program shall be accessible to all students who are five
6 years of age, as provided by RCW 28A.225.160, and less than twenty-one
7 years of age and shall consist of a minimum of one hundred eighty
8 school days per school year in such grades as are conducted by a school
9 district, and one hundred eighty half-days of instruction, or
10 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a
11 school district may schedule the last five school days of the one
12 hundred and eighty day school year for noninstructional purposes in the
13 case of students who are graduating from high school, including, but
14 not limited to, the observance of graduation and early release from
15 school upon the request of a student, and all such students may be
16 claimed as a full time equivalent student to the extent they could
17 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
18 28A.150.260.

19 (6) The state board of education shall adopt rules to implement and
20 ensure compliance with the program requirements imposed by this
21 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
22 program approval requirements as the state board may establish:
23 PROVIDED, That each school district board of directors shall establish
24 the basis and means for determining and monitoring the district's
25 compliance with the basic skills and work skills percentage and course
26 requirements of this section. The certification of the board of
27 directors and the superintendent of a school district that the district
28 is in compliance with such basic skills and work skills requirements
29 may be accepted by the superintendent of public instruction and the
30 state board of education.

1 (7) (~~Handicapped~~) Disability education programs, vocational-
2 technical institute programs, state institution and state residential
3 school programs, all of which programs are conducted for the common
4 school age, kindergarten through secondary school program students
5 encompassed by this section, shall be exempt from the basic skills and
6 work skills percentage and course requirements of this section in order
7 that the unique needs, abilities or limitations of such students may be
8 met.

9 (8) Any school district may petition the state board of education
10 for a reduction in the total program hour offering requirements for one
11 or more of the grade level groupings specified in this section. The
12 state board of education shall grant all such petitions that are
13 accompanied by an assurance that the minimum total program hour
14 offering requirements in one or more other grade level groupings will
15 be exceeded concurrently by no less than the number of hours of the
16 reduction.

17 **Sec. 18.** RCW 28A.150.260 and 1990 c 33 s 108 are each amended to
18 read as follows:

19 The basic education allocation for each annual average full time
20 equivalent student shall be determined in accordance with the following
21 procedures:

22 (1) The governor shall and the superintendent of public instruction
23 may recommend to the legislature a formula based on a ratio of students
24 to staff for the distribution of a basic education allocation for each
25 annual average full time equivalent student enrolled in a common
26 school. The distribution formula shall have the primary objective of
27 equalizing educational opportunities and shall provide appropriate
28 recognition of the following costs among the various districts within
29 the state:

- 1 (a) Certificated instructional staff and their related costs;
- 2 (b) Certificated administrative staff and their related costs;
- 3 (c) Classified staff and their related costs;
- 4 (d) Nonsalary costs;
- 5 (e) Extraordinary costs of remote and necessary schools and small
- 6 high schools, including costs of additional certificated and classified
- 7 staff; and
- 8 (f) The attendance of students pursuant to RCW 28A.335.160 and
- 9 28A.225.250 who do not reside within the servicing school district.

10 (2)(a) This formula for distribution of basic education funds shall
11 be reviewed biennially by the superintendent and governor. The
12 recommended formula shall be subject to approval, amendment or
13 rejection by the legislature. The formula shall be for allocation
14 purposes only. While the legislature intends that the allocations for
15 additional instructional staff be used to increase the ratio of such
16 staff to students, nothing in this section shall require districts to
17 reduce the number of administrative staff below existing levels.

18 (b) The formula adopted by the legislature for the 1987-88 school
19 year shall reflect the following ratios at a minimum: (i) Forty-eight
20 certificated instructional staff to one thousand annual average full
21 time equivalent students enrolled in grades kindergarten through three;
22 (ii) forty-six certificated instructional staff to one thousand annual
23 average full time equivalent students enrolled in grades four through
24 twelve; (iii) four certificated administrative staff to one thousand
25 annual average full time equivalent students enrolled in grades
26 kindergarten through twelve; and (iv) sixteen and sixty-seven one-
27 hundredths classified personnel to one thousand annual average full
28 time equivalent students enrolled in grades kindergarten through
29 twelve.

1 (c) Commencing with the 1988-89 school year, the formula adopted by
2 the legislature shall reflect the following ratios at a minimum: (i)
3 Forty-nine certificated instructional staff to one thousand annual
4 average full time equivalent students enrolled in grades kindergarten
5 through three; (ii) forty-six certificated instructional staff to one
6 thousand annual average full time equivalent students in grades four
7 through twelve; (iii) four certificated administrative staff to one
8 thousand annual average full time equivalent students in grades
9 kindergarten through twelve; and (iv) sixteen and sixty-seven one-
10 hundredths classified personnel to one thousand annual average full
11 time equivalent students enrolled in grades kindergarten through
12 twelve.

13 (d) In the event the legislature rejects the distribution formula
14 recommended by the governor, without adopting a new distribution
15 formula, the distribution formula for the previous school year shall
16 remain in effect: PROVIDED, That the distribution formula developed
17 pursuant to this section shall be for state apportionment and
18 equalization purposes only and shall not be construed as mandating
19 specific operational functions of local school districts other than
20 those program requirements identified in RCW 28A.150.220 and
21 28A.150.100. The enrollment of any district shall be the annual
22 average number of full time equivalent students and part time students
23 as provided in RCW 28A.150.350, enrolled on the first school day of
24 each month and shall exclude full time equivalent (~~handicapped~~)
25 disabled students recognized for the purposes of allocation of state
26 funds for programs under RCW 28A.155.010 through 28A.155.100. The
27 definition of full time equivalent student shall be determined by rules
28 and regulations of the superintendent of public instruction: PROVIDED,
29 That the definition shall be included as part of the superintendent's
30 biennial budget request: PROVIDED, FURTHER, That any revision of the

1 present definition shall not take effect until approved by the house
2 appropriations committee and the senate ways and means committee:
3 PROVIDED, FURTHER, That the office of financial management shall make
4 a monthly review of the superintendent's reported full time equivalent
5 students in the common schools in conjunction with RCW 43.62.050.

6 (3) (a) Certificated instructional staff shall include those
7 persons employed by a school district who are nonsupervisory employees
8 within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional
9 cases, people of unusual competence but without certification may teach
10 students so long as a certificated person exercises general
11 supervision: PROVIDED, FURTHER, That the hiring of such
12 noncertificated people shall not occur during a labor dispute and such
13 noncertificated people shall not be hired to replace certificated
14 employees during a labor dispute.

15 (b) Certificated administrative staff shall include all those
16 persons who are chief executive officers, chief administrative
17 officers, confidential employees, supervisors, principals, or assistant
18 principals within the meaning of RCW 41.59.020(4).

19 (4) Each annual average full time equivalent certificated classroom
20 teacher's direct classroom contact hours shall average at least twenty-
21 five hours per week. Direct classroom contact hours shall be exclusive
22 of time required to be spent for preparation, conferences, or any other
23 nonclassroom instruction duties. Up to two hundred minutes per week
24 may be deducted from the twenty-five contact hour requirement, at the
25 discretion of the school district board of directors, to accommodate
26 authorized teacher/parent-guardian conferences, recess, passing time
27 between classes, and informal instructional activity. Implementing
28 rules to be adopted by the state board of education pursuant to RCW
29 28A.150.220(6) shall provide that compliance with the direct contact
30 hour requirement shall be based upon teachers' normally assigned weekly

1 instructional schedules, as assigned by the district administration.
2 Additional record-keeping by classroom teachers as a means of
3 accounting for contact hours shall not be required. However, upon
4 request from the board of directors of any school district, the
5 provisions relating to direct classroom contact hours for individual
6 teachers in that district may be waived by the state board of education
7 if the waiver is necessary to implement a locally approved plan for
8 educational excellence and the waiver is limited to those individual
9 teachers approved in the local plan for educational excellence. The
10 state board of education shall develop criteria to evaluate the need
11 for the waiver. Granting of the waiver shall depend upon verification
12 that: (a) The students' classroom instructional time will not be
13 reduced; and (b) the teacher's expertise is critical to the success of
14 the local plan for excellence.

15 **Sec. 19.** RCW 28A.150.280 and 1990 c 33 s 110 are each amended to
16 read as follows:

17 Reimbursement for transportation costs shall be in addition to the
18 basic education allocation. Transportation costs shall be reimbursed
19 as follows:

20 (1) School districts shall be reimbursed up to one hundred percent
21 of the operational costs for established bus routes for the
22 transportation of students to and from common schools as recommended by
23 the educational service district superintendent or his or her designee,
24 and as approved by the state superintendent: PROVIDED, That commencing
25 with the 1980-81 school year, reimbursement shall be at one hundred
26 percent or as close thereto as reasonably possible: PROVIDED FURTHER,
27 That commencing on September 1, 1982, no school district shall be
28 reimbursed under this section for any portion of the cost to transport
29 any student, except (~~handicapped~~) disabled children as defined under

1 RCW 28A.155.020, to or from any school other than one which is
2 geographically located nearest or next-nearest to the student's place
3 of residence within the district offering the appropriate grade level,
4 course of study, or special academic program as designated by the local
5 school board: PROVIDED FURTHER, That notwithstanding the provisions of
6 section 94, chapter 340, Laws of 1981, any moneys not reimbursed to a
7 school district for transportation costs pursuant to this subsection
8 shall be allocated to the school district for block grants under
9 section 100, chapter 340, Laws of 1981: PROVIDED FURTHER, That the
10 superintendent of public instruction, when so requested by the
11 appropriate educational service district superintendent or his or her
12 designee, may waive the requirements of this 1981 provision, if natural
13 geographic boundaries or safety factors would make this provision
14 unworkable and/or more costly to the district or to the state; and

15 (2) Costs of acquisition of approved transportation equipment shall
16 be reimbursed up to one hundred percent of the cost to be reimbursed
17 over the anticipated life of the vehicle, as determined by the state
18 superintendent: PROVIDED, That commencing with the 1980-81 school
19 year, reimbursement shall be at one hundred percent or as close thereto
20 as reasonably possible: PROVIDED FURTHER, That reimbursements for the
21 acquisition of approved transportation equipment received by school
22 districts shall be held within the general fund exclusively for the
23 future purchase of approved transportation equipment and for major
24 transportation equipment repairs consistent with rules ~~((and~~
25 ~~regulations))~~ authorized and ~~((promulgated))~~ adopted under RCW
26 28A.150.290 and chapter 28A.505 RCW.

27 **Sec. 20.** RCW 28A.150.370 and 1990 c 33 s 114 are each amended to
28 read as follows:

1 In addition to those state funds provided to school districts for
2 basic education, the legislature shall appropriate funds for pupil
3 transportation, in accordance with RCW 28A.150.100 through 28A.150.430,
4 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010, and for
5 programs for ((handicapped)) disabled students, in accordance with RCW
6 28A.155.010 through 28A.155.100. The legislature may appropriate funds
7 to be distributed to school districts for population factors such as
8 urban costs, enrollment fluctuations and for special programs,
9 including but not limited to, vocational-technical institutes,
10 compensatory programs, bilingual education, urban, rural, racial and
11 disadvantaged programs, programs for gifted students, and other special
12 programs.

13 **Sec. 21.** RCW 28A.150.390 and 1990 c 33 s 116 are each amended to
14 read as follows:

15 The superintendent of public instruction shall submit to each
16 regular session of the legislature during an odd-numbered year a
17 programmed budget request for ((handicapped)) disability programs.
18 Funding for programs operated by local school districts shall be on an
19 excess cost basis from appropriations provided by the legislature for
20 ((handicapped)) disability programs and shall take account of state
21 funds accruing through RCW 28A.150.250, 28A.150.260, and other state
22 and local funds, excluding special excess levies. Funding for local
23 district programs may include payments from state and federal funds for
24 medical assistance provided under RCW 74.09.500 through 74.09.910.
25 However, the superintendent of public instruction shall reimburse the
26 department of social and health services from state appropriations for
27 ((handicapped)) disability education programs for the state-funded
28 portion of any medical assistance payment made by the department for
29 services provided under an individualized education program established

1 pursuant to RCW 28A.155.010 through 28A.155.100. The amount of such
2 interagency reimbursement shall be deducted by the superintendent of
3 public instruction in determining additional allocations to districts
4 for ((handicapped)) disability education programs under this section.

5 **Sec. 22.** RCW 28A.155.020 and 1990 c 33 s 121 are each amended to
6 read as follows:

7 There is established in the office of the superintendent of public
8 instruction an administrative section or unit for the education of
9 children with ((handicapping)) disabling conditions.

10 ((Handicapped)) Disabled children are those children in school or
11 out of school who are temporarily or permanently retarded in normal
12 educational processes by reason of physical or mental ((handicap))
13 disability, or by reason of emotional maladjustment, or by reason of
14 other ((handicap)) disability, and those children who have specific
15 learning and language disabilities resulting from perceptual-motor
16 ((handicaps)) disabilities, including problems in visual and auditory
17 perception and integration.

18 The superintendent of public instruction shall require each school
19 district in the state to insure an appropriate educational opportunity
20 for all ((handicapped)) disabled children between the ages of three and
21 twenty-one, but when the twenty-first birthday occurs during the school
22 year, the educational program may be continued until the end of that
23 school year. The superintendent of public instruction, by rule ((and
24 regulation)), shall establish for the purpose of excess cost funding,
25 as provided in RCW 28A.150.390, 28A.160.030, and 28A.155.010 through
26 28A.155.100, functional definitions of the various types of
27 ((handicapping)) disabling conditions and eligibility criteria for
28 ((handicapped)) disability programs. For the purposes of RCW
29 28A.155.010 through 28A.155.100, an appropriate education is defined as

1 an education directed to the unique needs, abilities, and limitations
2 of the ((handicapped)) disabled children. School districts are
3 strongly encouraged to provide parental training in the care and
4 education of the children and to involve parents in the classroom.

5 Nothing in this section shall prohibit the establishment or
6 continuation of existing cooperative programs between school districts
7 or contracts with other agencies approved by the superintendent of
8 public instruction, which can meet the obligations of school districts
9 to provide education for ((handicapped)) disabled children, or prohibit
10 the continuation of needed related services to school districts by the
11 department of social and health services.

12 This section shall not be construed as in any way limiting the
13 powers of local school districts set forth in RCW 28A.155.070.

14 No child shall be removed from the jurisdiction of juvenile court
15 for training or education under RCW 28A.155.010 through 28A.155.100
16 without the approval of the superior court of the county.

17 **Sec. 23.** RCW 28A.155.010 and 1990 c 33 s 120 are each amended to
18 read as follows:

19 It is the purpose of RCW 28A.155.010 through 28A.155.100,
20 28A.160.030, and 28A.150.390 to ensure that all ((handicapped))
21 disabled children as defined in RCW 28A.155.020 shall have the
22 opportunity for an appropriate education at public expense as
23 guaranteed to them by the Constitution of this state.

24 **Sec. 24.** RCW 28A.155.030 and 1990 c 33 s 122 are each amended to
25 read as follows:

26 The superintendent of public instruction shall appoint an
27 administrative officer of the division. The administrative officer,
28 under the direction of the superintendent of public instruction, shall

1 coordinate and supervise the program of special education for all
2 ((handicapped)) disabled children in the school districts of the state.
3 He or she shall cooperate with the educational service district
4 superintendents and local school district superintendents and with all
5 other interested school officials in ensuring that all school districts
6 provide an appropriate educational opportunity for all ((handicapped))
7 disabled children and shall cooperate with the state secretary of
8 social and health services and with county and regional officers on
9 cases where medical examination or other attention is needed.

10 **Sec. 25.** RCW 28A.155.040 and 1990 c 33 s 123 are each amended to
11 read as follows:

12 The board of directors of each school district, for the purpose of
13 compliance with the provisions of RCW 28A.150.390, 28A.160.030, and
14 28A.155.010 through 28A.155.100, shall cooperate with the
15 superintendent of public instruction and with the administrative
16 officer and shall provide an appropriate educational opportunity and
17 give other appropriate aid and special attention to ((handicapped))
18 disabled children in regular or special school facilities within the
19 district or shall contract for such services with other agencies as
20 provided in RCW 28A.155.060 or shall participate in an interdistrict
21 arrangement in accordance with RCW 28A.335.160 and 28A.225.220 and/or
22 28A.225.250 and 28A.225.260.

23 In carrying out their responsibilities under this chapter, school
24 districts severally or jointly with the approval of the superintendent
25 of public instruction are authorized to establish, operate, support
26 and/or contract for residential schools and/or homes approved by the
27 department of social and health services for aid and special attention
28 to ((handicapped)) disabled children.

1 The cost of board and room in facilities approved by the department
2 of social and health services shall be provided by the department of
3 social and health services for those (~~handicapped~~) disabled students
4 eligible for such aid under programs of the department. The cost of
5 approved board and room shall be provided for those (~~handicapped~~)
6 disabled students not eligible under programs of the department of
7 social and health services but deemed in need of the same by the
8 superintendent of public instruction: PROVIDED, That no school
9 district shall be financially responsible for special aid programs for
10 students who are attending residential schools operated by the
11 department of social and health services: PROVIDED FURTHER, That the
12 provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through
13 28A.155.100 shall not preclude the extension by the superintendent of
14 public instruction of special education opportunities to
15 (~~handicapped~~) disabled children in residential schools operated by
16 the department of social and health services.

17 **Sec. 26.** RCW 28A.155.050 and 1990 c 33 s 124 are each amended to
18 read as follows:

19 Any child who is not able to attend school and who is eligible for
20 special excess cost aid programs authorized under RCW 28A.155.010
21 through 28A.155.100 shall be given such aid at home or at such other
22 place as determined by the board of directors of the school district in
23 which such child resides. Any school district within which such a
24 child resides shall thereupon be granted regular apportionment of state
25 and county school funds and, in addition, allocations from state excess
26 funds made available for such special services for such period of time
27 as such special aid program is given: PROVIDED, That should such child
28 or any other (~~handicapped~~) disabled child attend and participate in
29 a special aid program operated by another school district in accordance

1 with the provisions of RCW 28A.225.210, 28A.225.220, and/or
2 28A.225.250, such regular apportionment shall be granted to the
3 receiving school district, and such receiving school district shall be
4 reimbursed by the district in which such student resides in accordance
5 with rules ((and—regulations—promulgated)) adopted by the
6 superintendent of public instruction for the entire approved excess
7 cost not reimbursed from such regular apportionment.

8 **Sec. 27.** RCW 28A.155.060 and 1990 c 33 s 125 are each amended to
9 read as follows:

10 For the purpose of carrying out the provisions of RCW 28A.155.020
11 through 28A.155.050, the board of directors of every school district
12 shall be authorized to contract with agencies approved by the state
13 board of education for operating ((handicapped)) disability programs.
14 Approval standards for such agencies shall conform substantially with
15 those promulgated for approval of special education aid programs in the
16 common schools.

17 **Sec. 28.** RCW 28A.155.070 and 1971 ex.s. c 66 s 7 are each amended
18 to read as follows:

19 Special educational and training programs provided by the state and
20 the school districts thereof for ((handicapped)) disabled children may
21 be extended to include children of preschool age. School districts
22 which extend such special programs to children of preschool age shall
23 be entitled to the regular apportionments from state and county school
24 funds, as provided by law, and in addition to allocations from state
25 excess cost funds made available for such special services for those
26 ((handicapped)) disabled children who are given such special services.

1 **Sec. 29.** RCW 28A.155.080 and 1990 c 33 s 126 are each amended to
2 read as follows:

3 Where a ((handicapped)) disabled child as defined in RCW
4 28A.155.020 has been denied the opportunity of an educational program
5 by a local school district superintendent under the provisions of RCW
6 28A.225.010, or for any other reason there shall be an affirmative
7 showing by the school district superintendent in a writing directed to
8 the parents or guardian of such a child within ten days of such
9 decision that

10 (1) No agency or other school district with whom the district may
11 contract under RCW 28A.155.040 can accommodate such child, and

12 (2) Such child will not benefit from an alternative educational
13 opportunity as permitted under RCW 28A.155.050.

14 There shall be a right of appeal by the parent or guardian of such
15 child to the superintendent of public instruction pursuant to
16 procedures established by the superintendent and in accordance with RCW
17 28A.155.090.

18 **Sec. 30.** RCW 28A.155.090 and 1990 c 33 s 127 are each amended to
19 read as follows:

20 The superintendent of public instruction shall have the duty and
21 authority, through the administrative section or unit for the education
22 of children with ((handicapping)) disabling conditions, to:

23 (1) Assist school districts in the formation of total school
24 programs to meet the needs of ((handicapped)) disabled children;

25 (2) Develop interdistrict cooperation programs for ((handicapped))
26 disabled children as authorized in RCW 28A.225.250;

27 (3) Provide, upon request, to parents or guardians of
28 ((handicapped)) disabled children, information as to the
29 ((handicapped)) disability programs offered within the state;

1 (4) Assist, upon request, the parent or guardian of any
2 ((handicapped)) disabled child in the placement of any ((handicapped))
3 disabled child who is eligible for but not receiving special
4 educational aid for ((handicapped)) disabled children;

5 (5) Approve school district and agency programs as being eligible
6 for special excess cost financial aid to ((handicapped)) disabled
7 children;

8 (6) Adjudge, upon appeal by a parent or guardian of a
9 ((handicapped)) disabled child who is not receiving an educational
10 program, whether the decision of a local school district superintendent
11 under RCW 28A.155.080 to exclude such ((handicapped)) disabled child
12 was justified by the available facts and consistent with the provisions
13 of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.100;
14 If the superintendent of public instruction shall decide otherwise he
15 or she shall apply sanctions as provided in RCW 28A.155.100 until such
16 time as the school district assures compliance with the provisions
17 ((of)) of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through
18 28A.155.100; and

19 (7) Promulgate such rules ((and regulations)) as are necessary to
20 implement the several provisions of RCW 28A.150.390, 28A.160.030, and
21 28A.155.010 through 28A.155.100 and to ensure educational opportunities
22 within the common school system for all ((handicapped)) disabled
23 children who are not institutionalized.

24 **Sec. 31.** RCW 28A.160.040 and 1973 c 45 s 2 are each amended to
25 read as follows:

26 The directors of school districts are authorized to lease school
27 buses to nonprofit organizations to transport ((handicapped)) disabled
28 children and elderly persons to and from the site of activities or
29 programs deemed beneficial to such persons by such organizations:

1 PROVIDED, That commercial bus transportation is not reasonably
2 available for such purposes.

3 **Sec. 32.** RCW 28A.160.160 and 1990 c 33 s 142 are each amended to
4 read as follows:

5 For purposes of RCW 28A.160.150 through 28A.160.190, except where
6 the context shall clearly indicate otherwise, the following definitions
7 apply:

8 (1) "Eligible student" means any student served by the
9 transportation program of a school district or compensated for
10 individual transportation arrangements authorized by RCW 28A.160.030
11 whose route stop is more than one radius mile from the student's
12 school, except if the student to be transported: (a) Is
13 (~~handicapped~~) disabled under RCW 28A.155.020 and is either not
14 ambulatory or not capable of protecting his or her own welfare while
15 traveling to or from the school or agency where special education
16 services are provided, in which case no mileage distance restriction
17 applies; or (b) qualifies for an exemption due to hazardous walking
18 conditions.

19 (2) "Superintendent" means the superintendent of public
20 instruction.

21 (3) "To and from school" means the transportation of students for
22 the following purposes:

23 (a) Transportation to and from route stops and schools;

24 (b) Transportation to and from schools pursuant to an interdistrict
25 agreement pursuant to RCW 28A.335.160;

26 (c) Transportation of students between schools and learning centers
27 for instruction specifically required by statute; and

28 (d) Transportation of (~~handicapped~~) disabled students to and from
29 schools and agencies for special education services.

1 Extended day transportation shall not be considered part of
2 transportation of students "to and from school" for the purposes of
3 this 1983 act.

4 (4) "Hazardous walking conditions" means those instances of the
5 existence of dangerous walkways documented by the board of directors of
6 a school district which meet criteria specified in rules adopted by the
7 superintendent of public instruction. A school district that receives
8 an exemption for hazardous walking conditions should demonstrate that
9 good faith efforts are being made to alleviate the problem and that the
10 district, in cooperation with other state and local governing
11 authorities, is attempting to reduce the incidence of hazardous walking
12 conditions. The superintendent of public instruction shall appoint an
13 advisory committee to prepare guidelines and procedures for determining
14 the existence of hazardous walking conditions. The committee shall
15 include but not be limited to representatives from law enforcement
16 agencies, school districts, the department of transportation, city and
17 county government, the insurance industry, parents, school directors
18 and legislators.

19 **Sec. 33.** RCW 28A.160.180 and 1990 c 33 s 144 are each amended to
20 read as follows:

21 Each district's annual student transportation allocation shall be
22 based on differential rates determined by the superintendent of public
23 instruction in the following manner:

24 (1) The superintendent shall annually calculate a standard student
25 mile allocation rate for determining the transportation allocation for
26 those services provided for in RCW 28A.160.150. "Standard student mile
27 allocation rate," as used in this chapter, means the per mile
28 allocation rate for transporting an eligible student. The standard
29 student mile allocation rate may be adjusted to include such additional

1 differential factors as distance; restricted passenger load;
2 circumstances that require use of special types of transportation
3 vehicles; (~~handicapped~~) disabled student load; and small fleet
4 maintenance.

5 (2) The superintendent of public instruction shall annually
6 calculate allocation rate(s), which shall include vehicle amortization,
7 for determining the transportation allocation for transporting students
8 in district-owned passenger cars, as defined in RCW 46.04.382, pursuant
9 to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a
10 school district deems it advisable to use such vehicles after the
11 school district board of directors has considered the safety of the
12 students being transported as well as the economy of utilizing a
13 district-owned passenger car in lieu of a school bus.

14 (3) Prior to June 1st of each year the superintendent shall submit
15 to the office of financial management, and the committees on education
16 and ways and means of the senate and house of representatives a report
17 outlining the methodology and rationale used in determining the
18 allocation rates to be used the following year.

19 **Sec. 34.** RCW 28A.190.030 and 1990 c 33 s 172 are each amended to
20 read as follows:

21 Each school district within which there is located a residential
22 school shall, singly or in concert with another school district
23 pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter
24 39.34 RCW, conduct a program of education, including related student
25 activities, for residents of the residential school. Except as
26 otherwise provided for by contract pursuant to RCW 28A.190.050, the
27 duties and authority of a school district and its employees to conduct
28 such a program shall be limited to the following:

1 (1) The employment, supervision and control of administrators,
2 teachers, specialized personnel and other persons, deemed necessary by
3 the school district for the conduct of the program of education;

4 (2) The purchase, lease or rental and provision of textbooks, maps,
5 audio-visual equipment, paper, writing instruments, physical education
6 equipment and other instructional equipment, materials and supplies,
7 deemed necessary by the school district for the conduct of the program
8 of education;

9 (3) The development and implementation, in consultation with the
10 superintendent or chief administrator of the residential school or his
11 or her designee, of the curriculum;

12 (4) The conduct of a program of education, including related
13 student activities, for residents who are three years of age and less
14 than twenty-one years of age, and have not met high school graduation
15 requirements as now or hereafter established by the state board of
16 education and the school district which includes:

17 (a) Not less than one hundred and eighty school days each school
18 year;

19 (b) Special education pursuant to RCW 28A.155.010 through
20 28A.155.100, and vocational education, as necessary to address the
21 unique needs and limitations of residents; and

22 (c) Such courses of instruction and school related student
23 activities as are provided by the school district for nonresidential
24 school students to the extent it is practical and judged appropriate
25 for the residents by the school district after consultation with the
26 superintendent or chief administrator of the residential school:
27 PROVIDED, That a preschool special education program may be provided
28 for ((handicapped)) disabled residential school students;

29 (5) The control of students while participating in a program of
30 education conducted pursuant to this section and the discipline,

1 suspension or expulsion of students for violation of reasonable rules
2 of conduct adopted by the school district; and

3 (6) The expenditure of funds for the direct and indirect costs of
4 maintaining and operating the program of education that are
5 appropriated by the legislature and allocated by the superintendent of
6 public instruction for the exclusive purpose of maintaining and
7 operating residential school programs of education, and funds from
8 federal and private grants, bequests and gifts made for the purpose of
9 maintaining and operating the program of education.

10 **Sec. 35.** RCW 28A.310.190 and 1990 c 33 s 277 are each amended to
11 read as follows:

12 In addition to other powers and duties as provided by law, every
13 educational service district board shall:

14 (1) If the district board deems necessary, hold each year one or
15 more teachers' institutes as provided for in RCW 28A.415.010 and one or
16 more school directors' meetings.

17 (2) Cooperate with the state supervisor of special aid for
18 (~~handicapped~~) disabled children as provided in RCW 28A.155.010
19 through 28A.155.100.

20 (3) Certify statistical data as basis for apportionment purposes to
21 county and state officials as provided in chapter 28A.545 RCW.

22 (4) Perform such other duties as may be prescribed by law or rule
23 (~~or regulation~~) of the state board of education and/or the
24 superintendent of public instruction as provided in RCW 28A.300.030 and
25 28A.305.210.

26 **Sec. 36.** RCW 28A.320.080 and 1990 c 33 s 331 are each amended to
27 read as follows:

1 Every board of directors, unless otherwise specifically provided by
2 law, shall:

3 (1) Provide for the expenditure of a reasonable amount for suitable
4 commencement exercises;

5 (2) In addition to providing free instruction in lip reading for
6 children (~~handicapped~~) disabled by defective hearing, make
7 arrangements for free instruction in lip reading to adults
8 (~~handicapped~~) disabled by defective hearing whenever in its judgment
9 such instruction appears to be in the best interests of the school
10 district and adults concerned;

11 (3) Join with boards of directors of other school districts or an
12 educational service district pursuant to RCW 28A.310.180(3), or both
13 such school districts and educational service district in buying
14 supplies, equipment and services by establishing and maintaining a
15 joint purchasing agency, or otherwise, when deemed for the best
16 interests of the district, any joint agency formed hereunder being
17 herewith authorized and empowered to issue interest bearing warrants in
18 payment of any obligation owed: PROVIDED, HOWEVER, That those agencies
19 issuing interest bearing warrants shall assign accounts receivable in
20 an amount equal to the amount of the outstanding interest bearing
21 warrants to the county treasurer issuing such interest bearing
22 warrants: PROVIDED FURTHER, That the joint purchasing agency shall
23 consider the request of any one or more private schools requesting the
24 agency to jointly buy supplies, equipment, and services including but
25 not limited to school bus maintenance services, and, after considering
26 such request, may cooperate with and jointly make purchases with
27 private schools of supplies, equipment, and services, including but not
28 limited to school bus maintenance services, so long as such private
29 schools pay in advance their proportionate share of the costs or

1 provide a surety bond to cover their proportionate share of the costs
2 involved in such purchases;

3 (4) Consider the request of any one or more private schools
4 requesting the board to jointly buy supplies, equipment and services
5 including but not limited to school bus maintenance services, and,
6 after considering such request, may provide such joint purchasing
7 services: PROVIDED, That such private schools pay in advance their
8 proportionate share of the costs or provide a surety bond to cover
9 their proportionate share of the costs involved in such purchases; and

10 (5) Prepare budgets as provided for in chapter 28A.505 RCW.

11 **Sec. 37.** RCW 28A.330.100 and 1990 c 33 s 348 are each amended to
12 read as follows:

13 Every board of directors of a school district of the first class,
14 in addition to the general powers for directors enumerated in this
15 title, shall have the power:

16 (1) To employ for a term of not exceeding three years a
17 superintendent of schools of the district, and for cause to dismiss him
18 or her; and to fix his or her duties and compensation.

19 (2) To employ, and for cause dismiss one or more assistant
20 superintendents and to define their duties and fix their compensation.

21 (3) To employ a business manager, attorneys, architects, inspectors
22 of construction, superintendents of buildings and a superintendent of
23 supplies, all of whom shall serve at the board's pleasure, and to
24 prescribe their duties and fix their compensation.

25 (4) To employ, and for cause dismiss, supervisors of instruction
26 and to define their duties and fix their compensation.

27 (5) To prescribe a course of study and a program of exercises which
28 shall be consistent with the course of study prepared by the state
29 board of education for the use of the common schools of this state.

1 (6) To, in addition to the minimum requirements imposed by this
2 title establish and maintain such grades and departments, including
3 night, high, kindergarten, vocational training and, except as otherwise
4 provided by law, industrial schools, and schools and departments for
5 the education and training of any class or classes of ((handicapped))
6 disabled youth, as in the judgment of the board, best shall promote the
7 interests of education in the district.

8 (7) To determine the length of time over and above one hundred
9 eighty days that school shall be maintained: PROVIDED, That for
10 purposes of apportionment no district shall be credited with more than
11 one hundred and eighty-three days' attendance in any school year; and
12 to fix the time for annual opening and closing of schools and for the
13 daily dismissal of pupils before the regular time for closing schools.

14 (8) To maintain a shop and repair department, and to employ, and
15 for cause dismiss, a foreman and the necessary help for the maintenance
16 and conduct thereof.

17 (9) To provide free textbooks and supplies for all children
18 attending school, when so ordered by a vote of the electors; or if the
19 free textbooks are not voted by the electors, to provide books for
20 children of indigent parents, on the written statement of the city
21 superintendent that the parents of such children are not able to
22 purchase them.

23 (10) To require of the officers or employees of the district to
24 give a bond for the honest performance of their duties in such penal
25 sum as may be fixed by the board with good and sufficient surety, and
26 to cause the premium for all bonds required of all such officers or
27 employees to be paid by the district: PROVIDED, That the board may, by
28 written policy, allow that such bonds may include a deductible proviso
29 not to exceed two percent of the officer's or employee's annual salary.

1 (11) To prohibit all secret fraternities and sororities among the
2 students in any of the schools of the said districts.

3 (12) To appoint a practicing physician, resident of the school
4 district, who shall be known as the school district medical inspector,
5 and whose duty it shall be to decide for the board of directors all
6 questions of sanitation and health affecting the safety and welfare of
7 the public schools of the district who shall serve at the board's
8 pleasure; the school district medical inspector or authorized deputies
9 shall make monthly inspections of each school in the district and
10 report the condition of the same to the board of education and board of
11 health: PROVIDED, That children shall not be required to submit to
12 vaccination against the will of their parents or guardian.

13 **Sec. 38.** RCW 28A.400.030 and 1990 c 33 s 378 are each amended to
14 read as follows:

15 In addition to such other duties as a district school board shall
16 prescribe the school district superintendent shall:

17 (1) Attend all meetings of the board of directors and cause to have
18 made a record as to the proceedings thereof.

19 (2) Keep such records and reports and in such form as the district
20 board of directors require or as otherwise required by law or rule (~~or~~
21 ~~regulation~~) of higher administrative agencies and turn the same over
22 to his or her successor.

23 (3) Keep accurate and detailed accounts of all receipts and
24 expenditures of school money. At each annual school meeting the
25 superintendent must present his or her record book of board proceedings
26 for public inspection, and shall make a statement of the financial
27 condition of the district and such record book must always be open for
28 public inspection.

1 (4) Take annually in May of each year a census of all persons
2 between the ages of four and twenty who were bona fide residents of the
3 district on the first day of May of that year. The superintendent
4 shall designate the name and sex of each child, and the date of its
5 birth; the number of weeks it has attended school during the school
6 year, its post office address, and such other information as the
7 superintendent of public instruction shall desire. Parents or
8 guardians may be required to verify as to the correctness of this
9 report. The superintendent shall also list separately all persons with
10 (~~handicapping~~) disabling conditions between the ages of three and
11 twenty and give such information concerning them as may be required by
12 the superintendent of public instruction. The board of directors may
13 employ additional persons and compensate the same to aid the
14 superintendent in carrying out such census.

15 (5) Make to the educational service district superintendent on or
16 before the fifteenth day of October his or her annual report verified
17 by affidavit upon forms to be furnished by the superintendent of public
18 instruction. It shall contain such items of information as said
19 superintendent of public instruction shall require, including the
20 following: A full and complete report of all children enumerated under
21 subsection (4) of this section; the number of schools or departments
22 taught during the year; the number of children, male and female,
23 enrolled in the school, and the average daily attendance; the number of
24 teachers employed, and their compensation per month; the number of days
25 school was taught during the past school year, and by whom; and the
26 number of volumes, if any, in the school district library; the number
27 of school houses in the district, and the value of them; and the
28 aggregate value of all school furniture and apparatus belonging to the
29 district. The superintendent shall keep on file a duplicate copy of
30 said report.

1 (6) Give such notice of all annual or special elections as
2 otherwise required by law; also give notice of the regular and special
3 meetings of the board of directors.

4 (7) Sign all orders for warrants ordered to be issued by the board
5 of directors.

6 (8) Carry out all orders of the board of directors made at any
7 regular or special meeting.

8 **Sec. 39.** RCW 28A.505.190 and 1975-'76 2nd ex.s. c 118 s 19 are
9 each amended to read as follows:

10 The legislature strongly encourages every school district to
11 prepare a program budget to be distributed to those recognized parent
12 and community groups, and the general public, which specifies the
13 following:

14 (1) A priority listing of the educational goals which the school
15 district board has established.

16 (2) A description of the basic education program which the school
17 district board established with respect to both elementary and
18 secondary programs. A summary of expenditures for basic education
19 programs should be included which identify the portion of the budget
20 expended for salaries (certificated and classified), employee benefits,
21 supplies and materials, and other expenditures.

22 (3) A description of each subprogram offered within the basic
23 education program by the school district board, including a listing of
24 the specific goals, and a summary of expenditures for, the subprograms
25 which identify the portion of the budget expended for salaries
26 (certificated and classified), employee benefits, supplies and
27 materials, and other expenditures. Subprogram categories should
28 include but not be limited to reading, music, mathematics, language
29 arts, science, social studies, health and physical education,

1 extracurricular sports, nonsport extracurricular, instructional
2 supportive services, supportive services/principal's office, and
3 counseling.

4 (4) A description of separately funded state programs which are
5 included in the school district budget as instructional or other
6 specialized services. A summary of expenditures should be included
7 which identify the portion of the budget expended for salaries
8 (certificated and classified), employee benefits, supplies and
9 materials, and other expenditures. Where applicable this category
10 should include but not be limited to vocational education,
11 (~~handicapped~~) disabled, and culturally disadvantaged.

12 (5) A description of federal programs which augment state and local
13 programs in the district. A summary of expenditures should be included
14 which identify this portion of the budget expended for salaries
15 (certificated and classified), employee benefits, supplies and
16 materials, and other expenditures.

17 (6) A description of other programs sponsored by the school
18 district which are supported by fees, special grants, and/or
19 contributions. A summary of expenditures should be included which
20 identify this portion of the budget expended for salaries (certificated
21 and classified), employee benefits, supplies and materials, and other
22 expenditures.

23 (7) A description of supportive services, including a listing of
24 specific goals and a summary of expenditures, which identify the
25 portion of the budget expended for salaries (certificated and
26 classified), employee benefits, supplies and materials, and other
27 expenditures. Supportive services should include the elements of board
28 of directors, superintendent/personnel, business services, maintenance
29 and operations, food service, and transportation.

1 **Sec. 40.** RCW 28A.525.030 and 1980 c 154 s 17 are each amended to
2 read as follows:

3 Whenever funds are appropriated for modernization of existing
4 school facilities, the state board of education is authorized to
5 approve the use of such funds for modernization of existing facilities,
6 modernization being limited to major structural changes in such
7 facilities and, as necessary to bring such facilities into compliance
8 with the ((handicapped)) disabled access requirements of section 504 of
9 the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules
10 implementing the act, both major and minor structural changes, and may
11 include as incidental thereto the replacement of fixtures, fittings,
12 furnishings and service systems of a building in order to bring it up
13 to a contemporary state consistent with the needs of changing
14 educational programs. The allocation of such funds shall be made upon
15 the same basis as funds used for the financing of a new school plant
16 project utilized for a similar purpose.

17 **Sec. 41.** RCW 28A.525.162 and 1990 c 33 s 455 are each amended to
18 read as follows:

19 (1) Funds appropriated to the state board of education from the
20 common school construction fund shall be allotted by the state board of
21 education in accordance with student enrollment and the provisions of
22 RCW 28A.525.200.

23 (2) No allotment shall be made to a school district until such
24 district has provided matching funds equal to or greater than the
25 difference between the total approved project cost and the amount of
26 state assistance to the district for financing the project computed
27 pursuant to RCW 28A.525.166, with the following exceptions:

28 (a) The state board may waive the matching requirement for
29 districts which have provided funds for school building construction

1 purposes through the authorization of bonds or through the
2 authorization of excess tax levies or both in an amount equivalent to
3 two and one-half percent of the value of its taxable property, as
4 defined in RCW 39.36.015.

5 (b) No such matching funds shall be required as a condition to the
6 allotment of funds for the purpose of making major or minor structural
7 changes to existing school facilities in order to bring such facilities
8 into compliance with the (~~handicapped~~) disabled access requirements
9 of section 504 of the federal rehabilitation act of 1973 (29 U.S.C.
10 Sec. 706) and rules implementing the act.

11 (3) For the purpose of computing the state matching percentage
12 under RCW 28A.525.166 when a school district is granted authority to
13 enter into contracts, adjusted valuation per pupil shall be calculated
14 using headcount student enrollments from the most recent October
15 enrollment reports submitted by districts to the superintendent of
16 public instruction, adjusted as follows:

17 (a) In the case of projects for which local bonds were approved
18 after May 11, 1989:

19 (i) For districts which have been designated as serving high school
20 districts under RCW 28A.540.110, students residing in the nonhigh
21 district so designating shall be excluded from the enrollment count if
22 the student is enrolled in any grade level not offered by the nonhigh
23 district;

24 (ii) The enrollment of nonhigh school districts shall be increased
25 by the number of students residing within the district who are enrolled
26 in a serving high school district so designated by the nonhigh school
27 district under RCW 28A.540.110, including only students who are
28 enrolled in grade levels not offered by the nonhigh school district;
29 and

1 (iii) The number of preschool (~~handicapped~~) disabled students
2 included in the enrollment count shall be multiplied by one-half;

3 (b) In the case of construction or modernization of high school
4 facilities in districts serving students from nonhigh school districts,
5 the adjusted valuation per pupil shall be computed using the combined
6 adjusted valuations and enrollments of each district, each weighted by
7 the percentage of the district's resident high school students served
8 by the high school district; and

9 (c) The number of kindergarten students included in the enrollment
10 count shall be multiplied by one-half.

11 (4) The state board of education shall prescribe and make effective
12 such rules (~~and regulations~~) as are necessary to equate insofar as
13 possible the efforts made by school districts to provide capital funds
14 by the means aforesaid.

15 (5) For the purposes of this section, "preschool (~~handicapped~~)
16 disabled students" means developmentally disabled children of preschool
17 age who are entitled to services under RCW 28A.155.010 through
18 28A.155.100 and are not included in the kindergarten enrollment count
19 of the district.

20 **Sec. 42.** RCW 28A.545.040 and 1990 c 33 s 489 are each amended to
21 read as follows:

22 The term "student residing in a nonhigh school district" and its
23 equivalent as used in RCW 28A.545.030 through 28A.545.110 and
24 84.52.0531 shall mean any (~~handicapped~~) disabled or
25 (~~nonhandicapped~~) nondisabled common school age person who resides
26 within the boundaries of a nonhigh school district that does not
27 conduct the particular kindergarten through grade twelve grade which
28 the person has not yet successfully completed and is eligible to enroll
29 in.

1 **Sec. 43.** RCW 28A.545.100 and 1990 c 33 s 494 are each amended to
2 read as follows:

3 Unless otherwise agreed to by the board of directors of a nonhigh
4 school district, the amounts which are established as due by a nonhigh
5 school district pursuant to RCW 28A.545.030 through 28A.545.110 and
6 84.52.0531, as now or hereafter amended, shall constitute the entire
7 amount which is due by a nonhigh school district for the school year
8 for the education of any and all (~~handicapped~~) disabled and
9 (~~nonhandicapped~~) nondisabled students residing in the nonhigh school
10 district who attend a high school district pursuant to RCW 28A.225.210,
11 and for the transportation of such students by a high school district.

12 **Sec. 44.** RCW 28A.630.050 and 1990 c 33 s 522 are each amended to
13 read as follows:

14 (1) The superintendent of public instruction may select up to five
15 school districts to participate in a pilot program for prevention of
16 learning problems and academic delays. The program shall begin with
17 the 1989-90 school year and conclude at the end of the 1990-91 school
18 year.

19 (2) If at the end of a pilot school year the number of specific
20 learning disabled students served by a participating school district in
21 (~~handicapped~~) disability education programs has decreased as a result
22 of the pilot project, the district shall be reimbursed based upon the
23 number of specific learning disabled students served in special
24 education during the school year prior to commencement of the pilot
25 project. These funds will be used to support the pilot project for
26 prevention of learning problems and academic delays: PROVIDED, That
27 school districts participating in the pilot prevention program
28 established under this section who have ongoing pilot projects
29 previously approved by the superintendent of public instruction shall

1 utilize the school year prior to initiation of such pilot project as
2 the base for the reimbursement calculation under this subsection when
3 the number of specific learning disabled students identified has
4 decreased as a result of participation in the pilot program established
5 under this section.

6 (3) School districts applying to participate in the pilot program
7 established under this section shall submit to the superintendent of
8 public instruction a proposed program budget for the 1989-90 school
9 year and a preliminary budget plan for the 1990-91 school year. These
10 proposed budgets or budget plans shall outline the resources to be used
11 by the district in the identification and early prevention of learning
12 problems. Districts selected to participate shall submit an updated
13 budget proposal to the superintendent of public instruction prior to
14 the 1990-91 school year.

15 (4) Applications submitted by school districts shall also include:

16 (a) Assurances that the school district will not deny access to
17 special education programs for ~~((handicapped))~~ disabled students
18 entitled to services under RCW 28A.155.010 through 28A.155.100;

19 (b) A description of methods to be used by the district to identify
20 students for additional instruction or other services provided under
21 the pilot project;

22 (c) A description of the types of instructional programs or
23 services to be used in prevention of learning problems;

24 (d) A plan for evaluating the effectiveness of the district's
25 project at the end of the 1990-91 school year, using student test
26 scores and other indicators of academic progress and, as appropriate,
27 vocational progress, as determined by the district; and

28 (e) Other information as may be required by the superintendent of
29 public instruction.

1 (5) For the purposes of this section, "state allocation for
2 (~~handicapped~~) disabled students" includes state (~~handicapped~~)
3 disability education moneys allocated for students served in special
4 education programs provided under RCW 28A.155.010 through 28A.155.100
5 and basic education allocations generated by such students under the
6 state funding formula adopted pursuant to RCW 28A.150.260.

7 (6) This section shall expire December 31, 1991.

8 **Sec. 45.** RCW 28A.630.190 and 1987 c 525 s 110 are each amended to
9 read as follows:

10 State rules dealing with public health, safety, and civil rights,
11 including accessibility by the (~~handicapped~~) disabled, shall not be
12 waived. A school district may request the state board of education or
13 the superintendent of public instruction to ask the United States
14 department of education or other federal agencies to waive certain
15 federal regulations necessary to fully implement the proposed pilot
16 project.

17 **Sec. 46.** RCW 28A.630.400 and 1989 c 370 s 1 are each amended to
18 read as follows:

19 (1) The state board of education and the state board for community
20 college education, in consultation with the superintendent of public
21 instruction, the higher education coordinating board, the state
22 apprenticeship training council, and community colleges, shall work
23 cooperatively to develop by September 1, 1992, a ninety unit
24 educational paraprofessional associate of arts degree.

25 (2) As used in this section, an "educational paraprofessional" is
26 an individual who has completed an associate of arts degree for an
27 educational paraprofessional. The educational paraprofessional may be
28 hired by a school district to assist certificated instructional staff

1 in the direct instruction of children in small and large groups,
2 individualized instruction, testing of children, recordkeeping, and
3 preparation of materials. The educational paraprofessional shall work
4 under the direction of instructional certificated staff.

5 (3) The training program for an educational paraprofessional
6 associate of arts degree shall include, but is not limited to, the
7 general requirements for receipt of an associate of arts degree and
8 training in the areas of introduction to childhood education,
9 orientation to ((handicapped)) disabled children, fundamentals of
10 childhood education, creative activities for children, instructional
11 materials for children, fine art experiences for children, the
12 psychology of learning, introduction to education, child health and
13 safety, child development and guidance, first aid, and a practicum in
14 a school setting.

15 (4) In developing the program, consideration shall be given to
16 transferability of credit earned in this program to teacher preparation
17 programs at colleges and universities.

18 (5) The agencies identified under subsection (1) of this section
19 shall adopt rules as necessary under chapter 34.05 RCW to implement
20 this section.

21 **Sec. 47.** RCW 28B.04.120 and 1979 c 73 s 12 are each amended to
22 read as follows:

23 No person in this state, on the ground of sex, age, race, color,
24 religion, national origin, or the presence of any sensory, mental, or
25 physical ((handicap)) disability, shall be excluded from participating
26 in, be denied the benefits of, or be subjected to discrimination under,
27 any program or activity funded in whole or in part with funds made
28 available under this chapter.

1 **Sec. 48.** RCW 28B.07.010 and 1983 c 169 s 1 are each amended to
2 read as follows:

3 The legislature finds that the state has a vital interest in
4 ensuring that higher education institutions are maintained in the state
5 in sufficient numbers and located in such locations, as to be
6 accessible to as many citizens as possible. Adequate educational
7 opportunities are essential to the economic, intellectual, and social
8 well-being of the state and its people. Washington's independently-
9 governed private nonprofit higher education institutions are a
10 necessary part of the state's higher educational resources. They
11 provide educational diversity and choice for all residents of the
12 communities in which they are located, communities which may not
13 otherwise be served directly by a public baccalaureate-granting college
14 or university.

15 The legislature further finds that some of the factors that
16 contribute to educational costs are beyond the control of these higher
17 education institutions and their governing boards. The factors include
18 the need to modify facilities to render the facilities accessible to
19 the ((handicapped—or)) disabled, the necessity of modernizing
20 structures to keep them safe and efficient, and the demands of energy
21 conservation and resource utilization. Many of these needs are
22 associated with the public functions these institutions perform and the
23 requirements of the state and federal governments. Compounding the
24 problem is the fact that the cost of these renovations are borne
25 entirely by the institutions.

26 Because these institutions serve an important public purpose
27 addressing both the needs of individuals and the needs of the state,
28 and because the performance of that public function can be facilitated
29 at no expense or liability to the state, the legislature declares it to
30 be the public policy of the state of Washington to enable the building,

1 providing, and utilization of modern, well-equipped, efficient, and
2 reasonably priced higher educational facilities, as well as the
3 improvement, expansion, and modernization of such facilities, in a
4 manner that will minimize the capital cost of construction, financing,
5 and use of such facilities. The intention of this policy is to improve
6 and ensure the quality and range of educational services available to
7 the citizens of this state. The intent of the legislature is to
8 accomplish these and related purposes, and this chapter shall be
9 liberally construed in order to further these goals.

10 **Sec. 49.** RCW 28B.20.410 and 1969 ex.s. c 223 s 28B.20.410 are each
11 amended to read as follows:

12 There is hereby established at the University of Washington a
13 children's center for research and training in mental retardation and
14 other ((handicapping)) disabling conditions.

15 **Sec. 50.** RCW 28B.20.414 and 1969 ex.s. c 223 s 28B.20.414 are each
16 amended to read as follows:

17 The general purposes of the center shall be:

18 (1) To provide clinical and laboratory facilities for research on
19 the causes, diagnosis, prevention, and treatment of mental retardation
20 and other ((handicapping)) disabling conditions in children;

21 (2) To develop improved professional and in-service training
22 programs in the various disciplines concerned with ((handicapped))
23 disabled children;

24 (3) To provide diagnostic and consultative services to various
25 state programs and to regional and local centers, to an extent
26 compatible with the primary research and teaching objectives of the
27 center.

1 **Sec. 51.** RCW 29.19.010 and 1989 c 4 s 1 are each amended to read
2 as follows:

3 The people of the state of Washington declare that:

4 (1) The current presidential nominating caucus system in Washington
5 state is unnecessarily restrictive of voter participation in that it
6 discriminates against the elderly, the infirm, women, the
7 ((handicapped)) disabled, evening workers, and others who are unable to
8 attend caucuses and therefore unable to fully participate in this most
9 important quadrennial event that occurs in our democratic system of
10 government.

11 (2) It is the intent of this chapter to make the presidential
12 selection process more open and representative of the will of the
13 people of our state.

14 (3) A presidential primary will afford the maximum opportunity for
15 voter access at regular polling places during the daytime and evening
16 hours convenient to the most people.

17 (4) This state's participation in the selection of presidential
18 candidates shall be in accordance with the will of the people as
19 expressed in a presidential preference primary.

20 (5) It is the intent of this chapter, to the maximum extent
21 practicable, to continue to reserve to the political parties the right
22 to conduct their delegate selection as prescribed by party rules
23 insofar as it reflects the will of the people as expressed in a
24 presidential primary election conducted every four years in the manner
25 described by this chapter.

26 **Sec. 52.** RCW 29.51.200 and 1981 c 34 s 1 are each amended to read
27 as follows:

28 Voting shall be secret except to the extent necessary to assist
29 sensory or physically ((handicapped)) disabled voters.

1 If any voter declares in the presence of the election officers that
2 because of sensory or physical (~~handicap~~) disability he or she is
3 unable to register or record his or her vote, (~~he~~) the voter may
4 designate a person of (~~his~~) the voter's choice or two election
5 officers from opposite political parties to enter the voting machine
6 booth with (~~him~~) the voter and record (~~his~~) the vote as (~~he~~) the
7 voter directs.

8 **Sec. 53.** RCW 29.57.010 and 1985 c 205 s 1 are each amended to read
9 as follows:

10 The intent of this chapter is to implement Public Law 98-435 which
11 requires state and local election officials, wherever possible, to
12 designate and use polling places in federal elections and permanent
13 registration locations which are accessible to elderly and
14 (~~handicapped~~) disabled persons. County auditors are encouraged to:

15 (1) Make modifications such as installation of temporary ramps or
16 relocation of polling places within buildings, where appropriate;

17 (2) Designate new, accessible polling places to replace those that
18 are inaccessible; and

19 (3) Continue to use polling places and voter registration locations
20 which are accessible to elderly and (~~handicapped~~) disabled persons.

21 **Sec. 54.** RCW 29.57.090 and 1985 c 205 s 5 are each amended to read
22 as follows:

23 The secretary of state shall establish procedures to assure that,
24 in any state primary or state general election in an even-numbered
25 year, any (~~handicapped~~) disabled or elderly voter assigned to an
26 inaccessible polling place will, upon advance request of that voter,
27 either be permitted to vote at an alternative accessible polling place
28 not overly inconvenient to that voter or be provided with an

1 alternative means of casting a ballot on the day of the primary or
2 election. The county auditor shall make any accommodations in voting
3 procedures necessary to allow the use of alternative polling places by
4 elderly or ((handicapped)) disabled voters under this section.

5 **Sec. 55.** RCW 29.57.120 and 1985 c 205 s 8 are each amended to read
6 as follows:

7 Each county auditor shall report locations of all permanent voter
8 registration facilities to the secretary of state, indicating which
9 locations meet the standards of RCW 29.57.030. The secretary of state
10 shall determine if the locations and number of accessible registration
11 facilities are reasonable to meet the needs of the elderly and
12 ((handicapped)) disabled.

13 **Sec. 56.** RCW 29.57.140 and 1985 c 205 s 10 are each amended to
14 read as follows:

15 The secretary of state shall provide public notice of the
16 availability of registration and voting aids, assistance to elderly and
17 ((handicapped)) disabled persons under RCW 29.51.200 and 42 U.S.C.
18 Section 1973aa-6, and procedures for voting by absentee ballot
19 calculated to reach elderly and ((handicapped)) disabled persons not
20 later than public notice of the closing of registration for the state
21 primary and state general election in each even-numbered year.

22 **Sec. 57.** RCW 29.57.160 and 1985 c 205 s 12 are each amended to
23 read as follows:

24 (1) County auditors shall seek alternative polling places or other
25 low-cost alternatives including, but not limited to, procedural changes
26 and assistance from local disabled groups, service organizations, and

1 other private sources before incurring costs for modifications under
2 this chapter and Public Law 98-435.

3 (2) In a state primary or state general election in an even-
4 numbered year, the cost of those modifications to buildings or other
5 facilities, including signs designating (~~handicapped~~) disabled
6 accessible parking and entrances, that are necessary to permit the use
7 of those facilities for polling places under this chapter and Public
8 Law 98-435 or any procedures established under RCW 29.57.090 shall be
9 treated as election costs and prorated under RCW 29.13.045.

10 **Sec. 58.** RCW 35.58.240 and 1981 c 25 s 1 are each amended to read
11 as follows:

12 If a metropolitan municipal corporation shall be authorized to
13 perform the function of metropolitan transportation, it shall have the
14 following powers in addition to the general powers granted by this
15 chapter:

16 (1) To prepare, adopt, and carry out a general comprehensive plan
17 for public transportation service which will best serve the residents
18 of the metropolitan area and to amend said plan from time to time to
19 meet changed conditions and requirements.

20 (2) To acquire by purchase, condemnation, gift, or grant and to
21 lease, construct, add to, improve, replace, repair, maintain, operate,
22 and regulate the use of metropolitan transportation facilities and
23 properties within or without the metropolitan area, including systems
24 of surface, underground, or overhead railways, tramways, buses, or any
25 other means of local transportation except taxis, and including
26 escalators, moving sidewalks, or other people-moving systems, passenger
27 terminal and parking facilities and properties, and such other
28 facilities and properties as may be necessary for passenger and
29 vehicular access to and from such people-moving systems, terminal and

1 parking facilities and properties, together with all lands, rights of
2 way, property, equipment, and accessories necessary for such systems
3 and facilities. Public transportation facilities and properties which
4 are owned by any city may be acquired or used by the metropolitan
5 municipal corporation only with the consent of the city council of the
6 city owning such facilities. Cities are hereby authorized to convey or
7 lease such facilities to metropolitan corporations or to contract for
8 their joint use on such terms as may be fixed by agreement between the
9 city council of such city and the metropolitan council, without
10 submitting the matter to the voters of such city.

11 The facilities and properties of a metropolitan public
12 transportation system whose vehicles will operate primarily within the
13 rights of way of public streets, roads, or highways, may be acquired,
14 developed and operated without the corridor and design hearings which
15 are required by RCW 35.58.273 for mass transit facilities operating on
16 a separate right of way.

17 (3) To fix rates, tolls, fares, and charges for the use of such
18 facilities and to establish various routes and classes of service.
19 Fares or charges may be adjusted or eliminated for any distinguishable
20 class of users including, but not limited to, senior citizens,
21 (~~handicapped~~) disabled persons, and students. Classes of service and
22 fares will be maintained in the several parts of the metropolitan area
23 at such levels as will provide, insofar as reasonably practicable, that
24 the portion of any annual transit operating deficit of the metropolitan
25 municipal corporation attributable to the operation of all routes,
26 taken as a whole, which are located within the central city is
27 approximately in proportion to the portion of total taxes collected by
28 or on behalf of the metropolitan municipal corporation for transit
29 purposes within the central city, and that the portion of such annual
30 transit operating deficit attributable to the operation of all routes,

1 taken as a whole, which are located outside the central city, is
2 approximately in proportion to the portion of such taxes collected
3 outside the central city.

4 In the event any metropolitan municipal corporation shall extend
5 its metropolitan transportation function to any area or service already
6 offered by any company holding a certificate of public convenience and
7 necessity from the Washington utilities and transportation commission
8 under RCW 81.68.040, it shall by purchase or condemnation acquire at
9 the fair market value, from the person holding the existing certificate
10 for providing the services, that portion of the operating authority and
11 equipment representing the services within the area of public
12 operation.

13 **Sec. 59.** RCW 35.68.075 and 1989 c 173 s 1 are each amended to read
14 as follows:

15 (1) The standard for construction on any county road, or city or
16 town street, for which curbs in combination with sidewalks, paths, or
17 other pedestrian access ways are to be constructed, shall be not less
18 than two ramps per lineal block on or near the crosswalks at
19 intersections. Such ramps shall be at least thirty-six inches wide and
20 so constructed as to allow reasonable access to the crosswalk for
21 physically ~~((handicapped))~~ disabled persons, without uniquely
22 endangering blind persons.

23 (2) Standards set for curb ramping under subsection (1) of this
24 section shall not apply to any curb existing upon enactment of this
25 section but shall apply to all new curb construction and to all
26 replacement curbs constructed at any point in a block which gives
27 reasonable access to a crosswalk.

28 (3) Upon September 21, 1977, every ramp thereafter constructed
29 under subsection (1) of this section, which serves one end of a

1 crosswalk, shall be matched by another ramp at the other end of the
2 crosswalk. However, no ramp shall be required at the other end of the
3 crosswalk if there is no curb nor sidewalk at the other end of the
4 crosswalk. Nor shall any matching ramp constructed pursuant to this
5 subsection require a subsequent matching ramp.

6 **Sec. 60.** RCW 35.68.076 and 1989 c 175 s 84 are each amended to
7 read as follows:

8 The department of general administration shall, pursuant to chapter
9 34.05 RCW, the Administrative Procedure Act, adopt several suggested
10 model design, construction, or location standards to aid counties,
11 cities, and towns in constructing curb ramps to allow reasonable access
12 to the crosswalk for physically ~~((handicapped))~~ disabled persons
13 without uniquely endangering blind persons. The department of general
14 administration shall consult with ~~((handicapped persons))~~ disabled,
15 blind persons, counties, cities, and the state building code council in
16 adopting the suggested standards.

17 **Sec. 61.** RCW 35.86A.010 and 1969 ex.s. c 204 s 1 are each amended
18 to read as follows:

19 It is hereby determined and declared:

20 (1) The free circulation of traffic of all kinds through our cities
21 is necessary to the health, safety and general welfare of the public,
22 whether residing in, traveling to or through the cities of this state;

23 (2) The most efficient use of the street and highway system
24 requires availability of strategically located parking for vehicles in
25 localities where large numbers of persons congregate;

26 (3) An expanding suburban population has increased demands for
27 further concentration of uses in central metropolitan areas,
28 necessitating an increasing investment in streets and highways;

1 (4) On-street parking is now inadequate, and becomes increasingly
2 an inefficient and uneconomical method for temporary storage of
3 vehicles in commercial, industrial and high-density residential areas,
4 causing such immediate adverse consequences as the following, among
5 others:

6 (a) Serious traffic congestion from on-street parking, which
7 interferes with use of streets for travel, disrupts public surface
8 transportation at peak hours, impedes rapid and effective fighting of
9 fires and disposition of police forces, slows emergency vehicles, and
10 inflicts hardship upon ((handicapped)) disabled persons and others
11 dependent upon private vehicles for transportation;

12 (b) On-street parking absorbs right-of-way useful and usable for
13 travel;

14 (c) On-street parking reduces the space available for truck and
15 passenger loading for the abutting properties, hinders ready access,
16 and impedes cleaning of streets;

17 (d) Inability to temporarily store automobiles has discouraged the
18 public from travel to and within our cities, from congregating at
19 public events, and from using public facilities.

20 (5) Insufficient off-street parking has had long-range results, as
21 the following, among others:

22 (a) Metropolitan street and highway systems have lost efficiency
23 and the free circulation of traffic and persons has been impaired;

24 (b) The growth and development of metropolitan areas has been
25 retarded;

26 (c) Business, industry, and housing has become unnecessarily and
27 uneconomically dispersed;

28 (d) Limited and valuable land area is under used.

1 All of which cause loss of payrolls, business and productivity, and
2 property values, with resulting impairment of the public health, safety
3 and welfare, the utility of our streets and highways, and tax revenues;

4 (6) Establishment of public off-street parking facilities will
5 promote the public health, safety, convenience, and welfare, by:

6 (a) Expediting the movement of the public, and of goods in
7 metropolitan areas, alleviating traffic congestion, and preserving the
8 large investment in streets and highways;

9 (b) Permitting a greater use of public facilities, congregation of
10 the public, and more intensive development of private property within
11 the community;

12 (7) Establishment of public off-street parking is a necessary
13 ancillary to and extension of an efficient street and highway system in
14 metropolitan areas, as much so as a station or terminal is to a
15 railroad or urban transit line;

16 (8) Public off-street parking facilities, open to the public and
17 owned by a city or town, are and remain a public use and a public
18 function, irrespective of whether:

19 (a) Parking fees are charged to users;

20 (b) The management or operation of one or more parking facilities
21 is conducted by a public agency, or under contract or lease by private
22 enterprise; or

23 (c) A portion of the facilities is used for commercial, store or
24 automobile accessory purposes;

25 (9) Public parking facilities under the control of a parking
26 commission are appropriately treated differently from other parking
27 facilities of a city.

28 **Sec. 62.** RCW 35.86A.070 and 1980 c 127 s 1 are each amended to
29 read as follows:

1 The parking commission is authorized and empowered, in the name of
2 the municipality by resolution to:

3 (1) Own and acquire property and property rights by purchase, gift,
4 devise, or lease for the construction, maintenance, or operation of
5 off-street parking facilities, or for effectuating the purpose of this
6 chapter; and accept grants-in-aid, including compliance with conditions
7 attached thereto;

8 (2) Construct, maintain, and operate off-street parking facilities
9 located on land dedicated for park or civic center purposes, or on
10 other municipally-owned land where the primary purpose of such off-
11 street parking facility is to provide parking for persons who use such
12 park or civic center facilities, and undertake research, and prepare
13 plans incidental thereto subject to applicable statutes and charter
14 provisions for municipal purchases, expenditures, and improvements; and
15 in addition may own other off-street parking facilities and operate
16 them in accordance with RCW 35.86A.120: PROVIDED, That the provisions
17 of chapter 35.86 RCW as now or hereafter amended shall not apply to
18 such construction, operation or maintenance;

19 (3) Establish and collect parking fees, require that receipts be
20 provided for parking fees, make exemption for (~~handicapped~~) disabled
21 persons, lease space for commercial, store, advertising or automobile
22 accessory purposes, and regulate prices and service charges, for use of
23 and within and the aerial space over parking facilities under its
24 control;

25 (4) Subject to applicable city civil service provisions, provide
26 for the appointment, removal and control of officers and employees, and
27 prescribe their duties and compensation, and to control all equipment
28 and property under the commission's jurisdiction;

29 (5) Contract with private persons and organizations for the
30 management and/or operation of parking facilities under its control,

1 and services related thereto, including leasing of such facilities or
2 portions thereof;

3 (6) Cause construction of parking facilities as a condition of an
4 operating agreement or lease, derived through competitive bidding, or
5 in the manner authorized by chapter 35.42 RCW;

6 (7) Execute and accept instruments, including deeds, necessary or
7 convenient for the carrying on of its business; acquire rights to
8 develop parking facilities over or under city property; and to contract
9 to operate and manage parking facilities under the jurisdiction of
10 other city departments or divisions and of other public bodies;

11 (8) Determine the need for and recommend to the city council:

12 (a) The establishment of local improvement districts to pay the
13 cost of parking facilities or any part thereof;

14 (b) The issuance of bonds or other financing by the city for
15 construction of parking facilities;

16 (c) The acquisition of property and property rights by condemnation
17 from the public, or in street areas;

18 (9) Transfer its control of property to the city and liquidate its
19 affairs, so long as such transfer does not contravene any covenant or
20 agreement made with the holders of bonds or other creditors; and

21 (10) Require payment of the excise tax hereinafter provided.

22 Parking fees for parking facilities under the control of the
23 parking commission shall be maintained commensurate with and neither
24 higher nor lower than prevailing rates for parking charged by
25 commercial operators in the general area.

26 **Sec. 63.** RCW 35.92.060 and 1990 c 43 s 49 are each amended to read
27 as follows:

28 A city or town may also construct, condemn and purchase, purchase,
29 acquire, add to, alter, maintain, operate, or lease cable, electric,

1 and other railways, automobiles, motor cars, motor buses, auto trucks,
2 and any and all other forms or methods of transportation of freight or
3 passengers within the corporate limits of the city or town and a first
4 class city may operate such forms or methods of transportation beyond
5 the corporate limits of the city but not beyond the boundaries of the
6 county in which the city is located, for the transportation of freight
7 and passengers above, upon, or underneath the ground. It may also fix,
8 alter, regulate, and control the fares and rates to be charged
9 therefor; and fares or rates may be adjusted or eliminated for any
10 distinguishable class of users including, but not limited to, senior
11 citizens, (~~handicapped~~) disabled persons, and students. Without the
12 payment of any license fee or tax, or the filing of a bond with, or the
13 securing of a permit from, the state, or any department thereof, the
14 city or town may engage in, carry on, and operate the business of
15 transporting and carrying passengers or freight for hire by any method
16 or combination of methods that the legislative authority of any city or
17 town may by ordinance provide, with full authority to regulate and
18 control the use and operation of vehicles or other agencies of
19 transportation used for such business.

20 **Sec. 64.** RCW 36.57.040 and 1982 c 10 s 6 are each amended to read
21 as follows:

22 Every county transportation authority created to perform the
23 function of public transportation pursuant to RCW 36.57.020 shall have
24 the following powers:

25 (1) To prepare, adopt, carry out, and amend a general comprehensive
26 plan for public transportation service.

27 (2) To acquire by purchase, condemnation, gift, or grant and to
28 lease, construct, add to, improve, replace, repair, maintain, operate,
29 and regulate the use of any transportation facilities and properties,

1 including terminal and parking facilities, together with all lands,
2 rights of way, property, equipment, and accessories necessary for such
3 systems and facilities.

4 (3) To fix rates, tolls, fares, and charges for the use of such
5 facilities and to establish various routes and classes of service.
6 Fares or charges may be adjusted or eliminated for any distinguishable
7 class of users including, but not limited to senior citizens,
8 (~~handicapped~~) disabled persons, and students.

9 (4) If a county transit authority extends its transportation
10 function to any area in which service is already offered by any company
11 holding a certificate of public convenience and necessity from the
12 Washington utilities and transportation commission under RCW 81.68.040,
13 to acquire by purchase or condemnation at the fair market value, from
14 the person holding the existing certificate for providing the services,
15 that portion of the operating authority and equipment representing the
16 services within the area of public operation, or to contract with such
17 person or corporation to continue to operate such service or any part
18 thereof for time and upon such terms and conditions as provided by
19 contract.

20 (5) (a) To contract with the United States or any agency thereof,
21 any state or agency thereof, any metropolitan municipal corporation,
22 any other county, city, special district, or governmental agency and
23 any private person, firm, or corporation for the purpose of receiving
24 gifts or grants or securing loans or advances for preliminary planning
25 and feasibility studies, or for the design, construction, operation, or
26 maintenance of transportation facilities and ambulance services:
27 PROVIDED, That before the authority enters into any such contract for
28 the provision of ambulance service, it shall submit to the voters a
29 proposition authorizing such contracting authority, and a majority of
30 those voting thereon shall have approved the proposition; and

1 (b) To contract with any governmental agency or with any private
2 person, firm, or corporation for the use by either contracting party of
3 all or any part of the facilities, structures, lands, interests in
4 lands, air rights over lands, and rights of way of all kinds which are
5 owned, leased, or held by the other party and for the purpose of
6 planning, constructing, or operating any facility or performing any
7 service related to transportation which the county is authorized to
8 operate or perform, on such terms as may be agreed upon by the
9 contracting parties: PROVIDED, That before any contract for the lease
10 or operation of any transportation facilities shall be let to any
11 private person, firm, or corporation, competitive bids shall first be
12 called for and contracts awarded in accord with the procedures
13 established in accord with RCW 36.32.240, 36.32.250, and 36.32.270.

14 (6) In addition to all other powers and duties, an authority shall
15 have the power to own, construct, purchase, lease, add to, and maintain
16 any real and personal property or property rights necessary for the
17 conduct of the affairs of the authority. An authority may sell, lease,
18 convey, or otherwise dispose of any authority real or personal property
19 no longer necessary for the conduct of the affairs of the authority.
20 An authority may enter into contracts to carry out the provisions of
21 this section.

22 **Sec. 65.** RCW 36.57A.090 and 1981 c 25 s 4 are each amended to read
23 as follows:

24 A public transportation benefit area authority shall have the
25 following powers in addition to the general powers granted by this
26 chapter:

27 (1) To prepare, adopt, and carry out a general comprehensive plan
28 for public transportation service which will best serve the residents

1 of the public transportation benefit area and to amend said plan from
2 time to time to meet changed conditions and requirements.

3 (2) To acquire by purchase, condemnation, gift, or grant and to
4 lease, construct, add to, improve, replace, repair, maintain, operate,
5 and regulate the use of transportation facilities and properties within
6 or without the public transportation benefit area or the state,
7 including systems of surface, underground, or overhead railways,
8 tramways, buses, or any other means of local transportation except
9 taxis, and including escalators, moving sidewalks, or other people-
10 moving systems, passenger terminal and parking facilities and
11 properties, and such other facilities and properties as may be
12 necessary for passenger and vehicular access to and from such people-
13 moving systems, terminal and parking facilities and properties,
14 together with all lands, rights of way, property, equipment, and
15 accessories necessary for such systems and facilities. Public
16 transportation facilities and properties which are owned by any city
17 may be acquired or used by the public transportation benefit area
18 authority only with the consent of the city council of the city owning
19 such facilities. Cities are hereby authorized to convey or lease such
20 facilities to a public transportation benefit area authority or to
21 contract for their joint use on such terms as may be fixed by agreement
22 between the city council of such city and the public transportation
23 benefit area authority, without submitting the matter to the voters of
24 such city.

25 The facilities and properties of a public transportation benefit
26 area system whose vehicles will operate primarily within the rights of
27 way of public streets, roads, or highways, may be acquired, developed,
28 and operated without the corridor and design hearings which are
29 required by RCW 35.58.273, as now or hereafter amended, for mass
30 transit facilities operating on a separate right of way.

1 (3) To fix rates, tolls, fares, and charges for the use of such
2 facilities and to establish various routes and classes of service.
3 Fares or charges may be adjusted or eliminated for any distinguishable
4 class of users including, but not limited to, senior citizens,
5 ((handicapped)) disabled persons, and students.

6 In the event any person holding a certificate of public convenience
7 and necessity from the Washington utilities and transportation
8 commission under RCW 81.68.040 has operated under such certificate for
9 a continuous period of one year prior to the date of certification and
10 is offering service within the public transportation benefit area on
11 the date of the certification by the county canvassing board that a
12 majority of votes cast authorize a tax to be levied and collected by
13 the public transportation benefit area authority, such authority may by
14 purchase or condemnation acquire at the fair market value, from the
15 person holding the existing certificate for providing the services,
16 that portion of the operating authority and equipment representing the
17 services within the area of public operation. The person holding such
18 existing certificate may require the public transportation benefit area
19 authority to initiate such purchase of those assets of such person,
20 existing as of the date of the county canvassing board certification,
21 within sixty days after the date of such certification.

22 **Sec. 66.** RCW 39.23.005 and 1975 c 20 s 1 are each amended to read
23 as follows:

24 It is the intent of the legislature to encourage municipalities to
25 purchase products and/or services manufactured or provided by sheltered
26 workshops and programs of the department of social and health services
27 which operate facilities serving the ((handicapped)) disabled and
28 disadvantaged.

1 **Sec. 67.** RCW 39.32.010 and 1977 ex.s. c 135 s 1 are each amended
2 to read as follows:

3 For the purposes of RCW 39.32.010 through 39.32.060:

4 The term "eligible donee" means any public agency carrying out or
5 promoting for the residents of a given political area one or more
6 public purposes, such as conservation, economic development, education,
7 parks and recreation, public health, and public safety; or nonprofit
8 educational or public health institutions or organizations, such as
9 medical institutions, hospitals, clinics, health centers, schools,
10 colleges, universities, schools for the mentally retarded, schools for
11 the physically ((handicapped)) disabled, child care centers, radio and
12 television stations licensed by the federal communications commission
13 as educational radio or educational television stations, museums
14 attended by the public, and public libraries serving all residents of
15 a community, district, state, or region, and which are exempt from
16 taxation under Section 501 of the Internal Revenue Code of 1954, for
17 purposes of education or public health, including research for any such
18 purpose.

19 The term "public agency" means the state or any subdivision
20 thereof, including any unit of local government, economic development
21 district, emergency services organization, or any instrumentality
22 created by compact or other agreement between the state and a political
23 subdivision, or any Indian tribe, band, group, or community located on
24 a state reservation.

25 The term "surplus property" means any property, title to which is
26 in the federal government or any department or agency thereof, and
27 which property is to be disposed of as surplus under any act of
28 congress heretofore or hereafter enacted providing for such
29 disposition.

1 **Sec. 68.** RCW 41.26.030 and 1987 c 418 s 1 are each amended to read
2 as follows:

3 As used in this chapter, unless a different meaning is plainly
4 required by the context:

5 (1) "Retirement system" means the "Washington law enforcement
6 officers' and fire fighters' retirement system" provided herein.

7 (2) (a) "Employer" for persons who establish membership in the
8 retirement system on or before September 30, 1977, means the
9 legislative authority of any city, town, county or district or the
10 elected officials of any municipal corporation that employs any law
11 enforcement officer and/or fire fighter, any authorized association of
12 such municipalities, and, except for the purposes of RCW 41.26.150, any
13 labor guild, association, or organization, which represents the fire
14 fighters or law enforcement officers of at least seven cities of over
15 20,000 population and the membership of each local lodge or division of
16 which is composed of at least sixty percent law enforcement officers or
17 fire fighters as defined in this chapter.

18 (b) "Employer" for persons who establish membership in the
19 retirement system on or after October 1, 1977, means the legislative
20 authority of any city, town, county, or district or the elected
21 officials of any municipal corporation that employs any law enforcement
22 officer and/or fire fighter.

23 (3) "Law enforcement officer" means any person who is serving on a
24 full time, fully compensated basis as a county sheriff or deputy
25 sheriff, including sheriffs or deputy sheriffs serving under a
26 different title pursuant to a county charter, city police officer, or
27 town marshal or deputy marshal, with the following qualifications:

28 (a) No person who is serving in a position that is basically
29 clerical or secretarial in nature, and who is not commissioned shall be
30 considered a law enforcement officer;

1 (b) Only those deputy sheriffs, including those serving under a
2 different title pursuant to county charter, who have successfully
3 completed a civil service examination for deputy sheriff or the
4 equivalent position, where a different title is used, and those persons
5 serving in unclassified positions authorized by RCW 41.14.070 except a
6 private secretary will be considered law enforcement officers;

7 (c) Only such full time commissioned law enforcement personnel as
8 have been appointed to offices, positions, or ranks in the police
9 department which have been specifically created or otherwise expressly
10 provided for and designated by city charter provision or by ordinance
11 enacted by the legislative body of the city shall be considered city
12 police officers;

13 (d) The term "law enforcement officer" also includes the executive
14 secretary of a labor guild, association or organization (which is an
15 employer under RCW 41.26.030(2) as now or hereafter amended) if such
16 individual has five years previous membership in the retirement system
17 established in chapter 41.20 RCW: PROVIDED, That for persons who
18 establish membership in the retirement system on or after October 1,
19 1977, the provisions of this subparagraph shall not apply; and

20 (e) The term "law enforcement officer" also includes any person
21 employed on or after November 1, 1975, and prior to December 1, 1975,
22 as a director of public safety so long as the duties of the director
23 substantially involve only police and/or fire duties and no other
24 duties.

25 (4) "Fire fighter" means:

26 (a) Any person who is serving on a full time, fully compensated
27 basis as a member of a fire department of an employer and who is
28 serving in a position which requires passing a civil service
29 examination for fire fighter, or fireman if this title is used by the
30 department, and who is actively employed as such;

1 (b) Anyone who is actively employed as a full time fire fighter
2 where the fire department does not have a civil service examination;

3 (c) Supervisory fire fighter personnel;

4 (d) Any full time executive secretary of an association of fire
5 protection districts authorized under RCW 52.12.031: PROVIDED, That for
6 persons who establish membership in the retirement system on or after
7 October 1, 1977, the provisions of this subparagraph shall not apply;

8 (e) The executive secretary of a labor guild, association or
9 organization (which is an employer under RCW 41.26.030(2) as now or
10 hereafter amended), if such individual has five years previous
11 membership in a retirement system established in chapter 41.16 or 41.18
12 RCW: PROVIDED, That for persons who establish membership in the
13 retirement system on or after October 1, 1977, the provisions of this
14 subparagraph shall not apply;

15 (f) Any person who is serving on a full time, fully compensated
16 basis for an employer, as a fire dispatcher, in a department in which,
17 on March 1, 1970, a dispatcher was required to have passed a civil
18 service examination for fireman or fire fighter;

19 (g) Any person who on March 1, 1970, was employed on a full time,
20 fully compensated basis by an employer, and who on May 21, 1971 was
21 making retirement contributions under the provisions of chapter 41.16
22 or 41.18 RCW; and

23 (h) The term "fire fighter" also includes any person employed on or
24 after November (~~(1971)~~) 1, 1975, and prior to December 1, 1975, as a
25 director of public safety so long as the duties of the director
26 substantially involve only police and/or fire duties and no other
27 duties.

28 (5) "Retirement board" means the Washington public employees'
29 retirement system board established in chapter 41.40 RCW, including two
30 members of the retirement system and two employer representatives as

1 provided for in RCW 41.26.050. The retirement board shall be called
2 the Washington law enforcement officers' and fire fighters' retirement
3 board and may enter in legal relationships in that name. Any legal
4 relationships entered into in that name prior to the adoption of this
5 1972 amendatory act are hereby ratified.

6 (6) "Surviving spouse" means the surviving widow or widower of a
7 member. The word shall not include the divorced spouse of a member.

8 (7) "Child" or "children" whenever used in this chapter means every
9 natural born child and stepchild where that relationship was in
10 existence prior to the date benefits are payable under this chapter,
11 posthumous child, child legally adopted or made a legal ward of a
12 member prior to the date benefits are payable under this chapter, and
13 illegitimate child legitimized prior to the date any benefits are
14 payable under this chapter, all while unmarried, and either under the
15 age of eighteen years or mentally or physically (~~handicapped~~)
16 disabled as determined by the retirement board except a (~~handicapped~~)
17 disabled person in the full time care of a state institution. A person
18 shall also be deemed to be a child up to and including the age of
19 twenty years and eleven months while attending any high school,
20 college, or vocational or other educational institution accredited,
21 licensed, or approved by the state, in which it is located, including
22 the summer vacation months and all other normal and regular vacation
23 periods at the particular educational institution after which the child
24 returns to school.

25 (8) "Member" means any fire fighter, law enforcement officer, or
26 other person as would apply under subsections (3) or (4) of this
27 section whose membership is transferred to the Washington law
28 enforcement officers' and fire fighters' retirement system on or after
29 March 1, 1970, and every law enforcement officer and fire fighter who
30 is employed in that capacity on or after such date.

1 (9) "Retirement fund" means the "Washington law enforcement
2 officers' and fire fighters' retirement system fund" as provided for
3 herein.

4 (10) "Employee" means any law enforcement officer or fire fighter
5 as defined in subsections (3) and (4) (~~above~~) of this section.

6 (11) (a) "Beneficiary" for persons who establish membership in the
7 retirement system on or before September 30, 1977, means any person in
8 receipt of a retirement allowance, disability allowance, death benefit,
9 or any other benefit described herein.

10 (b) "Beneficiary" for persons who establish membership in the
11 retirement system on or after October 1, 1977, means any person in
12 receipt of a retirement allowance or other benefit provided by this
13 chapter resulting from service rendered to an employer by another
14 person.

15 (12) (a) "Final average salary" for persons who establish
16 membership in the retirement system on or before September 30, 1977,
17 means (i) for a member holding the same position or rank for a minimum
18 of twelve months preceding the date of retirement, the basic salary
19 attached to such same position or rank at time of retirement; (ii) for
20 any other member, including a civil service member who has not served
21 a minimum of twelve months in the same position or rank preceding the
22 date of retirement, the average of the greatest basic salaries payable
23 to such member during any consecutive twenty-four month period within
24 such member's last ten years of service for which service credit is
25 allowed, computed by dividing the total basic salaries payable to such
26 member during the selected twenty-four month period by twenty-four;
27 (iii) in the case of disability of any member, the basic salary payable
28 to such member at the time of disability retirement; (iv) in the case
29 of a member who hereafter vests pursuant to RCW 41.26.090, the basic
30 salary payable to such member at the time of vesting.

1 (b) "Final average salary" for persons who establish membership in
2 the retirement system on or after October 1, 1977, means the monthly
3 average of the member's basic salary for the highest consecutive sixty
4 months of service prior to such member's retirement, termination, or
5 death. Periods constituting authorized unpaid leaves of absence may
6 not be used in the calculation of final average salary.

7 (13) (a) "Basic salary" for persons who establish membership in the
8 retirement system on or before September 30, 1977, means the basic
9 monthly rate of salary or wages, including longevity pay but not
10 including overtime earnings or special salary or wages, upon which
11 pension or retirement benefits will be computed and upon which employer
12 contributions and salary deductions will be based.

13 (b) "Basic salary" for persons who establish membership in the
14 retirement system on or after October 1, 1977, means salaries or wages
15 earned by a member during a payroll period for personal services,
16 including overtime payments, and shall include wages and salaries
17 deferred under provisions established pursuant to sections 403(b),
18 414(h), and 457 of the United States Internal Revenue Code, but shall
19 exclude lump sum payments for deferred annual sick leave, unused
20 accumulated vacation, unused accumulated annual leave, or any form of
21 severance pay: PROVIDED, That in any year in which a member serves in
22 the legislature the member shall have the option of having such
23 member's basic salary be the greater of:

24 (i) The basic salary the member would have received had such member
25 not served in the legislature; or

26 (ii) Such member's actual basic salary received for nonlegislative
27 public employment and legislative service combined. Any additional
28 contributions to the retirement system required because basic salary
29 under subparagraph (i) of this subsection is greater than basic salary

1 under subparagraph (ii) of this subsection shall be paid by the member
2 for both member and employer contributions.

3 (14) (a) "Service" for persons who establish membership in the
4 retirement system on or before September 30, 1977, means all periods of
5 employment for an employer as a fire fighter or law enforcement
6 officer, for which compensation is paid, together with periods of
7 suspension not exceeding thirty days in duration. For the purposes of
8 this chapter service shall also include service in the armed forces of
9 the United States as provided in RCW 41.26.190. Credit shall be
10 allowed for all months of service rendered by a member from and after
11 the member's initial commencement of employment as a fire fighter or
12 law enforcement officer, during which the member worked for seventy or
13 more hours, or was on disability leave or disability retirement. Only
14 months of service shall be counted in the computation of any retirement
15 allowance or other benefit provided for in this chapter. In addition
16 to the foregoing, for members retiring after May 21, 1971 who were
17 employed under the coverage of a prior pension act before March 1,
18 1970, "service" shall include (i) such military service not exceeding
19 five years as was creditable to the member as of March 1, 1970, under
20 the member's particular prior pension act, and (ii) such other periods
21 of service as were then creditable to a particular member under the
22 provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no
23 event shall credit be allowed for any service rendered prior to March
24 1, 1970, where the member at the time of rendition of such service was
25 employed in a position covered by a prior pension act, unless such
26 service, at the time credit is claimed therefor, is also creditable
27 under the provisions of such prior act: PROVIDED, That if such
28 member's prior service is not creditable due to the withdrawal of his
29 contributions plus accrued interest thereon from a prior pension
30 system, such member shall be credited with such prior service, as a law

1 enforcement officer or fire fighter, by paying to the Washington law
2 enforcement officers' and fire fighters' retirement system, on or
3 before March 1, 1975, an amount which is equal to that which was
4 withdrawn from the prior system by such member, as a law enforcement
5 officer or fire fighter: PROVIDED FURTHER, That if such member's prior
6 service is not creditable because, although employed in a position
7 covered by a prior pension act, such member had not yet become a member
8 of the pension system governed by such act, such member shall be
9 credited with such prior service as a law enforcement officer or fire
10 fighter, by paying to the Washington law enforcement officers' and fire
11 fighters' retirement system, on or before March 1, 1975, an amount
12 which is equal to the employer's contributions which would have been
13 required under the prior act when such service was rendered if the
14 member had been a member of such system during such period: AND
15 PROVIDED FURTHER, That where a member is employed by two employers at
16 the same time, he shall only be credited with service to one such
17 employer for any month during which he rendered such dual service.

18 (b) "Service" for persons who establish membership in the
19 retirement system on or after October 1, 1977, means periods of
20 employment by a member for one or more employers for which basic salary
21 is earned for ninety or more hours per calendar month.

22 Members of the retirement system who are elected or appointed to a
23 state elective position may elect to continue to be members of this
24 retirement system.

25 Years of service shall be determined by dividing the total number
26 of months of service by twelve. Any fraction of a year of service as
27 so determined shall be taken into account in the computation of such
28 retirement allowance or benefits.

29 If a member receives basic salary from two or more employers during
30 any calendar month, the individual shall receive one month's service

1 credit during any calendar month in which multiple service for ninety
2 or more hours is rendered.

3 (15) "Accumulated contributions" means the employee's contributions
4 made by a member plus accrued interest credited thereon.

5 (16) "Actuarial reserve" means a method of financing a pension or
6 retirement plan wherein reserves are accumulated as the liabilities for
7 benefit payments are incurred in order that sufficient funds will be
8 available on the date of retirement of each member to pay the member's
9 future benefits during the period of retirement.

10 (17) "Actuarial valuation" means a mathematical determination of
11 the financial condition of a retirement plan. It includes the
12 computation of the present monetary value of benefits payable to
13 present members, and the present monetary value of future employer and
14 employee contributions, giving effect to mortality among active and
15 retired members and also to the rates of disability, retirement,
16 withdrawal from service, salary and interest earned on investments.

17 (18) "Disability board" means either the county disability board or
18 the city disability board established in RCW 41.26.110 for persons who
19 establish membership in the retirement system on or before September
20 30, 1977.

21 (19) "Disability leave" means the period of six months or any
22 portion thereof during which a member is on leave at an allowance equal
23 to the member's full salary prior to the commencement of disability
24 retirement. The definition contained in this subsection shall apply
25 only to persons who establish membership in the retirement system on or
26 before September 30, 1977.

27 (20) "Disability retirement" for persons who establish membership
28 in the retirement system on or before September 30, 1977, means the
29 period following termination of a member's disability leave, during
30 which the member is in receipt of a disability retirement allowance.

1 (21) "Position" means the employment held at any particular time,
2 which may or may not be the same as civil service rank.

3 (22) "Medical services" for persons who establish membership in the
4 retirement system on or before September 30, 1977, shall include the
5 following as minimum services to be provided. Reasonable charges for
6 these services shall be paid in accordance with RCW 41.26.150.

7 (a) Hospital expenses: These are the charges made by a hospital, in
8 its own behalf, for

9 (i) Board and room not to exceed semiprivate room rate unless
10 private room is required by the attending physician due to the
11 condition of the patient.

12 (ii) Necessary hospital services, other than board and room,
13 furnished by the hospital.

14 (b) Other medical expenses: The following charges are considered
15 "other medical expenses", provided that they have not been considered
16 as "hospital expenses".

17 (i) The fees of the following:

18 (A) A physician or surgeon licensed under the provisions of chapter
19 18.71 RCW;

20 (B) An osteopath licensed under the provisions of chapter 18.57
21 RCW;

22 (C) A chiropractor licensed under the provisions of chapter 18.25
23 RCW.

24 (ii) The charges of a registered graduate nurse other than a nurse
25 who ordinarily resides in the member's home, or is a member of the
26 family of either the member or the member's spouse.

27 (iii) The charges for the following medical services and supplies:

28 (A) Drugs and medicines upon a physician's prescription;

29 (B) Diagnostic x-ray and laboratory examinations;

30 (C) X-ray, radium, and radioactive isotopes therapy;

1 (D) Anesthesia and oxygen;

2 (E) Rental of iron lung and other durable medical and surgical
3 equipment;

4 (F) Artificial limbs and eyes, and casts, splints, and trusses;

5 (G) Professional ambulance service when used to transport the
6 member to or from a hospital when he is injured by an accident or
7 stricken by a disease;

8 (H) Dental charges incurred by a member who sustains an accidental
9 injury to his teeth and who commences treatment by a legally licensed
10 dentist within ninety days after the accident;

11 (I) Nursing home confinement or hospital extended care facility;

12 (J) Physical therapy by a registered physical therapist;

13 (K) Blood transfusions, including the cost of blood and blood
14 plasma not replaced by voluntary donors;

15 (L) An optometrist licensed under the provisions of chapter 18.53
16 RCW.

17 (23) "Regular interest" means such rate as the director may
18 determine.

19 (24) "Retiree" for persons who establish membership in the
20 retirement system on or after October 1, 1977, means any member in
21 receipt of a retirement allowance or other benefit provided by this
22 chapter resulting from service rendered to an employer by such member.

23 (25) "Department" means the department of retirement systems
24 created in chapter 41.50 RCW.

25 (26) "Director" means the director of the department.

26 (27) "State actuary" or "actuary" means the person appointed
27 pursuant to RCW 44.44.010(2).

28 (28) "State elective position" means any position held by any
29 person elected or appointed to state-wide office or elected or
30 appointed as a member of the legislature.

1 **Sec. 69.** RCW 43.19.520 and 1974 ex.s. c 40 s 1 are each amended to
2 read as follows:

3 It is the intent of the legislature to encourage state agencies and
4 departments to purchase products and/or services manufactured or
5 provided by sheltered workshops and programs of the department of
6 social and health services which operate facilities serving the
7 ((handicapped)) disabled and disadvantaged.

8 **Sec. 70.** RCW 43.20A.635 and 1979 c 141 s 52 are each amended to
9 read as follows:

10 It shall be the duty of the secretary of social and health services
11 and he or she shall have the power to establish and administer a
12 program of services for children who are crippled or who are suffering
13 from physical conditions which lead to crippling, which shall provide
14 for developing, extending, and improving services for locating such
15 children, and for providing for medical, surgical, corrective, and
16 other services and care, and facilities for diagnosis, hospitalization,
17 and after care; to supervise the administration of those services,
18 included in the program, which are not administered directly by it; to
19 extend and improve any such services, including those in existence on
20 April 1, 1941; to cooperate with medical, health, nursing, and welfare
21 groups and organizations, and with any agency of the state charged with
22 the administration of laws providing for vocational rehabilitation of
23 physically ((handicapped)) disabled children; to cooperate with the
24 federal government, through its appropriate agency or instrumentality
25 in developing, extending, and improving such services; and to receive
26 and expend all funds made available to the department by the federal
27 government, the state or its political subdivisions or from other
28 sources, for such purposes.

1 **Sec. 71.** RCW 43.20A.725 and 1990 c 89 s 3 are each amended to read
2 as follows:

3 (1) The department shall maintain a program whereby TDDs, signal
4 devices, a TDD relay system, and amplifying accessories capable of
5 serving the needs of the hearing and speech impaired shall be provided
6 at no charge additional to the basic exchange rate, to an individual of
7 school age or older, (a) who is certified as hearing impaired by a
8 licensed physician, audiologist, or a qualified state agency, and to
9 any subscriber that is an organization representing the hearing
10 impaired, as determined and specified by the TDD advisory committee; or
11 (b) who is certified as speech impaired by a licensed physician, speech
12 pathologist, or a qualified state agency, and to any subscriber that is
13 an organization representing the speech impaired, as determined and
14 specified by the TDD advisory committee. For the purpose of this
15 section, certification implies that individuals cannot use the
16 telephone for expressive or receptive communications due to hearing or
17 speech impairment.

18 (2) The office shall award contracts on a competitive basis, to
19 qualified persons for which eligibility to contract is determined by
20 the office, for the distribution and maintenance of such TDDs, signal
21 devices, and amplifying accessories as shall be determined by the
22 office. Such contract shall include a provision for the employment and
23 use of a qualified trainer and the training of recipients in the use of
24 such devices.

25 (3) The office shall establish and implement a policy for the
26 ultimate responsibility for recovery of TDDs, signal devices, and
27 amplifying accessories from recipients who are moving from this state
28 or who for other reasons are no longer using them.

29 (4) Pursuant to recommendations of the TDD advisory committee, the
30 office shall maintain a program whereby a relay system will be provided

1 state-wide using operator intervention to connect hearing impaired and
2 speech impaired persons and offices or organizations representing the
3 hearing impaired and speech impaired, as determined and specified by
4 the TDD advisory committee pursuant to RCW 43.20A.730. The relay
5 system shall be the most cost-effective possible and shall operate in
6 a manner consistent with federal requirements for such systems.

7 (5) The program shall be funded by telecommunications devices for
8 the deaf (TDD) excise tax applied to each switched access line provided
9 by the local exchange companies. The office shall determine, in
10 consultation with the TDD advisory committee, the amount of money
11 needed to fund the program on an annual basis, including both
12 operational costs and a reasonable amount for capital improvements such
13 as equipment upgrade and replacement. That information shall be given
14 by the department in an annual budget to the utilities and
15 transportation commission no later than March 1 prior to the beginning
16 of the fiscal year. The utilities and transportation commission shall
17 then determine the amount of TDD excise tax to be placed on each access
18 line and shall inform each local exchange company of this amount no
19 later than May 15. The TDD excise tax shall not exceed ten cents per
20 month per access line. Each local exchange company shall impose the
21 amount of excise tax determined by the commission as of July 1, and
22 shall remit the amount collected directly to the department on a
23 monthly basis. The TDD excise tax shall be separately identified on
24 each ratepayer's bill as "Telecommunications devices funds for deaf and
25 hearing impaired". All proceeds from the TDD excise tax shall be put
26 into a fund to be administered by the office through the department.

27 (6) The office shall administer and control the award of money to
28 all parties incurring costs in implementing and maintaining
29 telecommunications services, programs, equipment, and technical support
30 services in accordance with the provisions of RCW 43.20A.725.

1 (7) The department shall provide the legislature with a biennial
2 report on the operation of the program. The first report shall be
3 provided no later than December 1, 1990, and successive reports every
4 two years thereafter. Reports shall be prepared in consultation with
5 the TDD advisory committee and the utilities and transportation
6 commission. The reports shall, at a minimum, briefly outline the
7 accomplishments of the program, the number of persons served, revenues
8 and expenditures, the prioritizing of services to those eligible based
9 on such factors as degree of physical (~~handicap~~) disability or the
10 allocation of the program's revenue between provision of devices to
11 individuals and operation of the state-wide relay service, other major
12 policy or operational issues, and proposals for improvements or changes
13 for the program. The first report shall contain a study which includes
14 examination of like programs in other states, alternative methods of
15 financing the program, alternative methods of using the
16 telecommunications system, advantages and disadvantages of operating
17 the TDD program from within the department, by telecommunications
18 companies, and by a private, nonprofit corporation, and means to limit
19 demand for system usage.

20 (8) The program shall be consistent with the requirements of
21 federal law for the operation of both interstate and intrastate
22 telecommunications services for the deaf or hearing impaired or speech
23 impaired. The department and the utilities and transportation
24 commission shall be responsible for ensuring compliance with federal
25 requirements and shall provide timely notice to the legislature of any
26 legislation that may be required to accomplish compliance.

27 **Sec. 72.** RCW 43.24.090 and 1965 c 8 s 43.24.090 are each amended
28 to read as follows:

1 Any person taking any written examination prescribed or authorized
2 by law, for a license or permit to practice any trade, occupation, or
3 profession, who, because of any (~~handicap~~) disability, is unable to
4 write the examination himself or herself, may dictate it to and have it
5 written or typed by another, to the same effect as though the
6 examination were written out by himself or herself. Any expense
7 connected therewith shall be borne by the person taking the
8 examination.

9 **Sec. 73.** RCW 43.31.512 and 1989 c 430 s 7 are each amended to read
10 as follows:

11 The child care facility fund committee shall award loan guarantees,
12 loans or grants to those persons, businesses, or organizations meeting
13 the minimum standards set forth in this chapter who will best serve the
14 intent of the chapter to increase the availability of high quality,
15 affordable child care in Washington state. The committee shall
16 (~~promulgate~~) adopt rules regarding the application for and
17 disbursement of loan guarantees, loans, or grants from the fund,
18 including loan terms and repayment procedures. At a minimum, such
19 rules shall require an applicant to submit a plan which includes a
20 detailed description of:

21 (1) The need for a new or improved child care facility in the area
22 served by the applicant;

23 (2) The steps the applicant will take to serve a reasonable number
24 of (~~handicapped~~) disabled children (~~(as defined in chapter 72.40~~
25 ~~RCW)), sick children, infants, children requiring night time or weekend~~
26 ~~care, or children whose costs of care are subsidized by government;~~

27 (3) Why financial assistance from the state is needed to start or
28 improve the child care facility;

1 (4) How the guaranteed loan, loan, or grant will be used, and how
2 such uses will meet the described need;

3 (5) The child care services to be available at the facility and the
4 capacity of the applicant to provide those services; and

5 (6) The financial status of the applicant, including other
6 resources available to the applicant which will ensure the continued
7 viability of the facility and the availability of its described
8 services.

9 Recipients shall annually for two years following the receipt of
10 the loan guarantee, loan, or grant, submit to the child care facility
11 fund committee a report on the facility and how it is meeting the child
12 care needs for which it was intended.

13 **Sec. 74.** RCW 43.70.080 and 1989 1st ex.s. c 9 s 201 are each
14 amended to read as follows:

15 The powers and duties of the department of social and health
16 services and the secretary of social and health services under the
17 following statutes are hereby transferred to the department of health
18 and the secretary of health: Chapters 16.70, 18.20, 18.46, 18.71,
19 18.73, 18.76, 69.30, 70.28, 70.30, 70.32, 70.33, 70.50, 70.58, 70.62,
20 70.83, 70.83B, 70.90, 70.98, 70.104, 70.116, 70.118, 70.119, 70.119A,
21 70.121, 70.127, 70.142, and 80.50 RCW. More specifically, the
22 following programs and services presently administered by the
23 department of social and health services are hereby transferred to the
24 department of health:

25 (1) Personal health and protection programs and related management
26 and support services, including, but not limited to: Immunizations;
27 tuberculosis; sexually transmitted diseases; AIDS; diabetes control;
28 primary health care; cardiovascular risk reduction; kidney disease;
29 regional genetic services; newborn metabolic screening; sentinel birth

1 defects; cytogenetics; communicable disease epidemiology; and chronic
2 disease epidemiology;

3 (2) Environmental health protection services and related management
4 and support services, including, but not limited to: Radiation,
5 including x-ray control, radioactive materials, uranium mills, low-
6 level waste, emergency response and reactor safety, and environmental
7 radiation protection; drinking water; toxic substances; on-site sewage;
8 recreational water contact facilities; food services sanitation;
9 shellfish; and general environmental health services, including
10 schools, vectors, parks, and camps;

11 (3) Public health laboratory;

12 (4) Public health support services, including, but not limited to:
13 Vital records; health data; local public health services support; and
14 health education and information;

15 (5) Licensing and certification services including, but not limited
16 to: Health and personal care facility survey, construction review,
17 emergency medical services, laboratory quality assurance, and
18 accommodations surveys; and

19 (6) Effective January 1, 1991, parent and child health services and
20 related management support services, including, but not limited to:
21 Maternal and infant health; child health; parental health; nutrition;
22 (~~handicapped~~) disabled children's services; family planning;
23 adolescent pregnancy services; high priority infant tracking; early
24 intervention; parenting education; prenatal regionalization; and power
25 and duties under RCW 43.20A.635. The director of the office of
26 financial management may recommend to the legislature a delay in this
27 transfer, if it is determined that this time frame is not adequate.

28 **Sec. 75.** RCW 43.99C.010 and 1979 ex.s. c 221 s 1 are each amended
29 to read as follows:

1 The physical and mental health of the people of the state directly
2 affects the achievement of economic progress and full employment. The
3 establishment of a system of regional and community facilities for the
4 care, training, and rehabilitation of persons with sensory, physical,
5 or mental ((handicaps)) disabilities will provide the improved and
6 convenient services needed for an efficient work force and a healthy
7 and secure people.

8 **Sec. 76.** RCW 43.99C.015 and 1979 ex.s. c 221 s 2 are each amended
9 to read as follows:

10 For the purpose of financing the planning, acquisition,
11 construction, renovation, improvement, and equipping of regional and
12 community facilities for the care, training, and rehabilitation of
13 persons with sensory, physical, or mental ((handicaps)) disabilities,
14 the state finance committee is authorized to issue and sell general
15 obligation bonds of the state of Washington in the sum of twenty-five
16 million dollars, or so much thereof as may be required, to finance
17 these projects and all costs incidental thereto. No bonds or bond
18 anticipation notes authorized by this chapter shall be offered for sale
19 without prior legislative appropriation and the bonds shall be paid and
20 discharged within thirty years of the date of issuance in accordance
21 with Article VIII, section 1 of the state Constitution.

22 **Sec. 77.** RCW 43.99C.020 and 1979 ex.s c. 221 s 3 are each amended
23 to read as follows:

24 As used in this chapter, the term "facilities for the care,
25 training, and rehabilitation of persons with sensory, physical, or
26 mental ((handicaps)) disabilities" means real property and any interest
27 therein, equipment, buildings, structures, mobile units, parking
28 facilities, utilities, landscaping, and all incidental improvements and

1 appurtenances thereto, developed and owned by any public body within
2 the state for purposes of the care, training, and rehabilitation of
3 persons with sensory, physical, or mental ((handicaps)) disabilities
4 when used in the following limited programs as designated by the
5 department of social and health services: Nonprofit group training
6 homes, community centers, close to home living units, sheltered
7 workshops, vocational rehabilitation centers, developmental disability
8 training centers, and community homes for the mentally ill.

9 As used in this chapter, the term "public body" means the state of
10 Washington, or any agency, political subdivision, taxing district, or
11 municipal corporation thereof.

12 **Sec. 78.** RCW 43.99C.040 and 1985 c 57 s 55 are each amended to
13 read as follows:

14 The proceeds from the sale of the bonds and bond anticipation notes
15 authorized in this chapter, together with all grants, donations,
16 transferred funds, and all of the moneys which the state finance
17 committee or the state department of social and health services may
18 direct the state treasurer to deposit therein, shall be deposited in
19 the 1979 ((handicapped)) disabled facilities construction account
20 hereby created in the state treasury: PROVIDED, That such portion of
21 the proceeds of the sale of the bonds as may be required for the
22 payment of the principal of and the interest on any outstanding bond
23 anticipation notes, together with accrued interest on the bonds
24 received from the purchasers upon their delivery, shall be deposited in
25 the 1979 ((handicapped)) disabled facilities bond retirement fund. All
26 earnings of investments of balances in the 1979 ((handicapped))
27 disabled facilities construction account shall be credited to the
28 general fund.

1 **Sec. 79.** RCW 43.99C.047 and 1980 c 136 s 2 are each amended to
2 read as follows:

3 (1) No expenditure of funds shall be allowed for facilities for the
4 care, training, and rehabilitation of persons with sensory, physical,
5 or mental (~~handicaps~~) disabilities which have not been submitted to
6 the legislature in a budget document or schedule as specified in RCW
7 43.88.030(3), and have been approved through a capital appropriation;
8 except that, the fiscal committees of the legislature may approve such
9 facilities which have been, not later than December 1, 1980, verified
10 by the department of social and health services as meeting the assessed
11 need of a county and being ready to proceed.

12 (2) In order to assure compliance with RCW 43.99C.045, such
13 document or schedule shall indicate the population of each county, all
14 requests submitted from each county for participation in the
15 distribution of the bond proceeds, the requests which are proposed to
16 be accepted, and the basis for acceptance.

17 **Sec. 80.** RCW 43.99C.050 and 1979 ex.s. c 221 s 9 are each amended
18 to read as follows:

19 The 1979 (~~handicapped~~) disabled facilities bond redemption fund,
20 hereby created in the state treasury, shall be used for the purpose of
21 the payment of the principal of and redemption premium, if any, and
22 interest on the bonds and the bond anticipation notes authorized to be
23 issued under this chapter.

24 The state finance committee, on or before June 30 of each year,
25 shall certify to the state treasurer the amount required in the next
26 succeeding twelve months for the payment of the principal of and
27 interest coming due on the bonds. Not less than thirty days prior to
28 the date on which any interest or principal and interest payment is
29 due, the state treasurer shall withdraw from any general state revenue

1 received in the state treasury and deposit in the 1979 (~~handicapped~~)
2 disabled facilities bond redemption fund an amount equal to the amount
3 certified by the state finance committee to be due on the payment date.

4 If a state general obligation bond retirement fund is created in
5 the state treasury by chapter 230, Laws of 1979 ex. sess., and becomes
6 effective by statute prior to the issuance of any of the bonds
7 authorized by this chapter, the state general obligation bond
8 retirement fund shall be used for purposes of this chapter in lieu of
9 the 1979 (~~handicapped~~) disabled facilities bond redemption fund, and
10 the 1979 (~~handicapped~~) disabled facilities bond redemption fund shall
11 cease to exist.

12 **Sec. 81.** RCW 43.180.070 and 1983 c 161 s 7 are each amended to
13 read as follows:

14 The commission shall adopt a general plan of housing finance
15 objectives to be implemented by the commission during the period of the
16 plan. The commission shall adopt a plan no later than December 15,
17 1983. The commission may exercise the powers authorized under this
18 chapter prior to the adoption of the initial plan. In developing the
19 plan, the commission shall consider and set objectives for:

20 (1) The use of funds for single-family and multifamily housing;

21 (2) The use of funds for new construction, rehabilitation,
22 including refinancing of existing debt, and home purchases;

23 (3) The housing needs of low-income and moderate-income persons and
24 families, and of elderly or mentally or physically (~~handicapped~~)
25 disabled persons;

26 (4) The use of funds in coordination with federal, state, and local
27 housing programs for low-income persons;

28 (5) The use of funds in urban, rural, suburban, and special areas
29 of the state;

1 (6) The use of financing assistance to stabilize and upgrade
2 declining urban neighborhoods;

3 (7) The use of financing assistance for economically depressed
4 areas, areas of minority concentration, reservations, and in mortgage-
5 deficient areas;

6 (8) The geographical distribution of bond proceeds so that the
7 benefits of the housing programs provided under this chapter will be
8 available to address demand on a fair basis throughout the state;

9 (9) The use of financing assistance for implementation of cost-
10 effective energy efficiency measures in dwellings.

11 The plan shall include an estimate of the amount of bonds the
12 commission will issue during the term of the plan and how bond proceeds
13 will be expended.

14 The plan shall be adopted by resolution of the commission following
15 at least one public hearing thereon, notice of which shall be made by
16 mailing to the clerk of the governing body of each county and by
17 publication in the Washington State Register no more than forty and no
18 less than twenty days prior to the hearing. A draft of the plan shall
19 be made available not less than thirty days prior to any such public
20 hearing. At least every two years, the commission shall report to the
21 legislature regarding implementation of the plan.

22 Prior to December 31, 1983, the commission shall submit the plan to
23 the chief clerk of the house and secretary of the senate for
24 transmittal to and review by the appropriate standing committees. The
25 commission may periodically update the plan. Proposed changes of the
26 plan shall be submitted to the chief clerk of the house and secretary
27 of the senate for transmittal to and review by the appropriate standing
28 committees. This submittal of proposed changes shall occur at least
29 fourteen days before final adoption of the changes by the commission.

1 The commission shall adopt rules designed to result in the use of
2 bond proceeds in a manner consistent with the plan. These rules shall
3 be adopted and in full force and effect by February 1, 1984. The
4 commission may periodically update its rules.

5 The commission is not required to adopt a plan or rules for the use
6 of the proceeds of bonds issued prior to February, 1984. This section
7 is designed to deal only with the use of bond proceeds and nothing in
8 this section shall be construed as a limitation on the commission's
9 authority to issue bonds.

10 **Sec. 82.** RCW 43.220.070 and 1990 c 71 s 2 are each amended to read
11 as follows:

12 (1) Conservation corps members shall be unemployed residents of the
13 state between eighteen and twenty-five years of age at the time of
14 enrollment who are citizens or lawful permanent residents of the United
15 States. The age requirements may be waived for corps leaders and
16 specialists with special leadership or occupational skills; such
17 members shall be given special responsibility for providing leadership,
18 character development, and sense of community responsibility to the
19 corps members, groups, and work crews to which they are assigned. The
20 upper age requirement may be waived for residents who have a sensory or
21 mental (~~handicap~~) disability. Special effort shall be made to
22 recruit minority and disadvantaged youth who meet selection criteria of
23 the conservation corps. Preference shall be given to youths residing
24 in areas, both urban and rural, in which there exists substantial
25 unemployment exceeding the state average unemployment rate.

26 (2) The legislature finds that people with developmental
27 disabilities would benefit from experiencing a meaningful work
28 experience, and learning the value of labor and of membership in a
29 productive society.

1 The legislature urges state agencies that are participating in the
2 Washington conservation corps program to consider for enrollment in the
3 program people who have developmental disabilities, as defined in RCW
4 71A.10.020.

5 If an agency chooses to enroll people with developmental
6 disabilities in its Washington conservation corps program, the agency
7 may apply to the United States department of labor, employment
8 standards administration for a special subminimum wage certificate in
9 order to be allowed to pay enrollees with developmental disabilities
10 according to their individual levels of productivity.

11 (3) Corps members shall not be considered state employees. Other
12 provisions of law relating to civil service, hours of work, rate of
13 compensation, sick leave, unemployment compensation, state retirement
14 plans, and vacation leave do not apply to the Washington conservation
15 corps except for the crew leaders, who shall be project employees, and
16 the administrative and supervisory personnel.

17 (4) Enrollment shall be for a period of six months which may be
18 extended for an additional six months by mutual agreement of the corps
19 and the corps member. Corps members shall be reimbursed at the minimum
20 wage rate established by state or federal law, whichever is higher:
21 PROVIDED, That if agencies elect to run a residential program, the
22 appropriate costs for room and board shall be deducted from the corps
23 member's paycheck as provided in chapter 43.220 RCW.

24 (5) Corps members are to be available at all times for emergency
25 response services coordinated through the department of community
26 development or other public agency. Duties may include sandbagging and
27 flood cleanup, search and rescue, and other functions in response to
28 emergencies.

1 **Sec. 83.** RCW 46.74.010 and 1979 c 111 s 1 are each amended to read
2 as follows:

3 The definitions set forth in this section shall apply throughout
4 this chapter, unless the context clearly indicates otherwise.

5 (1) "Commuter ride sharing" means a car pool or van pool
6 arrangement whereby a fixed group not exceeding fifteen persons
7 including passengers and driver, is transported between their places of
8 abode or termini near such places, and their places of employment or
9 educational or other institutions, in a single daily round trip where
10 the driver is also on the way to or from his or her place of employment
11 or educational or other institution.

12 (2) "Ride sharing for the elderly and the handicapped" means a car
13 pool or van pool arrangement whereby a group of elderly and/or
14 ((handicapped)) disabled persons and their attendants, not exceeding
15 fifteen persons including passengers and driver, is transported by a
16 public social service agency or a private, nonprofit transportation
17 provider as defined in RCW 81.66.010(3): PROVIDED, That the driver
18 need be neither elderly nor ((handicapped)) disabled.

19 (3) "Ride-sharing vehicle" means a passenger motor vehicle with a
20 seating capacity not exceeding fifteen persons including the driver,
21 while being used for commuter ride sharing or for ride sharing for the
22 elderly and the ((handicapped)) disabled.

23 (4) "Ride-sharing operator" means the person, entity, or concern,
24 not necessarily the driver, responsible for the existence and
25 continuance of commuter ride sharing or ride sharing for the elderly
26 and the ((handicapped)) disabled.

27 (5) "Elderly" means any person sixty years of age or older.

28 (6) (("Handicapped")) "Disabled" means all persons who, by reason
29 of illness, injury, age, congenital malfunction, or other permanent or
30 temporary incapacity or disability, are unable without special

1 facilities or special planning or design to use mass transportation
2 facilities and services as efficiently as persons who are not so
3 affected. ((Handicapped)) Disabled people include (a) ambulatory
4 persons whose capacities are hindered by sensory disabilities such as
5 blindness or deafness, mental disabilities such as mental retardation
6 or emotional illness, physical disability which still permits the
7 person to walk comfortably, or a combination of these disabilities; (b)
8 semiambulatory persons who require special aids to travel such as
9 canes, crutches, walkers, respirators, or human assistance; and (c)
10 nonambulatory persons who must use wheelchairs or wheelchair-like
11 equipment to travel.

12 **Sec. 84.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read
13 as follows:

14 The transportation commission shall have the following functions,
15 powers, and duties:

16 (1) To propose policies to be adopted by the legislature designed
17 to assure the development and maintenance of a comprehensive and
18 balanced state-wide transportation system which will meet the needs of
19 the people of this state for safe and efficient transportation
20 services. Wherever appropriate the policies shall provide for the use
21 of integrated, intermodal transportation systems to implement the
22 social, economic, and environmental policies, goals, and objectives of
23 the people of the state, and especially to conserve nonrenewable
24 natural resources including land and energy. To this end the
25 commission shall:

26 (a) Develop transportation policies which are based on the
27 policies, goals, and objectives expressed and inherent in existing
28 state laws;

1 (b) Inventory the adopted policies, goals, and objectives of the
2 local and area-wide governmental bodies of the state and define the
3 role of the state, regional, and local governments in determining
4 transportation policies, in transportation planning, and in
5 implementing the state transportation plan;

6 (c) Propose a transportation policy for the state, and after notice
7 and public hearings, submit the proposal to the legislative
8 transportation committee and the senate and house transportation
9 committees by January 1, 1978, for consideration in the next
10 legislative session;

11 (d) Establish a procedure for review and revision of the state
12 transportation policy and for submission of proposed changes to the
13 legislature;

14 (e) To integrate the state-wide transportation plan with the needs
15 of the elderly and ((handicapped)) disabled, and to coordinate federal
16 and state programs directed at assisting local governments to answer
17 such needs;

18 (2) To establish the policy of the department to be followed by the
19 secretary on each of the following items:

20 (a) To provide for the effective coordination of state
21 transportation planning with national transportation policy, state and
22 local land use policies, and local and regional transportation plans
23 and programs;

24 (b) To provide for public involvement in transportation designed to
25 elicit the public's views both with respect to adequate transportation
26 services and appropriate means of minimizing adverse social, economic,
27 environmental, and energy impact of transportation programs;

28 (c) To provide for the administration of grants in aid and other
29 financial assistance to counties and municipal corporations for
30 transportation purposes;

1 (d) To provide for the management, sale, and lease of property or
2 property rights owned by the department which are not required for
3 transportation purposes;

4 (3) To direct the secretary to prepare and submit to the commission
5 a comprehensive and balanced state-wide transportation plan which shall
6 be based on the transportation policy adopted by the legislature and
7 applicable state and federal laws. After public notice and hearings,
8 the commission shall adopt the plan and submit it to the legislative
9 transportation committee and to the house and senate standing
10 committees on transportation before January 1, 1980, for consideration
11 in the 1980 regular legislative session. The plan shall be reviewed
12 and revised prior to each regular session of the legislature during an
13 even-numbered year thereafter. A preliminary plan shall be submitted
14 to such committees by January 1, 1979.

15 The plan shall take into account federal law and regulations
16 relating to the planning, construction, and operation of transportation
17 facilities;

18 (4) To propose to the governor and the legislature prior to the
19 convening of each regular session held in an odd-numbered year a
20 recommended budget for the operations of the commission as required by
21 RCW 47.01.061;

22 (5) To approve and propose to the governor and to the legislature
23 prior to the convening of each regular session during an odd-numbered
24 year a recommended budget for the operation of the department and for
25 carrying out the program of the department for the ensuing biennium.
26 The proposed budget shall separately state the appropriations to be
27 made from the motor vehicle fund for highway purposes in accordance
28 with constitutional limitations and appropriations and expenditures to
29 be made from the general fund, or accounts thereof, and other available
30 sources for other operations and programs of the department;

1 (6) To review and authorize all departmental requests for
2 legislation;

3 (7) To approve the issuance and sale of all bonds authorized by the
4 legislature for capital construction of state highways, toll
5 facilities, Columbia Basin county roads (for which reimbursement to the
6 motor vehicle fund has been provided), urban arterial projects, and
7 aviation facilities;

8 (8) To adopt such rules, regulations, and policy directives as may
9 be necessary to carry out reasonably and properly those functions
10 expressly vested in the commission by statute;

11 (9) To delegate any of its powers to the secretary of
12 transportation whenever it deems it desirable for the efficient
13 administration of the department and consistent with the purposes of
14 this title;

15 (10) To exercise such other specific powers and duties as may be
16 vested in the transportation commission by this or any other provision
17 of law.

18 **Sec. 85.** RCW 47.04.170 and 1985 c 20 s 1 are each amended to read
19 as follows:

20 The department of transportation is authorized to enter into and
21 perform agreements with federal agencies as may be necessary to secure
22 federal grants, loans, or other assistance on its own behalf or on
23 behalf of other public or private recipients for:

24 (1) Public transportation purposes, including but not limited to,
25 bus transportation, specialized transportation services for the elderly
26 and (~~handicapped~~) disabled, and ride sharing activities; and

27 (2) Rail transportation.

1 **Sec. 86.** RCW 48.01.035 and 1985 c 264 s 1 are each amended to read
2 as follows:

3 The term "developmental disability" as used in this title means a
4 disability attributable to mental retardation, cerebral palsy,
5 epilepsy, autism, or another neurological condition closely related to
6 mental retardation or to require treatment similar to that required for
7 mentally retarded individuals, which disability originates before such
8 individual attains age eighteen, which has continued or can be expected
9 to continue indefinitely, and which constitutes a substantial
10 (~~handicap~~) disability to such individual.

11 **Sec. 87.** RCW 48.20.420 and 1985 c 264 s 10 are each amended to
12 read as follows:

13 Any disability insurance contract providing health care services,
14 delivered or issued for delivery in this state more than one hundred
15 twenty days after August 11, 1969, which provides that coverage of a
16 dependent child shall terminate upon attainment of the limiting age for
17 dependent children specified in the contract, shall also provide in
18 substance that attainment of such limiting age shall not operate to
19 terminate the coverage of such child while the child is and continues
20 to be both (1) incapable of self-sustaining employment by reason of
21 developmental disability or physical (~~handicap~~) disability and (2)
22 chiefly dependent upon the subscriber for support and maintenance,
23 provided proof of such incapacity and dependency is furnished to the
24 insurer by the subscriber within thirty-one days of the child's
25 attainment of the limiting age and subsequently as may be required by
26 the insurer but not more frequently than annually after the two year
27 period following the child's attainment of the limiting age.

1 **Sec. 88.** RCW 48.21.150 and 1977 ex.s. c 80 s 32 are each amended
2 to read as follows:

3 Any group disability insurance contract or blanket disability
4 insurance contract, providing health care services, delivered or issued
5 for delivery in this state more than one hundred twenty days after
6 August 11, 1969, which provides that coverage of a dependent child of
7 an employee or other member of the covered group shall terminate upon
8 attainment of the limiting age for dependent children specified in the
9 contract shall also provide in substance that attainment of such
10 limiting age shall not operate to terminate the coverage of such child
11 while the child is and continues to be both (1) incapable of self-
12 sustaining employment by reason of developmental disability or physical
13 (~~handicap~~) disability and (2) chiefly dependent upon the employee or
14 member for support and maintenance, provided proof of such incapacity
15 and dependency is furnished to the insurer by the employee or member
16 within thirty-one days of the child's attainment of the limiting age
17 and subsequently as may be required by the insurer, but not more
18 frequently than annually after the two year period following the
19 child's attainment of the limiting age.

20 **Sec. 89.** RCW 48.30.300 and 1975-'76 2nd ex.s. c 119 s 7 are each
21 amended to read as follows:

22 No person or entity engaged in the business of insurance in this
23 state shall refuse to issue any contract of insurance or cancel or
24 decline to renew such contract because of the sex or marital status, or
25 the presence of any sensory, mental, or physical (~~handicap~~)
26 disability of the insured or prospective insured. The amount of
27 benefits payable, or any term, rate, condition, or type of coverage
28 shall not be restricted, modified, excluded, increased or reduced on
29 the basis of the sex or marital status, or be restricted, modified,

1 excluded or reduced on the basis of the presence of any sensory,
2 mental, or physical ((handicap)) disability of the insured or
3 prospective insured. These provisions shall not prohibit fair
4 discrimination on the basis of sex, or marital status, or the presence
5 of any sensory, mental, or physical ((handicap)) disability when bona
6 fide statistical differences in risk or exposure have been
7 substantiated.

8 **Sec. 90.** RCW 48.30.320 and 1979 c 133 s 1 are each amended to read
9 as follows:

10 Every authorized insurer, upon canceling, denying, or refusing to
11 renew any individual life, individual disability, homeowner, dwelling
12 fire, or private passenger automobile insurance policy, shall, upon
13 written request, directly notify in writing the applicant or insured,
14 as the case may be, of the reasons for the action by the insurer. Any
15 benefits, terms, rates, or conditions of such an insurance contract
16 which are restricted, excluded, modified, increased, or reduced because
17 of the presence of a sensory, mental, or physical ((handicap))
18 disability shall, upon written request, be set forth in writing and
19 supplied to the insured. The written communications required by this
20 section shall be phrased in simple language which is readily
21 understandable to a person of average intelligence, education, and
22 reading ability.

23 **Sec. 91.** RCW 48.41.140 and 1987 c 431 s 14 are each amended to
24 read as follows:

25 (1) Coverage shall provide that health insurance benefits are
26 applicable to children of the person in whose name the policy is issued
27 including adopted and newly born natural children. Coverage shall also
28 include necessary care and treatment of medically diagnosed congenital

1 defects and birth abnormalities. If payment of a specific premium is
2 required to provide coverage for the child, the policy may require that
3 notification of the birth or adoption of a child and payment of the
4 required premium must be furnished to the pool within thirty-one days
5 after the date of birth or adoption in order to have the coverage
6 continued beyond the thirty-one day period. For purposes of this
7 subsection, a child is deemed to be adopted, and benefits are payable,
8 when the child is physically placed for purposes of adoption under the
9 laws of this state with the person in whose name the policy is issued;
10 and, when the person in whose name the policy is issued assumes
11 financial responsibility for the medical expenses of the child. For
12 purposes of this subsection, "newly born" means, and benefits are
13 payable, from the moment of birth.

14 (2) A pool policy shall provide that coverage of a dependent,
15 unmarried person shall terminate when the person becomes nineteen years
16 of age: PROVIDED, That coverage of such person shall not terminate at
17 age nineteen while he or she is and continues to be both (a) incapable
18 of self-sustaining employment by reason of developmental disability or
19 physical ((handicap)) disability and (b) chiefly dependent upon the
20 person in whose name the policy is issued for support and maintenance,
21 provided proof of such incapacity and dependency is furnished to the
22 pool by the policy holder within thirty-one days of the dependent's
23 attainment of age nineteen and subsequently as may be required by the
24 pool but not more frequently than annually after the two-year period
25 following the dependent's attainment of age nineteen.

26 (3) A pool policy may contain provisions under which coverage is
27 excluded during a period of six months following the effective date of
28 coverage as to a given covered individual for preexisting conditions,
29 as long as medical advice or treatment was recommended or received
30 within a period of six months before the effective date of coverage.

1 These preexisting condition exclusions shall be waived to the
2 extent to which similar exclusions have been satisfied under any prior
3 health insurance which was for any reason other than nonpayment of
4 premium involuntarily terminated, if the application for pool coverage
5 is made not later than thirty days following the involuntary
6 termination. In that case, with payment of appropriate premium,
7 coverage in the pool shall be effective from the date on which the
8 prior coverage was terminated.

9 **Sec. 92.** RCW 48.44.200 and 1977 ex.s. c 80 s 33 are each amended
10 to read as follows:

11 An individual health care service plan contract, delivered or
12 issued for delivery in this state more than one hundred twenty days
13 after August 11, 1969, which provides that coverage of a dependent
14 child shall terminate upon attainment of the limiting age for dependent
15 children specified in the contract shall also provide in substance that
16 attainment of such limiting age shall not operate to terminate the
17 coverage of such child while the child is and continues to be both (1)
18 incapable of self-sustaining employment by reason of developmental
19 disability or physical ((handicap)) disability and (2) chiefly
20 dependent upon the subscriber for support and maintenance, provided
21 proof of such incapacity and dependency is furnished to the health care
22 service plan corporation by the subscriber within thirty-one days of
23 the child's attainment of the limiting age and subsequently as may be
24 required by the corporation but not more frequently than annually after
25 the two year period following the child's attainment of the limiting
26 age.

27 **Sec. 93.** RCW 48.44.210 and 1977 ex.s. c 80 s 34 are each amended
28 to read as follows:

1 A group health care service plan contract, delivered or issued for
2 delivery in this state more than one hundred twenty days after August
3 11, 1969, which provides that coverage of a dependent child of an
4 employee or other member of the covered group shall terminate upon
5 attainment of the limiting age for dependent children specified in the
6 contract shall also provide in substance that attainment of such
7 limiting age shall not operate to terminate the coverage of such child
8 while the child is and continues to be both (1) incapable of self-
9 sustaining employment by reason of developmental disability or physical
10 (~~handicap~~) disability and (2) chiefly dependent upon the employee or
11 member for support and maintenance, provided proof of such incapacity
12 and dependency is furnished to the health care service plan corporation
13 by the employee or member within thirty-one days of the child's
14 attainment of the limiting age and subsequently as may be required by
15 the corporation, but not more frequently than annually after the two
16 year period following the child's attainment of the limiting age.

17 **Sec. 94.** RCW 48.44.220 and 1983 c 154 s 4 are each amended to read
18 as follows:

19 No health care service contractor shall deny coverage to any person
20 solely on account of race, religion, national origin, or the presence
21 of any sensory, mental, or physical (~~handicap~~) disability. Nothing
22 in this section shall be construed as limiting a health care service
23 contractor's authority to deny or otherwise limit coverage to a person
24 when the person because of a medical condition does not meet the
25 essential eligibility requirements established by the health care
26 service contractor for purposes of determining coverage for any person.

27 No health care service contractor shall refuse to provide
28 reimbursement or indemnity to any person for covered health care

1 services for reasons that the health care services were provided by a
2 holder of a license under chapter 18.22 RCW.

3 **Sec. 95.** RCW 48.44.260 and 1979 c 133 s 3 are each amended to read
4 as follows:

5 Every authorized health care service contractor, upon canceling,
6 denying, or refusing to renew any individual health care service
7 contract, shall, upon written request, directly notify in writing the
8 applicant or insured, as the case may be, of the reasons for the action
9 by the health care service contractor. Any benefits, terms, rates, or
10 conditions of such a contract which are restricted, excluded, modified,
11 increased, or reduced because of the presence of a sensory, mental, or
12 physical (~~handicap~~) disability shall, upon written request, be set
13 forth in writing and supplied to the insured. The written
14 communications required by this section shall be phrased in simple
15 language which is readily understandable to a person of average
16 intelligence, education, and reading ability.

17 **Sec. 96.** RCW 48.46.320 and 1985 c 320 s 6 are each amended to read
18 as follows:

19 Any health maintenance agreement which provides that coverage of a
20 dependent child shall terminate upon attainment of the limiting age for
21 dependent children specified in the agreement shall also provide in
22 substance that attainment of such limiting age shall not operate to
23 terminate the coverage of such child while the child is and continues
24 to be both: (1) Incapable of self-sustaining employment by reason of
25 developmental disability or physical (~~handicap~~) disability; and (2)
26 chiefly dependent upon the subscriber for support and maintenance, if
27 proof of such incapacity and dependency is furnished to the health
28 maintenance organization by the enrolled participant within thirty-one

1 days of the child's attainment of the limiting age and subsequently as
2 required by the health maintenance organization but not more frequently
3 than annually after the two-year period following the child's
4 attainment of the limiting age.

5 **Sec. 97.** RCW 48.46.370 and 1983 c 106 s 15 are each amended to
6 read as follows:

7 No health maintenance organization may deny coverage to a person
8 solely on account of the presence of any sensory, mental, or physical
9 (~~handicap~~) disability. Nothing in this section may be construed as
10 limiting a health maintenance organization's authority to deny or
11 otherwise limit coverage to a person when the person because of a
12 medical condition does not meet the essential eligibility requirements
13 established by the health maintenance organization for purposes of
14 determining coverage for any person.

15 **Sec. 98.** RCW 48.46.380 and 1983 c 106 s 16 are each amended to
16 read as follows:

17 Every authorized health maintenance organization, upon canceling,
18 denying, or refusing to renew any individual health maintenance
19 agreement, shall, upon written request, directly notify in writing the
20 applicant or enrolled participant as appropriate, of the reasons for
21 the action by the health maintenance organization. Any benefits,
22 terms, rates, or conditions of such agreement which are restricted,
23 excluded, modified, increased, or reduced because of the presence of a
24 sensory, mental, or physical (~~handicap~~) disability shall, upon
25 written request, be set forth in writing and supplied to the
26 individual. The written communications required by this section shall
27 be phrased in simple language which is readily understandable to a
28 person of average intelligence, education, and reading ability.

1 **Sec. 99.** RCW 49.12.110 and 1977 ex.s. c 80 s 35 are each amended
2 to read as follows:

3 For any occupation in which a minimum wage has been established,
4 the committee through its secretary may issue to an employer, a special
5 certificate or permit for an employee who is physically or mentally
6 (~~handicapped~~) disabled to such a degree that he or she is unable to
7 obtain employment in the competitive labor market, or to a trainee or
8 learner not otherwise subject to the jurisdiction of the apprenticeship
9 council, a special certificate or permit authorizing the employment of
10 such employee for a wage less than the legal minimum wage; and the
11 committee shall fix the minimum wage for said person, such special
12 certificate or permit to be issued only in such cases as the committee
13 may decide the same is applied for in good faith and that such
14 certificate or permit shall be in force for such length of time as the
15 said committee shall decide and determine is proper.

16 **Sec. 100.** RCW 49.60.010 and 1985 c 185 s 1 are each amended to
17 read as follows:

18 This chapter shall be known as the "law against discrimination".
19 It is an exercise of the police power of the state for the protection
20 of the public welfare, health, and peace of the people of this state,
21 and in fulfillment of the provisions of the Constitution of this state
22 concerning civil rights. The legislature hereby finds and declares
23 that practices of discrimination against any of its inhabitants because
24 of race, creed, color, national origin, sex, marital status, age, or
25 the presence of any sensory, mental, or physical (~~handicap~~)
26 disability are a matter of state concern, that such discrimination
27 threatens not only the rights and proper privileges of its inhabitants
28 but menaces the institutions and foundation of a free democratic state.
29 A state agency is herein created with powers with respect to

1 elimination and prevention of discrimination in employment, in credit
2 and insurance transactions, in places of public resort, accommodation,
3 or amusement, and in real property transactions because of race, creed,
4 color, national origin, sex, marital status, age, or the presence of
5 any sensory, mental, or physical ((handicap)) disability; and the
6 commission established hereunder is hereby given general jurisdiction
7 and power for such purposes.

8 **Sec. 101.** RCW 49.60.020 and 1973 1st ex.s. c 214 s 2 are each
9 amended to read as follows:

10 The provisions of this chapter shall be construed liberally for the
11 accomplishment of the purposes thereof. Nothing contained in this
12 chapter shall be deemed to repeal any of the provisions of any other
13 law of this state relating to discrimination because of race, color,
14 creed, national origin, sex, marital status, age, or the presence of
15 any sensory, mental, or physical ((handicap)) disability, other than a
16 law which purports to require or permit doing any act which is an
17 unfair practice under this chapter. Nor shall anything herein
18 contained be construed to deny the right to any person to institute any
19 action or pursue any civil or criminal remedy based upon an alleged
20 violation of his or her civil rights.

21 **Sec. 102.** RCW 49.60.030 and 1984 c 32 s 2 are each amended to read
22 as follows:

23 (1) The right to be free from discrimination because of race,
24 creed, color, national origin, sex, or the presence of any sensory,
25 mental, or physical ((handicap)) disability is recognized as and
26 declared to be a civil right. This right shall include, but not be
27 limited to:

28 (a) The right to obtain and hold employment without discrimination;

1 (b) The right to the full enjoyment of any of the accommodations,
2 advantages, facilities, or privileges of any place of public resort,
3 accommodation, assemblage, or amusement;

4 (c) The right to engage in real estate transactions without
5 discrimination;

6 (d) The right to engage in credit transactions without
7 discrimination;

8 (e) The right to engage in insurance transactions or transactions
9 with health maintenance organizations without discrimination:
10 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,
11 48.44.220, or 48.46.370 does not constitute an unfair practice for the
12 purposes of this subparagraph; and

13 (f) The right to engage in commerce free from any discriminatory
14 boycotts or blacklists. Discriminatory boycotts or blacklists for
15 purposes of this section shall be defined as the formation or execution
16 of any express or implied agreement, understanding, policy or
17 contractual arrangement for economic benefit between any persons which
18 is not specifically authorized by the laws of the United States and
19 which is required or imposed, either directly or indirectly, overtly or
20 covertly, by a foreign government or foreign person in order to
21 restrict, condition, prohibit, or interfere with or in order to exclude
22 any person or persons from any business relationship on the basis of
23 race, color, creed, religion, sex, national origin or lawful business
24 relationship: PROVIDED HOWEVER, That nothing herein contained shall
25 prohibit the use of boycotts as authorized by law pertaining to labor
26 disputes and unfair labor practices.

27 (2) Any person deeming himself or herself injured by any act in
28 violation of this chapter shall have a civil action in a court of
29 competent jurisdiction to enjoin further violations, to recover the
30 actual damages sustained by ((him)) the person, or both, together with

1 the cost of suit including a reasonable attorney's fees or any other
2 remedy authorized by this chapter or the United States Civil Rights Act
3 of 1964; and

4 (3) Notwithstanding any other provisions of this chapter, any act
5 prohibited by this chapter related to sex discrimination or
6 discriminatory boycotts or blacklists which is committed in the course
7 of trade or commerce in the state of Washington as defined in the
8 Consumer Protection Act, chapter 19.86 RCW, shall be deemed an unfair
9 practice within the meaning of RCW 19.86.020 and 19.86.030 and subject
10 to all the provisions of chapter 19.86 RCW as now or hereafter amended.

11 **Sec. 103.** RCW 49.60.040 and 1985 c 203 s 2 and 1985 c 185 s 2 are
12 each reenacted and amended to read as follows:

13 As used in this chapter:

14 "Person" includes one or more individuals, partnerships,
15 associations, organizations, corporations, cooperatives, legal
16 representatives, trustees and receivers, or any group of persons; it
17 includes any owner, lessee, proprietor, manager, agent, or employee,
18 whether one or more natural persons; and further includes any political
19 or civil subdivisions of the state and any agency or instrumentality of
20 the state or of any political or civil subdivision thereof;

21 "Commission" means the Washington state human rights commission;

22 "Employer" includes any person acting in the interest of an
23 employer, directly or indirectly, who employs eight or more persons,
24 and does not include any religious or sectarian organization not
25 organized for private profit;

26 "Employee" does not include any individual employed by his or her
27 parents, spouse, or child, or in the domestic service of any person;

28 "Labor organization" includes any organization which exists for the
29 purpose, in whole or in part, of dealing with employers concerning

1 grievances or terms or conditions of employment, or for other mutual
2 aid or protection in connection with employment;

3 "Employment agency" includes any person undertaking with or without
4 compensation to recruit, procure, refer, or place employees for an
5 employer;

6 "National origin" includes "ancestry";

7 "Full enjoyment of" includes the right to purchase any service,
8 commodity, or article of personal property offered or sold on, or by,
9 any establishment to the public, and the admission of any person to
10 accommodations, advantages, facilities, or privileges of any place of
11 public resort, accommodation, assemblage, or amusement, without acts
12 directly or indirectly causing persons of any particular race, creed,
13 color, sex, or with any sensory, mental, or physical ((handicap))
14 disability, or a blind or deaf person using a trained dog guide, to be
15 treated as not welcome, accepted, desired, or solicited;

16 "Any place of public resort, accommodation, assemblage, or
17 amusement" includes, but is not limited to, any place, licensed or
18 unlicensed, kept for gain, hire, or reward, or where charges are made
19 for admission, service, occupancy, or use of any property or
20 facilities, whether conducted for the entertainment, housing, or
21 lodging of transient guests, or for the benefit, use, or accommodation
22 of those seeking health, recreation, or rest, or for the burial or
23 other disposition of human remains, or for the sale of goods,
24 merchandise, services, or personal property, or for the rendering of
25 personal services, or for public conveyance or transportation on land,
26 water, or in the air, including the stations and terminals thereof and
27 the garaging of vehicles, or where food or beverages of any kind are
28 sold for consumption on the premises, or where public amusement,
29 entertainment, sports, or recreation of any kind is offered with or
30 without charge, or where medical service or care is made available, or

1 where the public gathers, congregates, or assembles for amusement,
2 recreation, or public purposes, or public halls, public elevators, and
3 public washrooms of buildings and structures occupied by two or more
4 tenants, or by the owner and one or more tenants, or any public library
5 or educational institution, or schools of special instruction, or
6 nursery schools, or day care centers or children's camps: PROVIDED,
7 That nothing contained in this definition shall be construed to include
8 or apply to any institute, bona fide club, or place of accommodation,
9 which is by its nature distinctly private, including fraternal
10 organizations, though where public use is permitted that use shall be
11 covered by this chapter; nor shall anything contained in this
12 definition apply to any educational facility, columbarium, crematory,
13 mausoleum, or cemetery operated or maintained by a bona fide religious
14 or sectarian institution;

15 "Real property" includes buildings, structures, real estate, lands,
16 tenements, leaseholds, interests in real estate cooperatives,
17 condominiums, and hereditaments, corporeal and incorporeal, or any
18 interest therein;

19 "Real estate transaction" includes the sale, exchange, purchase,
20 rental, or lease of real property;

21 "Sex" means gender.

22 "Credit transaction" includes any open or closed end credit
23 transaction, whether in the nature of a loan, retail installment
24 transaction, credit card issue or charge, or otherwise, and whether for
25 personal or for business purposes, in which a service, finance, or
26 interest charge is imposed, or which provides for repayment in
27 scheduled payments, when such credit is extended in the regular course
28 of any trade or commerce, including but not limited to transactions by
29 banks, savings and loan associations or other financial lending
30 institutions of whatever nature, stock brokers, or by a merchant or

1 mercantile establishment which as part of its ordinary business permits
2 or provides that payment for purchases of property or service therefrom
3 may be deferred.

4 **Sec. 104.** RCW 49.60.120 and 1985 c 185 s 10 are each amended to
5 read as follows:

6 The commission shall have the functions, powers and duties:

7 (1) To appoint an executive secretary and chief examiner, and such
8 investigators, examiners, clerks, and other employees and agents as it
9 may deem necessary, fix their compensation within the limitations
10 provided by law, and prescribe their duties.

11 (2) To obtain upon request and utilize the services of all
12 governmental departments and agencies.

13 (3) To adopt, promulgate, amend, and rescind suitable rules (~~and~~
14 ~~regulations~~) to carry out the provisions of this chapter, and the
15 policies and practices of the commission in connection therewith.

16 (4) To receive, investigate, and pass upon complaints alleging
17 unfair practices as defined in this chapter.

18 (5) To issue such publications and such results of investigations
19 and research as in its judgment will tend to promote good will and
20 minimize or eliminate discrimination because of sex, race, creed,
21 color, national origin, marital status, age, or the presence of any
22 sensory, mental, or physical (~~handicap~~) disability.

23 (6) To make such technical studies as are appropriate to effectuate
24 the purposes and policies of this chapter and to publish and distribute
25 the reports of such studies.

26 (7) To cooperate and act jointly or by division of labor with the
27 United States or other states, and with political subdivisions of the
28 state of Washington and their respective human rights agencies to carry
29 out the purposes of this chapter. However, the powers which may be

1 exercised by the commission under this subsection permit investigations
2 and complaint dispositions only if the investigations are designed to
3 reveal, or the complaint deals only with, allegations which, if proven,
4 would constitute unfair practices under this chapter. The commission
5 may perform such services for these agencies and be reimbursed
6 therefor.

7 (8) To foster good relations between minority and majority
8 population groups of the state through seminars, conferences,
9 educational programs, and other intergroup relations activities.

10 **Sec. 105.** RCW 49.60.130 and 1985 c 185 s 11 are each amended to
11 read as follows:

12 The commission has power to create such advisory agencies and
13 conciliation councils, local, regional, or state-wide, as in its
14 judgment will aid in effectuating the purposes of this chapter. The
15 commission may empower them to study the problems of discrimination in
16 all or specific fields of human relationships or in specific instances
17 of discrimination because of sex, race, creed, color, national origin,
18 marital status, age, or the presence of any sensory, mental, or
19 physical ((handicap)) disability; to foster through community effort or
20 otherwise good will, cooperation, and conciliation among the groups and
21 elements of the population of the state, and to make recommendations to
22 the commission for the development of policies and procedures in
23 general and in specific instances, and for programs of formal and
24 informal education which the commission may recommend to the
25 appropriate state agency.

26 Such advisory agencies and conciliation councils shall be composed
27 of representative citizens, serving without pay, but with reimbursement
28 for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as
29 now existing or hereafter amended, and the commission may make

1 provision for technical and clerical assistance to such agencies and
2 councils and for the expenses of such assistance. The commission may
3 use organizations specifically experienced in dealing with questions of
4 discrimination.

5 **Sec. 106.** RCW 49.60.174 and 1988 c 206 s 902 are each amended to
6 read as follows:

7 (1) For the purposes of determining whether an unfair practice
8 under this chapter has occurred, claims of discrimination based on
9 actual or perceived HIV infection shall be evaluated in the same manner
10 as other claims of discrimination based on sensory, mental, or physical
11 (~~handicap~~) disability.

12 (2) Subsection (1) of this section shall not apply to transactions
13 with insurance entities, health service contractors, or health
14 maintenance organizations subject to RCW 49.60.030(1)(e) or 49.60.178
15 to prohibit fair discrimination on the basis of actual HIV infection
16 status when bona fide statistical differences in risk or exposure have
17 been substantiated.

18 (3) For the purposes of this chapter, "HIV" means the human
19 immunodeficiency virus, and includes all HIV and HIV-related viruses
20 which damage the cellular branch of the human immune system and leave
21 the infected person immunodeficient.

22 **Sec. 107.** RCW 49.60.175 and 1979 c 127 s 4 are each amended to
23 read as follows:

24 It shall be an unfair practice to use the sex, race, creed, color,
25 national origin, marital status, or the presence of any sensory,
26 mental, or physical (~~handicap~~) disability of any person concerning an
27 application for credit in any credit transaction to determine the
28 credit worthiness of an applicant.

1 **Sec. 108.** RCW 49.60.176 and 1979 c 127 s 5 are each amended to
2 read as follows:

3 (1) It is an unfair practice for any person whether acting for
4 himself, herself, or another in connection with any credit transaction
5 because of race, creed, color, national origin, sex, marital status, or
6 the presence of any sensory, mental, or physical (~~handicap~~)
7 disability:

8 (a) To deny credit to any person;

9 (b) To increase the charges or fees for or collateral required to
10 secure any credit extended to any person;

11 (c) To restrict the amount or use of credit extended or to impose
12 different terms or conditions with respect to the credit extended to
13 any person or any item or service related thereto;

14 (d) To attempt to do any of the unfair practices defined in this
15 section.

16 (2) Nothing in this section shall prohibit any party to a credit
17 transaction from considering the credit history of any individual
18 applicant.

19 (3) Further, nothing in this section shall prohibit any party to a
20 credit transaction from considering the application of the community
21 property law to the individual case or from taking reasonable action
22 thereon.

23 **Sec. 109.** RCW 49.60.178 and 1984 c 32 s 1 are each amended to read
24 as follows:

25 It is an unfair practice for any person whether acting for himself,
26 herself, or another in connection with an insurance transaction or
27 transaction with a health maintenance organization to cancel or fail or
28 refuse to issue or renew insurance or a health maintenance agreement to
29 any person because of sex, marital status, race, creed, color, national

1 origin, or the presence of any sensory, mental, or physical
2 ((handicap)) disability: PROVIDED, That a practice which is not
3 unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not
4 constitute an unfair practice for the purposes of this section. For
5 the purposes of this section, "insurance transaction" is defined in RCW
6 48.01.060, health maintenance agreement is defined in RCW 48.46.020,
7 and "health maintenance organization" is defined in RCW 48.46.020.

8 The fact that such unfair practice may also be a violation of
9 chapter 48.30, 48.44, or 48.46 RCW does not constitute a defense to an
10 action brought under this section.

11 The insurance commissioner, under RCW 48.30.300, and the human
12 rights commission, under chapter 49.60 RCW, shall have concurrent
13 jurisdiction under this section and shall enter into a working
14 agreement as to procedure to be followed in complaints under this
15 section.

16 **Sec. 110.** RCW 49.60.180 and 1985 c 185 s 16 are each amended to
17 read as follows:

18 It is an unfair practice for any employer:

19 (1) To refuse to hire any person because of age, sex, marital
20 status, race, creed, color, national origin, or the presence of any
21 sensory, mental, or physical ((handicap)) disability, unless based upon
22 a bona fide occupational qualification: PROVIDED, That the prohibition
23 against discrimination because of such ((handicap)) disability shall
24 not apply if the particular disability prevents the proper performance
25 of the particular worker involved.

26 (2) To discharge or bar any person from employment because of age,
27 sex, marital status, race, creed, color, national origin, or the
28 presence of any sensory, mental, or physical ((handicap)) disability.

1 (3) To discriminate against any person in compensation or in other
2 terms or conditions of employment because of age, sex, marital status,
3 race, creed, color, national origin, or the presence of any sensory,
4 mental, or physical ((handicap)) disability: PROVIDED, That it shall
5 not be an unfair practice for an employer to segregate washrooms or
6 locker facilities on the basis of sex, or to base other terms and
7 conditions of employment on the sex of employees where the commission
8 by regulation or ruling in a particular instance has found the
9 employment practice to be appropriate for the practical realization of
10 equality of opportunity between the sexes.

11 (4) To print, or circulate, or cause to be printed or circulated
12 any statement, advertisement, or publication, or to use any form of
13 application for employment, or to make any inquiry in connection with
14 prospective employment, which expresses any limitation, specification,
15 or discrimination as to age, sex, marital status, race, creed, color,
16 national origin, or the presence of any sensory, mental, or physical
17 ((handicap)) disability, or any intent to make any such limitation,
18 specification, or discrimination, unless based upon a bona fide
19 occupational qualification: PROVIDED, Nothing contained herein shall
20 prohibit advertising in a foreign language.

21 **Sec. 111.** RCW 49.60.190 and 1985 c 185 s 17 are each amended to
22 read as follows:

23 It is an unfair practice for any labor union or labor organization:

24 (1) To deny membership and full membership rights and privileges to
25 any person because of age, sex, marital status, race, creed, color,
26 national origin, or the presence of any sensory, mental, or physical
27 ((handicap)) disability.

1 (2) To expel from membership any person because of age, sex,
2 marital status, race, creed, color, national origin, or the presence of
3 any sensory, mental, or physical ((handicap)) disability.

4 (3) To discriminate against any member, employer, employee, or
5 other person to whom a duty of representation is owed because of age,
6 sex, marital status, race, creed, color, national origin, or the
7 presence of any sensory, mental, or physical ((handicap)) disability.

8 **Sec. 112.** RCW 49.60.200 and 1973 1st ex.s. c 214 s 9 are each
9 amended to read as follows:

10 It is an unfair practice for any employment agency to fail or
11 refuse to classify properly or refer for employment, or otherwise to
12 discriminate against, an individual because of age, sex, marital
13 status, race, creed, color, national origin, or the presence of any
14 sensory, mental, or physical ((handicap)) disability, or to print or
15 circulate, or cause to be printed or circulated any statement,
16 advertisement, or publication, or to use any form of application for
17 employment, or to make any inquiry in connection with prospective
18 employment, which expresses any limitation, specification or
19 discrimination as to age, sex, race, creed, color, or national origin,
20 or the presence of any sensory, mental, or physical ((handicap))
21 disability, or any intent to make any such limitation, specification,
22 or discrimination, unless based upon a bona fide occupational
23 qualification: PROVIDED, Nothing contained herein shall prohibit
24 advertising in a foreign language.

25 **Sec. 113.** RCW 49.60.215 and 1985 c 203 s 1 and 1985 c 90 s 6 are
26 each reenacted and amended to read as follows:

27 It shall be an unfair practice for any person or his or her agent
28 or employee to commit an act which directly or indirectly results in

1 any distinction, restriction, or discrimination, or the requiring of
2 any person to pay a larger sum than the uniform rates charged other
3 persons, or the refusing or withholding from any person the admission,
4 patronage, custom, presence, frequenting, dwelling, staying, or lodging
5 in any place of public resort, accommodation, assemblage, or amusement,
6 except for conditions and limitations established by law and applicable
7 to all persons, regardless of race, creed, color, national origin, sex,
8 the presence of any sensory, mental, or physical ((handicap))
9 disability, or the use of a trained dog guide by a blind, deaf, or
10 physically disabled person: PROVIDED, That this section shall not be
11 construed to require structural changes, modifications, or additions to
12 make any place accessible to a ((handicapped)) disabled person except
13 as otherwise required by law: PROVIDED, That behavior or actions
14 constituting a risk to property or other persons can be grounds for
15 refusal and shall not constitute an unfair practice.

16 **Sec. 114.** RCW 49.60.222 and 1989 c 61 s 1 are each amended to read
17 as follows:

18 It is an unfair practice for any person, whether acting for
19 himself, herself, or another, because of sex, marital status, race,
20 creed, color, national origin, the presence of any sensory, mental, or
21 physical ((handicap)) disability, or the use of a trained guide dog or
22 service dog by a blind, deaf, or physically disabled person:

23 (1) To refuse to engage in a real estate transaction with a person;

24 (2) To discriminate against a person in the terms, conditions, or
25 privileges of a real estate transaction or in the furnishing of
26 facilities or services in connection therewith;

27 (3) To refuse to receive or to fail to transmit a bona fide offer
28 to engage in a real estate transaction from a person;

1 (4) To refuse to negotiate for a real estate transaction with a
2 person;

3 (5) To represent to a person that real property is not available
4 for inspection, sale, rental, or lease when in fact it is so available,
5 or to fail to bring a property listing to his or her attention, or to
6 refuse to permit ((him)) the person to inspect real property;

7 (6) To print, circulate, post, or mail, or cause to be so published
8 a statement, advertisement, or sign, or to use a form of application
9 for a real estate transaction, or to make a record or inquiry in
10 connection with a prospective real estate transaction, which indicates,
11 directly or indirectly, an intent to make a limitation, specification,
12 or discrimination with respect thereto;

13 (7) To offer, solicit, accept, use, or retain a listing of real
14 property with the understanding that a person may be discriminated
15 against in a real estate transaction or in the furnishing of facilities
16 or services in connection therewith;

17 (8) To expel a person from occupancy of real property;

18 (9) To discriminate in the course of negotiating, executing, or
19 financing a real estate transaction whether by mortgage, deed of trust,
20 contract, or other instrument imposing a lien or other security in real
21 property, or in negotiating or executing any item or service related
22 thereto including issuance of title insurance, mortgage insurance, loan
23 guarantee, or other aspect of the transaction. Nothing in this section
24 shall limit the effect of RCW 49.60.176 relating to unfair practices in
25 credit transactions; or

26 (10) To attempt to do any of the unfair practices defined in this
27 section.

28 Notwithstanding any other provision of law, it shall not be an
29 unfair practice or a denial of civil rights for any public or private
30 educational institution to separate the sexes or give preference to or

1 limit use of dormitories, residence halls, or other student housing to
2 persons of one sex or to make distinctions on the basis of marital or
3 family status.

4 This section shall not be construed to require structural changes,
5 modifications, or additions to make facilities accessible to a
6 (~~handicapped~~) disabled person except as otherwise required by law.
7 Nothing in this section affects the rights and responsibilities of
8 landlords and tenants pursuant to chapter 59.18 RCW.

9 **Sec. 115.** RCW 49.60.223 and 1979 c 127 s 9 are each amended to
10 read as follows:

11 It is an unfair practice for any person, for profit, to induce or
12 attempt to induce any person to sell or rent any real property by
13 representations regarding the entry or prospective entry into the
14 neighborhood of a person or persons of a particular race, creed, color,
15 national origin, or with any sensory, mental, or physical (~~handicap~~)
16 disability.

17 **Sec. 116.** RCW 49.60.224 and 1979 c 127 s 10 are each amended to
18 read as follows:

19 (1) Every provision in a written instrument relating to real
20 property which purports to forbid or restrict the conveyance,
21 encumbrance, occupancy, or lease thereof to individuals of a specified
22 race, creed, color, national origin, or with any sensory, mental, or
23 physical (~~handicap~~) disability, and every condition, restriction, or
24 prohibition, including a right of entry or possibility of reverter,
25 which directly or indirectly limits the use or occupancy of real
26 property on the basis of race, creed, color, national origin, or the
27 presence of any sensory, mental, or physical (~~handicap~~) disability is
28 void.

1 (2) It is an unfair practice to insert in a written instrument
2 relating to real property a provision that is void under this section
3 or to honor or attempt to honor such a provision in the chain of title.

4 **Sec. 117.** RCW 49.60.225 and 1985 c 185 s 19 are each amended to
5 read as follows:

6 When a determination has been made under RCW 49.60.250 that an
7 unfair practice involving real property has been committed, the
8 commission may, in addition to other relief authorized by RCW
9 49.60.250, award the complainant up to one thousand dollars for loss of
10 the right secured by RCW 49.60.010, 49.60.030, 49.60.040, and 49.60.222
11 through 49.60.226, as now or hereafter amended, to be free from
12 discrimination in real property transactions because of sex, marital
13 status, race, creed, color, national origin, or the presence of any
14 sensory, mental, or physical (~~handicap~~) disability. Enforcement of
15 the order and appeal therefrom by the complainant or respondent shall
16 be made as provided in RCW 49.60.260 and 49.60.270.

17 **Sec. 118.** RCW 49.74.005 and 1985 c 365 s 7 are each amended to
18 read as follows:

19 Discrimination because of race, creed, color, national origin, age,
20 sex, marital status, or the presence of any sensory, mental, or
21 physical (~~handicap~~) disability is contrary to the findings of the
22 legislature and public policy. The legislature finds and declares that
23 racial minorities, women, persons in protected age groups, persons with
24 disabilities, Vietnam-era veterans, and disabled veterans are
25 underrepresented in Washington state government employment.

26 The purpose of this chapter is to provide for enforcement measures
27 for affirmative action within Washington state government employment

1 and institutions of higher education in order to eliminate such
2 underrepresentation.

3 **Sec. 119.** RCW 50.12.210 and 1987 c 76 s 1 are each amended to read
4 as follows:

5 It is the policy of the state of Washington that persons with
6 physical, mental, or sensory ((handicaps)) disabilities shall be given
7 equal opportunities in employment. The legislature recognizes that
8 ((handicapped)) disabled persons have faced unfair discrimination in
9 employment.

10 For these reasons, the state employment service division of the
11 employment security department shall give particular and special
12 attention service to those persons with physical, mental, or sensory
13 ((handicaps)) disabilities which substantially limit one or more of
14 their major life functions as defined under P.L. 93-112 and rules
15 ((promulgated)) adopted thereunder. Particular and special attention
16 service shall include but not be limited to particular and special
17 attention in counseling, referral, notification of job listings in
18 advance of other persons, and other services of the employment service
19 division.

20 Nothing in this section shall be construed so as to affect the
21 veteran's preference or any other requirement of the United States
22 department of labor.

23 The employment security department shall report to the house and
24 senate commerce and labor committees by December 1, 1987, on its
25 accomplishments under this section and on its future plans for
26 implementation of this section. The department shall report to the
27 above mentioned committees every odd-numbered year thereafter on its
28 actions under this section.

1 The employment security department shall establish rules to
2 implement this section.

3 **Sec. 120.** RCW 51.08.030 and 1986 c 293 s 1 are each amended to
4 read as follows:

5 "Child" means every natural born child, posthumous child,
6 stepchild, child legally adopted prior to the injury, child born after
7 the injury where conception occurred prior to the injury, and dependent
8 child in the legal custody and control of the worker, all while under
9 the age of eighteen years, or under the age of twenty-three years while
10 permanently enrolled at a full time course in an accredited school, and
11 over the age of eighteen years if the child is a dependent as a result
12 of a physical, mental, or sensory (~~handicap~~) disability.

13 **Sec. 121.** RCW 56.08.014 and 1983 c 198 s 1 are each amended to
14 read as follows:

15 In addition to the authority of a sewer district to establish
16 classifications for rates and charges and impose such rates and
17 charges, as provided in RCW 56.08.010 and 56.16.090, a sewer district
18 may adjust, or delay such rates and charges for low-income persons or
19 classes of low-income persons, including but not limited to, poor
20 (~~handicapped~~) disabled persons and poor senior citizens. Other
21 financial assistance available to poor persons shall be considered in
22 determining charges and rates under this section. Notification of
23 special rates or charges established under this section shall be
24 provided to all persons served by the district annually and upon
25 initiating service. Information on cost shifts caused by establishment
26 of the special rates or charges shall be included in the notification.
27 Any reduction in charges and rates granted to poor persons in one part

1 of a service area shall be uniformly extended to poor persons in all
2 other parts of the service area.

3 **Sec. 122.** RCW 57.08.014 and 1983 c 198 s 2 are each amended to
4 read as follows:

5 In addition to the authority of a water district to establish
6 classifications for rates and charges and impose such rates and
7 charges, as provided in RCW 57.08.010 and 57.20.020, a water district
8 may adjust, or delay such rates and charges for poor persons or classes
9 of poor persons, including but not limited to, poor (~~handicapped~~)
10 disabled persons and poor senior citizens. Other financial assistance
11 available to poor persons shall be considered in determining charges
12 and rates under this section. Notification of special rates or charges
13 established under this section shall be provided to all persons served
14 by the district annually and upon initiating service. Information on
15 cost shifts caused by establishment of the special rates or charges
16 shall be included in the notification. Any reduction in charges and
17 rates granted to poor persons in one part of a service area shall be
18 uniformly extended to poor persons in all other parts of the service
19 area.

20 **Sec. 123.** RCW 66.24.425 and 1982 c 85 s 3 are each amended to read
21 as follows:

22 (1) The board may, in its discretion, issue a class H license to a
23 business which qualifies as a "restaurant" as that term is defined in
24 RCW 66.24.410 in all respects except that the business does not serve
25 the general public but, through membership qualification, selectively
26 restricts admission to the business. For purposes of RCW 66.24.400 and
27 66.24.420, all licenses issued under this section shall be considered
28 class H restaurant licenses and shall be subject to all requirements,

1 fees, and qualifications in this title, or in rules adopted by the
2 board, as are applicable to class H restaurant licenses generally
3 except that no service to the general public may be required.

4 (2) No license shall be issued under this section to a business:

5 (a) Which shall not have been in continuous operation for at least
6 one year immediately prior to the date of its application; or

7 (b) Which denies membership or admission to any person because of
8 race, creed, color, national origin, sex, or the presence of any
9 sensory, mental, or physical (~~handicap~~) disability.

10 **Sec. 124.** RCW 70.58.300 and 1959 c 177 s 1 are each amended to
11 read as follows:

12 The purpose of this enactment is to provide a registry for
13 (~~handicapped~~) disabled children as an aid to their timely treatment
14 and care.

15 **Sec. 125.** RCW 70.58.310 and 1979 c 141 s 10 are each amended to
16 read as follows:

17 The secretary of social and health services, through the state
18 registrar of vital statistics, shall establish and maintain a registry
19 for (~~handicapped~~) disabled children.

20 **Sec. 126.** RCW 70.82.010 and 1974 ex.s. c 91 s 2 are each amended
21 to read as follows:

22 It is hereby declared to be of vital concern to the state of
23 Washington that all persons who are bona fide residents of the state of
24 Washington and who are afflicted with cerebral palsy in any degree be
25 provided with facilities and a program of service for medical care,
26 education, treatment and training to enable them to become normal
27 individuals. In order to effectively accomplish such purpose the

1 department of social and health services, hereinafter called the
2 department, is authorized and instructed and it shall be its duty to
3 establish and administer facilities and a program of service for the
4 discovery, care, education, hospitalization, treatment and training of
5 educable persons afflicted with cerebral palsy, and to provide in
6 connection therewith nursing, medical, surgical and corrective care,
7 together with academic, occupational and related training. Such program
8 shall extend to developing, extending and improving service for the
9 discovery of such persons and for diagnostication and hospitalization
10 and shall include cooperation with other agencies of the state charged
11 with the administration of laws providing for any type of service or
12 aid to ((handicapped)) disabled persons, and with the United States
13 government through any appropriate agency or instrumentality in
14 developing, extending and improving such service, program and
15 facilities. Such facilities shall include field clinics, diagnosis and
16 observation centers, boarding schools, special classes in day schools,
17 research facilities and such other facilities as shall be required to
18 render appropriate aid to such persons. Existing facilities,
19 buildings, hospitals and equipment belonging to or operated by the
20 state of Washington shall be made available for these purposes when use
21 therefor does not conflict with the primary use of such existing
22 facilities. Existing buildings, facilities and equipment belonging to
23 private persons, firms or corporations or to the United States
24 government may be acquired or leased.

25 **Sec. 127.** RCW 70.82.030 and 1947 c 240 s 3 are each amended to
26 read as follows:

27 Any resident of this state who is educable but so severely
28 ((handicapped)) disabled as the result of cerebral palsy that he is
29 unable to take advantage of the regular system of free education of

1 this state may be admitted to or be eligible for any service and
2 facilities provided hereunder, provided such resident has lived in this
3 state continuously for more than one year before his application for
4 such admission or eligibility.

5 **Sec. 128.** RCW 70.84.010 and 1980 c 109 s 1 are each amended to
6 read as follows:

7 The legislature declares:

8 (1) It is the policy of this state to encourage and enable the
9 blind, the visually ((handicapped)) disabled, the hearing impaired, and
10 the otherwise physically disabled to participate fully in the social
11 and economic life of the state, and to engage in remunerative
12 employment.

13 (2) As citizens, the blind, the visually ((handicapped)) disabled,
14 the hearing impaired, and the otherwise physically disabled have the
15 same rights as the able-bodied to the full and free use of the streets,
16 highways, walkways, public buildings, public facilities, and other
17 public places.

18 (3) The blind, the visually ((handicapped)) disabled, the hearing
19 impaired, and the otherwise physically disabled are entitled to full
20 and equal accommodations, advantages, facilities, and privileges on
21 common carriers, airplanes, motor vehicles, railroad trains, motor
22 buses, street cars, boats, and all other public conveyances, as well as
23 in hotels, lodging places, places of public resort, accommodation,
24 assemblage or amusement, and all other places to which the general
25 public is invited, subject only to the conditions and limitations
26 established by law and applicable alike to all persons.

27 **Sec. 129.** RCW 70.84.080 and 1980 c 109 s 8 are each amended to
28 read as follows:

1 In accordance with the policy set forth in RCW 70.84.010, the
2 blind, the visually (~~handicapped~~) disabled, the hearing impaired, and
3 the otherwise physically disabled shall be employed in the state
4 service, in the service of the political subdivisions of the state, in
5 the public schools, and in all other employment supported in whole or
6 in part by public funds on the same terms and conditions as the able-
7 bodied, unless it is shown that the particular disability prevents the
8 performance of the work involved.

9 **Sec. 130.** RCW 70.106.110 and 1974 ex.s. c 49 s 11 are each amended
10 to read as follows:

11 (1) For the purpose of making any household substance which is
12 subject to a standard established under RCW 70.106.100 readily
13 available to elderly or (~~handicapped~~) disabled persons unable to use
14 such substance when packaged in compliance with such standard, the
15 manufacturer or packer, as the case may be, may package any household
16 substance, subject to such a standard, in packaging of a single size
17 which does not comply with such standard if:

18 (a) The manufacturer or packer also supplies such substance in
19 packages which comply with such standard; and

20 (b) The packages of such substance which do not meet such standard
21 bear conspicuous labeling stating: "This package for households
22 without young children"; except that the director may by (~~regulation~~)
23 rule prescribe a substitute statement to the same effect for packaging
24 too small to accommodate such labeling.

25 (2) In the case of a household substance which is subject to such
26 a standard and which is dispensed pursuant to an order of a physician,
27 dentist, or other licensed medical practitioner authorized to
28 prescribe, such substance may be dispensed in noncomplying packages
29 only when directed in such order or when requested by the purchaser.

1 (3) In the case of a household substance subject to such a standard
2 which is packaged under subsection (1) of this section in a
3 noncomplying package, if the director determines that such substance is
4 not also being supplied by a manufacturer or packer in popular size
5 packages which comply with such standard, he or she may, after giving
6 the manufacturer or packer an opportunity to comply with the purposes
7 of this chapter, by order require such substance to be packaged by such
8 manufacturer or packer exclusively in special packaging complying with
9 such standard if he or she finds, after opportunity for hearing, that
10 such exclusive use of special packaging is necessary to accomplish the
11 purposes of this chapter.

12 **Sec. 131.** RCW 71A.10.020 and 1988 c 176 s 102 are each amended to
13 read as follows:

14 As used in this title, the following terms have the meanings
15 indicated unless the context clearly requires otherwise.

16 (1) "Department" means the department of social and health
17 services.

18 (2) "Developmental disability" means a disability attributable to
19 mental retardation, cerebral palsy, epilepsy, autism, or another
20 neurological or other condition of an individual found by the secretary
21 to be closely related to mental retardation or to require treatment
22 similar to that required for individuals with mental retardation, which
23 disability originates before the individual attains age eighteen, which
24 has continued or can be expected to continue indefinitely, and which
25 constitutes a substantial ((handicap)) disability to the individual.
26 By January 1, 1989, the department shall promulgate rules which define
27 neurological or other conditions in a way that is not limited to
28 intelligence quotient scores as the sole ((determinate-[determinant]))

1 determinant of these conditions, and notify the legislature of this
2 action.

3 (3) "Eligible person" means a person who has been found by the
4 secretary under RCW 71A.16.040 to be eligible for services.

5 (4) "Habilitative services" means those services provided by
6 program personnel to assist persons in acquiring and maintaining life
7 skills and to raise their levels of physical, mental, social, and
8 vocational functioning. Habilitative services include education,
9 training for employment, and therapy.

10 (5) "Legal representative" means a parent of a person who is under
11 eighteen years of age, a person's legal guardian, a person's limited
12 guardian when the subject matter is within the scope of the limited
13 guardianship, a person's attorney at law, a person's attorney in fact,
14 or any other person who is authorized by law to act for another person.

15 (6) "Notice" or "notification" of an action of the secretary means
16 notice in compliance with RCW 71A.10.060.

17 (7) "Residential habilitation center" means a state-operated
18 facility for persons with developmental disabilities governed by
19 chapter 71A.20 RCW.

20 (8) "Secretary" means the secretary of social and health services
21 or the secretary's designee.

22 (9) "Service" or "services" means services provided by state or
23 local government to carry out this title.

24 **Sec. 132.** RCW 71A.10.040 and 1988 c 176 s 104 are each amended to
25 read as follows:

26 Persons are protected from discrimination because of a
27 developmental disability as well as other mental or physical
28 (~~handicaps~~) disabilities by the law against discrimination, chapter
29 49.60 RCW, by other state and federal statutes, rules, and regulations,

1 and by local ordinances, when the persons qualify as ((handicapped))
2 disabled under those statutes, rules, regulations, and ordinances.

3 **Sec. 133.** RCW 71A.12.010 and 1988 c 176 s 201 are each amended to
4 read as follows:

5 It is declared to be the policy of the state to authorize the
6 secretary to develop and coordinate state services for persons with
7 developmental disabilities; to encourage research and staff training
8 for state and local personnel working with persons with developmental
9 disabilities; and to cooperate with communities to encourage the
10 establishment and development of services to persons with developmental
11 disabilities through locally administered and locally controlled
12 programs.

13 The complexities of developmental disabilities require the services
14 of many state departments as well as those of the community. Services
15 should be planned and provided as a part of a continuum. A pattern of
16 facilities and services should be established, within appropriations
17 designated for this purpose, which is sufficiently complete to meet the
18 needs of each person with a developmental disability regardless of age
19 or degree of ((handicap)) disability, and at each stage of the person's
20 development.

21 **Sec. 134.** RCW 71A.12.020 and 1988 c 176 s 202 are each amended to
22 read as follows:

23 (1) To the extent that state, federal, or other funds designated
24 for services to persons with developmental disabilities are available,
25 the secretary shall provide every eligible person with habilitative
26 services suited to the person's needs, regardless of age or degree of
27 developmental disability.

1 (2) The secretary shall provide persons who receive services with
2 the opportunity for integration with ((nonhandicapped)) nondisabled and
3 less ((handicapped)) disabled persons to the greatest extent possible.

4 (3) The secretary shall establish minimum standards for
5 habilitative services. Consumers, advocates, service providers,
6 appropriate professionals, and local government agencies shall be
7 involved in the development of the standards.

8 **Sec. 135.** RCW 72.04A.120 and 1989 c 252 s 20 are each amended to
9 read as follows:

10 (1) Any person placed on parole shall be required to pay the
11 monthly assessment, prescribed under subsection (2) of this section,
12 which shall be for the duration of the parole and which shall be
13 considered as payment or part payment of the cost of providing parole
14 supervision to the parolee. The board may exempt a person from the
15 payment of all or any part of the assessment based upon any of the
16 following factors:

17 (a) The offender has diligently attempted but has been unable to
18 obtain employment which provides the offender sufficient income to make
19 such payments.

20 (b) The offender is a student in a school, college, university, or
21 a course of vocational or technical training designed to fit the
22 student for gainful employment.

23 (c) The offender has an employment ((handicap)) disability, as
24 determined by an examination acceptable to or ordered by the board.

25 (d) The offender's age prevents him from obtaining employment.

26 (e) The offender is responsible for the support of dependents and
27 the payment of the assessment constitutes an undue hardship on the
28 offender.

29 (f) Other extenuating circumstances as determined by the board.

1 (2) The department of corrections shall adopt a rule prescribing
2 the amount of the assessment. The department may, if it finds it
3 appropriate, prescribe a schedule of assessments which shall vary in
4 accordance with the intensity or cost of the supervision. The
5 department may not prescribe any assessment which is less than ten
6 dollars nor more than fifty dollars.

7 (3) Payment of the assessed amount shall constitute a condition of
8 parole for purposes of the application of RCW 72.04A.090.

9 (4) All amounts required to be paid under this section shall be
10 collected by the department of corrections and deposited by the
11 department in the dedicated fund established pursuant to RCW 72.11.040.

12 (5) This section shall not apply to parole services provided under
13 an interstate compact pursuant to chapter 9.95 RCW or to parole
14 services provided for offenders paroled before June 10, 1982.

15 **Sec. 136.** RCW 72.05.010 and 1985 c 378 s 9 are each amended to
16 read as follows:

17 The purposes of RCW 72.05.010 through 72.05.210 are: To provide
18 for every child with behavior problems, mentally and physically
19 (~~handicapped~~) disabled persons, and hearing and visually impaired
20 children, within the purview of RCW 72.05.010 through 72.05.210, as now
21 or hereafter amended, such care, guidance and instruction, control and
22 treatment as will best serve the welfare of the child or person and
23 society; to insure nonpolitical and qualified operation, supervision,
24 management, and control of the Green Hill school, the Maple Lane
25 school, the Naselle Youth Camp, the Mission Creek Youth Camp, Echo
26 Glen, the Cascadia Diagnostic Center, Lakeland Village, Rainier school,
27 the Yakima Valley school, Interlake school, Fircrest school, the
28 Francis Haddon Morgan Center, the Child Study and Treatment Center and
29 Secondary School of Western State Hospital, and like residential state

1 schools, camps and centers hereafter established, and to place them
2 under the department of social and health services except where
3 specified otherwise; and to provide for the persons committed or
4 admitted to those schools that type of care, instruction, and treatment
5 most likely to accomplish their rehabilitation and restoration to
6 normal citizenship.

7 **Sec. 137.** RCW 72.05.130 and 1990 c 33 s 592 are each amended to
8 read as follows:

9 The department shall establish, maintain, operate and administer a
10 comprehensive program for the custody, care, education, treatment,
11 instruction, guidance, control and rehabilitation of all persons who
12 may be committed or admitted to institutions, schools, or other
13 facilities controlled and operated by the department, except for the
14 programs of education provided pursuant to RCW 28A.190.030 through
15 28A.190.050 which shall be established, operated and administered by
16 the school district conducting the program, and in order to accomplish
17 these purposes, the powers and duties of the secretary shall include
18 the following:

19 (1) The assembling, analyzing, tabulating, and reproduction in
20 report form, of statistics and other data with respect to children with
21 behavior problems in the state of Washington, including, but not
22 limited to, the extent, kind, and causes of such behavior problems in
23 the different areas and population centers of the state. Such reports
24 shall not be open to public inspection, but shall be open to the
25 inspection of the governor and to the superior court judges of the
26 state of Washington.

27 (2) The establishment and supervision of diagnostic facilities and
28 services in connection with the custody, care, and treatment of
29 mentally and physically (~~handicapped~~) disabled, and behavior problem

1 children who may be committed or admitted to any of the institutions,
2 schools, or facilities controlled and operated by the department, or
3 who may be referred for such diagnosis and treatment by any superior
4 court of this state. Such diagnostic services may be established in
5 connection with, or apart from, any other state institution under the
6 supervision and direction of the secretary. Such diagnostic services
7 shall be available to the superior courts of the state for persons
8 referred for such services by them prior to commitment, or admission
9 to, any school, institution, or other facility. Such diagnostic
10 services shall also be available to other departments of the state.
11 When the secretary determines it necessary, the secretary may create
12 waiting lists and set priorities for use of diagnostic services for
13 juvenile offenders on the basis of those most severely in need.

14 (3) The supervision of all persons committed or admitted to any
15 institution, school, or other facility operated by the department, and
16 the transfer of such persons from any such institution, school, or
17 facility to any other such school, institution, or facility: PROVIDED,
18 That where a person has been committed to a minimum security
19 institution, school, or facility by any of the superior courts of this
20 state, a transfer to a close security institution shall be made only
21 with the consent and approval of such court.

22 (4) The supervision of parole, discharge, or other release, and the
23 post-institutional placement of all persons committed to Green Hill
24 school and Maple Lane school, or such as may be assigned, paroled, or
25 transferred therefrom to other facilities operated by the department.
26 Green Hill school and Maple Lane school are hereby designated as "close
27 security" institutions to which shall be given the custody of children
28 with the most serious behavior problems.

1 **Sec. 138.** RCW 72.29.010 and 1977 ex.s. c 80 s 52 are each amended
2 to read as follows:

3 After the acquisition of Harrison Memorial Hospital, the department
4 of social and health services is authorized to enter into contracts for
5 the repair or remodeling of the hospital to the extent they are
6 necessary and reasonable, in order to establish a multi-use facility
7 for the mentally or physically (~~handicapped~~) disabled or the mentally
8 ill. The secretary of the department of social and health services is
9 authorized to determine the most feasible and desirable use of the
10 facility and to operate the facility in the manner he or she deems most
11 beneficial to the mentally and physically (~~handicapped~~) disabled, or
12 the mentally ill, and is authorized, but not limited to programs for
13 out-patient, diagnostic and referral, day care, vocational and
14 educational services to the community which he or she determines are in
15 the best interest of the state.

16 **Sec. 139.** RCW 72.40.040 and 1985 c 378 s 19 are each amended to
17 read as follows:

18 The schools shall be free to residents of the state between the
19 ages of five and twenty-one years until the 1984-85 school year,
20 between the ages of four and twenty-one years commencing with the 1984-
21 85 school year, and between the ages of three and twenty-one years
22 commencing with the 1985-86 school year and who are visually or hearing
23 impaired or otherwise sensory (~~handicapped~~) disabled with problems of
24 learning originating mainly due to a visual or auditory deficiency.
25 Each school shall admit and retain students on a space available basis
26 according to criteria developed and published by each school
27 superintendent in consultation with each board of trustees and school
28 faculty: PROVIDED, That students over the age of twenty-one years, who
29 are otherwise qualified may be retained at the school, if in the

1 discretion of the superintendent in consultation with the faculty they
2 are proper persons to receive further training given at the school and
3 the facilities are adequate for proper care, education, and training.

4 **Sec. 140.** RCW 72.70.010 and 1977 ex.s. c 80 s 69 are each amended
5 to read as follows:

6 The Western Interstate Corrections Compact as contained herein is
7 hereby enacted into law and entered into on behalf of this state with
8 any and all other states legally joining therein in a form
9 substantially as follows:

10 WESTERN INTERSTATE CORRECTIONS COMPACT

11 ARTICLE I--Purpose and Policy

12 The party states, desiring by common action to improve their
13 institutional facilities and provide programs of sufficiently high
14 quality for the confinement, treatment and rehabilitation of various
15 types of offenders, declare that it is the policy of each of the party
16 states to provide such facilities and programs on a basis of
17 cooperation with one another, thereby serving the best interests of
18 such offenders and of society. The purpose of this compact is to
19 provide for the development and execution of such programs of
20 cooperation for the confinement, treatment and rehabilitation of
21 offenders.

22 ARTICLE II--Definitions

23 As used in this compact, unless the context clearly requires
24 otherwise:

1 (a) "State" means a state of the United States, or, subject to the
2 limitation contained in Article VII, Guam.

3 (b) "Sending state" means a state party to this compact in which
4 conviction was had.

5 (c) "Receiving state" means a state party to this compact to which
6 an inmate is sent for confinement other than a state in which
7 conviction was had.

8 (d) "Inmate" means a male or female offender who is under sentence
9 to or confined in a prison or other correctional institution.

10 (e) "Institution" means any prison, reformatory or other
11 correctional facility except facilities for the mentally ill or
12 mentally ((handicapped)) disabled in which inmates may lawfully be
13 confined.

14 ARTICLE III--Contracts

15 (a) Each party state may make one or more contracts with any one or
16 more of the other party states for the confinement of inmates on behalf
17 of a sending state in institutions situated within receiving states.
18 Any such contract shall provide for:

19 1. Its duration.

20 2. Payments to be made to the receiving state by the sending state
21 for inmate maintenance, extraordinary medical and dental expenses, and
22 any participation in or receipt by inmates of rehabilitative or
23 correctional services, facilities, programs or treatment not reasonably
24 included as part of normal maintenance.

25 3. Participation in programs of inmate employment, if any; the
26 disposition or crediting of any payments received by inmates on account
27 thereof; and the crediting of proceeds from or disposal of any products
28 resulting therefrom.

1 4. Delivery and retaking of inmates.

2 5. Such other matters as may be necessary and appropriate to fix
3 the obligations, responsibilities and rights of the sending and
4 receiving states.

5 (b) Prior to the construction or completion of construction of any
6 institution or addition thereto by a party state, any other party state
7 or states may contract therewith for the enlargement of the planned
8 capacity of the institution or addition thereto, or for the inclusion
9 therein of particular equipment or structures, and for the reservation
10 of a specific percentum of the capacity of the institution to be kept
11 available for use by inmates of the sending state or states so
12 contracting. Any sending state so contracting may, to the extent that
13 monies are legally available therefor, pay to the receiving state, a
14 reasonable sum as consideration for such enlargement of capacity, or
15 provision of equipment or structures, and reservation of capacity.
16 Such payment may be in a lump sum or in installments as provided in the
17 contract.

18 (c) The terms and provisions of this compact shall be a part of any
19 contract entered into by the authority of or pursuant thereto, and
20 nothing in any such contract shall be inconsistent therewith.

21 ARTICLE IV--Procedures and Rights

22 (a) Whenever the duly constituted judicial or administrative
23 authorities in a state party to this compact, and which has entered
24 into a contract pursuant to Article III, shall decide that confinement
25 in, or transfer of an inmate to, an institution within the territory of
26 another party state is necessary in order to provide adequate quarters
27 and care or desirable in order to provide an appropriate program of
28 rehabilitation or treatment, said officials may direct that the

1 confinement be within an institution within the territory of said other
2 party state, the receiving state to act in that regard solely as agent
3 for the sending state.

4 (b) The appropriate officials of any state party to this compact
5 shall have access, at all reasonable times, to any institution in which
6 it has a contractual right to confine inmates for the purpose of
7 inspecting the facilities thereof and visiting such of its inmates as
8 may be confined in the institution.

9 (c) Inmates confined in an institution pursuant to the terms of
10 this compact shall at all times be subject to the jurisdiction of the
11 sending state and may at any time be removed therefrom for transfer to
12 a prison or other institution within the sending state, for transfer to
13 another institution in which the sending state may have a contractual
14 or other right to confine inmates, for release on probation or parole,
15 for discharge, or for any other purpose permitted by the laws of the
16 sending state; provided that the sending state shall continue to be
17 obligated to such payments as may be required pursuant to the terms of
18 any contract entered into under the terms of Article III.

19 (d) Each receiving state shall provide regular reports to each
20 sending state on the inmates of that sending state in institutions
21 pursuant to this compact including a conduct record of each inmate and
22 certify said record to the official designated by the sending state, in
23 order that each inmate may have the benefit of his or her record in
24 determining and altering the disposition of said inmate in accordance
25 with the law which may obtain in the sending state and in order that
26 the same may be a source of information for the sending state.

27 (e) All inmates who may be confined in an institution pursuant to
28 the provisions of this compact shall be treated in a reasonable and
29 humane manner and shall be cared for and treated equally with such
30 similar inmates of the receiving state as may be confined in the same

1 institution. The fact of confinement in a receiving state shall not
2 deprive any inmate so confined of any legal rights which said inmate
3 would have had if confined in an appropriate institution of the sending
4 state.

5 (f) Any hearing or hearings to which an inmate confined pursuant to
6 this compact may be entitled by the laws of the sending state may be
7 had before the appropriate authorities of the sending state, or of the
8 receiving state if authorized by the sending state. The receiving
9 state shall provide adequate facilities for such hearings as may be
10 conducted by the appropriate officials of a sending state. In the
11 event such hearing or hearings are had before officials of the
12 receiving state, the governing law shall be that of the sending state
13 and a record of the hearing or hearings as prescribed by the sending
14 state shall be made. Said record together with any recommendations of
15 the hearing officials shall be transmitted forthwith to the official or
16 officials before whom the hearing would have been had if it had taken
17 place in the sending state. In any and all proceedings had pursuant to
18 the provisions of this subdivision, the officials of the receiving
19 state shall act solely as agents of the sending state and no final
20 determination shall be made in any matter except by the appropriate
21 officials of the sending state. Costs of records made pursuant to this
22 subdivision shall be borne by the sending state.

23 (g) Any inmate confined pursuant to this compact shall be released
24 within the territory of the sending state unless the inmate, and the
25 sending and receiving states, shall agree upon release in some other
26 place. The sending state shall bear the cost of such return to its
27 territory.

28 (h) Any inmate confined pursuant to the terms of this compact shall
29 have any and all rights to participate in and derive any benefits or
30 incur or be relieved of any obligations or have such obligations

1 modified or his status changed on account of any action or proceeding
2 in which he could have participated if confined in any appropriate
3 institution of the sending state located within such state.

4 (i) The parent, guardian, trustee, or other person or persons
5 entitled under the laws of the sending state to act for, advise, or
6 otherwise function with respect to any inmate shall not be deprived of
7 or restricted in his exercise of any power in respect of any inmate
8 confined pursuant to the terms of this compact.

9 ARTICLE V--Acts Not Reviewable In Receiving State; Extradition

10 (a) Any decision of the sending state in respect of any matter over
11 which it retains jurisdiction pursuant to this compact shall be
12 conclusive upon and not reviewable within the receiving state, but if
13 at the time the sending state seeks to remove an inmate from an
14 institution in the receiving state there is pending against the inmate
15 within such state any criminal charge or if the inmate is suspected of
16 having committed within such state a criminal offense, the inmate shall
17 not be returned without the consent of the receiving state until
18 discharged from prosecution or other form of proceeding, imprisonment
19 or detention for such offense. The duly accredited officers of the
20 sending state shall be permitted to transport inmates pursuant to this
21 compact through any and all states party to this compact without
22 interference.

23 (b) An inmate who escapes from an institution in which he is
24 confined pursuant to this compact shall be deemed a fugitive from the
25 sending state and from the state in which the institution is situated.
26 In the case of an escape to a jurisdiction other than the sending or
27 receiving state, the responsibility for institution of extradition
28 proceedings shall be that of the sending state, but nothing contained
29 herein shall be construed to prevent or affect the activities of

1 officers and agencies of any jurisdiction directed toward the
2 apprehension and return of an escapee.

3 ARTICLE VI--Federal Aid

4 Any state party to this compact may accept federal aid for use in
5 connection with an institution or program, the use of which is or may
6 be affected by this compact or any contract pursuant thereto and any
7 inmate in a receiving state pursuant to this compact may participate in
8 any such federally aided program or activity for which the sending and
9 receiving states have made contractual provision; provided that if such
10 program or activity is not part of the customary correctional regimen
11 the express consent of the appropriate official of the sending state
12 shall be required therefor.

13 ARTICLE VII--Entry Into Force

14 This compact shall enter into force and become effective and
15 binding upon the states so acting when it has been enacted into law by
16 any two contiguous states from among the states of Alaska, Arizona,
17 California, Colorado, Hawaii, Idaho, Montana, Nebraska, Nevada, New
18 Mexico, Oregon, Utah, Washington and Wyoming. For the purposes of this
19 article, Alaska and Hawaii shall be deemed contiguous to each other; to
20 any and all of the states of California, Oregon and Washington; and to
21 Guam. Thereafter, this compact shall enter into force and become
22 effective and binding as to any other of said states, or any other
23 state contiguous to at least one party state upon similar action by
24 such state. Guam may become party to this compact by taking action
25 similar to that provided for joinder by any other eligible party state
26 and upon the consent of Congress to such joinder. For the purposes of

1 this article, Guam shall be deemed contiguous to Alaska, Hawaii,
2 California, Oregon and Washington.

3 ARTICLE VIII--Withdrawal and Termination

4 This compact shall continue in force and remain binding upon a
5 party state until it shall have enacted a statute repealing the same
6 and providing for the sending of formal written notice of withdrawal
7 from the compact to the appropriate officials of all other party
8 states. An actual withdrawal shall not take effect until two years
9 after the notices provided in said statute have been sent. Such
10 withdrawal shall not relieve the withdrawing state from its obligations
11 assumed hereunder prior to the effective date of withdrawal. Before
12 the effective date of withdrawal, a withdrawing state shall remove to
13 its territory, at its own expense, such inmates as it may have confined
14 pursuant to the provisions of this compact.

15 ARTICLE IX--Other Arrangements Unaffected

16 Nothing contained in this compact shall be construed to abrogate or
17 impair any agreement or other arrangement which a party state may have
18 with a non-party state for the confinement, rehabilitation or treatment
19 of inmates nor to repeal any other laws of a party state authorizing
20 the making of cooperative institutional arrangements.

21 ARTICLE X--Construction and Severability

22 The provisions of this compact shall be liberally construed and
23 shall be severable. If any phrase, clause, sentence or provision of
24 this compact is declared to be contrary to the constitution of any

1 participating state or of the United States or the applicability
2 thereof to any government, agency, person or circumstance is held
3 invalid, the validity of the remainder of this compact and the
4 applicability thereof to any government, agency, person or circumstance
5 shall not be affected thereby. If this compact shall be held contrary
6 to the constitution of any state participating therein, the compact
7 shall remain in full force and effect as to the remaining states and in
8 full force and effect as to the state affected as to all severable
9 matters.

10 **Sec. 141.** RCW 74.09.520 and 1990 c 33 s 594 and 1990 c 25 s 1 are
11 each reenacted and amended to read as follows:

12 (1) The term "medical assistance" may include the following care
13 and services: (a) Inpatient hospital services; (b) outpatient hospital
14 services; (c) other laboratory and x-ray services; (d) skilled nursing
15 home services; (e) physicians' services, which shall include prescribed
16 medication and instruction on birth control devices; (f) medical care,
17 or any other type of remedial care as may be established by the
18 secretary; (g) home health care services; (h) private duty nursing
19 services; (i) dental services; (j) physical therapy and related
20 services; (k) prescribed drugs, dentures, and prosthetic devices; and
21 eyeglasses prescribed by a physician skilled in diseases of the eye or
22 by an optometrist, whichever the individual may select; (l) personal
23 care services, as provided in this section; (m) hospice services; (n)
24 other diagnostic, screening, preventive, and rehabilitative services;
25 and (o) like services when furnished to a (~~handicapped~~) disabled
26 child by a school district as part of an individualized education
27 program established pursuant to RCW 28A.155.010 through 28A.155.100.
28 For the purposes of this section, the department may not cut off any

1 prescription medications, oxygen supplies, respiratory services, or
2 other life-sustaining medical services or supplies.

3 "Medical assistance," notwithstanding any other provision of law,
4 shall not include routine foot care, or dental services delivered by
5 any health care provider, that are not mandated by Title XIX of the
6 social security act unless there is a specific appropriation for these
7 services. Services included in an individualized education program for
8 a ((handicapped)) disabled child under RCW 28A.155.010 through
9 28A.155.100 shall not qualify as medical assistance prior to the
10 implementation of the funding process developed under RCW 74.09.524.

11 (2) The department shall amend the state plan for medical
12 assistance under Title XIX of the federal social security act to
13 include personal care services, as defined in 42 C.F.R. 440.170(f), in
14 the categorically needy program.

15 (3) The department shall adopt, amend, or rescind such
16 administrative rules as are necessary to ensure that Title XIX personal
17 care services are provided to eligible persons in conformance with
18 federal regulations.

19 (a) These administrative rules shall include financial eligibility
20 indexed according to the requirements of the social security act
21 providing for medicaid eligibility.

22 (b) The rules shall require clients be assessed as having a medical
23 condition requiring assistance with personal care tasks. Plans of care
24 must be approved by a physician and reviewed by a nurse every ninety
25 days.

26 (4) The department shall design and implement a means to assess the
27 level of functional disability of persons eligible for personal care
28 services under this section. The personal care services benefit shall
29 be provided to the extent funding is available according to the
30 assessed level of functional disability. Any reductions in services

1 made necessary for funding reasons should be accomplished in a manner
2 that assures that priority for maintaining services is given to persons
3 with the greatest need as determined by the assessment of functional
4 disability.

5 (5) The department shall report to the appropriate fiscal
6 committees of the legislature on the utilization and associated costs
7 of the personal care option under Title XIX of the federal social
8 security act, as defined in 42 C.F.R. 440.170(f), in the categorically
9 needy program. This report shall be submitted by January 1, 1990, and
10 submitted on a yearly basis thereafter.

11 (6) Effective July 1, 1989, the department shall offer hospice
12 services in accordance with available funds. The department shall
13 provide a complete accounting of the costs of providing hospice
14 services under this section by December 20, 1990. The report shall
15 include an assessment of cost savings which may result by providing
16 hospice to persons who otherwise would use hospitals, nursing homes, or
17 more expensive care. The hospice benefit under this section shall
18 terminate on June 30, 1991, unless extended by the legislature.

19 **Sec. 142.** RCW 74.09.524 and 1990 c 33 s 595 are each amended to
20 read as follows:

21 The department of social and health services and the superintendent
22 of public instruction shall jointly develop a process and plan to
23 enable school districts to bill medical assistance for eligible
24 services included in (~~handicapped~~) disabled education programs,
25 subject to the restrictions and limitations of RCW 28A.150.390,
26 74.09.520, and 74.09.524. The process shall be implemented during the
27 1990-91 school year, with the intent that the billing system be in
28 operation in selected regions of the state during the first half of
29 that school year. The billing system shall be extended state-wide

1 prior to the beginning of the 1991-92 school year. The planning shall
2 include:

3 (1) Consideration of the types of services provided by school
4 districts that would be eligible for medical assistance, and whether
5 the state's medical assistance plan should be expanded to cover
6 additional services for children;

7 (2) Establishment of categories of eligible services and the rates
8 of reimbursement;

9 (3) Development of a state-wide billing system for use by school
10 districts and educational service districts, which may include phased
11 expansion of the system, providing billing services to the various
12 regions of the state in stages;

13 (4) Measures for accountability and auditing of billings;

14 (5) Information bulletins and workshops for school districts and
15 educational service districts;

16 (6) Contracting with educational service districts or other
17 organizations for billing services or for other assistance in
18 implementing the process established under this section;

19 (7) Formal agreements between the department and the superintendent
20 of public instruction for notification of payments and for interagency
21 reimbursement under RCW 28A.150.390; and

22 (8) Review and approval of the plan by the office of financial
23 management prior to submission to the legislature of the report under
24 section 5, chapter 33, Laws of 1990.

25 **Sec. 143.** RCW 74.12.290 and 1979 c 141 s 352 are each amended to
26 read as follows:

27 The department of social and health services shall, during the
28 initial and any subsequent determination of eligibility, evaluate the
29 suitability of the home in which the dependent child lives,

1 consideration to be given to physical care and supervision provided in
2 the home; social, educational, and the moral atmosphere of the home as
3 compared with the standards of the community; the child's physical and
4 mental health and emotional security, special needs occasioned by the
5 child's physical ((handicaps)) disabilities or illnesses, if any; the
6 extent to which desirable factors outweigh the undesirable in the home;
7 and the apparent possibility for improving undesirable conditions in
8 the home.

9 **Sec. 144.** RCW 74.13.031 and 1990 c 146 s 9 are each amended to
10 read as follows:

11 The department shall have the duty to provide child welfare
12 services as defined in RCW 74.13.020, and shall:

13 (1) Develop, administer, supervise, and monitor a coordinated and
14 comprehensive plan that establishes, aids, and strengthens services for
15 the protection and care of homeless, runaway, dependent, or neglected
16 children.

17 (2) Develop a recruiting plan for recruiting an adequate number of
18 prospective adoptive and foster homes, both regular and specialized,
19 i.e. homes for children of ethnic minority, including Indian homes for
20 Indian children, sibling groups, ((handicapped)) disabled and
21 emotionally disturbed, and annually submit the plan for review to the
22 house and senate committees on social and health services. The plan
23 shall include a section entitled "Foster Home Turn-Over, Causes and
24 Recommendations."

25 (3) Investigate complaints of neglect, abuse, or abandonment of
26 children, and on the basis of the findings of such investigation, offer
27 child welfare services in relation to the problem to such parents,
28 legal custodians, or persons serving in loco parentis, and/or bring the
29 situation to the attention of an appropriate court, or another

1 community agency: PROVIDED, That an investigation is not required of
2 nonaccidental injuries which are clearly not the result of a lack of
3 care or supervision by the child's parents, legal custodians, or
4 persons serving in loco parentis. If the investigation reveals that a
5 crime may have been committed, the department shall notify the
6 appropriate law enforcement agency.

7 (4) Offer, on a voluntary basis, family reconciliation services to
8 families who are in conflict.

9 (5) Monitor out-of-home placements, on a timely and routine basis,
10 to assure the safety, well-being, and quality of care being provided is
11 within the scope of the intent of the legislature as defined in RCW
12 74.13.010 and 74.15.010, and annually submit a report delineating the
13 results to the house and senate committees on social and health
14 services.

15 (6) Have authority to accept custody of children from parents and
16 to accept custody of children from juvenile courts, where authorized to
17 do so under law, to provide child welfare services including placement
18 for adoption, and to provide for the physical care of such children and
19 make payment of maintenance costs if needed. Except where required by
20 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency
21 which receives children for adoption from the department shall
22 discriminate on the basis of race, creed, or color when considering
23 applications in their placement for adoption.

24 (7) Have authority to provide temporary shelter to children who
25 have run away from home and who are admitted to crisis residential
26 centers.

27 (8) Have authority to purchase care for children; and shall follow
28 in general the policy of using properly approved private agency
29 services for the actual care and supervision of such children insofar
30 as they are available, paying for care of such children as are accepted

1 by the department as eligible for support at reasonable rates
2 established by the department.

3 (9) Establish a children's services advisory committee which shall
4 assist the secretary in the development of a partnership plan for
5 utilizing resources of the public and private sectors, and advise on
6 all matters pertaining to child welfare, day care, licensing of child
7 care agencies, adoption, and services related thereto. At least one-
8 third of the membership shall be composed of child care providers, and
9 at least one member shall represent the adoption community.

10 (10) Have authority to provide continued foster care or group care
11 for individuals from eighteen through twenty years of age to enable
12 them to complete their high school or vocational school program.

13 (11) Have authority within funds appropriated for foster care
14 services to purchase care for Indian children who are in the custody of
15 a federally recognized Indian tribe or tribally licensed child-placing
16 agency pursuant to parental consent, tribal court order, or state
17 juvenile court order; and the purchase of such care shall be subject to
18 the same eligibility standards and rates of support applicable to other
19 children for whom the department purchases care.

20 Notwithstanding any other provision of RCW 13.32A.170 through
21 13.32A.200 and RCW 74.13.032 through 74.13.036, or of this section all
22 services to be provided by the department of social and health services
23 under subsections (4), (6), and (7) of this section, subject to the
24 limitations of these subsections, may be provided by any program
25 offering such services funded pursuant to Titles II and III of the
26 federal juvenile justice and delinquency prevention act of 1974.

27 **Sec. 145.** RCW 74.13.095 and 1988 c 213 s 3 are each amended to
28 read as follows:

1 (1) The legislature recognizes that a severe shortage of child care
2 exists to the detriment of all families and employers throughout the
3 state. Many workers are unable to enter or remain in the work force
4 due to a shortage of child care resources. The high costs of starting
5 a child care business create a barrier to the creation of new slots,
6 especially for children with special needs.

7 (2) A child care expansion grant fund is created in the custody of
8 the secretary of the department of social and health services. Grants
9 shall be awarded on a one-time only basis to persons, organizations, or
10 schools needing assistance to start a child care center or mini-center
11 as defined by the department by rule, or to existing licensed child
12 care providers, including family home providers, for the purpose of
13 making capital improvements in order to accommodate ((handicapped))
14 disabled children ((as defined under chapter 72.40 RCW)), sick
15 children, or infant care, or children needing night time care. No
16 grant may exceed ten thousand dollars. Start-up costs shall not include
17 operational costs after the first three months of business.

18 (3) Child care expansion grants shall be awarded on the basis of
19 need for the proposed services in the community, within appropriated
20 funds.

21 (4) The department shall adopt rules under chapter 34.05 RCW
22 setting forth criteria, application procedures, and methods to assure
23 compliance with the purposes described in this section.

24 **Sec. 146.** RCW 74.13.109 and 1990 c 285 s 7 are each amended to
25 read as follows:

26 The secretary shall issue rules and regulations to assist in the
27 administration of the program of adoption support authorized by RCW
28 26.33.320 and 74.13.100 through 74.13.145.

1 Disbursements from the appropriations available from the general
2 fund shall be made pursuant to such rules and regulations and pursuant
3 to agreements conforming thereto to be made by the secretary with
4 parents for the purpose of supporting the adoption of children in, or
5 likely to be placed in, foster homes or child caring institutions who
6 are found by the secretary to be difficult to place in adoption because
7 of physical or other reasons; including, but not limited to, physical
8 or mental (~~handicap~~) disability, emotional disturbance, ethnic
9 background, language, race, color, age, or sibling grouping.

10 Such agreements shall meet the following criteria:

11 (1) The child whose adoption is to be supported pursuant to such
12 agreement shall be or have been a child hard to place in adoption.

13 (2) Such agreement must relate to a child who was or is residing in
14 a foster home or child-caring institution or a child who, in the
15 judgment of the secretary, is both eligible for, and likely to be
16 placed in, either a foster home or a child-caring institution.

17 (3) Such agreement shall provide that adoption support shall not
18 continue beyond the time that the adopted child reaches eighteen years
19 of age, becomes emancipated, dies, or otherwise ceases to need support,
20 provided that if the secretary shall find that continuing dependency of
21 such child after such child reaches eighteen years of age warrants the
22 continuation of support pursuant to RCW 26.33.320 and 74.13.100 through
23 74.13.145 the secretary may do so, subject to all the provisions of RCW
24 26.33.320 and 74.13.100 through 74.13.145, including annual review of
25 the amount of such support.

26 (4) Any prospective parent who is to be a party to such agreement
27 shall be a person who has the character, judgment, sense of
28 responsibility, and disposition which make him or her suitable as an
29 adoptive parent of such child.

1 **Sec. 147.** RCW 74.13.150 and 1990 c 285 s 5 are each amended to
2 read as follows:

3 (1) The department of social and health services shall establish,
4 within funds appropriated for the purpose, a reconsideration program to
5 provide medical and counseling services through the adoption support
6 program for children of families who apply for services after the
7 adoption is final. Families requesting services through the program
8 shall provide any information requested by the department for the
9 purpose of processing the family's application for services.

10 (2) A child meeting the eligibility criteria for registration with
11 the program is one who:

12 (a) Was residing in foster care funded by the department
13 immediately prior to the adoptive placement;

14 (b) Had a physical or mental (~~handicap~~) disability or emotional
15 disturbance that existed and was documented prior to the adoption; and

16 (c) Resides in the state of Washington with an adoptive parent who
17 lacks the necessary financial means to care for the child's special
18 need.

19 (3) If a family is accepted for registration and meets the criteria
20 in subsection (2) of this section, the department may enter into an
21 agreement for services. Prior to entering into an agreement for
22 services through the program, the medical needs of the child must be
23 reviewed and approved by the department's office of personal health
24 services.

25 (4) Any services provided pursuant to an agreement between a family
26 and the department shall be met from the department's medical program.
27 Such services shall be limited to:

28 (a) Services provided after finalization of an agreement between a
29 family and the department pursuant to this section;

1 (b) Services not covered by the family's insurance or other
2 available assistance; and

3 (c) Services related to the eligible child's identified physical or
4 mental (~~handicap~~) disability or emotional disturbance that existed
5 prior to the adoption.

6 (5) Any payment by the department for services provided pursuant to
7 an agreement shall be made directly to the physician or provider of
8 services according to the department's established procedures.

9 (6) The total costs payable by the department for services provided
10 pursuant to an agreement shall not exceed twenty thousand dollars per
11 child.

12 **Sec. 148.** RCW 74.13.270 and 1990 c 284 s 8 are each amended to
13 read as follows:

14 The legislature recognizes the need for temporary short-term relief
15 for foster parents who care for children with emotional, mental, or
16 physical (~~handicaps~~) disabilities. For purposes of this section,
17 respite care means appropriate, temporary, short-term care for these
18 foster children placed with licensed foster parents. The purpose of
19 this care is to give the foster parents temporary relief from the
20 stresses associated with the care of these foster children. The
21 department shall design a program of respite care that will minimize
22 disruptions to the child and will serve foster parents within these
23 priorities, based on input from foster parents, foster parent
24 associations, and reliable research if available.

25 **Sec. 149.** RCW 74.13.310 and 1990 c 284 s 13 are each amended to
26 read as follows:

27 Adequate foster parent training has been identified as directly
28 associated with increasing the length of time foster parents are

1 willing to provide foster care and reducing the number of placement
2 disruptions for children. Placement disruptions can be harmful to
3 children by denying them consistent and nurturing support. Foster
4 parents have expressed the desire to receive training in addition to
5 the foster parent SCOPE training currently offered. Foster parents who
6 care for more demanding children, such as children with severe
7 emotional, mental, or physical ((handicaps)) disabilities, would
8 especially benefit from additional training. The department shall
9 develop additional training for foster parents that focuses on skills
10 to assist foster parents in caring for emotionally, mentally, or
11 physically ((handicapped)) disabled children.

12 **Sec. 150.** RCW 74.18.010 and 1983 c 194 s 1 are each amended to
13 read as follows:

14 The purposes of this chapter are to promote the economic and social
15 welfare of blind persons in the state of Washington, to relieve blind
16 or visually ((handicapped)) disabled persons from the distress of
17 poverty through their complete integration into society on the basis of
18 equality, to encourage public acceptance of the abilities of blind
19 persons, and to promote public awareness of the causes of blindness.

20 **Sec. 151.** RCW 74.18.060 and 1983 c 194 s 6 are each amended to
21 read as follows:

22 The department shall:

23 (1) Serve as the sole agency of the state for contracting for and
24 disbursing all federal and state funds appropriated for programs
25 established by and within the jurisdiction of this chapter, and make
26 reports and render accounting as may be required;

27 (2) Adopt rules, in accordance with chapter 34.05 RCW, necessary to
28 carry out the purposes of this chapter;

1 (3) Negotiate agreements with other state agencies to provide
2 services for individuals who are both blind and otherwise disabled so
3 that ((multiply handicapped)) persons with multiple disabilities and
4 the elderly blind receive the most beneficial services.

5 **Sec. 152.** RCW 74.18.130 and 1983 c 194 s 13 are each amended to
6 read as follows:

7 The department shall provide a program of vocational rehabilitation
8 to assist blind persons to overcome vocational ((handicaps))
9 disabilities and to develop skills necessary for self-support and self-
10 care. Applicants eligible for vocational rehabilitation services shall
11 be persons who are blind as defined in RCW 74.18.020 and who also (1)
12 have no vision or limited vision which constitutes or results in a
13 substantial ((handicap)) disability to employment and (2) can
14 reasonably be expected to benefit from vocational rehabilitation
15 services in terms of employability.

16 **Sec. 153.** RCW 74.26.010 and 1980 c 106 s 1 are each amended to
17 read as follows:

18 In recognition of the fact that there is a small population of
19 children with multiple disabilities and specific and continuing medical
20 needs now being served in high-daily-cost hospitals that could be more
21 appropriately and cost-efficiently served in alternative residential
22 alternatives, it is the intent of the legislature to establish a
23 controlled program to develop and review an alternative service
24 delivery system for certain ((multiply handicapped)) children with
25 multiple disabilities who have continuing intensive medical needs but
26 who are not required to continue in residence in a hospital setting.

1 **Sec. 154.** RCW 74.29.005 and 1969 ex.s. c 223 s 28A.10.005 are each
2 amended to read as follows:

3 The purposes of this chapter are (1) to rehabilitate vocationally
4 (~~handicapped~~) disabled persons so that they may prepare for and
5 engage in a gainful occupation; (2) to provide persons with physical or
6 mental disabilities with a program of services which will result in
7 greater opportunities for them to enter more fully into the life of the
8 community; (3) to promote activities which will assist the vocationally
9 (~~handicapped~~) disabled to reach their fullest potential; and (4) to
10 encourage and develop facilities and other resources needed by the
11 (~~handicapped~~) disabled.

12 **Sec. 155.** RCW 74.29.010 and 1970 ex.s. c 18 s 52 are each amended
13 to read as follows:

14 (1) "~~Handicapped~~) Disabled person" means any individual:

15 (a) Who has a physical or mental disability, which constitutes a
16 substantial (~~handicap~~) disability to employment, of such a nature
17 that vocational rehabilitation services may reasonably be expected to
18 render him or her fit to engage in a gainful occupation consistent with
19 his or her capacities and abilities; or

20 (b) Who, because of lack of social competence or mobility,
21 experience, skills, training, or other factors, is in need of
22 vocational rehabilitation services in order to become fit to engage in
23 a gainful occupation or to attain or maintain a maximum degree of self-
24 support or self-care; or

25 (c) For whom vocational rehabilitation services are necessary to
26 determine rehabilitation potential.

27 (2) "Physical or mental disability" means a physical or mental
28 condition which materially limits, contributes to limiting or, if not
29 corrected, will probably result in limiting an individual's activities

1 or functioning. The term includes behavioral disorders characterized
2 by deviant social behavior or impaired ability to carry out normal
3 relationships with family and community which may result from
4 vocational, educational, cultural, social, environmental or other
5 factors.

6 (3) "Vocational rehabilitation services" means goods or services
7 provided (~~((handicapped))~~) disabled persons to enable such persons to be
8 fit for gainful occupation or to attain or maintain a maximum degree of
9 self-support or self-care and includes every type of goods and services
10 for which federal funds are available for vocational rehabilitation
11 purposes, including, but not limited to, the establishment,
12 construction, development, operation and maintenance of workshops and
13 rehabilitation facilities.

14 (4) "Self-care" means a reasonable degree of restoration from
15 dependency upon others for personal needs and care and includes but is
16 not limited to ability to live in own home, rather than requiring
17 nursing home care and care for self rather than requiring attendant
18 care.

19 (5) "State agency" means the department of social and health
20 services.

21 **Sec. 156.** RCW 74.29.020 and 1969 ex.s. c 223 s 28A.10.020 are each
22 amended to read as follows:

23 The state agency shall:

24 (1) Provide vocational rehabilitation services to (~~((handicapped))~~)
25 disabled persons, including the placing of such persons in gainful
26 occupations;

27 (2) Disburse all funds provided by law and may receive, accept and
28 disburse such gifts, grants, conveyances, devises and bequests of real
29 and personal property from public or private sources, as may be made

1 from time to time, in trust or otherwise, whenever the terms and
2 conditions thereof will aid in carrying out vocational rehabilitation
3 services as specified by law and the regulations of the state agency;
4 and may sell, lease or exchange real or personal property according to
5 the terms and conditions thereof. Any money so received shall be
6 deposited in the state treasury for investment, reinvestment or
7 expenditure in accordance with the conditions of its receipt and RCW
8 43.88.180;

9 (3) Appoint and fix the compensation and prescribe the duties, of
10 the personnel necessary for the administration of this chapter, unless
11 otherwise provided by law;

12 (4) Make exploratory studies, make reviews, and do research
13 relative to vocational rehabilitation.

14 **Sec. 157.** RCW 74.29.080 and 1983 1st ex.s. c 41 s 16 are each
15 amended to read as follows:

16 (1) The state agency may purchase, from any source, by contract,
17 vocational rehabilitation services for (~~handicapped~~) disabled
18 persons, payments for such services to be made subject to procedures
19 and fiscal controls approved by the director of financial management.
20 The performance of and payment for such services shall be subject to
21 post audit review by the state auditor.

22 (2) Notwithstanding any other provision of RCW 74.29.080,
23 74.29.100, 74.29.105 and 74.29.110, when the state agency determines
24 that a mentally retarded, severely (~~handicapped~~) disabled, or
25 disadvantaged person can reasonably be expected to benefit from, or in
26 his or her best interests reasonably requires extended sheltered
27 employment or supervised work furnished by an approved nonprofit
28 organization, the state agency is authorized to contract with such
29 organization for the furnishing of such sheltered employment or

1 supervised work to such mentally retarded, severely (~~handicapped~~)
2 disabled, or disadvantaged person.

3 (3) The determination of eligibility for such service shall be made
4 for each individual by the state agency. The mentally retarded,
5 severely (~~handicapped~~) disabled, and disadvantaged individuals served
6 under this law shall be construed to be poor or infirm within the
7 meaning of the term as used in the state Constitution.

8 (4) The state agency shall maintain a register of nonprofit
9 organizations which it has inspected and certified as meeting required
10 standards and as qualifying to serve the needs of such mentally
11 retarded, severely (~~handicapped~~) disabled, or disadvantaged persons.
12 Eligibility of such organizations to receive the funds hereinbefore
13 specified shall be based upon standards and criteria promulgated by the
14 state agency.

15 (5) The state agency is authorized to (~~promulgate~~) adopt such
16 rules (~~and regulations~~) as it may deem necessary or proper to carry
17 out the provisions of this section.

18 **Sec. 158.** RCW 74.29.100 and 1970 ex.s. c 15 s 24 are each amended
19 to read as follows:

20 The purpose of RCW 74.29.080, 74.29.100, 74.29.105 and 74.29.110 is
21 to encourage the development, improvement, and expansion of sheltered
22 employment and supervised work programs for mentally retarded, severely
23 (~~handicapped~~) disabled, and disadvantaged individuals to enable them
24 to become contributing and self-supporting members of society as an
25 alternative to dependency.

26 The condition of the mentally retarded, severely (~~handicapped~~)
27 disabled, and disadvantaged is such that after laborious training in
28 the schools and otherwise, they reach the point in their lives where
29 they can and should, under proper and continued guidance, engage in

1 sheltered employment and/or supervised work to help them become
2 contributing members of society instead of being dependent. For such
3 persons, retention in sheltered employment or supervised work may
4 constitute satisfactory placement. Such training and placement is
5 often a suitable alternative to institutionalization or idleness and
6 its consequences. By keeping these individuals within their
7 communities and in touch with their families, a worthwhile dimension is
8 added to their lives and they are thus spared the anxieties naturally
9 attached to separation. All of these factors have also been shown to
10 reflect tangible benefits upon the mentally retarded, severely
11 (~~handicapped~~) disabled, or disadvantaged person by improving his or
12 her overall well-being.

13 **Sec. 159.** RCW 74.38.070 and 1990 c 164 s 1 are each amended to
14 read as follows:

15 (1) Notwithstanding any other provision of law, any county, city,
16 town, municipal corporation, or quasi municipal corporation providing
17 utility services may provide such services at reduced rates for low
18 income senior citizens or low income disabled citizens: PROVIDED,
19 That, for the purposes of this section, "low income senior citizen" or
20 "low income disabled citizen" shall be defined by appropriate ordinance
21 or resolution adopted by the governing body of the county, city, town,
22 municipal corporation, or quasi municipal corporation providing the
23 utility services except as provided in subsection (2) of this section.
24 Any reduction in rates granted in whatever manner to low income senior
25 citizens or low income disabled citizens in one part of a service area
26 shall be uniformly extended to low income senior citizens or low income
27 disabled citizens in all other parts of the service area.

28 (2) For purposes of implementing this section by any public utility
29 district, (a) "low income senior citizen" means a person who is sixty-

1 two years of age or older and whose total income, including that of his
2 or her spouse or cotenant, does not exceed the amount specified in RCW
3 84.36.381(5)(b), as now or hereafter amended and (b) "low income
4 disabled citizen" means (i) a person qualifying for special parking
5 privileges under RCW 46.16.381(1) (a) through (f), (ii) a blind person
6 as defined in RCW 74.18.020, or (iii) a disabled(~~(handicapped)~~) or
7 incapacitated person as defined under any other existing state or
8 federal program and whose income, including that of his or her spouse
9 or cotenant, does not exceed the amount specified in RCW 70.164.020(4).

10 **Sec. 160.** RCW 75.25.110 and 1989 c 305 s 8 are each amended to
11 read as follows:

12 (1) Any of the recreational fishing licenses required by this
13 chapter shall, upon request, be issued without charge to the following
14 individuals upon request:

15 (a) Residents under fifteen years of age and residents seventy
16 years of age or older;

17 (b) Residents who submit applications attesting that they are a
18 person sixty-five years of age or older who is an honorably discharged
19 veteran of the United States armed forces with a service-connected
20 disability and who has been a resident of this state for the preceding
21 ninety days;

22 (c) A blind person;

23 (d) A person with a developmental disability as defined in RCW
24 71A.10.020 with documentation of the disability from the department of
25 social and health services; and

26 (e) A person who is physically (~~handicapped~~) disabled and
27 confined to a wheelchair.

1 (2) Personal use licenses, salmon licenses, and sturgeon licenses
2 shall, upon request, be issued to nonresidents under fifteen years of
3 age.

4 (3) A blind person or a physically (~~handicapped~~) disabled person
5 confined to a wheelchair who has been issued a card for a permanent
6 disability under RCW 46.16.381 may use that card in place of a fishing
7 license unless a punchcard is required by the director.

8 **Sec. 161.** RCW 75.25.180 and 1989 c 305 s 14 are each amended to
9 read as follows:

10 Recreational licenses issued by the department of fisheries under
11 this chapter are valid for the following periods:

12 (1) Recreational licenses issued without charge to persons
13 designated by this chapter are valid:

14 (a) For life for blind persons;

15 (b) For the period of continued state residency for qualified
16 disabled veterans;

17 (c) For the period of continued state residency for persons sixty-
18 five years of age or more;

19 (d) For the period of the disability for persons with a
20 developmental disability;

21 (e) For life for (~~handicapped~~) disabled persons confined to a
22 wheelchair who have been issued a permanent disability card; and

23 (f) Until a child reaches fifteen years of age.

24 (2) Two-consecutive-day personal use licenses expire at midnight on
25 the day following the validation date written on the license by the
26 license dealer, except two-consecutive-day personal use licenses
27 validated for December 31 expire at midnight on that date.

28 (3) An annual salmon license is valid for a maximum catch of
29 fifteen salmon, after which another salmon license may be purchased.

1 A salmon license is valid only for the calendar year for which it is
2 issued.

3 (4) An annual sturgeon license is valid for a maximum catch of
4 fifteen sturgeon. A sturgeon license is valid only for the calendar
5 year for which it is issued.

6 (5) All other recreational licenses are valid for the calendar year
7 for which they are issued.

8 **Sec. 162.** RCW 75.25.200 and 1990 c 35 s 2 are each amended to read
9 as follows:

10 Physically or mentally (~~handicapped~~) disabled persons, mentally
11 ill persons, hospital patients, and senior citizens who are in the care
12 of a state-licensed or state-operated care facility may fish for food
13 fish and shellfish during open season without individual licenses or
14 the payment of individual license fees if such fishing activity is
15 occasional, is conducted in a group supervised by staff of the care
16 facility, and the facility holds a group fishing permit issued by the
17 director. The director shall issue such a permit upon application by
18 care facility staff.

19 **Sec. 163.** RCW 77.12.010 and 1985 c 438 s 1 are each amended to
20 read as follows:

21 Wildlife is the property of the state. The department shall
22 preserve, protect, and perpetuate wildlife. Game animals, game birds,
23 and game fish may be taken only at times or places, or in manners or
24 quantities as in the judgment of the commission maximizes public
25 recreational opportunities without impairing the supply of wildlife.

26 The commission shall not adopt rules that categorically prohibit
27 fishing with bait or artificial lures in streams, rivers, beaver ponds,
28 and lakes except that the commission may adopt rules and regulations

1 restricting fishing methods upon a determination by the director that
2 an individual body of water or part thereof clearly requires a fishing
3 method prohibition to conserve or enhance the fisheries resource or to
4 provide selected fishing alternatives. The commission shall attempt to
5 maximize the public recreational fishing opportunities of all citizens,
6 particularly juvenile, ((handicapped)) disabled, and senior citizens.

7 Nothing contained herein shall be construed to infringe on the
8 right of a private property owner to control the owner's private
9 property.

10 **Sec. 164.** RCW 77.32.230 and 1988 c 176 s 914 are each amended to
11 read as follows:

12 (1) A person sixty-five years of age or older who is an honorably
13 discharged veteran of the United States armed forces having a service-
14 connected disability and who has been a resident for five years may
15 receive upon application a state hunting and fishing license free of
16 charge.

17 (2) A person seventy years of age or older who has been a resident
18 for ten years may receive, upon application, a fishing license free of
19 charge.

20 (3) A blind person, or a person with a developmental disability as
21 defined in RCW 71A.10.020 with documentation of the disability from the
22 department of social and health services, or a physically
23 ((handicapped)) disabled person confined to a wheelchair may receive
24 upon application a fishing license free of charge.

25 (4) A blind person or a physically ((handicapped)) disabled person
26 confined to a wheelchair who has been issued a card for a permanent
27 disability under RCW 46.16.381 may use that card in place of a fishing
28 license unless tags, permits, stamps, or punchcards are required by
29 this chapter.

1 (5) A fishing license is not required for persons under the age of
2 fifteen.

3 (6) Tags, permits, stamps, and punchcards required by this chapter
4 shall be purchased separately by persons receiving a free or reduced-
5 fee license.

6 **Sec. 165.** RCW 77.32.235 and 1990 c 35 s 4 are each amended to read
7 as follows:

8 Physically or mentally (~~handicapped~~) disabled persons, hospital
9 patients, and senior citizens may fish for game fish during open season
10 without individual licenses or the payment of individual license fees
11 if such fishing activity is occasional, is conducted in a group
12 supervised by staff of a state-licensed or state-operated care
13 facility, and the facility holds a group fishing permit issued by the
14 director. The director shall issue such a permit upon application by
15 care facility staff.

16 **Sec. 166.** RCW 79.90.460 and 1984 c 221 s 3 are each amended to
17 read as follows:

18 (1) The management of state-owned aquatic lands shall preserve and
19 enhance water-dependent uses. Water-dependent uses shall be favored
20 over other uses in aquatic land planning and in resolving conflicts
21 between competing lease applications. In cases of conflict between
22 water-dependent uses, priority shall be given to uses which enhance
23 renewable resources, water-borne commerce, and the navigational and
24 biological capacity of the waters, and to state-wide interests as
25 distinguished from local interests.

26 (2) Nonwater-dependent use of state-owned aquatic lands is a low-
27 priority use providing minimal public benefits and shall not be
28 permitted to expand or be established in new areas except in

1 exceptional circumstances where it is compatible with water-dependent
2 uses occurring in or planned for the area.

3 (3) The department shall consider the natural values of state-owned
4 aquatic lands as wildlife habitat, natural area preserve,
5 representative ecosystem, or spawning area prior to issuing any initial
6 lease or authorizing any change in use. The department may withhold
7 from leasing lands which it finds to have significant natural values,
8 or may provide within any lease for the protection of such values.

9 (4) The power to lease state-owned aquatic lands is vested in the
10 department of natural resources, which has the authority to make leases
11 upon terms, conditions, and length of time in conformance with the
12 state Constitution and chapters 79.90 through 79.96 RCW.

13 (5) State-owned aquatic lands shall not be leased to persons or
14 organizations which discriminate on the basis of race, color, creed,
15 religion, sex, age, or physical or mental (~~handicap~~) disability.

16 **Sec. 167.** RCW 81.66.010 and 1979 c 111 s 4 are each amended to
17 read as follows:

18 The definitions set forth in this section shall apply throughout
19 this chapter, unless the context clearly indicates otherwise.

20 (1) "Corporation" means a corporation, company, association, or
21 joint stock association.

22 (2) "Person" means an individual, firm, or a copartnership.

23 (3) "Private, nonprofit transportation provider" means any private,
24 nonprofit corporation providing transportation services for
25 compensation solely to elderly or (~~handicapped~~) disabled persons and
26 their attendants.

27 (4) "Elderly" means any person sixty years of age or older.

28 (5) (~~"Handicapped"~~) "Disabled" means all persons who, by reason
29 of illness, injury, age, congenital malfunction, or other permanent or

1 temporary incapacity or disability, are unable without special
2 facilities or special planning or design to use mass transportation
3 facilities and services as efficiently as persons who are not so
4 affected. ((Handicapped)) Disabled people include (a) ambulatory
5 persons whose capacities are hindered by sensory disabilities such as
6 blindness or deafness, mental disabilities such as mental retardation
7 or emotional illness, physical disability which still permits the
8 person to walk comfortably, or a combination of these disabilities; (b)
9 semiambulatory persons who require special aids to travel such as
10 canes, crutches, walkers, respirators, or human assistance; and (c)
11 nonambulatory persons who must use wheelchairs or wheelchair-like
12 equipment to travel.

13 **Sec. 168.** RCW 81.68.015 and 1989 c 163 s 2 are each amended to
14 read as follows:

15 This chapter does not apply to corporations or persons, their
16 lessees, trustees, receivers, or trustees appointed by any court
17 whatsoever insofar as they own, control, operate, or manage taxicabs,
18 hotel buses, school buses, motor propelled vehicles operated
19 exclusively in transporting agricultural, horticultural, dairy, or
20 other farm products from the point of production to the market, or any
21 other carrier that does not come within the term "auto transportation
22 company" as defined in RCW 81.68.010.

23 This chapter does not apply to persons operating motor vehicles
24 when operated wholly within the limits of incorporated cities or towns,
25 and for a distance not exceeding three road miles beyond the corporate
26 limits of the city or town in Washington in which the original starting
27 point of the vehicle is located, and which operation either alone or in
28 conjunction with another vehicle or vehicles is not a part of any
29 journey beyond the three-mile limit.

1 This chapter does not apply to commuter ride sharing or ride
2 sharing for the elderly and the ((handicapped)) disabled in accordance
3 with RCW 46.74.010, so long as the ride-sharing operation does not
4 compete with nor infringe upon comparable service actually being
5 provided before the initiation of the ride-sharing operation by an
6 existing auto transportation company certificated under this chapter.

7 **Sec. 169.** RCW 82.04.355 and 1979 c 111 s 17 are each amended to
8 read as follows:

9 This chapter does not apply to any funds received in the course of
10 commuter ride sharing or ride sharing for the elderly and the
11 ((handicapped)) disabled in accordance with RCW 46.74.010.

12 **Sec. 170.** RCW 82.04.385 and 1988 c 176 s 915 and 1988 c 13 s 1 are
13 each reenacted and amended to read as follows:

14 This chapter shall not apply to income received from the department
15 of social and health services for the cost of care, maintenance,
16 support, and training of persons with developmental disabilities at
17 nonprofit group training homes as defined by chapter 71A.22 RCW or to
18 the business activities of nonprofit organizations from the operation
19 of sheltered workshops. For the purposes of this section, "the
20 operation of sheltered workshops" means performance of business
21 activities of any kind on or off the premises of such nonprofit
22 organizations which are performed for the primary purpose of (1)
23 providing gainful employment or rehabilitation services to the
24 ((handicapped)) disabled as an interim step in the rehabilitation
25 process for those who cannot be readily absorbed in the competitive
26 labor market or during such time as employment opportunities for them
27 in the competitive labor market do not exist; or (2) providing

1 evaluation and work adjustment services for ((handicapped)) disabled
2 individuals.

3 **Sec. 171.** RCW 82.16.047 and 1979 c 111 s 18 are each amended to
4 read as follows:

5 This chapter does not apply to any funds received in the course of
6 commuter ride sharing or ride sharing for the elderly and the
7 ((handicapped)) disabled in accordance with RCW 46.74.010.

8 **Sec. 172.** RCW 82.36.285 and 1983 c 108 s 3 are each amended to
9 read as follows:

10 A private, nonprofit transportation provider certified under
11 chapter 81.66 RCW shall receive a refund of the amount of the motor
12 vehicle fuel tax paid on each gallon of motor vehicle fuel used to
13 provide transit services for only elderly or ((handicapped)) disabled
14 persons, or both, whether the vehicle fuel tax has been paid either
15 directly to the vendor from whom the motor vehicle fuel was purchased
16 or indirectly by adding the amount of the tax to the price of the fuel.

17 **Sec. 173.** RCW 82.38.080 and 1990 c 185 s 1 are each amended to
18 read as follows:

19 There is exempted from the tax imposed by this chapter, the use of
20 fuel for: (1) Street and highway construction and maintenance purposes
21 in motor vehicles owned and operated by the state of Washington, or any
22 county or municipality; (2) publicly owned fire fighting equipment; (3)
23 special mobile equipment as defined in RCW 46.04.552; (4) power pumping
24 units or other power take-off equipment of any motor vehicle which is
25 accurately measured by metering devices that have been specifically
26 approved by the department or which is established by either of the
27 following formulae: (a) Pumping propane, or fuel or heating oils or

1 milk picked up from a farm or dairy farm storage tank by a power take-
2 off unit on a delivery truck, at the rate of three-fourths of one
3 gallon for each one thousand gallons of fuel delivered or milk picked
4 up: PROVIDED, That claimant when presenting his or her claim to the
5 department in accordance with the provisions of this chapter, shall
6 provide to said claim, invoices of propane, or fuel or heating oil
7 delivered, or such other appropriate information as may be required by
8 the department to substantiate his or her claim; or (b) operating a
9 power take-off unit on a cement mixer truck or a load compactor on a
10 garbage truck at the rate of twenty-five percent of the total gallons
11 of fuel used in such a truck; (5) motor vehicles owned and operated by
12 the United States government; (6) heating purposes; (7) moving a motor
13 vehicle on a public highway between two pieces of private property when
14 said moving is incidental to the primary use of the motor vehicle; (8)
15 transit services for only elderly or (~~handicapped~~) disabled persons,
16 or both, by a private, nonprofit transportation provider certified
17 under chapter 81.66 RCW; and (9) notwithstanding any provision of law
18 to the contrary, every urban passenger transportation system and
19 carriers as defined by chapters 81.68 and 81.70 RCW shall be exempt
20 from the provisions of this chapter requiring the payment of special
21 fuel taxes. For the purposes of this section "urban passenger
22 transportation system" means every transportation system, publicly or
23 privately owned, having as its principal source of revenue the income
24 from transporting persons for compensation by means of motor vehicles
25 and/or trackless trolleys, each having a seating capacity for over
26 fifteen persons over prescribed routes in such a manner that the routes
27 of such motor vehicles and/or trackless trolleys, either alone or in
28 conjunction with routes of other such motor vehicles and/or trackless
29 trolleys subject to routing by the same transportation system, shall
30 not extend for a distance exceeding twenty-five road miles beyond the

1 corporate limits of the county in which the original starting points of
2 such motor vehicles are located: PROVIDED, That no refunds or credits
3 shall be granted on fuel used by any urban transportation vehicle or
4 vehicle operated pursuant to chapters 81.68 and 81.70 RCW on any trip
5 where any portion of said trip is more than twenty-five road miles
6 beyond the corporate limits of the county in which said trip
7 originated.

8 **Sec. 174.** RCW 82.44.015 and 1982 c 142 s 1 are each amended to
9 read as follows:

10 For the purposes of this chapter, in addition to the exclusions
11 under RCW 82.44.010, "motor vehicle" shall not include: (1) Vans used
12 regularly as ride-sharing vehicles, as defined in RCW 46.74.010(3), by
13 not fewer than seven persons, including passengers and driver, or not
14 fewer than five persons including the driver, when at least three of
15 those persons are confined to wheelchairs when riding; or (2) vehicles
16 with a seating capacity greater than fifteen persons which otherwise
17 qualify as ride-sharing vehicles under RCW 46.74.010(3) used
18 exclusively for ride sharing for the elderly or the (~~handicapped~~)
19 disabled by not fewer than seven persons, including driver. The
20 registered owner of one of these vehicles shall notify the department
21 of licensing upon termination of regular use of the vehicle as a ride-
22 sharing vehicle and shall be liable for the tax imposed by this
23 chapter, prorated on the remaining months for which the vehicle is
24 licensed.

25 **Sec. 175.** RCW 82.44.041 and 1990 c 42 s 303 are each amended to
26 read as follows:

27 (1) For the purpose of determining the tax under this chapter, the
28 value of a truck-type power or trailing unit shall be the latest

1 purchase price of the vehicle, excluding applicable federal excise
2 taxes, state and local sales or use taxes, transportation or shipping
3 costs, or preparatory or delivery costs, multiplied by the following
4 percentage based on year of service of the vehicle since last sale. The
5 latest purchase year shall be considered the first year of service.

6	YEAR OF SERVICE	PERCENTAGE
7	1	100
8	2	90
9	3	83
10	4	75
11	5	67
12	6	59
13	7	52
14	8	44
15	9	36
16	10	28
17	11	21
18	12	13
19	13 or older	10

20 (2) The reissuance of title and registration for a truck-type power
21 or trailing unit because of the installation of body or special
22 equipment shall be treated as a sale, and the value of the truck-type
23 power or trailing unit at that time, as determined by the department
24 from such information as may be available, shall be considered the
25 latest purchase price.

26 (3) For the purpose of determining the tax under this chapter, the
27 value of a motor vehicle other than a truck-type power or trailing unit

1 shall be the manufacturer's base suggested retail price of the vehicle
2 when first offered for sale as a new vehicle, excluding any optional
3 equipment, applicable federal excise taxes, state and local sales or
4 use taxes, transportation or shipping costs, or preparatory or delivery
5 costs, multiplied by the applicable percentage listed in this
6 subsection based on year of service of the vehicle.

7 If the manufacturer's base suggested retail price is unavailable or
8 otherwise unascertainable at the time of initial registration in this
9 state, the department shall determine a value equivalent to a
10 manufacturer's base suggested retail price as follows:

11 (a) The department shall determine a value using any information
12 that may be available, including any guidebook, report, or compendium
13 of recognized standing in the automotive industry or the selling price
14 and year of sale of the vehicle. The department may use an appraisal
15 by the county assessor. In valuing a vehicle for which the current
16 value or selling price is not indicative of the value of similar
17 vehicles of the same year and model, the department shall establish a
18 value that more closely represents the average value of similar
19 vehicles of the same year and model.

20 (b) The value determined in (a) of this subsection shall be divided
21 by the applicable percentage listed in this subsection to establish a
22 value equivalent to a manufacturer's base suggested retail price. The
23 applicable percentage shall be based on the year of service of the
24 vehicle for which the value is determined.

25	YEAR OF SERVICE	PERCENTAGE
26	1	100
27	2	100
28	3	91
29	4	83

1	5	74
2	6	65
3	7	57
4	8	48
5	9	40
6	10	31
7	11	22
8	12	14
9	13 or older	10

10 (4) For purposes of this chapter, value shall exclude value
11 attributable to modifications of a motor vehicle and equipment that are
12 designed to facilitate the use or operation of the motor vehicle by a
13 (~~handicapped~~) disabled person.

14 **Sec. 176.** RCW 82.80.030 and 1990 c 42 s 208 are each amended to
15 read as follows:

16 (1) Subject to the conditions of this section, the legislative
17 authority of a county or city may fix and impose a parking tax on all
18 persons engaged in a commercial parking business within its respective
19 jurisdiction. The jurisdiction of a county, for purposes of this
20 section, includes only the unincorporated area of the county. The
21 jurisdiction of a city includes only the area within its incorporated
22 boundaries.

23 (2) In lieu of the tax in subsection (1) of this section, a city or
24 a county in its unincorporated area may fix and impose a tax for the
25 act or privilege of parking a motor vehicle in a facility operated by
26 a commercial parking business.

27 The city or county may provide that:

28 (a) The tax is paid by the operator or owner of the motor vehicle;

1 (b) The tax applies to all parking for which a fee is paid, whether
2 paid or leased, including parking supplied with a lease of
3 nonresidential space;

4 (c) The tax is collected by the operator of the facility and
5 remitted to the city or county;

6 (d) The tax is a fee per vehicle or is measured by the parking
7 charge;

8 (e) The tax rate varies with zoning or location of the facility,
9 the duration of the parking, the time of entry or exit, the type or use
10 of the vehicle, or other reasonable factors; and

11 (f) Tax exempt carpools, vehicles with (~~handicapped~~) disabled
12 decals, or government vehicles are exempt from the tax.

13 (3) "Commercial parking business" as used in this section, means
14 the ownership, lease, operation, or management of a commercial parking
15 lot in which fees are charged. "Commercial parking lot" means a
16 covered or uncovered area with stalls for the purpose of parking motor
17 vehicles.

18 (4) The rate of the tax under subsection (1) of this section may be
19 based either upon gross proceeds or the number of vehicle stalls
20 available for commercial parking use. The rates charged must be
21 uniform for the same class or type of commercial parking business.

22 (5) The county or city levying the tax provided for in subsection
23 (1) or (2) of this section may provide for its payment on a monthly,
24 quarterly, or annual basis. Each local government may develop by
25 ordinance or resolution rules for administering the tax, including
26 provisions for reporting by commercial parking businesses, collection,
27 and enforcement.

28 (6) The proceeds of the commercial parking tax fixed and imposed
29 under subsection (1) or (2) of this section shall be used strictly for
30 transportation purposes in accordance with RCW 82.80.070.

1 **Sec. 177.** RCW 84.36.350 and 1975 1st ex.s. c 3 s 1 are each
2 amended to read as follows:

3 The following property shall be exempt from taxation:

4 Real or personal property owned and used by a nonprofit corporation
5 in connection with the operation of a sheltered workshop for
6 ((handicapped)) disabled persons, and used primarily in connection with
7 the manufacturing and the handling, sale or distribution of goods
8 constructed, processed, or repaired in such workshops or centers;
9 inventory owned by a sheltered workshop for sale or lease by the
10 sheltered workshop or to be furnished under a contract of service,
11 including raw materials, work in process, and finished products.

12 **Sec. 178.** RCW 84.36.353 and 1970 ex.s. c 81 s 2 are each amended
13 to read as follows:

14 Unless a different meaning is plainly required by the context, the
15 following term as hereinafter used in this chapter shall have the
16 following meaning:

17 "Sheltered workshop" means rehabilitation facility, or that part of
18 a rehabilitation facility operated by a nonprofit corporation, where
19 any manufacture or handiwork is carried on and which is operated for
20 the primary purpose of (1) providing gainful employment or
21 rehabilitation services to the ((handicapped)) disabled as an interim
22 step in the rehabilitation process for those who cannot be readily
23 absorbed in the competitive labor market or during such time as
24 employment opportunities for them in the competitive labor market do
25 not exist; or (2) providing evaluation and work adjustment services for
26 ((handicapped)) disabled individuals.

27 **Sec. 179.** RCW 84.52.0531 and 1990 c 33 s 601 are each amended to
28 read as follows:

1 The maximum dollar amount which may be levied by or for any school
2 district for maintenance and operation support under the provisions of
3 RCW 84.52.053 shall be determined as follows:

4 (1) For the purpose of this section, the basic education allocation
5 shall be determined pursuant to RCW 28A.150.250, 28A.150.260, and
6 28A.150.350: PROVIDED, That when determining the basic education
7 allocation under subsection (4) of this section, nonresident full time
8 equivalent pupils who are participating in a program provided for in
9 chapter 28A.545 RCW or in any other program pursuant to an
10 interdistrict agreement shall be included in the enrollment of the
11 resident district and excluded from the enrollment of the serving
12 district.

13 (2) For the purposes of subsection (5) of this section, a base year
14 levy percentage shall be established. The base year levy percentage
15 shall be equal to the greater of: (a) The district's actual levy
16 percentage for calendar year 1985, (b) the average levy percentage for
17 all school district levies in the state in calendar year 1985, or (c)
18 the average levy percentage for all school district levies in the
19 educational service district of the district in calendar year 1985.

20 (3) For excess levies for collection in calendar year 1988 and
21 thereafter, the maximum dollar amount shall be the total of:

22 (a) The district's levy base as defined in subsection (4) of this
23 section multiplied by the district's maximum levy percentage as defined
24 in subsections (5) and (6) of this section; plus

25 (b) In the case of nonhigh school districts only, an amount equal
26 to the total estimated amount due by the nonhigh school district to
27 high school districts pursuant to chapter 28A.545 RCW for the school
28 year during which collection of the levy is to commence, less the
29 increase in the nonhigh school district's basic education allocation as
30 computed pursuant to subsection (1) of this section due to the

1 inclusion of pupils participating in a program provided for in chapter
2 28A.545 RCW in such computation; less

3 (c) The maximum amount of state matching funds under RCW
4 28A.500.010 for which the district is eligible in that tax collection
5 year.

6 (4) For excess levies for collection in calendar year 1988 and
7 thereafter, a district's levy base shall be the sum of the following
8 allocations received by the district for the prior school year,
9 including allocations for compensation increases, adjusted by the
10 percent increase per full time equivalent student in the state basic
11 education appropriation between the prior school year and the current
12 school year:

13 (a) The district's basic education allocation as determined
14 pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

15 (b) State and federal categorical allocations for the following
16 programs:

17 (i) Pupil transportation;

18 (ii) (~~Handicapped~~) Disabled education;

19 (iii) Education of highly capable students;

20 (iv) Compensatory education, including but not limited to learning
21 assistance, migrant education, Indian education, refugee programs, and
22 bilingual education;

23 (v) Food services; and

24 (vi) State-wide block grant programs; and

25 (c) Any other federal allocations for elementary and secondary
26 school programs, including direct grants, other than federal impact aid
27 funds and allocations in lieu of taxes.

28 (5) For levies to be collected in calendar year 1988, a district's
29 maximum levy percentage shall be determined as follows:

1 (a) Multiply the district's base year levy percentage as defined in
2 subsection (2) of this section by the district's levy base as
3 determined in subsection (4) of this section;

4 (b) Reduce the amount in (a) of this subsection by the total
5 estimated amount of any levy reduction funds as defined in subsection
6 (7) of this section which are to be allocated to the district for the
7 1987-88 school year;

8 (c) Divide the amount in (b) of this subsection by the district's
9 levy base to compute a new percentage; and

10 (d) The percentage in (c) of this subsection or twenty percent,
11 whichever is greater, shall be the district's maximum levy percentage
12 for levies collected in calendar year 1988.

13 (6) For excess levies for collection in calendar year 1989 and
14 thereafter, a district's maximum levy percentage shall be determined as
15 follows:

16 (a) Multiply the district's maximum levy percentage for the prior
17 year or thirty percent, whichever is less, by the district's levy base
18 as determined in subsection (4) of this section;

19 (b) Reduce the amount in (a) of this subsection by the total
20 estimated amount of any levy reduction funds as defined in subsection
21 (7) of this section which are to be allocated to the district for the
22 current school year;

23 (c) Divide the amount in (b) of this subsection by the district's
24 levy base to compute a new percentage; and

25 (d) The percentage in (c) of this subsection or twenty percent,
26 whichever is greater, shall be the district's maximum levy percentage
27 for levies collected in that calendar year.

28 (7) "Levy reduction funds" shall mean increases in state funds from
29 the prior school year for programs included under subsection (4) of
30 this section: (a) That are not attributable to enrollment changes,

1 compensation increases, or inflationary adjustments; and (b) that are
2 or were specifically identified as levy reduction funds in *the
3 appropriations act. If levy reduction funds are dependent on formula
4 factors which would not be finalized until after the start of the
5 current school year, the superintendent of public instruction shall
6 estimate the total amount of levy reduction funds by using prior school
7 year data in place of current school year data. Levy reduction funds
8 shall not include moneys received by school districts from cities or
9 counties.

10 (8) For the purposes of this section, "prior school year" shall
11 mean the most recent school year completed prior to the year in which
12 the levies are to be collected.

13 (9) For the purposes of this section, "current school year" shall
14 mean the year immediately following the prior school year.

15 (10) The superintendent of public instruction shall develop rules
16 and regulations and inform school districts of the pertinent data
17 necessary to carry out the provisions of this section.