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**HOUSE BILL 2390**

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**State of Washington                      66th Legislature                      2020 Regular Session**

**By** Representatives Kilduff, Goodman, Klippert, Leavitt, Thai, Dufault, Macri, Senn, and Hudgins

Prefiled 01/10/20. Read first time 01/13/20. Referred to Committee on Civil Rights & Judiciary.

1            AN    ACT    Relating   to   using   respectful   language   regarding  
2 individuals with developmental disabilities; amending RCW 7.68.020,  
3 18.59.040, 20.01.330, 26.33.350, 26.40.010, 26.40.020, 26.40.030,  
4 26.44.015, 27.04.045, 28B.07.010, 35.58.240, 35.68.075, 35.86A.010,  
5 35.86A.070, 35.92.060, 35.95A.050, 36.57.040, 36.57A.090, 39.23.005,  
6 41.05.095, 43.20A.635, 43.24.090, 43.31.512, 43.63A.670, 43.216.720,  
7 43.220.070, 46.72.010, 47.04.170, 48.20.420, 48.21.150, 48.30.300,  
8 48.30.320, 48.41.140, 48.44.200, 48.44.210, 48.44.220, 48.46.320,  
9 48.46.370, 49.12.110, 49.74.005, 50.12.210, 51.08.030, 57.08.014,  
10 70.82.010, 70.82.030, 70.84.010, 70.84.080, 71A.10.040, 71A.12.010,  
11 71A.12.020, 72.05.010, 72.05.130, 72.60.235, 72.64.150, 72.70.010,  
12 74.04.515, 74.12.290, 74.13.310, 74.13A.085, 74.18.045, 74.26.010,  
13 79.105.210, 82.80.030, and 84.36.350; and reenacting and amending RCW  
14 43.180.070, 66.24.425, 71.34.020, 74.13.031, 74.13A.020, and  
15 82.04.385.

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

17            **Sec. 1.** RCW 7.68.020 and 2017 c 235 s 1 are each amended to read  
18 as follows:

19            The following words and phrases as used in this chapter have the  
20 meanings set forth in this section unless the context otherwise  
21 requires.

1 (1) "Accredited school" means a school or course of instruction  
2 which is:

3 (a) Approved by the state superintendent of public instruction,  
4 the state board of education, or the state board for community and  
5 technical colleges; or

6 (b) Regulated or licensed as to course content by any agency of  
7 the state or under any occupational licensing act of the state, or  
8 recognized by the apprenticeship council under an agreement  
9 registered with the apprenticeship council pursuant to chapter 49.04  
10 RCW.

11 (2) "Average monthly wage" means the average annual wage as  
12 determined under RCW 50.04.355 as now or hereafter amended divided by  
13 twelve.

14 (3) "Beneficiary" means a husband, wife, registered domestic  
15 partner, or child of a victim in whom shall vest a right to receive  
16 payment under this chapter, except that a husband or wife of an  
17 injured victim, living separate and apart in a state of abandonment,  
18 regardless of the party responsible therefor, for more than one year  
19 at the time of the injury or subsequently, shall not be a  
20 beneficiary. A spouse who has lived separate and apart from the other  
21 spouse for the period of two years and who has not, during that time,  
22 received or attempted by process of law to collect funds for  
23 maintenance, shall be deemed living in a state of abandonment.

24 (4) "Child" means every natural born child, posthumous child,  
25 stepchild, child legally adopted prior to the injury, child born  
26 after the injury where conception occurred prior to the injury, and  
27 dependent child in the legal custody and control of the victim, all  
28 while under the age of eighteen years, or under the age of twenty-  
29 three years while permanently enrolled as a full-time student in an  
30 accredited school, and over the age of eighteen years if the child is  
31 a dependent as a result of a (~~physical, mental, or sensory~~  
32 ~~handicap~~) disability.

33 (5) "Consumer price index" means the consumer price index  
34 compiled by the bureau of labor statistics, United States department  
35 of labor for the state of Washington. If the bureau of labor  
36 statistics develops more than one consumer price index for areas  
37 within the state, the index covering the greatest number of people,  
38 covering areas exclusively within the boundaries of the state, and  
39 including all items must be used.

1 (6) "Criminal act" means an act committed or attempted in this  
2 state which is: (a) Punishable as a federal offense that is  
3 comparable to a felony or gross misdemeanor in this state; (b)  
4 punishable as a felony or gross misdemeanor under the laws of this  
5 state; (c) an act committed outside the state of Washington against a  
6 resident of the state of Washington which would be compensable had it  
7 occurred inside this state and the crime occurred in a state which  
8 does not have a crime victims' compensation program, for which the  
9 victim is eligible as set forth in the Washington compensation law;  
10 or (d) trafficking as defined in RCW 9A.40.100. A "criminal act" does  
11 not include the following:

12 (i) The operation of a motor vehicle, motorcycle, train, boat, or  
13 aircraft in violation of law unless:

14 (A) The injury or death was intentionally inflicted;

15 (B) The operation thereof was part of the commission of another  
16 nonvehicular criminal act as defined in this section;

17 (C) The death or injury was the result of the operation of a  
18 motor vehicle after July 24, 1983, and one of the following applies:

19 (I) A preponderance of the evidence establishes that the death  
20 was the result of vehicular homicide under RCW 46.61.520;

21 (II) The victim submits a copy of a certificate of probable cause  
22 filed by the prosecutor stating that a vehicular assault under RCW  
23 46.61.522 occurred;

24 (III) Charges have been filed against the defendant for vehicular  
25 assault under RCW 46.61.522;

26 (IV) A conviction of vehicular assault under RCW 46.61.522 has  
27 been obtained; or

28 (V) In cases where a probable criminal defendant has died in  
29 perpetration of vehicular assault or, in cases where the perpetrator  
30 of the vehicular assault is unascertainable because he or she left  
31 the scene of the accident in violation of RCW 46.52.020 or, because  
32 of physical or mental infirmity or disability the perpetrator is  
33 incapable of standing trial for vehicular assault, the department  
34 may, by a preponderance of the evidence, establish that a vehicular  
35 assault had been committed and authorize benefits;

36 (D) The injury or death was caused by a driver in violation of  
37 RCW 46.61.502; or

38 (E) The injury or death was caused by a driver in violation of  
39 RCW 46.61.655(7)(a), failure to secure a load in the first degree;

1 (ii) Neither an acquittal in a criminal prosecution nor the  
2 absence of any such prosecution is admissible in any claim or  
3 proceeding under this chapter as evidence of the noncriminal  
4 character of the acts giving rise to such claim or proceeding, except  
5 as provided for in (d)(i)(C) of this subsection;

6 (iii) Evidence of a criminal conviction arising from acts which  
7 are the basis for a claim or proceeding under this chapter is  
8 admissible in such claim or proceeding for the limited purpose of  
9 proving the criminal character of the acts; and

10 (iv) Acts which, but for the insanity or mental irresponsibility  
11 of the perpetrator, would constitute criminal conduct are deemed to  
12 be criminal conduct within the meaning of this chapter.

13 (7) "Department" means the department of labor and industries.

14 (8) "Financial support for lost wages" means a partial  
15 replacement of lost wages due to a temporary or permanent total  
16 disability.

17 (9) "Gainfully employed" means engaging on a regular and  
18 continuous basis in a lawful activity from which a person derives a  
19 livelihood.

20 (10) "Injury" means a sudden and tangible happening, of a  
21 traumatic nature, producing an immediate or prompt result, and  
22 occurring from without, and such physical conditions as result  
23 therefrom.

24 (11) "Invalid" means one who is physically or mentally  
25 incapacitated from earning wages.

26 (12) "Permanent total disability" means loss of both legs, or  
27 arms, or one leg and one arm, total loss of eyesight, paralysis, or  
28 other condition permanently incapacitating the victim from performing  
29 any work at any gainful occupation.

30 (13) "Private insurance" means any source of recompense provided  
31 by contract available as a result of the claimed injury or death at  
32 the time of such injury or death, or which becomes available any time  
33 thereafter.

34 (14) "Public insurance" means any source of recompense provided  
35 by statute, state or federal, available as a result of the claimed  
36 injury or death at the time of such injury or death, or which becomes  
37 available any time thereafter.

38 (15) "Temporary total disability" means any condition that  
39 temporarily incapacitates a victim from performing any type of  
40 gainful employment as certified by the victim's attending physician.

1 (16) "Victim" means a person who suffers bodily injury or death  
2 as a proximate result of a criminal act of another person, the  
3 victim's own good faith and reasonable effort to prevent a criminal  
4 act, or his or her good faith effort to apprehend a person reasonably  
5 suspected of engaging in a criminal act. For the purposes of  
6 receiving benefits pursuant to this chapter, "victim" is  
7 interchangeable with "employee" or "worker" as defined in chapter  
8 51.08 RCW as now or hereafter amended.

9 **Sec. 2.** RCW 18.59.040 and 1985 c 296 s 1 are each amended to  
10 read as follows:

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

13 (1) A person licensed in this state under any other law from  
14 engaging in the profession or occupation for which the person is  
15 licensed;

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

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

27 (4) A person fulfilling the supervised fieldwork experience  
28 requirements of RCW 18.59.050, if the activities and services  
29 constitute a part of the experience necessary to meet the  
30 requirements of RCW 18.59.050;

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

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

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

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

3 (7) A person with a limited permit. A limited permit may be  
4 granted to persons who have completed the education and experience  
5 requirements of this chapter, or education and experience  
6 requirements which the board deems equivalent to those specified as  
7 requirements for licensure. The limited permit allows the applicant  
8 to practice in association with an occupational therapist. The  
9 limited permit is valid until the results of the next examination  
10 have been made public. One extension of this permit may be granted if  
11 the applicant has failed the examination, but during this period the  
12 person shall be under the direct supervision of an occupational  
13 therapist;

14 (8) Any persons who teach daily living skills, develop  
15 prevocational skills, and play and avocational capabilities, or adapt  
16 equipment or environments for (~~the handicapped~~) individuals with  
17 disabilities, or who do specific activities to enhance cognitive,  
18 perceptual motor, sensory integrative and psychomotor skills, but who  
19 do not hold themselves out to the public by any title, initials, or  
20 description of services as being engaged in the practice of  
21 occupational therapy; or

22 (9) Any person who designs, fabricates, or applies orthotic or  
23 prosthetic devices which are prescribed by a health care professional  
24 authorized by the laws of the state of Washington to prescribe the  
25 device or to direct the design, fabrication or application of the  
26 device.

27 **Sec. 3.** RCW 20.01.330 and 2011 c 336 s 584 are each amended to  
28 read as follows:

29 The director may refuse to grant a license or renew a license and  
30 may revoke or suspend a license or issue a conditional or  
31 probationary order if he or she is satisfied after a hearing, as  
32 herein provided, of the existence of any of the following facts,  
33 which are hereby declared to be a violation of this chapter:

34 (1) That fraudulent charges or returns have been made by the  
35 applicant, or licensee, for the handling, sale or storage of, or for  
36 rendering of any service in connection with the handling, sale or  
37 storage of any agricultural product.

38 (2) That the applicant, or licensee, has failed or refused to  
39 render a true account of sales, or to make a settlement thereon, or

1 to pay for agricultural products received, within the time and in the  
2 manner required by this chapter.

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

6 (4) That the applicant, or licensee, directly or indirectly has  
7 purchased for his or her own account agricultural products received  
8 by him or her upon consignment without prior authority from the  
9 consignor together with the price fixed by consignor or without  
10 promptly notifying the consignor of such purchase. This shall not  
11 prevent any commission merchant from taking to account of sales, in  
12 order to close the day's business, miscellaneous lots or parcels of  
13 agricultural products remaining unsold, if such commission merchant  
14 shall forthwith enter such transaction on his or her account of  
15 sales.

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

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

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

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

28 (9) That the licensee or applicant has failed or refused to file  
29 with the director a schedule of his or her charges for services in  
30 connection with agricultural products handled on account of or as an  
31 agent of another, or that the applicant, or licensee, has indulged in  
32 any unfair practice.

33 (10) That the licensee has rejected, without reasonable cause, or  
34 has failed or refused to accept, without reasonable cause, any  
35 agricultural product bought or contracted to be bought from a  
36 consignor by such licensee; or failed or refused, without reasonable  
37 cause, to furnish or provide boxes or other containers, or hauling,  
38 harvesting, or any other service contracted to be done by licensee in  
39 connection with the acceptance, harvesting, or other handling of said  
40 agricultural products bought or handled or contracted to be bought or

1 handled; or has used any other device to avoid acceptance or  
2 unreasonably to defer acceptance of agricultural products bought or  
3 handled or contracted to be bought or handled.

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

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

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

11 (14) That the licensee has failed or refused, upon demand, to  
12 permit the director or his or her agents to make the investigations,  
13 examination, or audits, as provided in this chapter, or that the  
14 licensee has removed or sequestered any books, records, or papers  
15 necessary to any such investigations, examination, or audits, or has  
16 otherwise obstructed the same.

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

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

22 (17) That the licensee has attempted payment by a check the  
23 licensee knows not to be backed by sufficient funds to cover such  
24 check.

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

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

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

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



1       **Sec. 4.** RCW 26.33.350 and 1994 c 170 s 1 are each amended to  
2 read as follows:

3       (1) Every person, firm, society, association, corporation, or  
4 state agency receiving, securing a home for, or otherwise caring for  
5 a minor child shall transmit to the prospective adopting parent prior  
6 to placement and shall make available to all persons with whom a  
7 child has been placed by adoption a complete medical report  
8 containing all known and available information concerning the  
9 (~~mental, physical, and sensory handicaps~~) disabilities of the  
10 child.

11       (2) The report shall not reveal the identity of the birth parent  
12 of the child except as authorized under this chapter but shall  
13 include any known or available mental or physical health history of  
14 the birth parent that needs to be known by the adoptive parent to  
15 facilitate proper health care for the child or that will assist the  
16 adoptive parent in maximizing the developmental potential of the  
17 child.

18       (3) Where known or available, the information provided shall  
19 include:

20       (a) A review of the birth family's and the child's previous  
21 medical history, including the child's x-rays, examinations,  
22 hospitalizations, and immunizations. After July 1, 1992, medical  
23 histories shall be given on a standardized reporting form developed  
24 by the department;

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

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

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

30       (4) Entities and persons obligated to provide information under  
31 this section shall make reasonable efforts to locate records and  
32 information concerning the child's (~~mental, physical, and sensory~~  
33 ~~handicaps~~) disabilities. The entities or persons providing the  
34 information have no duty, beyond providing the information, to  
35 explain or interpret the records or information regarding the child's  
36 present or future health.

37       **Sec. 5.** RCW 26.40.010 and 1977 ex.s. c 80 s 22 are each amended  
38 to read as follows:

1       The purpose of this chapter is to assure the right of every  
2       (~~physically, mentally or sensory handicapped~~) child with  
3       disabilities to parental love and care as long as possible, to  
4       provide for adequate custody of a (~~handicapped~~) child with a  
5       disability who has lost parental care, and to make available to the  
6       (~~handicapped~~) child with a disability the services of the state  
7       through its various departments and agencies.

8       **Sec. 6.** RCW 26.40.020 and 1955 c 272 s 2 are each amended to  
9       read as follows:

10       So long as the parents of a (~~handicapped~~) child with a  
11       disability are able to assume parental responsibility for such child,  
12       their parental responsibility may not be removed or denied, and  
13       commitment by the state or any officer or official thereof shall  
14       never be a requirement for the admission of such child to any state  
15       school, or institution, or to the common schools.

16       **Sec. 7.** RCW 26.40.030 and 1977 ex.s. c 80 s 23 are each amended  
17       to read as follows:

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

26       **Sec. 8.** RCW 26.44.015 and 2005 c 512 s 4 are each amended to  
27       read as follows:

28       (1) This chapter shall not be construed to authorize interference  
29       with child-raising practices, including reasonable parental  
30       discipline, which are not injurious to the child's health, welfare,  
31       or safety.

32       (2) Nothing in this chapter may be used to prohibit the  
33       reasonable use of corporal punishment as a means of discipline.

34       (3) No parent or guardian may be deemed abusive or neglectful  
35       solely by reason of the parent's or child's blindness, deafness,  
36       developmental disability, or other (~~handicap~~) disability.

1       **Sec. 9.** RCW 27.04.045 and 2006 c 199 s 2 are each amended to  
2 read as follows:

3       The state librarian shall be responsible and accountable for the  
4 following functions:

5       (1) Establishing content-related standards for common formats and  
6 agency indexes for state agency-produced information. In developing  
7 these standards, the state librarian is encouraged to seek  
8 involvement of, and comments from, public and private entities with  
9 an interest in such standards;

10       (2) Managing and administering the state library;

11       (3) Exerting leadership in information access and the development  
12 of library services;

13       (4) Acquiring library materials, equipment, and supplies by  
14 purchase, exchange, gift, or otherwise; and, as appropriate,  
15 assisting the legislature, other state agencies, and other libraries  
16 in the cost-effective purchase of information resources;

17       (5) Employing and terminating personnel in accordance with  
18 chapter 41.06 RCW as may be necessary to implement the purposes of  
19 this chapter;

20       (6) Entering into agreements with other public or private  
21 entities as a means of implementing the mission, goals, and  
22 objectives of the state library and the entity with which it enters  
23 such agreements. In agreements for services between the library and  
24 other state agencies, the library may negotiate an exchange of  
25 services in lieu of monetary reimbursement for the library's indirect  
26 or overhead costs, when such an arrangement facilitates the delivery  
27 of library services;

28       (7) Maintaining a library at the state capitol grounds to  
29 effectively provide library and information services to members of  
30 the legislature, state officials, and state employees in connection  
31 with their official duties;

32       (8) Serving as the depository for newspapers published in the  
33 state of Washington thus providing a central location for a valuable  
34 historical record for scholarly, personal, and commercial reference  
35 and circulation;

36       (9) Promoting and facilitating electronic access to public  
37 information and services, including providing, or providing for, a  
38 service that identifies, describes, and provides location information  
39 for government information through electronic means, and that assists

1 government agencies in making their information more readily  
2 available to the public;

3 (10) Collecting and distributing copies of state publications, as  
4 defined in RCW 40.06.010, prepared by any state agency for  
5 distribution. The state library shall maintain the state publications  
6 distribution center, as provided in chapter 40.06 RCW to provide  
7 copies of materials that are not available in electronic format to  
8 state depository libraries;

9 (11) Providing for the sale of library material in accordance  
10 with RCW 27.12.305;

11 (12) Providing advisory services to state agencies regarding  
12 their information needs;

13 (13) Providing for library and information service to residents  
14 and staff of state-supported residential institutions;

15 (14) Providing for library and information services to persons  
16 throughout the state who are blind and/or physically (~~handicapped~~)  
17 disabled;

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

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

24 (17) Serving as an interlibrary loan, information, reference, and  
25 referral resource for all libraries in the state. The state library  
26 may charge lending fees to other libraries that charge the state  
27 library for similar services. Money paid as fees shall be retained by  
28 the state library as a recovery of costs; and

29 (18) Accepting and expending in accordance with the terms thereof  
30 grants of federal, state, local, or private funds. For the purpose of  
31 qualifying to receive such grants, the state librarian is authorized  
32 to make applications and reports required by the grantor.

33 **Sec. 10.** RCW 28B.07.010 and 1983 c 169 s 1 are each amended to  
34 read as follows:

35 The legislature finds that the state has a vital interest in  
36 ensuring that higher education institutions are maintained in the  
37 state in sufficient numbers and located in such locations, as to be  
38 accessible to as many citizens as possible. Adequate educational  
39 opportunities are essential to the economic, intellectual, and social

1 well-being of the state and its people. Washington's independently-  
2 governed private nonprofit higher education institutions are a  
3 necessary part of the state's higher educational resources. They  
4 provide educational diversity and choice for all residents of the  
5 communities in which they are located, communities which may not  
6 otherwise be served directly by a public baccalaureate-granting  
7 college or university.

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

20 Because these institutions serve an important public purpose  
21 addressing both the needs of individuals and the needs of the state,  
22 and because the performance of that public function can be  
23 facilitated at no expense or liability to the state, the legislature  
24 declares it to be the public policy of the state of Washington to  
25 enable the building, providing, and utilization of modern, well-  
26 equipped, efficient, and reasonably priced higher educational  
27 facilities, as well as the improvement, expansion, and modernization  
28 of such facilities, in a manner that will minimize the capital cost  
29 of construction, financing, and use of such facilities. The intention  
30 of this policy is to improve and ensure the quality and range of  
31 educational services available to the citizens of this state. The  
32 intent of the legislature is to accomplish these and related  
33 purposes, and this chapter shall be liberally construed in order to  
34 further these goals.

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

37 If a metropolitan municipal corporation shall be authorized to  
38 perform the function of metropolitan transportation, it shall have

1 the following powers in addition to the general powers granted by  
2 this chapter:

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

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

28 (~~The facilities and properties of a metropolitan public~~  
29 ~~transportation system whose vehicles will operate primarily within~~  
30 ~~the rights-of-way of public streets, roads, or highways, may be~~  
31 ~~acquired, developed and operated without the corridor and design~~  
32 ~~hearings which are required by RCW 35.58.273 for mass transit~~  
33 ~~facilities operating on a separate right-of-way.))~~

34 (3) To fix rates, tolls, fares, and charges for the use of such  
35 facilities and to establish various routes and classes of service.  
36 Fares or charges may be adjusted or eliminated for any  
37 distinguishable class of users including, but not limited to, senior  
38 citizens, (~~handicapped~~) persons with disabilities, and students.  
39 Classes of service and fares will be maintained in the several parts  
40 of the metropolitan area at such levels as will provide, insofar as

1 reasonably practicable, that the portion of any annual transit  
2 operating deficit of the metropolitan municipal corporation  
3 attributable to the operation of all routes, taken as a whole, which  
4 are located within the central city is approximately in proportion to  
5 the portion of total taxes collected by or on behalf of the  
6 metropolitan municipal corporation for transit purposes within the  
7 central city, and that the portion of such annual transit operating  
8 deficit attributable to the operation of all routes, taken as a  
9 whole, which are located outside the central city, is approximately  
10 in proportion to the portion of such taxes collected outside the  
11 central city.

12 In the event any metropolitan municipal corporation shall extend  
13 its metropolitan transportation function to any area or service  
14 already offered by any company holding a certificate of public  
15 convenience and necessity from the Washington utilities and  
16 transportation commission under RCW 81.68.040, it shall by purchase  
17 or condemnation acquire at the fair market value, from the person  
18 holding the existing certificate for providing the services, that  
19 portion of the operating authority and equipment representing the  
20 services within the area of public operation.

21 **Sec. 12.** RCW 35.68.075 and 1989 c 173 s 1 are each amended to  
22 read as follows:

23 (1) The standard for construction on any county road, or city or  
24 town street, for which curbs in combination with sidewalks, paths, or  
25 other pedestrian access ways are to be constructed, shall be not less  
26 than two ramps per lineal block on or near the crosswalks at  
27 intersections. Such ramps shall be at least thirty-six inches wide  
28 and so constructed as to allow reasonable access to the crosswalk for  
29 (~~physically handicapped~~) persons with physical disabilities,  
30 without uniquely endangering blind persons.

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

36 (3) Upon September 21, 1977, every ramp thereafter constructed  
37 under subsection (1) of this section, which serves one end of a  
38 crosswalk, shall be matched by another ramp at the other end of the  
39 crosswalk. However, no ramp shall be required at the other end of the

1 crosswalk if there is no curb nor sidewalk at the other end of the  
2 crosswalk. Nor shall any matching ramp constructed pursuant to this  
3 subsection require a subsequent matching ramp.

4 **Sec. 13.** RCW 35.86A.010 and 1969 ex.s. c 204 s 1 are each  
5 amended to read as follows:

6 It is hereby determined and declared:

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

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

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

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

22 (a) Serious traffic congestion from on-street parking, which  
23 interferes with use of streets for travel, disrupts public surface  
24 transportation at peak hours, impedes rapid and effective fighting of  
25 fires and disposition of police forces, slows emergency vehicles, and  
26 inflicts hardship upon (~~handicapped~~) persons with disabilities and  
27 others dependent upon private vehicles for transportation;

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

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

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

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

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



1 (b) The growth and development of metropolitan areas has been  
2 retarded;

3 (c) Business, industry, and housing has become unnecessarily and  
4 uneconomically dispersed;

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

6 All of which cause loss of payrolls, business and productivity,  
7 and property values, with resulting impairment of the public health,  
8 safety and welfare, the utility of our streets and highways, and tax  
9 revenues;

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

12 (a) Expediting the movement of the public, and of goods in  
13 metropolitan areas, alleviating traffic congestion, and preserving  
14 the large investment in streets and highways;

15 (b) Permitting a greater use of public facilities, congregation  
16 of the public, and more intensive development of private property  
17 within the community;

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

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

25 (a) Parking fees are charged to users;

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

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

31 (9) Public parking facilities under the control of a parking  
32 commission are appropriately treated differently from other parking  
33 facilities of a city.

34 **Sec. 14.** RCW 35.86A.070 and 1980 c 127 s 1 are each amended to  
35 read as follows:

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

38 (1) Own and acquire property and property rights by purchase,  
39 gift, devise, or lease for the construction, maintenance, or

1 operation of off-street parking facilities, or for effectuating the  
2 purpose of this chapter; and accept grants-in-aid, including  
3 compliance with conditions attached thereto;

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

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

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

26 (5) Contract with private persons and organizations for the  
27 management and/or operation of parking facilities under its control,  
28 and services related thereto, including leasing of such facilities or  
29 portions thereof;

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

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

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

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

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

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

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

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

12 Parking fees for parking facilities under the control of the  
13 parking commission shall be maintained commensurate with and neither  
14 higher nor lower than prevailing rates for parking charged by  
15 commercial operators in the general area.

16 **Sec. 15.** RCW 35.92.060 and 1995 c 42 s 1 are each amended to  
17 read as follows:

18 A city or town may also construct, condemn and purchase,  
19 purchase, acquire, add to, alter, maintain, operate, or lease cable,  
20 electric, and other railways, automobiles, motor cars, motor buses,  
21 auto trucks, and any and all other forms or methods of transportation  
22 of freight or passengers within the corporate limits of the city or  
23 town, and a first-class city may also construct, purchase, acquire,  
24 add to, alter, maintain, operate, or lease cable, electric, and other  
25 railways beyond those corporate limits only within the boundaries of  
26 the county in which the city is located and of any adjoining county,  
27 for the transportation of freight and passengers above, upon, or  
28 underneath the ground. It may also fix, alter, regulate, and control  
29 the fares and rates to be charged therefor; and fares or rates may be  
30 adjusted or eliminated for any distinguishable class of users  
31 including, but not limited to, senior citizens, (~~handicapped~~)  
32 persons with disabilities, and students. Without the payment of any  
33 license fee or tax, or the filing of a bond with, or the securing of  
34 a permit from, the state, or any department thereof, the city or town  
35 may engage in, carry on, and operate the business of transporting and  
36 carrying passengers or freight for hire by any method or combination  
37 of methods that the legislative authority of any city or town may by  
38 ordinance provide, with full authority to regulate and control the

1 use and operation of vehicles or other agencies of transportation  
2 used for such business.

3 **Sec. 16.** RCW 35.95A.050 and 2002 c 248 s 5 are each amended to  
4 read as follows:

5 Every authority has the following powers:

6 (1) To acquire by purchase, condemnation, gift, or grant and to  
7 lease, construct, add to, improve, replace, repair, maintain,  
8 operate, and regulate the use of public monorail transportation  
9 facilities, including passenger terminal and parking facilities and  
10 properties, and other facilities and properties as may be necessary  
11 for passenger and vehicular access to and from public monorail  
12 transportation facilities, together with all lands, rights-of-way,  
13 and property within or outside the authority area, and together with  
14 equipment and accessories necessary or appropriate for these  
15 facilities, except that property, including but not limited to other  
16 types of public transportation facilities, that is owned by any city,  
17 county, county transportation authority, public transportation  
18 benefit area, metropolitan municipal corporation, or regional transit  
19 authority may be acquired or used by an authority only with the  
20 consent of the public entity owning the property. The entities are  
21 authorized to convey or lease property to an authority or to contract  
22 for their joint use on terms fixed by agreement between the entity  
23 and the authority;

24 (2) To fix rates, tolls, fares, and charges for the use of  
25 facilities and to establish various routes and classes of service.  
26 Rates, tolls, fares, or charges may be adjusted or eliminated for any  
27 distinguishable class of users including, but not limited to, senior  
28 citizens and (~~handicapped~~) persons with disabilities;

29 (3) To contract with the United States or any of its agencies,  
30 any state or any of its agencies, any metropolitan municipal  
31 corporation, and other country, city, other political subdivision or  
32 governmental instrumentality, or governmental agency, or any private  
33 person, firm, or corporation for the purpose of receiving any gifts  
34 or grants or securing loans or advances for preliminary planning and  
35 feasibility studies, or for the design, construction, operation, or  
36 maintenance of public monorail transportation facilities as follows:

37 (a) Notwithstanding the provisions of any law to the contrary,  
38 and in addition to any other authority provided by law, the governing  
39 body of a city transportation authority may contract with one or more

1 vendors for the design, construction, operation, or maintenance, or  
2 other service related to the development of a monorail public  
3 transportation system including, but not limited to, monorail trains,  
4 operating systems and control equipment, guideways, and pylons,  
5 together with the necessary passenger stations, terminals, parking  
6 facilities, and other related facilities necessary and appropriate  
7 for passenger and vehicular access to and from the monorail train.

8 (b) If the governing body of the city transportation authority  
9 decides to proceed with the consideration of qualifications or  
10 proposals for services from qualified vendors, the authority must  
11 publish notice of its requirements and request submission of  
12 qualifications statements or proposals. The notice must be published  
13 in the official newspaper of the city creating the authority at least  
14 once a week for two weeks, not less than sixty days before the final  
15 date for the submission of qualifications statements or proposals.  
16 The notice must state in summary form: (i) The general scope and  
17 nature of the design, construction, operation, maintenance, or other  
18 services being sought related to the development of the proposed  
19 monorail, tram, or trolley public transportation system; (ii) the  
20 name and address of a representative of the city transportation  
21 authority who can provide further details; (iii) the final date for  
22 the submission of qualifications statements or proposals; (iv) an  
23 estimated schedule for the consideration of qualifications statements  
24 or proposals, the selection of vendors, and the negotiation of a  
25 contract or contracts for services; (v) the location of which a copy  
26 of any requests for qualifications statements or requests for  
27 proposals will be made available; and (vi) the criteria established  
28 by the governing body of the authority to select a vendor or vendors,  
29 which may include, but is not limited to, the vendor's prior  
30 experience, including design, construction, operation, or maintenance  
31 of other similar public transportation facilities, respondent's  
32 management capabilities, proposed project schedule, availability and  
33 financial resources, costs of the services to be provided, nature of  
34 facility design proposed by the vendors, system reliability,  
35 performance standards required for the facilities, compatibility with  
36 existing public transportation facilities operated by the authority  
37 or any other public body or other providers of similar services to  
38 the public, project performance guarantees, penalties, and other  
39 enforcement provisions, environmental protection measures to be used

1 by the vendor, consistency with the applicable regional  
2 transportation plans, and the proposed allocation of project risks.

3 (c) If the governing body of the city transportation authority  
4 decides to proceed with the consideration of qualifications  
5 statements or proposals submitted by vendors, it may designate a  
6 representative to evaluate the vendors who submitted qualifications  
7 statements or proposals and conduct discussions regarding  
8 qualifications or proposals with one or more vendors. The governing  
9 body or its representative may request submission of qualifications  
10 statements and may later request more detailed proposals from one or  
11 more vendors who have submitted qualifications statements, or may  
12 request detailed proposals without having first received and  
13 evaluated qualifications statements. The governing body or its  
14 representative will evaluate the qualifications or proposals, as  
15 applicable. If two or more vendors submit qualifications or proposals  
16 that meet the criteria established by the governing body of the  
17 authority, discussions and interviews must be held with at least two  
18 vendors. Any revisions to a request for qualifications or request for  
19 proposals must be made available to all vendors then under  
20 consideration by the governing body of the authority and must be made  
21 available to any other person who has requested receipt of that  
22 information.

23 (d) Based on the criteria established by the governing body of  
24 the authority, the representative will recommend to the governing  
25 body a vendor or vendors that are initially determined to be the best  
26 qualified to provide one or more of the design, construction,  
27 operation or maintenance, or other service related to the development  
28 of the proposed monorail public transportation system.

29 (e) The governing body of the authority or its representative may  
30 attempt to negotiate a contract with the vendor or vendors selected  
31 for one or more of the design, construction, operation or  
32 maintenance, or other service related to the development of the  
33 proposed monorail public transportation system on terms that the  
34 governing body of the authority determines to be fair and reasonable  
35 and in the best interest of the authority. If the governing body, or  
36 its representative, is unable to negotiate a contract with any one or  
37 more of the vendors first selected on terms that it determines to be  
38 fair and reasonable and in the best interest of the authority,  
39 negotiations with any one or more of the vendors must be terminated  
40 or suspended and another qualified vendor or vendors may be selected

1 in accordance with the procedures set forth in this section. If the  
2 governing body decides to continue the process of selection,  
3 negotiations will continue with a qualified vendor or vendors in  
4 accordance with this section at the sole discretion of the governing  
5 body of the authority until an agreement is reached with one or more  
6 qualified vendors, or the process is terminated by the governing  
7 body. The process may be repeated until an agreement is reached.

8 (f) Prior to entering into a contract with a vendor, the  
9 governing body of the authority must make written findings, after  
10 holding a public hearing on the proposal, that it is in the public  
11 interest to enter into the contract, that the contract is financially  
12 sound, and that it is advantageous for the governing body of the  
13 authority to use this method for awarding contracts for one or more  
14 of the design, construction, or operation or maintenance of the  
15 proposed monorail public transportation system as compared to all  
16 other methods of awarding such contracts.

17 (g) Each contract must include a project performance bond or  
18 bonds or other security by the vendor.

19 (h) The provisions of chapters 39.12 and 39.19 RCW apply to a  
20 contract entered into under this section as if the public  
21 transportation systems and facilities were owned by a public body.

22 (i) The vendor selection process permitted by this section is  
23 supplemental to and is not construed as a repeal of or limitation on  
24 any other authority granted by law.

25 (j) Contracts for the construction of facilities, other than  
26 contracts for facilities to be provided by the selected vendor, with  
27 an estimated cost greater than two hundred thousand dollars must be  
28 awarded after a competitive bid process consistent with chapter 39.04  
29 RCW or awarded through an alternative public works contracting  
30 procedure consistent with chapter 39.10 RCW;

31 (4) To contract with the United States or any of its agencies,  
32 any state or any of its agencies, any metropolitan municipal  
33 corporation, any other county, city, other political subdivision or  
34 governmental instrumentality, any governmental agency, or any private  
35 person, firm, or corporation for the use by either contracting party  
36 of all or any part of the facilities, structures, lands, interests in  
37 lands, air rights over lands, and rights-of-way of all kinds which  
38 are owned, leased, or held by the other party and for the purpose of  
39 planning, designing, constructing, operating any public  
40 transportation facility, or performing any service related to

1 transportation which the authority is authorized to operate or  
2 perform, on terms as may be agreed upon by the contracting parties;

3 (5) To acquire any existing public transportation facility by  
4 conveyance, sale, or lease. In any acquisition from a county, city,  
5 or other political subdivision of the state, the authority will  
6 receive credit from the county or city or other political subdivision  
7 for any federal assistance and state matching assistance used by the  
8 county or city or other political subdivision in acquiring any  
9 portion of the public transportation facility. Upon acquisition, the  
10 authority must assume and observe all existing labor contracts  
11 relating to the public transportation facility and, to the extent  
12 necessary for operation of the public transportation facility, all of  
13 the employees of the public transportation facility whose duties are  
14 necessary to efficiently operate the public transportation facility  
15 must be appointed to comparable positions to those which they held at  
16 the time of the transfer, and no employee or retired or pensioned  
17 employee of the public transportation facility will be placed in any  
18 worse position with respect to pension seniority, wages, sick leave,  
19 vacation, or other benefits than he or she enjoyed as an employee of  
20 the public transportation facility prior to the acquisition.  
21 Furthermore, the authority must engage in collective bargaining with  
22 the duly appointed representatives of any employee labor organization  
23 having existing contracts with the acquired facility and may enter  
24 into labor contracts with the employee labor organization;

25 (6) To contract for, participate in, and support research,  
26 demonstration, testing, and development of public monorail  
27 transportation facilities, equipment, and use incentives, and have  
28 all powers necessary to comply with any criteria, standards, and  
29 regulations which may be adopted under state and federal law, and to  
30 take all actions necessary to meet the requirements of those laws.  
31 The authority has, in addition to these powers, the authority to  
32 prepare, adopt, and carry out a comprehensive public monorail plan  
33 and to make other plans and studies and to perform programs as the  
34 authority deems necessary to implement and comply with those laws;

35 (7) To establish local improvement districts within the authority  
36 area to finance public monorail transportation facilities, to levy  
37 special assessments on property specially benefited by those  
38 facilities, and to issue local improvement bonds to be repaid by the  
39 collection of local improvement assessments. The method of  
40 establishment, levying, collection, enforcement, and all other



1 matters relating to the local improvement districts, assessments,  
2 collection, and bonds are as provided in the statutes governing local  
3 improvement districts of cities and towns. The duties devolving upon  
4 the city treasurer in those statutes are imposed on the treasurer of  
5 the authority;

6 (8) To exercise all other powers necessary and appropriate to  
7 carry out its responsibilities, including without limitation the  
8 power to sue and be sued, to own, construct, purchase, lease, add to,  
9 and maintain any real and personal property or property rights  
10 necessary for the conduct of the affairs of the authority, to enter  
11 into contracts, and to employ the persons as the authority deems  
12 appropriate. An authority may also sell, lease, convey, or otherwise  
13 dispose of any real or personal property no longer necessary for the  
14 conduct of the affairs of the authority.

15 **Sec. 17.** RCW 36.57.040 and 1982 c 10 s 6 are each amended to  
16 read as follows:

17 Every county transportation authority created to perform the  
18 function of public transportation pursuant to RCW 36.57.020 shall  
19 have the following powers:

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

22 (2) To acquire by purchase, condemnation, gift, or grant and to  
23 lease, construct, add to, improve, replace, repair, maintain,  
24 operate, and regulate the use of any transportation facilities and  
25 properties, including terminal and parking facilities, together with  
26 all lands, rights-of-way, property, equipment, and accessories  
27 necessary for such systems and facilities.

28 (3) To fix rates, tolls, fares, and charges for the use of such  
29 facilities and to establish various routes and classes of service.  
30 Fares or charges may be adjusted or eliminated for any  
31 distinguishable class of users including, but not limited to senior  
32 citizens, (~~handicapped~~) persons with disabilities, and students.

33 (4) If a county transit authority extends its transportation  
34 function to any area in which service is already offered by any  
35 company holding a certificate of public convenience and necessity  
36 from the Washington utilities and transportation commission under RCW  
37 81.68.040, to acquire by purchase or condemnation at the fair market  
38 value, from the person holding the existing certificate for providing  
39 the services, that portion of the operating authority and equipment

1 representing the services within the area of public operation, or to  
2 contract with such person or corporation to continue to operate such  
3 service or any part thereof for time and upon such terms and  
4 conditions as provided by contract.

5 (5) (a) To contract with the United States or any agency thereof,  
6 any state or agency thereof, any metropolitan municipal corporation,  
7 any other county, city, special district, or governmental agency and  
8 any private person, firm, or corporation for the purpose of receiving  
9 gifts or grants or securing loans or advances for preliminary  
10 planning and feasibility studies, or for the design, construction,  
11 operation, or maintenance of transportation facilities and ambulance  
12 services: PROVIDED, That before the authority enters into any such  
13 contract for the provision of ambulance service, it shall submit to  
14 the voters a proposition authorizing such contracting authority, and  
15 a majority of those voting thereon shall have approved the  
16 proposition; and

17 (b) To contract with any governmental agency or with any private  
18 person, firm, or corporation for the use by either contracting party  
19 of all or any part of the facilities, structures, lands, interests in  
20 lands, air rights over lands, and rights-of-way of all kinds which  
21 are owned, leased, or held by the other party and for the purpose of  
22 planning, constructing, or operating any facility or performing any  
23 service related to transportation which the county is authorized to  
24 operate or perform, on such terms as may be agreed upon by the  
25 contracting parties: PROVIDED, That before any contract for the lease  
26 or operation of any transportation facilities shall be let to any  
27 private person, firm, or corporation, competitive bids shall first be  
28 called for and contracts awarded in accord with the procedures  
29 established in accord with RCW 36.32.240, 36.32.250, and 36.32.270.

30 (6) In addition to all other powers and duties, an authority  
31 shall have the power to own, construct, purchase, lease, add to, and  
32 maintain any real and personal property or property rights necessary  
33 for the conduct of the affairs of the authority. An authority may  
34 sell, lease, convey, or otherwise dispose of any authority real or  
35 personal property no longer necessary for the conduct of the affairs  
36 of the authority. An authority may enter into contracts to carry out  
37 the provisions of this section.

38 **Sec. 18.** RCW 36.57A.090 and 1981 c 25 s 4 are each amended to  
39 read as follows:

1 A public transportation benefit area authority shall have the  
2 following powers in addition to the general powers granted by this  
3 chapter:

4 (1) To prepare, adopt, and carry out a general comprehensive plan  
5 for public transportation service which will best serve the residents  
6 of the public transportation benefit area and to amend said plan from  
7 time to time to meet changed conditions and requirements.

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

30 (~~The facilities and properties of a public transportation~~  
31 ~~benefit area system whose vehicles will operate primarily within the~~  
32 ~~rights-of-way of public streets, roads, or highways, may be acquired,~~  
33 ~~developed, and operated without the corridor and design hearings~~  
34 ~~which are required by RCW 35.58.273, as now or hereafter amended, for~~  
35 ~~mass transit facilities operating on a separate right-of-way.))~~

36 (3) To fix rates, tolls, fares, and charges for the use of such  
37 facilities and to establish various routes and classes of service.  
38 Fares or charges may be adjusted or eliminated for any  
39 distinguishable class of users including, but not limited to, senior  
40 citizens, (~~handicapped~~) persons with disabilities, and students.

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

18 **Sec. 19.** RCW 39.23.005 and 1975 c 20 s 1 are each amended to  
19 read as follows:

20 It is the intent of the legislature to encourage municipalities  
21 to purchase products and/or services manufactured or provided by  
22 sheltered workshops and programs of the department of social and  
23 health services which operate facilities serving (~~the handicapped~~)  
24 persons with disabilities and disadvantaged individuals.

25 **Sec. 20.** RCW 41.05.095 and 2015 c 116 s 6 are each amended to  
26 read as follows:

27 (1) Any plan offered to employees under this chapter must offer  
28 each employee the option of covering any dependent of the employee  
29 under the age of twenty-six.

30 (2) Coverage must terminate upon attainment of age twenty-six  
31 except in the case of a child who is and continues to be both (a)  
32 incapable of self-sustaining employment by reason of a developmental  
33 or physical disability (~~or physical handicap~~) and (b) chiefly  
34 dependent upon the employee for support and maintenance, provided  
35 proof of such incapacity and dependency is furnished by the employee  
36 within sixty days of the child's attainment of age twenty-six and  
37 subsequently as may be required by the authority, but not more

1 frequently than annually after the two-year period following the  
2 child's attainment of age twenty-six.

3 **Sec. 21.** RCW 43.20A.635 and 2009 c 549 s 5079 are each amended  
4 to read as follows:

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

26 **Sec. 22.** RCW 43.24.090 and 2009 c 549 s 5109 are each amended to  
27 read as follows:

28 Any person taking any written examination prescribed or  
29 authorized by law, for a license or permit to practice any trade,  
30 occupation, or profession, who, because of any (~~handicap~~)  
31 disability, is unable to write the examination himself or herself,  
32 may dictate it to and have it written or typed by another, to the  
33 same effect as though the examination were written out by himself or  
34 herself. Any expense connected therewith shall be borne by the person  
35 taking the examination.

36 **Sec. 23.** RCW 43.31.512 and 1989 c 430 s 7 are each amended to  
37 read as follows:

1       The child care facility fund committee shall award loan  
2 guarantees, loans or grants to those persons, businesses, or  
3 organizations meeting the minimum standards set forth in this chapter  
4 who will best serve the intent of the chapter to increase the  
5 availability of high quality, affordable child care in Washington  
6 state. The committee shall promulgate rules regarding the application  
7 for and disbursement of loan guarantees, loans, or grants from the  
8 fund, including loan terms and repayment procedures. At a minimum,  
9 such rules shall require an applicant to submit a plan which includes  
10 a detailed description of:

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

13       (2) The steps the applicant will take to serve a reasonable  
14 number of ((handicapped)) children ((as defined in chapter 72.40  
15 RCW)) with disabilities, sick children, infants, children requiring  
16 nighttime or weekend care, or children whose costs of care are  
17 subsidized by government;

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

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

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

24       (6) The financial status of the applicant, including other  
25 resources available to the applicant which will ensure the continued  
26 viability of the facility and the availability of its described  
27 services.

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

32       **Sec. 24.** RCW 43.63A.670 and 1993 c 478 s 18 are each amended to  
33 read as follows:

34       (1) The legislature finds that:

35       (a) The trend toward smaller household sizes will continue into  
36 the foreseeable future;

37       (b) Many of these households are in housing units that contain  
38 more bedrooms than occupants;

1 (c) There are older homeowners on relatively low, fixed income  
2 who are experiencing difficulties maintaining their homes; and

3 (d) There are single parents, recently widowed persons, people in  
4 the midst of divorce or separation, and (~~handicapped~~) persons with  
5 disabilities that are faced with displacement due to the high cost of  
6 housing.

7 (2) The legislature declares that the purpose of RCW 43.63A.680  
8 is to develop a pilot program designed to:

9 (a) Provide home-matching services that can enable people to  
10 continue living in their homes while promoting continuity of home  
11 ownership and community stability; and

12 (b) Counter the problem of displacement among people on  
13 relatively low, fixed incomes by linking people offering living space  
14 with people seeking housing.

15 **Sec. 25.** RCW 43.180.070 and 1999 c 372 s 11 and 1999 c 131 s 1  
16 are each reenacted and amended to read as follows:

17 The commission shall adopt a general plan of housing finance  
18 objectives to be implemented by the commission during the period of  
19 the plan. The commission may exercise the powers authorized under  
20 this chapter prior to the adoption of the initial plan. In developing  
21 the plan, the commission shall consider and set objectives for:

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

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

25 (3) The housing needs of low-income and moderate-income persons  
26 and families, and of elderly or (~~mentally or physically~~  
27 ~~handicapped~~) persons with disabilities;

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

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

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

34 (7) The use of financing assistance for economically depressed  
35 areas, areas of minority concentration, reservations, and in  
36 mortgage-deficient areas;

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

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

3 The plan shall include an estimate of the amount of bonds the  
4 commission will issue during the term of the plan and how bond  
5 proceeds will be expended.

6 The plan shall be adopted by resolution of the commission  
7 following at least one public hearing thereon, notice of which shall  
8 be made by mailing to the clerk of the governing body of each county  
9 and by publication in the Washington State Register no more than  
10 forty and no less than twenty days prior to the hearing. A draft of  
11 the plan shall be made available not less than thirty days prior to  
12 any such public hearing. At least every two years, the commission  
13 shall report to the legislature regarding implementation of the plan.

14 The commission may periodically update the plan.

15 The commission shall adopt rules designed to result in the use of  
16 bond proceeds in a manner consistent with the plan. The commission  
17 may periodically update its rules.

18 This section is designed to deal only with the use of bond  
19 proceeds and nothing in this section shall be construed as a  
20 limitation on the commission's authority to issue bonds.

21 **Sec. 26.** RCW 43.216.720 and 1988 c 213 s 3 are each amended to  
22 read as follows:

23 (1) The legislature recognizes that a severe shortage of child  
24 care exists to the detriment of all families and employers throughout  
25 the state. Many workers are unable to enter or remain in the  
26 workforce due to a shortage of child care resources. The high costs  
27 of starting a child care business create a barrier to the creation of  
28 new slots, especially for children with special needs.

29 (2) A child care expansion grant fund is created in the custody  
30 of the secretary of the department of social and health services.  
31 Grants shall be awarded on a one-time only basis to persons,  
32 organizations, or schools needing assistance to start a child care  
33 center or mini-center as defined by the department by rule, or to  
34 existing licensed child care providers, including family home  
35 providers, for the purpose of making capital improvements in order to  
36 accommodate ((handicapped)) children ((as defined under chapter 72.40  
37 RCW)) with disabilities, sick children, or infant care, or children  
38 needing nighttime care. No grant may exceed ten thousand dollars.



1 Start-up costs shall not include operational costs after the first  
2 three months of business.

3 (3) Child care expansion grants shall be awarded on the basis of  
4 need for the proposed services in the community, within appropriated  
5 funds.

6 (4) The department shall adopt rules under chapter 34.05 RCW  
7 setting forth criteria, application procedures, and methods to assure  
8 compliance with the purposes described in this section.

9 **Sec. 27.** RCW 43.220.070 and 2011 c 20 s 7 are each amended to  
10 read as follows:

11 (1)(a) Except as otherwise provided in this section, conservation  
12 corps members must be unemployed or underemployed 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  
15 United States.

16 (b) The age requirements may be waived for corps leaders,  
17 veterans, specialists with special leadership or occupational skills,  
18 and participants with a (~~sensory or mental handicap~~) disability.

19 (2) The recruitment of conservation corps members is the primary  
20 responsibility of the department. However, to the degree practicable,  
21 recruitment activities must be coordinated with the following  
22 entities:

23 (a) The department of natural resources;

24 (b) The department of fish and wildlife;

25 (c) The state parks and recreation commission;

26 (d) The Washington department of veterans affairs;

27 (e) The employment security department;

28 (f) Community and technical colleges; and

29 (g) Any other interested postsecondary educational institutions.

30 (3) Recruitment efforts must be targeted to, but not limited to,  
31 residents of the state who meet the participation eligibility  
32 requirements provided in this section and are either:

33 (a) A student enrolled at a community or technical college,  
34 private career college, or a four-year college or university;

35 (b) A minority or disadvantaged youth residing in an urban or  
36 rural area of the state; or

37 (c) Military veterans.

38 (4) Corps members shall not be considered state employees. Other  
39 provisions of law relating to civil service, hours of work, rate of

1 compensation, sick leave, unemployment compensation, state retirement  
2 plans, and vacation leave do not apply to the Washington conservation  
3 corps except for the crew supervisors, who shall be project  
4 employees, and the administrative and supervisory personnel.

5 (5) Except as otherwise provided in this section, participation  
6 as a corps member is for an initial period of three months. The  
7 enrollment period may be extended for additional three-month periods  
8 by mutual agreement of the department and the corps member, not to  
9 exceed two years.

10 (6) (a) Corps members are to be available at all times for  
11 emergency response services coordinated through the department or  
12 other public agency. Duties may include sandbagging and flood  
13 cleanup, oil spill response, wildfire suppression, search and rescue,  
14 and other functions in response to emergencies.

15 (b) Corps members may be assigned to longer-term specialized  
16 crews not subject to the temporal limitations of service otherwise  
17 imposed by this section when longer-term commitments satisfy the  
18 specialized needs of the department, an agency partner, or other  
19 service contractee.

20 **Sec. 28.** RCW 46.72.010 and 1996 c 87 s 18 are each amended to  
21 read as follows:

22 When used in this chapter:

23 (1) The term "for hire vehicle" includes all vehicles used for  
24 the transportation of passengers for compensation, except auto  
25 stages, school buses operating exclusively under a contract to a  
26 school district, ride-sharing vehicles under chapter 46.74 RCW,  
27 limousine carriers licensed under chapter 46.72A RCW, vehicles used  
28 by nonprofit transportation providers for (~~elderly or handicapped~~)  
29 persons who are aging or persons with a disability and their  
30 attendants under chapter 81.66 RCW, vehicles used by auto  
31 transportation companies licensed under chapter 81.68 RCW, vehicles  
32 used to provide courtesy transportation at no charge to and from  
33 parking lots, hotels, and rental offices, and vehicles used by  
34 charter party carriers of passengers and excursion service carriers  
35 licensed under chapter 81.70 RCW;

36 (2) The term "for hire operator" means and includes any person,  
37 concern, or entity engaged in the transportation of passengers for  
38 compensation in for hire vehicles.

1       **Sec. 29.** RCW 47.04.170 and 1985 c 20 s 1 are each amended to  
2 read as follows:

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

7       (1) Public transportation purposes, including but not limited to,  
8 bus transportation, specialized transportation services for (~~the~~  
9 ~~elderly and handicapped~~) individuals who are aging or persons with a  
10 disability, and ride-sharing activities; and

11       (2) Rail transportation.

12       **Sec. 30.** RCW 48.20.420 and 1985 c 264 s 10 are each amended to  
13 read as follows:

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

30       **Sec. 31.** RCW 48.21.150 and 1977 ex.s. c 80 s 32 are each amended  
31 to read as follows:

32       Any group disability insurance contract or blanket disability  
33 insurance contract, providing health care services, delivered or  
34 issued for delivery in this state more than one hundred twenty days  
35 after August 11, 1969, which provides that coverage of a dependent  
36 child of an employee or other member of the covered group shall  
37 terminate upon attainment of the limiting age for dependent children  
38 specified in the contract shall also provide in substance that

1 attainment of such limiting age shall not operate to terminate the  
2 coverage of such child while the child is and continues to be both  
3 (1) incapable of self-sustaining employment by reason of  
4 developmental or physical disability (~~(or physical handicap)~~) and (2)  
5 chiefly dependent upon the employee or member for support and  
6 maintenance, provided proof of such incapacity and dependency is  
7 furnished to the insurer by the employee or member within thirty-one  
8 days of the child's attainment of the limiting age and subsequently  
9 as may be required by the insurer, but not more frequently than  
10 annually after the two year period following the child's attainment  
11 of the limiting age.

12 **Sec. 32.** RCW 48.30.300 and 2006 c 4 s 18 are each amended to  
13 read as follows:

14 Notwithstanding any provision contained in Title 48 RCW to the  
15 contrary:

16 A person or entity engaged in the business of insurance in this  
17 state may not refuse to issue any contract of insurance or cancel or  
18 decline to renew such contract because of the sex, marital status, or  
19 sexual orientation as defined in RCW 49.60.040, or the presence of  
20 any (~~(sensory, mental, or physical handicap)~~) disability of the  
21 insured or prospective insured. The amount of benefits payable, or  
22 any term, rate, condition, or type of coverage may not be restricted,  
23 modified, excluded, increased, or reduced on the basis of the sex,  
24 marital status, or sexual orientation, or be restricted, modified,  
25 excluded, or reduced on the basis of the presence of any (~~(sensory,  
26 mental, or physical handicap)~~) disability of the insured or  
27 prospective insured. This subsection does not prohibit fair  
28 discrimination on the basis of sex, or marital status, or the  
29 presence of any (~~(sensory, mental, or physical handicap)~~) disability  
30 when bona fide statistical differences in risk or exposure have been  
31 substantiated.

32 **Sec. 33.** RCW 48.30.320 and 1979 c 133 s 1 are each amended to  
33 read as follows:

34 Every authorized insurer, upon canceling, denying, or refusing to  
35 renew any individual life, individual disability, homeowner, dwelling  
36 fire, or private passenger automobile insurance policy, shall, upon  
37 written request, directly notify in writing the applicant or insured,  
38 as the case may be, of the reasons for the action by the insurer. Any

1 benefits, terms, rates, or conditions of such an insurance contract  
2 which are restricted, excluded, modified, increased, or reduced  
3 because of the presence of a (~~sensory, mental, or physical~~  
4 ~~handicap~~) disability shall, upon written request, be set forth in  
5 writing and supplied to the insured. The written communications  
6 required by this section shall be phrased in simple language which is  
7 readily understandable to a person of average intelligence,  
8 education, and reading ability.

9 **Sec. 34.** RCW 48.41.140 and 2011 c 314 s 16 are each amended to  
10 read as follows:

11 (1) Coverage shall provide that health insurance benefits are  
12 applicable to children of the person in whose name the policy is  
13 issued including adopted and newly born natural children. Coverage  
14 shall also include necessary care and treatment of medically  
15 diagnosed congenital defects and birth abnormalities. If payment of a  
16 specific premium is required to provide coverage for the child, the  
17 policy may require that notification of the birth or adoption of a  
18 child and payment of the required premium must be furnished to the  
19 pool within thirty-one days after the date of birth or adoption in  
20 order to have the coverage continued beyond the thirty-one day  
21 period. For purposes of this subsection, a child is deemed to be  
22 adopted, and benefits are payable, when the child is physically  
23 placed for purposes of adoption under the laws of this state with the  
24 person in whose name the policy is issued; and, when the person in  
25 whose name the policy is issued assumes financial responsibility for  
26 the medical expenses of the child. For purposes of this subsection,  
27 "newly born" means, and benefits are payable, from the moment of  
28 birth.

29 (2) A pool policy shall provide that coverage of a dependent(~~(r)~~)  
30 person shall terminate when the person becomes twenty-six years of  
31 age: PROVIDED, That coverage of such person shall not terminate at  
32 age twenty-six while he or she is and continues to be both (a)  
33 incapable of self-sustaining employment by reason of developmental or  
34 physical disability (~~(or physical handicap)~~) and (b) chiefly  
35 dependent upon the person in whose name the policy is issued for  
36 support and maintenance, provided proof of such incapacity and  
37 dependency is furnished to the pool by the policyholder within  
38 thirty-one days of the dependent's attainment of age twenty-six and  
39 subsequently as may be required by the pool but not more frequently

1 than annually after the two-year period following the dependent's  
2 attainment of age twenty-six.

3 **Sec. 35.** RCW 48.44.200 and 1977 ex.s. c 80 s 33 are each amended  
4 to read as follows:

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

21 **Sec. 36.** RCW 48.44.210 and 1977 ex.s. c 80 s 34 are each amended  
22 to read as follows:

23 A group health care service plan contract, delivered or issued  
24 for delivery in this state more than one hundred twenty days after  
25 August 11, 1969, which provides that coverage of a dependent child of  
26 an employee or other member of the covered group shall terminate upon  
27 attainment of the limiting age for dependent children specified in  
28 the contract shall also provide in substance that attainment of such  
29 limiting age shall not operate to terminate the coverage of such  
30 child while the child is and continues to be both (1) incapable of  
31 self-sustaining employment by reason of developmental or physical  
32 disability (~~(or physical handicap)~~) and (2) chiefly dependent upon  
33 the employee or member for support and maintenance, provided proof of  
34 such incapacity and dependency is furnished to the health care  
35 service plan corporation by the employee or member within thirty-one  
36 days of the child's attainment of the limiting age and subsequently  
37 as may be required by the corporation, but not more frequently than

1 annually after the two year period following the child's attainment  
2 of the limiting age.

3 **Sec. 37.** RCW 48.44.220 and 1983 c 154 s 4 are each amended to  
4 read as follows:

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

14 No health care service contractor shall refuse to provide  
15 reimbursement or indemnity to any person for covered health care  
16 services for reasons that the health care services were provided by a  
17 holder of a license under chapter 18.22 RCW.

18 **Sec. 38.** RCW 48.46.320 and 1985 c 320 s 6 are each amended to  
19 read as follows:

20 Any health maintenance agreement which provides that coverage of  
21 a dependent child shall terminate upon attainment of the limiting age  
22 for dependent children specified in the agreement shall also provide  
23 in substance that attainment of such limiting age shall not operate  
24 to terminate the coverage of such child while the child is and  
25 continues to be both: (1) Incapable of self-sustaining employment by  
26 reason of developmental or physical disability (~~or physical~~  
27 ~~handicap~~); and (2) chiefly dependent upon the subscriber for support  
28 and maintenance, if proof of such incapacity and dependency is  
29 furnished to the health maintenance organization by the enrolled  
30 participant within thirty-one days of the child's attainment of the  
31 limiting age and subsequently as required by the health maintenance  
32 organization but not more frequently than annually after the two-year  
33 period following the child's attainment of the limiting age.

34 **Sec. 39.** RCW 48.46.370 and 1983 c 106 s 15 are each amended to  
35 read as follows:

36 No health maintenance organization may deny coverage to a person  
37 solely on account of the presence of any (~~sensory, mental, or~~

1 ~~physical handicap~~) disability. Nothing in this section may be  
2 construed as limiting a health maintenance organization's authority  
3 to deny or otherwise limit coverage to a person when the person  
4 because of a medical condition does not meet the essential  
5 eligibility requirements established by the health maintenance  
6 organization for purposes of determining coverage for any person.

7 **Sec. 40.** RCW 49.12.110 and 1994 c 164 s 19 are each amended to  
8 read as follows:

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

22 **Sec. 41.** RCW 49.74.005 and 1985 c 365 s 7 are each amended to  
23 read as follows:

24 Discrimination because of race, creed, color, national origin,  
25 age, sex, marital status, or the presence of any (~~sensory, mental,~~  
26 ~~or physical handicap~~) disability is contrary to the findings of the  
27 legislature and public policy. The legislature finds and declares  
28 that racial minorities, women, persons in protected age groups,  
29 persons with disabilities, Vietnam-era veterans, and (~~disabled~~)  
30 veterans with disabilities are underrepresented in Washington state  
31 government employment.

32 The purpose of this chapter is to provide for enforcement  
33 measures for affirmative action within Washington state government  
34 employment and institutions of higher education in order to eliminate  
35 such underrepresentation.

36 **Sec. 42.** RCW 50.12.210 and 1987 c 76 s 1 are each amended to  
37 read as follows:



1 It is the policy of the state of Washington that persons with  
2 (~~physical, mental, or sensory handicaps~~) disabilities shall be  
3 given equal opportunities in employment. The legislature recognizes  
4 that (~~handicapped~~) persons with disabilities have faced unfair  
5 discrimination in employment.

6 For these reasons, the state employment service division of the  
7 employment security department shall give particular and special  
8 attention service to those persons with (~~physical, mental, or~~  
9 ~~sensory handicaps~~) disabilities which substantially limit one or  
10 more of their major life functions as defined under P.L. 93-112 and  
11 rules promulgated thereunder. Particular and special attention  
12 service shall include but not be limited to particular and special  
13 attention in counseling, referral, notification of job listings in  
14 advance of other persons, and other services of the employment  
15 service division.

16 Nothing in this section shall be construed so as to affect the  
17 veteran's preference or any other requirement of the United States  
18 department of labor.

19 The employment security department shall report to the house and  
20 senate commerce and labor committees by December 1, 1987, on its  
21 accomplishments under this section and on its future plans for  
22 implementation of this section. The department shall report to the  
23 above mentioned committees every odd-numbered year thereafter on its  
24 actions under this section.

25 The employment security department shall establish rules to  
26 implement this section.

27 **Sec. 43.** RCW 51.08.030 and 1986 c 293 s 1 are each amended to  
28 read as follows:

29 "Child" means every natural born child, posthumous child,  
30 stepchild, child legally adopted prior to the injury, child born  
31 after the injury where conception occurred prior to the injury, and  
32 dependent child in the legal custody and control of the worker, all  
33 while under the age of eighteen years, or under the age of twenty-  
34 three years while permanently enrolled at a full time course in an  
35 accredited school, and over the age of eighteen years if the child is  
36 a dependent as a result of a (~~physical, mental, or sensory~~  
37 ~~handicap~~) disability.

1       **Sec. 44.** RCW 57.08.014 and 1999 c 153 s 3 are each amended to  
2 read as follows:

3       In addition to the authority of a district to establish  
4 classifications for rates and charges and impose such rates and  
5 charges, a district may adjust or delay those rates and charges for  
6 low-income persons or classes of low-income persons, including but  
7 not limited to, low-income (~~handicapped~~) persons with disabilities  
8 and low-income senior citizens. Other financial assistance available  
9 to low-income persons shall be considered in determining charges and  
10 rates under this section. Notification of special rates or charges  
11 established under this section shall be provided to all persons  
12 served by the district annually and upon initiating service.  
13 Information on cost shifts caused by establishment of the special  
14 rates or charges shall be included in the notification. Any reduction  
15 in charges and rates granted to low-income persons in one part of a  
16 service area shall be uniformly extended to low-income persons in all  
17 other parts of the service area.

18       **Sec. 45.** RCW 66.24.425 and 2001 c 199 s 3 and 2001 c 198 s 1 are  
19 each reenacted and amended to read as follows:

20       (1) The board may, in its discretion, issue a spirits, beer, and  
21 wine restaurant license to a business which qualifies as a  
22 "restaurant" as that term is defined in RCW 66.24.410 in all respects  
23 except that the business does not serve the general public but,  
24 through membership qualification, selectively restricts admission to  
25 the business. For purposes of RCW 66.24.400 and 66.24.420, all  
26 licenses issued under this section shall be considered spirits, beer,  
27 and wine restaurant licenses and shall be subject to all  
28 requirements, fees, and qualifications in this title, or in rules  
29 adopted by the board, as are applicable to spirits, beer, and wine  
30 restaurant licenses generally except that no service to the general  
31 public may be required.

32       (2) No license shall be issued under this section to a business:

33       (a) Which shall not have been in continuous operation for at  
34 least one year immediately prior to the date of its application; or

35       (b) Which denies membership or admission to any person because of  
36 race, creed, color, national origin, sex, or the presence of any  
37 (~~sensory, mental, or physical handicap~~) disability.

38       (3) The board may issue an endorsement to the spirits, beer, and  
39 wine restaurant license issued under this section that allows up to

1 forty nonclub, member-sponsored events using club liquor. Visitors  
2 and guests may attend these events only by invitation of the  
3 sponsoring member or members. These events may not be open to the  
4 general public. The fee for the endorsement is an annual fee of nine  
5 hundred dollars. Upon the board's request, the holder of the  
6 endorsement must provide the board or the board's designee with the  
7 following information at least seventy-two hours before the event:  
8 The date, time, and location of the event; the name of the sponsor of  
9 the event; and a brief description of the purpose of the event.

10 (4) The board may issue an endorsement to the spirits, beer, and  
11 wine restaurant license that allows the holder of a spirits, beer,  
12 and wine restaurant license to sell for off-premises consumption wine  
13 vinted and bottled in the state of Washington and carrying a label  
14 exclusive to the license holder selling the wine. Spirits and beer  
15 may not be sold for off-premises consumption under this section. The  
16 annual fee for the endorsement under this (~~chapter~~[~~section~~])  
17 section is one hundred twenty dollars.

18 **Sec. 46.** RCW 70.82.010 and 1974 ex.s. c 91 s 2 are each amended  
19 to read as follows:

20 It is hereby declared to be of vital concern to the state of  
21 Washington that all persons who are bona fide residents of the state  
22 of Washington and who are afflicted with cerebral palsy in any degree  
23 be provided with facilities and a program of service for medical  
24 care, education, treatment and training to enable them to become  
25 normal individuals. In order to effectively accomplish such purpose  
26 the department of social and health services, hereinafter called the  
27 department, is authorized and instructed and it shall be its duty to  
28 establish and administer facilities and a program of service for the  
29 discovery, care, education, hospitalization, treatment and training  
30 of educable persons afflicted with cerebral palsy, and to provide in  
31 connection therewith nursing, medical, surgical and corrective care,  
32 together with academic, occupational and related training. Such  
33 program shall extend to developing, extending and improving service  
34 for the discovery of such persons and for diagnostication and  
35 hospitalization and shall include cooperation with other agencies of  
36 the state charged with the administration of laws providing for any  
37 type of service or aid to (~~handicapped~~) persons with disabilities,  
38 and with the United States government through any appropriate agency  
39 or instrumentality in developing, extending and improving such

1 service, program and facilities. Such facilities shall include field  
2 clinics, diagnosis and observation centers, boarding schools, special  
3 classes in day schools, research facilities and such other facilities  
4 as shall be required to render appropriate aid to such persons.  
5 Existing facilities, buildings, hospitals and equipment belonging to  
6 or operated by the state of Washington shall be made available for  
7 these purposes when use therefor does not conflict with the primary  
8 use of such existing facilities. Existing buildings, facilities and  
9 equipment belonging to private persons, firms or corporations or to  
10 the United States government may be acquired or leased.

11 **Sec. 47.** RCW 70.82.030 and 2012 c 117 s 403 are each amended to  
12 read as follows:

13 Any resident of this state who is educable but (~~so severely~~  
14 ~~handicapped~~), as the result of cerebral palsy, (~~that he or she~~) is  
15 unable to take advantage of the regular system of free education of  
16 this state may be admitted to or be eligible for any service and  
17 facilities provided hereunder, provided such resident has lived in  
18 this state continuously for more than one year before his or her  
19 application for such admission or eligibility.

20 **Sec. 48.** RCW 70.84.010 and 1980 c 109 s 1 are each amended to  
21 read as follows:

22 The legislature declares:

23 (1) It is the policy of this state to encourage and enable the  
24 blind, (~~the visually handicapped~~) persons with disabilities, the  
25 hearing impaired, and (~~the otherwise physically disabled~~) other  
26 persons with disabilities to participate fully in the social and  
27 economic life of the state, and to engage in remunerative employment.

28 (2) As citizens, the blind, (~~the visually handicapped~~) persons  
29 with visual disabilities, the hearing impaired, and (~~the otherwise~~  
30 ~~physically disabled~~) other persons with disabilities have the same  
31 rights as the able-bodied to the full and free use of the streets,  
32 highways, walkways, public buildings, public facilities, and other  
33 public places.

34 (3) The blind, (~~the visually handicapped~~) persons with visual  
35 disabilities, the hearing impaired, and (~~the otherwise physically~~  
36 ~~disabled~~) other persons with disabilities are entitled to full and  
37 equal accommodations, advantages, facilities, and privileges on  
38 common carriers, airplanes, motor vehicles, railroad trains, motor

1 buses, streetcars, boats, and all other public conveyances, as well  
2 as in hotels, lodging places, places of public resort, accommodation,  
3 assemblage or amusement, and all other places to which the general  
4 public is invited, subject only to the conditions and limitations  
5 established by law and applicable alike to all persons.

6 **Sec. 49.** RCW 70.84.080 and 1980 c 109 s 8 are each amended to  
7 read as follows:

8 In accordance with the policy set forth in RCW 70.84.010, the  
9 blind, (~~the visually handicapped~~) persons with visual disabilities,  
10 the hearing impaired, and (~~the otherwise physically disabled~~) other  
11 persons with disabilities shall be employed in the state service, in  
12 the service of the political subdivisions of the state, in the public  
13 schools, and in all other employment supported in whole or in part by  
14 public funds on the same terms and conditions as the able-bodied,  
15 unless it is shown that the particular disability prevents the  
16 performance of the work involved.

17 **Sec. 50.** RCW 71.34.020 and 2019 c 446 s 24, 2019 c 444 s 17,  
18 2019 c 381 s 2, and 2019 c 325 s 2001 are each reenacted and amended  
19 to read as follows:

20 Unless the context clearly requires otherwise, the definitions in  
21 this section apply throughout this chapter.

22 (1) "Adolescent" means a minor thirteen years of age or older.

23 (2) "Alcoholism" means a disease, characterized by a dependency  
24 on alcoholic beverages, loss of control over the amount and  
25 circumstances of use, symptoms of tolerance, physiological or  
26 psychological withdrawal, or both, if use is reduced or discontinued,  
27 and impairment of health or disruption of social or economic  
28 functioning.

29 (3) "Approved substance use disorder treatment program" means a  
30 program for minors with substance use disorders provided by a  
31 treatment program licensed or certified by the department of health  
32 as meeting standards adopted under chapter 71.24 RCW.

33 (4) "Authority" means the Washington state health care authority.

34 (5) "Behavioral health administrative services organization" has  
35 the same meaning as provided in RCW 71.24.025.

36 (6) "Child psychiatrist" means a person having a license as a  
37 physician and surgeon in this state, who has had graduate training in  
38 child psychiatry in a program approved by the American Medical

1 Association or the American Osteopathic Association, and who is board  
2 eligible or board certified in child psychiatry.

3 (7) "Children's mental health specialist" means:

4 (a) A mental health professional who has completed a minimum of  
5 one hundred actual hours, not quarter or semester hours, of  
6 specialized training devoted to the study of child development and  
7 the treatment of children; and

8 (b) A mental health professional who has the equivalent of one  
9 year of full-time experience in the treatment of children under the  
10 supervision of a children's mental health specialist.

11 (8) "Commitment" means a determination by a judge or court  
12 commissioner, made after a commitment hearing, that the minor is in  
13 need of inpatient diagnosis, evaluation, or treatment or that the  
14 minor is in need of less restrictive alternative treatment.

15 (9) "Co-occurring disorder specialist" means an individual  
16 possessing an enhancement granted by the department of health under  
17 chapter 18.205 RCW that certifies the individual to provide substance  
18 use disorder counseling subject to the practice limitations under RCW  
19 18.205.105.

20 (10) "Department" means the department of social and health  
21 services.

22 (11) "Designated crisis responder" has the same meaning as  
23 provided in RCW 71.05.020.

24 (12) "Director" means the director of the authority.

25 (13) "Evaluation and treatment facility" means a public or  
26 private facility or unit that is licensed or certified by the  
27 department of health to provide emergency, inpatient, residential, or  
28 outpatient mental health evaluation and treatment services for  
29 minors. A physically separate and separately operated portion of a  
30 state hospital may be designated as an evaluation and treatment  
31 facility for minors. A facility which is part of or operated by the  
32 state or federal agency does not require licensure or certification.  
33 No correctional institution or facility, juvenile court detention  
34 facility, or jail may be an evaluation and treatment facility within  
35 the meaning of this chapter.

36 (14) "Evaluation and treatment program" means the total system of  
37 services and facilities coordinated and approved by a county or  
38 combination of counties for the evaluation and treatment of minors  
39 under this chapter.

1 (15) "Gravely disabled minor" means a minor who, as a result of a  
2 mental disorder, or as a result of the use of alcohol or other  
3 psychoactive chemicals, is in danger of serious physical harm  
4 resulting from a failure to provide for his or her essential human  
5 needs of health or safety, or manifests severe deterioration in  
6 routine functioning evidenced by repeated and escalating loss of  
7 cognitive or volitional control over his or her actions and is not  
8 receiving such care as is essential for his or her health or safety.

9 (16) "Inpatient treatment" means twenty-four-hour-per-day mental  
10 health care provided within a general hospital, psychiatric hospital,  
11 residential treatment facility licensed or certified by the  
12 department of health as an evaluation and treatment facility for  
13 minors, secure withdrawal management and stabilization facility for  
14 minors, or approved substance use disorder treatment program for  
15 minors.

16 (17) "Intoxicated minor" means a minor whose mental or physical  
17 functioning is substantially impaired as a result of the use of  
18 alcohol or other psychoactive chemicals.

19 (18) "Kinship caregiver" has the same meaning as in RCW  
20 74.13.031(19)(a).

21 (19) "Less restrictive alternative" or "less restrictive setting"  
22 means outpatient treatment provided to a minor who is not residing in  
23 a facility providing inpatient treatment as defined in this chapter.

24 (20) "Likelihood of serious harm" means either: (a) A substantial  
25 risk that physical harm will be inflicted by an individual upon his  
26 or her own person, as evidenced by threats or attempts to commit  
27 suicide or inflict physical harm on oneself; (b) a substantial risk  
28 that physical harm will be inflicted by an individual upon another,  
29 as evidenced by behavior which has caused such harm or which places  
30 another person or persons in reasonable fear of sustaining such harm;  
31 or (c) a substantial risk that physical harm will be inflicted by an  
32 individual upon the property of others, as evidenced by behavior  
33 which has caused substantial loss or damage to the property of  
34 others.

35 (21) "Managed care organization" has the same meaning as provided  
36 in RCW 71.24.025.

37 (22) "Medical necessity" for inpatient care means a requested  
38 service which is reasonably calculated to: (a) Diagnose, correct,  
39 cure, or alleviate a mental disorder or substance use disorder; or  
40 (b) prevent the progression of a mental disorder or substance use

1 disorder that endangers life or causes suffering and pain, or results  
2 in illness or infirmity or threatens to cause or aggravate a  
3 (~~handicap~~) disability, or causes physical deformity or malfunction,  
4 and there is no adequate less restrictive alternative available.

5 (23) "Mental disorder" means any organic, mental, or emotional  
6 impairment that has substantial adverse effects on an individual's  
7 cognitive or volitional functions. The presence of alcohol abuse,  
8 drug abuse, juvenile criminal history, antisocial behavior, or  
9 intellectual disabilities alone is insufficient to justify a finding  
10 of "mental disorder" within the meaning of this section.

11 (24) "Mental health professional" means a psychiatrist,  
12 psychiatric advanced registered nurse practitioner, physician  
13 assistant working with a supervising psychiatrist, psychologist,  
14 psychiatric nurse, social worker, and such other mental health  
15 professionals as defined by rules adopted by the secretary of the  
16 department of health under this chapter.

17 (25) "Minor" means any person under the age of eighteen years.

18 (26) "Outpatient treatment" means any of the nonresidential  
19 services mandated under chapter 71.24 RCW and provided by licensed or  
20 certified behavioral health agencies as identified by RCW 71.24.025.

21 (27) (a) "Parent" has the same meaning as defined in RCW  
22 26.26A.010, including either parent if custody is shared under a  
23 joint custody agreement, or a person or agency judicially appointed  
24 as legal guardian or custodian of the child.

25 (b) For purposes of family-initiated treatment under RCW  
26 71.34.600 through 71.34.670, "parent" also includes a person to whom  
27 a parent defined in (a) of this subsection has given a signed  
28 authorization to make health care decisions for the adolescent, a  
29 stepparent who is involved in caring for the adolescent, a kinship  
30 caregiver who is involved in caring for the adolescent, or another  
31 relative who is responsible for the health care of the adolescent,  
32 who may be required to provide a declaration under penalty of perjury  
33 stating that he or she is a relative responsible for the health care  
34 of the adolescent pursuant to (~~RCW 9A.72.085~~) chapter 5.50 RCW. If  
35 a dispute arises between individuals authorized to act as a parent  
36 for the purpose of RCW 71.34.600 through 71.34.670, the disagreement  
37 must be resolved according to the priority established under RCW  
38 7.70.065(2) (a).

39 (28) "Physician assistant" means a person licensed as a physician  
40 assistant under chapter 18.57A or 18.71A RCW.



1 (29) "Private agency" means any person, partnership, corporation,  
2 or association that is not a public agency, whether or not financed  
3 in whole or in part by public funds, that constitutes an evaluation  
4 and treatment facility or private institution, or hospital, or  
5 approved substance use disorder treatment program, that is conducted  
6 for, or includes a distinct unit, floor, or ward conducted for, the  
7 care and treatment of persons with mental illness, substance use  
8 disorders, or both mental illness and substance use disorders.

9 (30) "Professional person in charge" or "professional person"  
10 means a physician, other mental health professional, or other person  
11 empowered by an evaluation and treatment facility, secure withdrawal  
12 management and stabilization facility, or approved substance use  
13 disorder treatment program with authority to make admission and  
14 discharge decisions on behalf of that facility.

15 (31) "Psychiatric nurse" means a registered nurse who has  
16 experience in the direct treatment of persons who have a mental  
17 illness or who are emotionally disturbed, such experience gained  
18 under the supervision of a mental health professional.

19 (32) "Psychiatrist" means a person having a license as a  
20 physician in this state who has completed residency training in  
21 psychiatry in a program approved by the American Medical Association  
22 or the American Osteopathic Association, and is board eligible or  
23 board certified in psychiatry.

24 (33) "Psychologist" means a person licensed as a psychologist  
25 under chapter 18.83 RCW.

26 (34) "Public agency" means any evaluation and treatment facility  
27 or institution, or hospital, or approved substance use disorder  
28 treatment program that is conducted for, or includes a distinct unit,  
29 floor, or ward conducted for, the care and treatment of persons with  
30 mental illness, substance use disorders, or both mental illness and  
31 substance use disorders if the agency is operated directly by  
32 federal, state, county, or municipal government, or a combination of  
33 such governments.

34 (35) "Responsible other" means the minor, the minor's parent or  
35 estate, or any other person legally responsible for support of the  
36 minor.

37 (36) "Secretary" means the secretary of the department or  
38 secretary's designee.

39 (37) "Secure withdrawal management and stabilization facility"  
40 means a facility operated by either a public or private agency or by

1 the program of an agency which provides care to voluntary individuals  
2 and individuals involuntarily detained and committed under this  
3 chapter for whom there is a likelihood of serious harm or who are  
4 gravely disabled due to the presence of a substance use disorder.  
5 Secure withdrawal management and stabilization facilities must:

6 (a) Provide the following services:

7 (i) Assessment and treatment, provided by certified substance use  
8 disorder professionals or co-occurring disorder specialists;

9 (ii) Clinical stabilization services;

10 (iii) Acute or subacute detoxification services for intoxicated  
11 individuals; and

12 (iv) Discharge assistance provided by certified substance use  
13 disorder professionals or co-occurring disorder specialists,  
14 including facilitating transitions to appropriate voluntary or  
15 involuntary inpatient services or to less restrictive alternatives as  
16 appropriate for the individual;

17 (b) Include security measures sufficient to protect the patients,  
18 staff, and community; and

19 (c) Be licensed or certified as such by the department of health.

20 (38) "Social worker" means a person with a master's or further  
21 advanced degree from a social work educational program accredited and  
22 approved as provided in RCW 18.320.010.

23 (39) "Start of initial detention" means the time of arrival of  
24 the minor at the first evaluation and treatment facility, secure  
25 withdrawal management and stabilization facility, or approved  
26 substance use disorder treatment program offering inpatient treatment  
27 if the minor is being involuntarily detained at the time. With regard  
28 to voluntary patients, "start of initial detention" means the time at  
29 which the minor gives notice of intent to leave under the provisions  
30 of this chapter.

31 (40) "Substance use disorder" means a cluster of cognitive,  
32 behavioral, and physiological symptoms indicating that an individual  
33 continues using the substance despite significant substance-related  
34 problems. The diagnosis of a substance use disorder is based on a  
35 pathological pattern of behaviors related to the use of the  
36 substances.

37 (41) "Substance use disorder professional" means a person  
38 certified as a substance use disorder professional by the department  
39 of health under chapter 18.205 RCW, or a person certified as a  
40 (~~chemical dependency~~) substance use disorder professional trainee

1 under RCW 18.205.095 working under the direct supervision of a  
2 certified ((chemical—dependency)) substance use disorder  
3 professional.

4 **Sec. 51.** RCW 71A.10.040 and 1988 c 176 s 104 are each amended to  
5 read as follows:

6 Persons are protected from discrimination because of a  
7 developmental disability as well as other mental or physical  
8 ((handicaps)) disabilities by the law against discrimination, chapter  
9 49.60 RCW, by other state and federal statutes, rules, and  
10 regulations, and by local ordinances, when the persons ((qualify as  
11 handicapped)) have a qualifying disability under those statutes,  
12 rules, regulations, and ordinances.

13 **Sec. 52.** RCW 71A.12.010 and 1988 c 176 s 201 are each amended to  
14 read as follows:

15 It is declared to be the policy of the state to authorize the  
16 secretary to develop and coordinate state services for persons with  
17 developmental disabilities; to encourage research and staff training  
18 for state and local personnel working with persons with developmental  
19 disabilities; and to cooperate with communities to encourage the  
20 establishment and development of services to persons with  
21 developmental disabilities through locally administered and locally  
22 controlled programs.

23 The complexities of developmental disabilities require the  
24 services of many state departments as well as those of the community.  
25 Services should be planned and provided as a part of a continuum. A  
26 pattern of facilities and services should be established, within  
27 appropriations designated for this purpose, which is sufficiently  
28 complete to meet the needs of each person with a developmental  
29 disability regardless of age or degree of ((handicap)) disability,  
30 and at each stage of the person's development.

31 **Sec. 53.** RCW 71A.12.020 and 1988 c 176 s 202 are each amended to  
32 read as follows:

33 (1) To the extent that state, federal, or other funds designated  
34 for services to persons with developmental disabilities are  
35 available, the secretary shall provide every eligible person with  
36 habilitative services suited to the person's needs, regardless of age  
37 or degree of developmental disability.

1 (2) The secretary shall provide persons who receive services with  
2 the opportunity for integration with (~~nonhandicapped~~) persons  
3 without disabilities and (~~less-handicapped~~) persons with less acute  
4 disabilities to the greatest extent possible.

5 (3) The secretary shall establish minimum standards for  
6 habilitative services. Consumers, advocates, service providers,  
7 appropriate professionals, and local government agencies shall be  
8 involved in the development of the standards.

9 **Sec. 54.** RCW 72.05.010 and 2017 3rd sp.s. c 6 s 701 are each  
10 amended to read as follows:

11 (1) The purposes of RCW 72.05.010 through 72.05.210 are: To  
12 provide for every child with behavior problems, (~~mentally—and~~  
13 ~~physically-handicapped~~) persons with disabilities, and hearing and  
14 visually impaired children, within the purview of RCW 72.05.010  
15 through 72.05.210, as now or hereafter amended, such care, guidance  
16 and instruction, control and treatment as will best serve the welfare  
17 of the child or person and society; to insure nonpolitical and  
18 qualified operation, supervision, management, and control of the  
19 Green Hill school, the Naselle Youth Camp, Echo Glen, Lakeland  
20 Village, Rainier school, the Yakima Valley school, Fircrest school,  
21 the Child Study and Treatment Center and Secondary School of western  
22 state hospital, and like residential state schools, camps, and  
23 centers hereafter established; and to provide for the persons  
24 committed or admitted to those schools that type of care,  
25 instruction, and treatment most likely to accomplish their  
26 rehabilitation and restoration to normal citizenship.

27 (2) To further such purposes, Green Hill School, Echo Glen,  
28 Naselle Youth Camp, and such other juvenile rehabilitation  
29 facilities, as may hereafter be established, are placed under the  
30 department of children, youth, and families; Lakeland Village,  
31 Rainier school, the Yakima Valley school, Fircrest school, the Child  
32 Study and Treatment Center and Secondary School of western state  
33 hospital, and like residential state schools, camps, and centers,  
34 hereafter established, are placed under the department of social and  
35 health services.

36 **Sec. 55.** RCW 72.05.130 and 2017 3rd sp.s. c 6 s 703 are each  
37 amended to read as follows:

1       The department of social and health services and the department  
2 of children, youth, and families shall establish, maintain, operate  
3 and administer a comprehensive program for the custody, care,  
4 education, treatment, instruction, guidance, control, and  
5 rehabilitation of all persons who may be committed or admitted to  
6 institutions, schools, or other facilities, placed under the control  
7 of each, except for the programs of education provided pursuant to  
8 RCW 28A.190.030 through 28A.190.050 which shall be established,  
9 operated, and administered by the school district conducting the  
10 program, and in order to accomplish these purposes, the powers and  
11 duties of the secretary of the department of social and health  
12 services and the secretary of the department of children, youth, and  
13 families for the institutions placed under the respective department  
14 shall include the following:

15       (1) The assembling, analyzing, tabulating, and reproduction in  
16 report form, of statistics and other data with respect to children  
17 with behavior problems in the state of Washington, including, but not  
18 limited to, the extent, kind, and causes of such behavior problems in  
19 the different areas and population centers of the state. Such reports  
20 shall not be open to public inspection, but shall be open to the  
21 inspection of the governor and to the superior court judges of the  
22 state of Washington.

23       (2) The establishment and supervision of diagnostic facilities  
24 and services in connection with the custody, care, and treatment of  
25 (~~mentally and physically handicapped~~) persons with disabilities,  
26 and behavior problem children who may be committed or admitted to any  
27 of the institutions, schools, or facilities controlled and operated  
28 by the department, or who may be referred for such diagnosis and  
29 treatment by any superior court of this state. Such diagnostic  
30 services may be established in connection with, or apart from, any  
31 other state institution under the supervision and direction of the  
32 secretary of the department of social and health services or the  
33 secretary of the department of children, youth, and families. Such  
34 diagnostic services shall be available to the superior courts of the  
35 state for persons referred for such services by them prior to  
36 commitment, or admission to, any school, institution, or other  
37 facility. Such diagnostic services shall also be available to other  
38 departments of the state. When the secretary of the department of  
39 social and health services or the secretary of the department of  
40 children, youth, and families determines it necessary, the secretary

1 of the department of social and health services or the secretary of  
2 the department of children, youth, and families may create waiting  
3 lists and set priorities for use of diagnostic services for juvenile  
4 offenders on the basis of those most severely in need.

5 (3) The supervision of all persons committed or admitted to any  
6 institution, school, or other facility operated by the department of  
7 social and health services or the department of children, youth, and  
8 families, and the transfer of such persons from any such institution,  
9 school, or facility to any other such school, institution, or  
10 facility: PROVIDED, That where a person has been committed to a  
11 minimum security institution, school, or facility by any of the  
12 superior courts of this state, a transfer to a close security  
13 institution shall be made only with the consent and approval of such  
14 court.

15 (4) The supervision of parole, discharge, or other release, and  
16 the post-institutional placement of all persons committed to Green  
17 Hill school, or such as may be assigned, paroled, or transferred  
18 therefrom to other facilities operated by the department. Green Hill  
19 school is hereby designated as a "close security" institution to  
20 which shall be given the custody of children with the most serious  
21 behavior problems.

22 **Sec. 56.** RCW 72.60.235 and 1991 c 256 s 2 are each amended to  
23 read as follows:

24 (1) The department of corrections shall develop, in accordance  
25 with RCW 72.09.010, a site-specific implementation plan for prison  
26 industries space at Clallam Bay corrections center, McNeil Island  
27 corrections center, and the one thousand twenty-four bed medium  
28 security prison as appropriated for and authorized by the  
29 legislature.

30 (2) Each implementation plan shall include, but not be limited  
31 to, sufficient space and design elements that try to achieve a target  
32 of twenty-five percent of the total inmates in class I employment  
33 programs and twenty-five percent of the total inmates in class II  
34 employment programs or as much of the target as possible without  
35 jeopardizing the efficient and necessary day-to-day operation of the  
36 prison. The implementation plan shall also include educational  
37 opportunities and employment, wage, and other incentives. The  
38 department shall include in the implementation plans an incentive  
39 program based on wages, and the opportunity to contribute all or a

1 portion of their wages towards an array of incentives. The funds  
2 recovered from the sale, lease, or rental of incentives should be  
3 considered as a possible source of revenue to cover the capitalized  
4 cost of the additional space necessary to accommodate the increased  
5 class I and class II industries programs.

6 (3) The incentive program shall be developed so that inmates can  
7 earn higher wages based on performance and production. Only those  
8 inmates employed in class I and class II jobs may participate in the  
9 incentive program. The department shall develop special program  
10 criteria for inmates with physical or mental (~~handicaps~~)  
11 disabilities so that they can participate in the incentive program.

12 (4) The department shall propose rules specifying that inmate  
13 wages, other than the amount an inmate owes for taxes, legal  
14 financial obligations, and to the victim restitution fund, shall be  
15 returned to the department to pay for the cost of prison operations,  
16 including room and board.

17 (5) The plan shall identify actual or potential legal or  
18 operational obstacles, or both, in implementing the components of the  
19 plan as specified in this section, and recommend strategies to remove  
20 the obstacles.

21 (6) The department shall submit the plan to the appropriate  
22 committees of the legislature and to the governor by October 1, 1991.

23 **Sec. 57.** RCW 72.64.150 and 1991 c 131 s 1 are each amended to  
24 read as follows:

25 The Interstate Forest Fire Suppression Compact as set forth in  
26 this section is hereby enacted into law and entered into on behalf of  
27 this state with any and all other states legally joining therein in a  
28 form substantially as follows:

29 INTERSTATE FOREST FIRE SUPPRESSION  
30 COMPACT

31 ARTICLE I—Purpose

32 The purpose of this compact is to provide for the development and  
33 execution of programs to facilitate the use of offenders in the  
34 forest fire suppression efforts of the party states for the ultimate  
35 protection of life, property, and natural resources in the party  
36 states. The purpose of this compact is also to, in emergent  
37 situations, allow a sending state to cross state lines with an inmate

1 when, due to weather or road conditions, it is necessary to cross  
2 state lines to facilitate the transport of an inmate.

### 3 ARTICLE II—Definitions

4 As used in this compact, unless the context clearly requires  
5 otherwise:

6 (a) "Sending state" means a state party to this compact from  
7 which a fire suppression unit is traveling.

8 (b) "Receiving state" means a state party to this compact to  
9 which a fire suppression unit is traveling.

10 (c) "Inmate" means a male or female offender who is under  
11 sentence to or confined in a prison or other correctional  
12 institution.

13 (d) "Institution" means any prison, reformatory, honor camp, or  
14 other correctional facility, except facilities for (~~the mentally ill~~  
15 ~~or mentally handicapped~~) persons suffering from mental illness or  
16 persons with disabilities, in which inmates may lawfully be confined.

17 (e) "Fire suppression unit" means a group of inmates selected by  
18 the sending states, corrections personnel, and any other persons  
19 deemed necessary for the transportation, supervision, care, security,  
20 and discipline of inmates to be used in forest fire suppression  
21 efforts in the receiving state.

22 (f) "Forest fire" means any fire burning in any land designated  
23 by a party state or federal land management agencies as forestland.

### 24 ARTICLE III—Contracts

25 Each party state may make one or more contracts with any one or  
26 more of the other party states for the assistance of one or more fire  
27 suppression units in forest fire suppression efforts. Any such  
28 contract shall provide for matters as may be necessary and  
29 appropriate to fix the obligations, responsibilities, and rights of  
30 the sending and receiving state.

31 The terms and provisions of this compact shall be part of any  
32 contract entered into by the authority of, or pursuant to, this  
33 compact. Nothing in any such contract may be inconsistent with this  
34 compact.

### 35 ARTICLE IV—Procedures and Rights

36 (a) Each party state shall appoint a liaison for the coordination  
37 and deployment of the fire suppression units of each party state.



1 (b) Whenever the duly constituted judicial or administrative  
2 authorities in a state party to this compact that has entered into a  
3 contract pursuant to this compact decides that the assistance of a  
4 fire suppression unit of a party state is required for forest fire  
5 suppression efforts, such authorities may request the assistance of  
6 one or more fire suppression units of any state party to this compact  
7 through an appointed liaison.

8 (c) Inmates who are members of a fire suppression unit shall at  
9 all times be subject to the jurisdiction of the sending state, and at  
10 all times shall be under the ultimate custody of corrections officers  
11 duly accredited by the sending state.

12 (d) The receiving state shall make adequate arrangements for the  
13 confinement of inmates who are members of a fire suppression unit of  
14 a sending state in the event corrections officers duly accredited by  
15 the sending state make a discretionary determination that an inmate  
16 requires institutional confinement.

17 (e) Cooperative efforts shall be made by corrections officers and  
18 personnel of the receiving state located at a fire camp with the  
19 corrections officers and other personnel of the sending state in the  
20 establishment and maintenance of fire suppression unit base camps.

21 (f) All inmates who are members of a fire suppression unit of a  
22 sending state shall be cared for and treated equally with such  
23 similar inmates of the receiving state.

24 (g) Further, in emergent situations a sending state shall be  
25 granted authority and all the protections of this compact to cross  
26 state lines with an inmate when, due to weather or road conditions,  
27 it is necessary to facilitate the transport of an inmate.

28 ARTICLE V—Acts Not Reviewable in Receiving  
29 State; Extradition

30 (a) If while located within the territory of a receiving state  
31 there occurs against the inmate within such state any criminal charge  
32 or if the inmate is suspected of committing within such state a  
33 criminal offense, the inmate shall not be returned without the  
34 consent of the receiving state until discharged from prosecution or  
35 other form of proceeding, imprisonment, or detention for such  
36 offense. The duly accredited officers of the sending state shall be  
37 permitted to transport inmates pursuant to this compact through any  
38 and all states party to this compact without interference.

1 (b) An inmate member of a fire suppression unit of the sending  
2 state who is deemed to have escaped by a duly accredited corrections  
3 officer of a sending state shall be under the jurisdiction of both  
4 the sending state and the receiving state. Nothing contained in this  
5 compact shall be construed to prevent or affect the activities of  
6 officers and guards of any jurisdiction directed toward the  
7 apprehension and return of an escapee.

8 ARTICLE VI—Entry into Force

9 This compact shall enter into force and become effective and  
10 binding upon the states so acting when it has been enacted into law  
11 by any two states from among the states of Idaho, Oregon, and  
12 Washington.

13 ARTICLE VII—Withdrawal and Termination

14 This compact shall continue in force and remain binding upon a  
15 party state until it has enacted a statute repealing the same and  
16 providing for the sending of formal written notice of withdrawal from  
17 the compact to the appropriate officials of all other party states.

18 ARTICLE VIII—Other Arrangements Unaffected

19 Nothing contained in this compact may be construed to abrogate or  
20 impair any agreement that a party state may have with a nonparty  
21 state for the confinement, rehabilitation, or treatment of inmates  
22 nor to repeal any other laws of a party state authorizing the making  
23 of cooperative institutional arrangements.

24 ARTICLE IX—Construction and Severability

25 The provisions of this compact shall be liberally construed and  
26 shall be severable. If any phrase, clause, sentence, or provision of  
27 this compact is declared to be contrary to the constitution of any  
28 participating state or of the United States or the applicability  
29 thereof to any government, agency, person, or circumstance is held  
30 invalid, the validity of the remainder of this compact and the  
31 applicability thereof to any government, agency, person, or  
32 circumstance shall not be affected thereby. If this compact shall be  
33 held contrary to the constitution of any state participating therein,  
34 the compact shall remain in full force and effect as to the remaining  
35 states and in full force and effect as to the state affected as to  
36 all severable matters.

1           **Sec. 58.** RCW 72.70.010 and 1977 ex.s. c 80 s 69 are each amended  
2 to read as follows:

3           The Western Interstate Corrections Compact as contained herein is  
4 hereby enacted into law and entered into on behalf of this state with  
5 any and all other states legally joining therein in a form  
6 substantially as follows:

7                                   WESTERN INTERSTATE CORRECTIONS  
8   COMPACT

9                           ARTICLE I—Purpose and Policy

10           The party states, desiring by common action to improve their  
11 institutional facilities and provide programs of sufficiently high  
12 quality for the confinement, treatment and rehabilitation of various  
13 types of offenders, declare that it is the policy of each of the  
14 party states to provide such facilities and programs on a basis of  
15 cooperation with one another, thereby serving the best interests of  
16 such offenders and of society. The purpose of this compact is to  
17 provide for the development and execution of such programs of  
18 cooperation for the confinement, treatment and rehabilitation of  
19 offenders.

20                                   ARTICLE II—Definitions

21           As used in this compact, unless the context clearly requires  
22 otherwise:

23           (a) "State" means a state of the United States, or, subject to  
24 the limitation contained in Article VII, Guam.

25           (b) "Sending state" means a state party to this compact in which  
26 conviction was had.

27           (c) "Receiving state" means a state party to this compact to  
28 which an inmate is sent for confinement other than a state in which  
29 conviction was had.

30           (d) "Inmate" means a male or female offender who is under  
31 sentence to or confined in a prison or other correctional  
32 institution.

33           (e) "Institution" means any prison, reformatory or other  
34 correctional facility except facilities for (~~the mentally ill or~~  
35 ~~mentally handicapped~~) persons suffering from mental illness or  
36 persons with disabilities in which inmates may lawfully be confined.

37                                   ARTICLE III—Contracts

1 (a) Each party state may make one or more contracts with any one  
2 or more of the other party states for the confinement of inmates on  
3 behalf of a sending state in institutions situated within receiving  
4 states. Any such contract shall provide for:

5 1. Its duration.

6 2. Payments to be made to the receiving state by the sending  
7 state for inmate maintenance, extraordinary medical and dental  
8 expenses, and any participation in or receipt by inmates of  
9 rehabilitative or correctional services, facilities, programs or  
10 treatment not reasonably included as part of normal maintenance.

11 3. Participation in programs of inmate employment, if any; the  
12 disposition or crediting of any payments received by inmates on  
13 account thereof; and the crediting of proceeds from or disposal of  
14 any products resulting therefrom.

15 4. Delivery and retaking of inmates.

16 5. Such other matters as may be necessary and appropriate to fix  
17 the obligations, responsibilities and rights of the sending and  
18 receiving states.

19 (b) Prior to the construction or completion of construction of  
20 any institution or addition thereto by a party state, any other party  
21 state or states may contract therewith for the enlargement of the  
22 planned capacity of the institution or addition thereto, or for the  
23 inclusion therein of particular equipment or structures, and for the  
24 reservation of a specific percentum of the capacity of the  
25 institution to be kept available for use by inmates of the sending  
26 state or states so contracting. Any sending state so contracting may,  
27 to the extent that (~~monies~~[~~moneys~~]) moneys are legally available  
28 therefor, pay to the receiving state, a reasonable sum as  
29 consideration for such enlargement of capacity, or provision of  
30 equipment or structures, and reservation of capacity. Such payment  
31 may be in a lump sum or in installments as provided in the contract.

32 (c) The terms and provisions of this compact shall be a part of  
33 any contract entered into by the authority of or pursuant thereto,  
34 and nothing in any such contract shall be inconsistent therewith.

#### 35 ARTICLE IV—Procedures and Rights

36 (a) Whenever the duly constituted judicial or administrative  
37 authorities in a state party to this compact, and which has entered  
38 into a contract pursuant to Article III, shall decide that  
39 confinement in, or transfer of an inmate to, an institution within

1 the territory of another party state is necessary in order to provide  
2 adequate quarters and care or desirable in order to provide an  
3 appropriate program of rehabilitation or treatment, said officials  
4 may direct that the confinement be within an institution within the  
5 territory of said other party state, the receiving state to act in  
6 that regard solely as agent for the sending state.

7 (b) The appropriate officials of any state party to this compact  
8 shall have access, at all reasonable times, to any institution in  
9 which it has a contractual right to confine inmates for the purpose  
10 of inspecting the facilities thereof and visiting such of its inmates  
11 as may be confined in the institution.

12 (c) Inmates confined in an institution pursuant to the terms of  
13 this compact shall at all times be subject to the jurisdiction of the  
14 sending state and may at any time be removed therefrom for transfer  
15 to a prison or other institution within the sending state, for  
16 transfer to another institution in which the sending state may have a  
17 contractual or other right to confine inmates, for release on  
18 probation or parole, for discharge, or for any other purpose  
19 permitted by the laws of the sending state; provided that the sending  
20 state shall continue to be obligated to such payments as may be  
21 required pursuant to the terms of any contract entered into under the  
22 terms of Article III.

23 (d) Each receiving state shall provide regular reports to each  
24 sending state on the inmates of that sending state in institutions  
25 pursuant to this compact including a conduct record of each inmate  
26 and certify said record to the official designated by the sending  
27 state, in order that each inmate may have the benefit of his or her  
28 record in determining and altering the disposition of said inmate in  
29 accordance with the law which may obtain in the sending state and in  
30 order that the same may be a source of information for the sending  
31 state.

32 (e) All inmates who may be confined in an institution pursuant to  
33 the provisions of this compact shall be treated in a reasonable and  
34 humane manner and shall be cared for and treated equally with such  
35 similar inmates of the receiving state as may be confined in the same  
36 institution. The fact of confinement in a receiving state shall not  
37 deprive any inmate so confined of any legal rights which said inmate  
38 would have had if confined in an appropriate institution of the  
39 sending state.

1 (f) Any hearing or hearings to which an inmate confined pursuant  
2 to this compact may be entitled by the laws of the sending state may  
3 be had before the appropriate authorities of the sending state, or of  
4 the receiving state if authorized by the sending state. The receiving  
5 state shall provide adequate facilities for such hearings as may be  
6 conducted by the appropriate officials of a sending state. In the  
7 event such hearing or hearings are had before officials of the  
8 receiving state, the governing law shall be that of the sending state  
9 and a record of the hearing or hearings as prescribed by the sending  
10 state shall be made. Said record together with any recommendations of  
11 the hearing officials shall be transmitted forthwith to the official  
12 or officials before whom the hearing would have been had if it had  
13 taken place in the sending state. In any and all proceedings had  
14 pursuant to the provisions of this subdivision, the officials of the  
15 receiving state shall act solely as agents of the sending state and  
16 no final determination shall be made in any matter except by the  
17 appropriate officials of the sending state. Costs of records made  
18 pursuant to this subdivision shall be borne by the sending state.

19 (g) Any inmate confined pursuant to this compact shall be  
20 released within the territory of the sending state unless the inmate,  
21 and the sending and receiving states, shall agree upon release in  
22 some other place. The sending state shall bear the cost of such  
23 return to its territory.

24 (h) Any inmate confined pursuant to the terms of this compact  
25 shall have any and all rights to participate in and derive any  
26 benefits or incur or be relieved of any obligations or have such  
27 obligations modified or his status changed on account of any action  
28 or proceeding in which he could have participated if confined in any  
29 appropriate institution of the sending state located within such  
30 state.

31 (i) The parent, guardian, trustee, or other person or persons  
32 entitled under the laws of the sending state to act for, advise, or  
33 otherwise function with respect to any inmate shall not be deprived  
34 of or restricted in his exercise of any power in respect of any  
35 inmate confined pursuant to the terms of this compact.

36 ARTICLE V—Acts Not Reviewable In Receiving  
37 State; Extradition

38 (a) Any decision of the sending state in respect of any matter  
39 over which it retains jurisdiction pursuant to this compact shall be

1 conclusive upon and not reviewable within the receiving state, but if  
2 at the time the sending state seeks to remove an inmate from an  
3 institution in the receiving state there is pending against the  
4 inmate within such state any criminal charge or if the inmate is  
5 suspected of having committed within such state a criminal offense,  
6 the inmate shall not be returned without the consent of the receiving  
7 state until discharged from prosecution or other form of proceeding,  
8 imprisonment or detention for such offense. The duly accredited  
9 officers of the sending state shall be permitted to transport inmates  
10 pursuant to this compact through any and all states party to this  
11 compact without interference.

12 (b) An inmate who escapes from an institution in which he is  
13 confined pursuant to this compact shall be deemed a fugitive from the  
14 sending state and from the state in which the institution is  
15 situated. In the case of an escape to a jurisdiction other than the  
16 sending or receiving state, the responsibility for institution of  
17 extradition proceedings shall be that of the sending state, but  
18 nothing contained herein shall be construed to prevent or affect the  
19 activities of officers and agencies of any jurisdiction directed  
20 toward the apprehension and return of an escapee.

#### 21 ARTICLE VI—Federal Aid

22 Any state party to this compact may accept federal aid for use in  
23 connection with an institution or program, the use of which is or may  
24 be affected by this compact or any contract pursuant thereto and any  
25 inmate in a receiving state pursuant to this compact may participate  
26 in any such federally aided program or activity for which the sending  
27 and receiving states have made contractual provision; provided that  
28 if such program or activity is not part of the customary correctional  
29 regimen the express consent of the appropriate official of the  
30 sending state shall be required therefor.

#### 31 ARTICLE VII—Entry Into Force

32 This compact shall enter into force and become effective and  
33 binding upon the states so acting when it has been enacted into law  
34 by any two contiguous states from among the states of Alaska,  
35 Arizona, California, Colorado, Hawaii, Idaho, Montana, Nebraska,  
36 Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. For the  
37 purposes of this article, Alaska and Hawaii shall be deemed  
38 contiguous to each other; to any and all of the states of California,

1 Oregon and Washington; and to Guam. Thereafter, this compact shall  
2 enter into force and become effective and binding as to any other of  
3 said states, or any other state contiguous to at least one party  
4 state upon similar action by such state. Guam may become party to  
5 this compact by taking action similar to that provided for joinder by  
6 any other eligible party state and upon the consent of Congress to  
7 such joinder. For the purposes of this article, Guam shall be deemed  
8 contiguous to Alaska, Hawaii, California, Oregon and Washington.

9 ARTICLE VIII—Withdrawal and Termination

10 This compact shall continue in force and remain binding upon a  
11 party state until it shall have enacted a statute repealing the same  
12 and providing for the sending of formal written notice of withdrawal  
13 from the compact to the appropriate officials of all other party  
14 states. An actual withdrawal shall not take effect until two years  
15 after the notices provided in said statute have been sent. Such  
16 withdrawal shall not relieve the withdrawing state from its  
17 obligations assumed hereunder prior to the effective date of  
18 withdrawal. Before the effective date of withdrawal, a withdrawing  
19 state shall remove to its territory, at its own expense, such inmates  
20 as it may have confined pursuant to the provisions of this compact.

21 ARTICLE IX—Other Arrangements Unaffected

22 Nothing contained in this compact shall be construed to abrogate  
23 or impair any agreement or other arrangement which a party state may  
24 have with a non-party state for the confinement, rehabilitation or  
25 treatment of inmates nor to repeal any other laws of a party state  
26 authorizing the making of cooperative institutional arrangements.

27 ARTICLE X—Construction and Severability

28 The provisions of this compact shall be liberally construed and  
29 shall be severable. If any phrase, clause, sentence or provision of  
30 this compact is declared to be contrary to the constitution of any  
31 participating state or of the United States or the applicability  
32 thereof to any government, agency, person or circumstance is held  
33 invalid, the validity of the remainder of this compact and the  
34 applicability thereof to any government, agency, person or  
35 circumstance shall not be affected thereby. If this compact shall be  
36 held contrary to the constitution of any state participating therein,  
37 the compact shall remain in full force and effect as to the remaining



1 states and in full force and effect as to the state affected as to  
2 all severable matters.

3 **Sec. 59.** RCW 74.04.515 and 1998 c 79 s 11 are each amended to  
4 read as follows:

5 In administering the food stamp or benefits program, there shall  
6 be no discrimination against any applicant or recipient by reason of  
7 age, sex, (~~handicap~~) disability, religious creed, political  
8 beliefs, race, color, or national origin.

9 **Sec. 60.** RCW 74.12.290 and 1979 c 141 s 352 are each amended to  
10 read as follows:

11 The department of social and health services shall, during the  
12 initial and any subsequent determination of eligibility, evaluate the  
13 suitability of the home in which the dependent child lives,  
14 consideration to be given to physical care and supervision provided  
15 in the home; social, educational, and the moral atmosphere of the  
16 home as compared with the standards of the community; the child's  
17 physical and mental health and emotional security, special needs  
18 occasioned by the child's physical (~~handicaps~~) disabilities or  
19 illnesses, if any; the extent to which desirable factors outweigh the  
20 undesirable in the home; and the apparent possibility for improving  
21 undesirable conditions in the home.

22 **Sec. 61.** RCW 74.13.031 and 2019 c 172 s 8 and 2019 c 46 s 5045  
23 are each reenacted and amended to read as follows:

24 (1) The department shall develop, administer, supervise, and  
25 monitor a coordinated and comprehensive plan that establishes, aids,  
26 and strengthens services for the protection and care of runaway,  
27 dependent, or neglected children.

28 (2) Within available resources, the department shall recruit an  
29 adequate number of prospective adoptive and foster homes, both  
30 regular and specialized, i.e. homes for children of ethnic minority,  
31 including Indian homes for Indian children, sibling groups,  
32 (~~handicapped and emotionally disturbed~~) children with disabilities  
33 or behavioral health conditions, teens, pregnant and parenting teens,  
34 and the department shall annually report to the governor and the  
35 legislature concerning the department's success in: (a) Meeting the  
36 need for adoptive and foster home placements; (b) reducing the foster  
37 parent turnover rate; (c) completing home studies for legally free

1 children; and (d) implementing and operating the passport program  
2 required by RCW 74.13.285. The report shall include a section  
3 entitled "Foster Home Turn-Over, Causes and Recommendations."

4 (3) The department shall investigate complaints of any recent act  
5 or failure to act on the part of a parent or caretaker that results  
6 in death, serious physical or emotional harm, or sexual abuse or  
7 exploitation, or that presents an imminent risk of serious harm, and  
8 on the basis of the findings of such investigation, offer child  
9 welfare services in relation to the problem to such parents, legal  
10 custodians, or persons serving in loco parentis, and/or bring the  
11 situation to the attention of an appropriate court, or another  
12 community agency. An investigation is not required of nonaccidental  
13 injuries which are clearly not the result of a lack of care or  
14 supervision by the child's parents, legal custodians, or persons  
15 serving in loco parentis. If the investigation reveals that a crime  
16 against a child may have been committed, the department shall notify  
17 the appropriate law enforcement agency.

18 (4) As provided in RCW 26.44.030(~~((11))~~), the department may  
19 respond to a report of child abuse or neglect by using the family  
20 assessment response.

21 (5) The department shall offer, on a voluntary basis, family  
22 reconciliation services to families who are in conflict.

23 (6) The department shall monitor placements of children in out-  
24 of-home care and in-home dependencies to assure the safety, well-  
25 being, and quality of care being provided is within the scope of the  
26 intent of the legislature as defined in RCW 74.13.010 and 74.15.010.  
27 Under this section children in out-of-home care and in-home  
28 dependencies and their caregivers shall receive a private and  
29 individual face-to-face visit each month. The department shall  
30 randomly select no less than ten percent of the caregivers currently  
31 providing care to receive one unannounced face-to-face visit in the  
32 caregiver's home per year. No caregiver will receive an unannounced  
33 visit through the random selection process for two consecutive years.  
34 If the caseworker makes a good faith effort to conduct the  
35 unannounced visit to a caregiver and is unable to do so, that month's  
36 visit to that caregiver need not be unannounced. The department is  
37 encouraged to group monthly visits to caregivers by geographic area  
38 so that in the event an unannounced visit cannot be completed, the  
39 caseworker may complete other required monthly visits. The department

1 shall use a method of random selection that does not cause a fiscal  
2 impact to the department.

3 The department shall conduct the monthly visits with children and  
4 caregivers to whom it is providing child welfare services.

5 (7) The department shall have authority to accept custody of  
6 children from parents and to accept custody of children from juvenile  
7 courts, where authorized to do so under law, to provide child welfare  
8 services including placement for adoption, to provide for the routine  
9 and necessary medical, dental, and mental health care, or necessary  
10 emergency care of the children, and to provide for the physical care  
11 of such children and make payment of maintenance costs if needed.  
12 Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no  
13 private adoption agency which receives children for adoption from the  
14 department shall discriminate on the basis of race, creed, or color  
15 when considering applications in their placement for adoption.

16 (8) The department shall have authority to provide temporary  
17 shelter to children who have run away from home and who are admitted  
18 to crisis residential centers.

19 (9) The department shall have authority to purchase care for  
20 children.

21 (10) The department shall establish a children's services  
22 advisory committee which shall assist the secretary in the  
23 development of a partnership plan for utilizing resources of the  
24 public and private sectors, and advise on all matters pertaining to  
25 child welfare, licensing of child care agencies, adoption, and  
26 services related thereto. At least one member shall represent the  
27 adoption community.

28 (11)(a) The department shall provide continued extended foster  
29 care services to nonminor dependents who are:

30 (i) Enrolled in a secondary education program or a secondary  
31 education equivalency program;

32 (ii) Enrolled and participating in a postsecondary academic or  
33 postsecondary vocational education program;

34 (iii) Participating in a program or activity designed to promote  
35 employment or remove barriers to employment;

36 (iv) Engaged in employment for eighty hours or more per month; or

37 (v) Not able to engage in any of the activities described in  
38 (a)(i) through (iv) of this subsection due to a documented medical  
39 condition.

1 (b) To be eligible for extended foster care services, the  
2 nonminor dependent must have been dependent at the time that he or  
3 she reached age eighteen years. If the dependency case of the  
4 nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she  
5 may receive extended foster care services pursuant to a voluntary  
6 placement agreement under RCW 74.13.336 or pursuant to an order of  
7 dependency issued by the court under RCW 13.34.268. A nonminor  
8 dependent whose dependency case was dismissed by the court may  
9 request extended foster care services before reaching age twenty-one  
10 years. Eligible nonminor dependents may unenroll and reenroll in  
11 extended foster care through a voluntary placement agreement an  
12 unlimited number of times between ages eighteen and twenty-one.

13 (c) The department shall develop and implement rules regarding  
14 youth eligibility requirements.

15 (d) The department shall make efforts to ensure that extended  
16 foster care services maximize medicaid reimbursements. This must  
17 include the department ensuring that health and mental health  
18 extended foster care providers participate in medicaid, unless the  
19 condition of the extended foster care youth requires specialty care  
20 that is not available among participating medicaid providers or there  
21 are no participating medicaid providers in the area. The department  
22 shall coordinate other services to maximize federal resources and the  
23 most cost-efficient delivery of services to extended foster care  
24 youth.

25 (e) The department shall allow a youth who has received extended  
26 foster care services, but lost his or her eligibility, to reenter the  
27 extended foster care program an unlimited number of times through a  
28 voluntary placement agreement when he or she meets the eligibility  
29 criteria again.

30 (12) The department shall have authority to provide adoption  
31 support benefits, or relative guardianship subsidies on behalf of  
32 youth ages eighteen to twenty-one years who achieved permanency  
33 through adoption or a relative guardianship at age sixteen or older  
34 and who meet the criteria described in subsection (11) of this  
35 section.

36 (13) The department shall refer cases to the division of child  
37 support whenever state or federal funds are expended for the care and  
38 maintenance of a child, including a child with a developmental  
39 disability who is placed as a result of an action under chapter 13.34  
40 RCW, unless the department finds that there is good cause not to

1 pursue collection of child support against the parent or parents of  
2 the child. Cases involving individuals age eighteen through twenty  
3 shall not be referred to the division of child support unless  
4 required by federal law.

5 (14) The department shall have authority within funds  
6 appropriated for foster care services to purchase care for Indian  
7 children who are in the custody of a federally recognized Indian  
8 tribe or tribally licensed child-placing agency pursuant to parental  
9 consent, tribal court order, or state juvenile court order. The  
10 purchase of such care is exempt from the requirements of chapter  
11 74.13B RCW and may be purchased from the federally recognized Indian  
12 tribe or tribally licensed child-placing agency, and shall be subject  
13 to the same eligibility standards and rates of support applicable to  
14 other children for whom the department purchases care.

15 Notwithstanding any other provision of RCW 13.32A.170 through  
16 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section  
17 all services to be provided by the department under subsections (4),  
18 (7), and (8) of this section, subject to the limitations of these  
19 subsections, may be provided by any program offering such services  
20 funded pursuant to Titles II and III of the federal juvenile justice  
21 and delinquency prevention act of 1974.

22 (15) Within amounts appropriated for this specific purpose, the  
23 department shall provide preventive services to families with  
24 children that prevent or shorten the duration of an out-of-home  
25 placement.

26 (16) The department shall have authority to provide independent  
27 living services to youths, including individuals who have attained  
28 eighteen years of age, and have not attained twenty-three years of  
29 age, who are or have been in the department's care and custody, or  
30 who are or were nonminor dependents.

31 (17) The department shall consult at least quarterly with foster  
32 parents, including members of the foster parent association of  
33 Washington state, for the purpose of receiving information and  
34 comment regarding how the department is performing the duties and  
35 meeting the obligations specified in this section and RCW 74.13.250  
36 regarding the recruitment of foster homes, reducing foster parent  
37 turnover rates, providing effective training for foster parents, and  
38 administering a coordinated and comprehensive plan that strengthens  
39 services for the protection of children. Consultation shall occur at  
40 the regional and statewide levels.

1 (18)(a) The department shall, within current funding levels,  
2 place on its public web site a document listing the duties and  
3 responsibilities the department has to a child subject to a  
4 dependency petition including, but not limited to, the following:

5 (i) Reasonable efforts, including the provision of services,  
6 toward reunification of the child with his or her family;

7 (ii) Sibling visits subject to the restrictions in RCW  
8 13.34.136(2)(b)(ii);

9 (iii) Parent-child visits;

10 (iv) Statutory preference for placement with a relative or other  
11 suitable person, if appropriate; and

12 (v) Statutory preference for an out-of-home placement that allows  
13 the child to remain in the same school or school district, if  
14 practical and in the child's best interests.

15 (b) The document must be prepared in conjunction with a  
16 community-based organization and must be updated as needed.

17 (19)(a) The department shall have the authority to purchase legal  
18 representation for parents or kinship caregivers, or both, of  
19 children who are at risk of being dependent, or who are dependent, to  
20 establish or modify a parenting plan under RCW 13.34.155 or chapter  
21 26.09, 26.26A, or 26.26B RCW or secure orders establishing other  
22 relevant civil legal relationships authorized by law, when it is  
23 necessary for the child's safety, permanence, or well-being. The  
24 department's purchase of legal representation for kinship caregivers  
25 must be within the department's appropriations. This subsection does  
26 not create an entitlement to legal representation purchased by the  
27 department and does not create judicial authority to order the  
28 department to purchase legal representation for a parent or kinship  
29 caregiver. Such determinations are solely within the department's  
30 discretion. The term "kinship caregiver" as used in this section  
31 means a caregiver who meets the definition of "kin" in RCW  
32 74.13.600(1), unless the child is an Indian child as defined in RCW  
33 13.38.040 and 25 U.S.C. Sec. 1903. For an Indian child as defined in  
34 RCW 13.38.040 and 25 U.S.C. Sec. 1903, the term "kinship caregiver"  
35 as used in this section means a caregiver who is an "extended family  
36 member" as defined in RCW 13.38.040(8).

37 (b) The department is encouraged to work with the office of  
38 public defense parent representation program and the office of civil  
39 legal aid to develop a cost-effective system for providing effective

1 civil legal representation for parents and kinship caregivers if it  
2 exercises its authority under this subsection.

3 **Sec. 62.** RCW 74.13.310 and 2018 c 284 s 50 are each amended to  
4 read as follows:

5 Adequate foster parent training has been identified as directly  
6 associated with increasing the length of time foster parents are  
7 willing to provide foster care and reducing the number of placement  
8 disruptions for children. Placement disruptions can be harmful to  
9 children by denying them consistent and nurturing support. Foster  
10 parents have expressed the desire to receive training in addition to  
11 the foster parent training currently offered. Foster parents who care  
12 for more demanding children, such as children with severe  
13 (~~emotional, mental, or physical handicaps~~) disabilities, would  
14 especially benefit from additional training. The department shall  
15 develop additional training for foster parents that focuses on skills  
16 to assist foster parents in caring for (~~emotionally, mentally, or~~  
17 ~~physically handicapped~~) children with disabilities.

18 **Sec. 63.** RCW 74.13A.020 and 2009 c 520 s 66 and 2009 c 491 s 9  
19 are each reenacted and amended to read as follows:

20 (1) The secretary shall issue rules and regulations to assist in  
21 the administration of the program of adoption support authorized by  
22 RCW 26.33.320 and 74.13A.005 through 74.13A.080.

23 (2) Disbursements from the appropriations available from the  
24 general fund shall be made pursuant to such rules and regulations and  
25 pursuant to agreements conforming thereto to be made by the secretary  
26 with parents for the purpose of supporting the adoption of children  
27 in, or likely to be placed in, foster homes or child caring  
28 institutions who are found by the secretary to be difficult to place  
29 in adoption because of physical or other reasons; including, but not  
30 limited to, (~~physical or mental handicap~~) disabilities, emotional  
31 disturbance, ethnic background, language, race, color, age, or  
32 sibling grouping.

33 (3) Such agreements shall meet the following criteria:

34 (a) The child whose adoption is to be supported pursuant to such  
35 agreement shall be or have been a child hard to place in adoption.

36 (b) Such agreement must relate to a child who was or is residing  
37 in a foster home or child-caring institution or a child who, in the

1 judgment of the secretary, is both eligible for, and likely to be  
2 placed in, either a foster home or a child-caring institution.

3 (c) Such agreement shall provide that adoption support shall not  
4 continue beyond the time that the adopted child reaches eighteen  
5 years of age, becomes emancipated, dies, or otherwise ceases to need  
6 support. If the secretary finds that continuing dependency of such  
7 child after such child reaches eighteen years of age warrants the  
8 continuation of support pursuant to RCW 26.33.320 and 74.13A.005  
9 through 74.13A.080 the secretary may do so, subject to all the  
10 provisions of RCW 26.33.320 and 74.13A.005 through 74.13A.080,  
11 including annual review of the amount of such support.

12 (d) Any prospective parent who is to be a party to such agreement  
13 shall be a person who has the character, judgment, sense of  
14 responsibility, and disposition which make him or her suitable as an  
15 adoptive parent of such child.

16 (4) At least six months before an adoption is finalized under  
17 chapter 26.33 RCW and RCW (~~(74.13.100 through 74.13.145)~~) 74.13A.005  
18 through 74.13A.080, the department must provide to the prospective  
19 adoptive parent, in writing, information describing the limits of the  
20 adoption support program including the following information:

21 (a) The limits on monthly cash payments to adoptive families;

22 (b) The limits on the availability of children's mental health  
23 services and the funds with which to pay for these services;

24 (c) The process for accessing mental health services for children  
25 receiving adoption support services;

26 (d) The limits on the one-time cash payments to adoptive families  
27 for expenses related to their adopted children; and

28 (e) That payment for residential or group care is not available  
29 for adopted children under the adoption support program.

30 **Sec. 64.** RCW 74.13A.085 and 2017 3rd sp.s. c 6 s 503 are each  
31 amended to read as follows:

32 (1) The department shall establish, within funds appropriated for  
33 the purpose, a reconsideration program to provide medical and  
34 counseling services through the adoption support program for children  
35 of families who apply for services after the adoption is final.  
36 Families requesting services through the program shall provide any  
37 information requested by the department for the purpose of processing  
38 the family's application for services.



1 (2) A child meeting the eligibility criteria for registration  
2 with the program is one who:

3 (a) Was residing in a preadoptive placement funded by the  
4 department or in foster care funded by the department immediately  
5 prior to the adoptive placement;

6 (b) Had a (~~physical or mental handicap or emotional~~  
7 ~~disturbance~~) disability or behavioral health condition that existed  
8 and was documented prior to the adoption or was at high risk of  
9 future (~~physical or mental handicap or emotional disturbance~~)  
10 disability or behavioral health condition as a result of conditions  
11 exposed to prior to the adoption; and

12 (c) Resides in the state of Washington with an adoptive parent  
13 who lacks the necessary financial means to care for the child's  
14 special need.

15 (3) If a family is accepted for registration and meets the  
16 criteria in subsection (2) of this section, the department may enter  
17 into an agreement for services. Prior to entering into an agreement  
18 for services through the program, the medical needs of the child must  
19 be reviewed and approved by the department.

20 (4) Any services provided pursuant to an agreement between a  
21 family and the department shall be met from the department's medical  
22 program. Such services shall be limited to:

23 (a) Services provided after finalization of an agreement between  
24 a family and the department pursuant to this section;

25 (b) Services not covered by the family's insurance or other  
26 available assistance; and

27 (c) Services related to the eligible child's identified  
28 (~~physical or mental handicap or emotional disturbance~~) disability  
29 or behavioral health condition that existed prior to the adoption.

30 (5) Any payment by the department for services provided pursuant  
31 to an agreement shall be made directly to the physician or provider  
32 of services according to the department's established procedures.

33 (6) The total costs payable by the department for services  
34 provided pursuant to an agreement shall not exceed twenty thousand  
35 dollars per child.

36 **Sec. 65.** RCW 74.18.045 and 2003 c 409 s 4 are each amended to  
37 read as follows:

38 (1)(a) The director shall provide access to a telephonic reading  
39 service for blind persons and (~~disabled~~) persons with disabilities.

1 (b) The director shall establish criteria for eligibility for  
2 blind persons and (~~disabled~~) persons with disabilities who may  
3 receive the telephonic reading services. The criteria may be based  
4 upon the eligibility criteria for persons who receive services  
5 established by the national library service for the blind and  
6 (~~physically handicapped~~) print disabled of the library of congress.

7 (2) The director may enter into contracts or other agreements  
8 that he or she determines to be appropriate to provide telephonic  
9 reading services pursuant to this section.

10 (3) The director may expand the type and scope of materials  
11 available on the telephonic reading service in order to meet the  
12 local, regional, or foreign language needs of blind or visually  
13 impaired residents of this state. The director may also expand the  
14 scope of services and availability of telephonic reading services by  
15 current methods and technologies that may be developed. The director  
16 may inform current and potential patrons of the availability of  
17 telephonic reading services through appropriate means, including, but  
18 not limited to, direct mailings, direct telephonic contact, and  
19 public service announcements.

20 (4) The director may expend moneys from the business enterprises  
21 revolving account accrued from vending machine sales in state and  
22 local government buildings, as well as donations and grants, for the  
23 purpose of supporting the cost of activities described in this  
24 section.

25 **Sec. 66.** RCW 74.26.010 and 1980 c 106 s 1 are each amended to  
26 read as follows:

27 In recognition of the fact that there is a small population of  
28 children with multiple disabilities and specific and continuing  
29 medical needs now being served in high-daily-cost hospitals that  
30 could be more appropriately and cost-efficiently served in  
31 alternative residential alternatives, it is the intent of the  
32 legislature to establish a controlled program to develop and review  
33 an alternative service delivery system for certain (~~multiply  
34 handicapped~~) children with multiple disabilities who have continuing  
35 intensive medical needs but who are not required to continue in  
36 residence in a hospital setting.

37 **Sec. 67.** RCW 79.105.210 and 2005 c 155 s 143 are each amended to  
38 read as follows:

1 (1) The management of state-owned aquatic lands shall preserve  
2 and enhance water-dependent uses. Water-dependent uses shall be  
3 favored over other uses in state-owned aquatic land planning and in  
4 resolving conflicts between competing lease applications. In cases of  
5 conflict between water-dependent uses, priority shall be given to  
6 uses which enhance renewable resources, waterborne commerce, and the  
7 navigational and biological capacity of the waters, and to statewide  
8 interests as distinguished from local interests.

9 (2) Nonwater-dependent use of state-owned aquatic lands is a low-  
10 priority use providing minimal public benefits and shall not be  
11 permitted to expand or be established in new areas except in  
12 exceptional circumstances where it is compatible with water-dependent  
13 uses occurring in or planned for the area.

14 (3) The department shall consider the natural values of state-  
15 owned aquatic lands as wildlife habitat, natural area preserve,  
16 representative ecosystem, or spawning area prior to issuing any  
17 initial lease or authorizing any change in use. The department may  
18 withhold from leasing lands which it finds to have significant  
19 natural values, or may provide within any lease for the protection of  
20 such values.

21 (4) The power to lease state-owned aquatic lands is vested in the  
22 department, which has the authority to make leases upon terms,  
23 conditions, and length of time in conformance with the state  
24 Constitution and chapters 79.105 through 79.140 RCW.

25 (5) State-owned aquatic lands shall not be leased to persons or  
26 organizations which discriminate on the basis of race, color, creed,  
27 religion, sex, age, or (~~physical or mental handicap~~) disability.

28 **Sec. 68.** RCW 82.04.385 and 1988 c 176 s 915 and 1988 c 13 s 1  
29 are each reenacted and amended to read as follows:

30 This chapter shall not apply to income received from the  
31 department of social and health services for the cost of care,  
32 maintenance, support, and training of persons with developmental  
33 disabilities at nonprofit group training homes as defined by chapter  
34 71A.22 RCW or to the business activities of nonprofit organizations  
35 from the operation of sheltered workshops. For the purposes of this  
36 section, "the operation of sheltered workshops" means performance of  
37 business activities of any kind on or off the premises of such  
38 nonprofit organizations which are performed for the primary purpose  
39 of (1) providing gainful employment or rehabilitation services to

1 (~~the handicapped~~) persons with disabilities as an interim step in  
2 the rehabilitation process for those who cannot be readily absorbed  
3 in the competitive labor market or during such time as employment  
4 opportunities for them in the competitive labor market do not exist;  
5 or (2) providing evaluation and work adjustment services for  
6 (~~handicapped individuals~~) persons with disabilities.

7 **Sec. 69.** RCW 82.80.030 and 2005 c 336 s 24 are each amended to  
8 read as follows:

9 (1) Subject to the conditions of this section, the legislative  
10 authority of a county, city, or district may fix and impose a parking  
11 tax on all persons engaged in a commercial parking business within  
12 its respective jurisdiction. A city or county may impose the tax only  
13 to the extent that it has not been imposed by the district, and a  
14 district may impose the tax only to the extent that it has not been  
15 imposed by a city or county. The jurisdiction of a county, for  
16 purposes of this section, includes only the unincorporated area of  
17 the county. The jurisdiction of a city or district includes only the  
18 area within its boundaries.

19 (2) In lieu of the tax in subsection (1) of this section, a city,  
20 a county in its unincorporated area, or a district may fix and impose  
21 a tax for the act or privilege of parking a motor vehicle in a  
22 facility operated by a commercial parking business.

23 The city, county, or district may provide that:

24 (a) The tax is paid by the operator or owner of the motor  
25 vehicle;

26 (b) The tax applies to all parking for which a fee is paid,  
27 whether paid or leased, including parking supplied with a lease of  
28 nonresidential space;

29 (c) The tax is collected by the operator of the facility and  
30 remitted to the city, county, or district;

31 (d) The tax is a fee per vehicle or is measured by the parking  
32 charge;

33 (e) The tax rate varies with zoning or location of the facility,  
34 the duration of the parking, the time of entry or exit, the type or  
35 use of the vehicle, or other reasonable factors; and

36 (f) Tax exempt carpools, vehicles with (~~handicapped decals~~) a  
37 disabled parking placard, or government vehicles are exempt from the  
38 tax.

1 (3) "Commercial parking business" as used in this section, means  
2 the ownership, lease, operation, or management of a commercial  
3 parking lot in which fees are charged. "Commercial parking lot" means  
4 a covered or uncovered area with stalls for the purpose of parking  
5 motor vehicles.

6 (4) The rate of the tax under subsection (1) of this section may  
7 be based either upon gross proceeds or the number of vehicle stalls  
8 available for commercial parking use. The rates charged must be  
9 uniform for the same class or type of commercial parking business.

10 (5) The county, city, or district levying the tax provided for in  
11 subsection (1) or (2) of this section may provide for its payment on  
12 a monthly, quarterly, or annual basis. Each local government may  
13 develop by ordinance or resolution rules for administering the tax,  
14 including provisions for reporting by commercial parking businesses,  
15 collection, and enforcement.

16 (6) The proceeds of the commercial parking tax fixed and imposed  
17 by a city or county under subsection (1) or (2) of this section shall  
18 be used for transportation purposes in accordance with RCW 82.80.070  
19 or for transportation improvements in accordance with chapter 36.73  
20 RCW. The proceeds of the parking tax imposed by a district must be  
21 used as provided in chapter 36.120 RCW.

22 **Sec. 70.** RCW 84.36.350 and 1999 c 358 s 17 are each amended to  
23 read as follows:

24 (1) The following property shall be exempt from taxation:

25 (a) Real or personal property owned and used by a nonprofit  
26 corporation in connection with the operation of a sheltered workshop  
27 for (~~handicapped~~) persons with disabilities, and used primarily in  
28 connection with the manufacturing and the handling, sale or  
29 distribution of goods constructed, processed, or repaired in such  
30 workshops or centers; and

31 (b) Inventory owned by a sheltered workshop for sale or lease by  
32 the sheltered workshop or to be furnished under a contract of  
33 service, including raw materials, work in process, and finished  
34 products.

35 (2) Unless a different meaning is plainly required by the  
36 context, "sheltered workshop" means a rehabilitation facility, or  
37 that part of a rehabilitation facility operated by a nonprofit  
38 corporation, where any manufacture or handiwork is carried on and  
39 operated for the primary purpose of: (a) Providing gainful employment

1 or rehabilitation services to (~~the handicapped~~) persons with  
2 disabilities as an interim step in the rehabilitation process for  
3 those who cannot be readily absorbed in the competitive labor market  
4 or during such time as employment opportunities for them in the  
5 competitive labor market do not exist; or (b) providing evaluation  
6 and work adjustment services for (~~handicapped individuals~~) persons  
7 with disabilities.

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