

invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

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CHAPTER 71
[Engrossed Senate Bill No. 3351]
MENTALLY RETARDED AND
OTHER DEVELOPMENTALLY DISABLED PERSONS—
STATE ASSISTANCE

AN ACT Relating to persons with health problems and designated as mentally retarded or developmentally disabled, or both; amending section 4, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.040; amending section 5, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.050; amending section 6, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.060; amending section 7, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.070; amending section 9, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.090; amending section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 85, chapter 195, Laws of 1973 1st ex. sess. and RCW 71.20.110; amending section 1, chapter 251, Laws of 1961 as amended by section 1, chapter 34, Laws of 1965 and RCW 72.33.800; amending section 2, chapter 251, Laws of 1961 as amended by section 2, chapter 34, Laws of 1965 and RCW 72.33.805; amending section 3, chapter 251, Laws of 1961 and RCW 72.33.810; amending section 4, chapter 251, Laws of 1961 as amended by section 3, chapter 34, Laws of 1965 and RCW 72.33.815; and adding new sections to chapter 71.20 RCW.

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

NEW SECTION. Section 1. There is added to chapter 71.20 RCW a new section to read as follows:

In order for the community board to coordinate and provide required services for the mentally retarded and other developmentally disabled persons pursuant to this amendatory act, it shall be eligible to obtain such confidential information from public and/or private schools and the department of social and health services as

is necessary to accomplish the purposes of this amendatory act. Such information will be kept in accordance with state law and such rules and regulations promulgated by the secretary of the department of social and health services under chapter 34.04 RCW to permit the use of such information to coordinate and plan such services; all persons permitted access to or the use of such information must sign an oath of confidentiality, substantially as follows:

"As a condition of obtaining information from (fill in facility, agency, or person) I,, agree not to divulge, publish or otherwise make known to unauthorized persons or the public any information obtained in the course of using such confidential information, where release of such information may possibly make the person who received such services identifiable. I recognize that unauthorized release of confidential information may subject me to civil liability under provisions of state law."

NEW SECTION. Sec. 2. There is added to chapter 71.20 RCW a new section to read as follows:

Persons "developmentally disabled" as used in this amendatory act are those persons having a "developmental disability" as defined in Public Law 91-517 [42 USCA 2691 (l)] as now or hereafter amended.

Sec. 3. Section 4, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.040 are each amended to read as follows:

The county commissioners of any county or the boards of county commissioners of more than one county by joint action, are authorized to appoint a community board to (~~coordinate all of the local mental retardation services within the county or counties to provide a continuum of care and services to mentally retarded persons and their families~~) plan services for the mentally retarded and other developmentally disabled, to provide directly or indirectly a continuum of care and services to mentally retarded and other developmentally disabled persons and their families, and to coordinate all of the local mental retardation and developmental disability services within the county or counties served by such community board. Members to be appointed to the board shall include but not be limited to representatives of public, private or voluntary agencies, and local governmental units which participate in a program for mentally retarded and other developmentally disabled persons, and private citizens knowledgeable or interested in services to the mentally retarded and other developmentally disabled in the community.

The board shall consist of not less than nine nor more than fifteen members who shall be appointed by the board or boards of county commissioners for three year terms, and until their successors are appointed and qualified. The members of the community board

shall not be compensated for the performance of their duties as members of the community board, but may be paid subsistence rates and mileage in the amounts prescribed by RCW 36.17.030 as now or hereafter amended.

Sec. 4. Section 5, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.050 are each amended to read as follows:

The governor is authorized to designate a state department as the agency to work with the county commissioners and the community boards appointed by the commissioners to coordinate and provide local services for the mentally retarded and other developmentally disabled and their families. The department is authorized to promulgate rules and regulations establishing the eligibility of each community board for state funds to be used for the work of the board in coordinating and providing services to the mentally retarded and other developmentally disabled and their families. The application for state funds shall be made by the community board with the approval of the county commissioners or by the county commissioners on behalf of the community board.

Sec. 5. Section 6, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.060 are each amended to read as follows:

The state agency designated by the governor pursuant to RCW 71.20.050 as now or hereafter amended may require by rule and regulation that in order to be eligible for state funds, community boards shall provide the following indirect services to the community:

(1) Serve as an information and referral agency within the community for mentally retarded and other developmentally disabled persons and their families;

(2) Coordinate all local services for the mentally retarded and other developmentally disabled and their families to insure the maximum utilization of all services available;

(3) Make comprehensive plans for present and future development and reasonable progress toward development of comprehensive plans for the coordination of all local services to the mentally retarded and other developmentally disabled.

((No community board shall provide services or operate any other programs for the benefit of the mentally retarded except as provided in this section.))

Sec. 6. Section 7, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.070 are each amended to read as follows:

Community mental retardation and other developmental disability programs which may be provided directly by community boards authorized by RCW 71.20.040 as now or hereafter amended pursuant to rules and regulations adopted by the secretary of the

department of social and health services may consist of any or all of the following services:

(1) Diagnostic and evaluation services of mentally retarded and other developmentally disabled persons;

(2) Medical and dental services for those mentally retarded and other developmentally disabled individuals unable to obtain private care;

(3) Psychiatric services of those mentally retarded and other developmentally disabled unable to obtain private care in cooperation with any existing community mental health program;

(4) Group training homes providing full or part time care, support and maintenance for mentally retarded and other developmentally disabled persons; PROVIDED, That nothing contained in this amendatory act shall be construed so as to prevent or limit state funding of group training homes or group homes pursuant to chapter 72.33 RCW, as now or hereafter amended;

(5) Facilities for vocational training and education of mentally retarded and other developmentally disabled persons;

(6) Day care centers for mentally retarded and other developmentally disabled persons;

(7) Informational service to the general public and educational services furnished by qualified personnel to schools, courts, health and welfare agencies and other appropriate public or private agencies or groups;

(8) Consultant services to public or private agencies for the promotion and coordination of services to the mentally retarded and other developmentally disabled;

(9) Family counseling services to families with mentally retarded and other developmentally disabled children;

(10) Recreation programs for mentally retarded and other developmentally disabled persons;

(11) Transportation services for the mentally retarded and other developmentally disabled persons;

(12) Legal services for the mentally retarded and other developmentally disabled persons and their families for aiding and insuring services to the mentally retarded or other developmentally disabled person unable to obtain private legal services;

(13) Home care services for the mentally retarded and other developmentally disabled persons;

(14) Any other services or facilities necessary to provide a continuum of care for the mentally retarded and other developmentally disabled persons not otherwise available.

Sec. 7. Section 9, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.090 are each amended to read as follows:

A community board provided for in RCW 71.20.040 as now or hereafter amended is authorized to receive and spend funds received from the state under this chapter, or any federal funds received through any state agency, or any gifts or donations received by it for the benefit of the mentally retarded or other developmentally disabled persons.

Sec. 8. Section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 85, chapter 195, Laws of 1973 1st ex. sess. and RCW 71.20.110 are each amended to read as follows:

In order to provide additional funds for the coordination of community mental retardation and other developmental disability services and to provide community mental retardation, other developmental disability, or mental health services, the board of county commissioners of each county in the state shall budget and levy annually a tax in a sum equal to the amount which would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property in the county to be used for such purposes: PROVIDED, That all or part of the funds collected from the tax levied for the purposes of this section may be transferred to the state of Washington, department of social and health services, for the purpose of obtaining federal matching funds to provide and coordinate community mental retardation, other developmental disability, and mental health services. In the event a county elects to transfer such tax funds to the state for this purpose, the state shall grant these moneys and the additional funds received as matching funds to service-providing community agencies or community boards in the county which has made such transfer, pursuant to the plan approved by the county, as provided by chapters 71.16, 71.20, 71.24, and 71.28 RCW, all as now or hereafter amended.

Sec. 9. Section 1, chapter 251, Laws of 1961 as amended by section 1, chapter 34, Laws of 1965 and RCW 72.33.800 are each amended to read as follows:

The ((director)) secretary of the department of ((institutions)) social and health services is hereby authorized to enter into agreements with any person, or with any person, corporation or association operating a day training center or group training home or a combination thereof approved by the department, for the payment of all, or a portion of the cost of the care, treatment, maintenance, support and training of mentally ((or physically deficient persons acceptable for admission to a state residential school as hereinafter provided; which agreements shall constitute agreements relating to state operated activities)) retarded or other developmentally disabled persons.

For the purpose of RCW 72.33.800 through 72.33.820, as now or hereafter amended, the terms "day training center" and "group training home" shall have the following meanings:

(1) "Day training center" shall mean a facility equipped, supervised, managed and operated at least three days per week by any person, association or corporation on a nonprofit basis for the day-care, treatment, training and maintenance of mentally retarded or ((physically deficient)) other developmentally disabled persons ((acceptable for admission to state residential schools)), and approved in accordance with RCW 72.33.800 through 72.33.820, as now or hereafter amended, and the standards of the department of ((institutions)) social and health services as set forth in the rules and regulations ((to be)) promulgated by the ((director)) secretary.

(2) "Group training home" shall mean a facility equipped, supervised, managed and operated on a full time basis by any person, association or corporation on a nonprofit basis for the full time care, treatment, training and maintenance of mentally retarded or ((physically deficient)) other developmentally disabled persons ((acceptable for admission to a state residential school)), and approved in accordance with RCW 72.33.800 through 72.33.820, as now or hereafter amended, and the standards of the department of ((institutions)) social and health services as set forth in rules and regulations ((to be)) promulgated by the ((director)) secretary.

Sec. 10. Section 2, chapter 251, Laws of 1961 as amended by section 2, chapter 34, Laws of 1965 and RCW 72.33.805 are each amended to read as follows:

All payments made by the secretary of the department of ((institutions)) social and health services pursuant to RCW 72.33.800 through 72.33.820, as now or hereafter amended, shall be, insofar as possible, supplementary to payments to be made to a day training center or group training home or combination thereof by the parents or guardians of such mentally ((or physically deficient)) retarded or other developmentally disabled persons. Payments made by the ((director)) secretary in accordance with the authority of RCW 72.33.800 through 72.33.820, as now or hereafter amended, shall not exceed ((one hundred twenty-five dollars per month)) actual costs for the care, treatment, support, maintenance and training of any mentally ((or physically deficient)) retarded or developmentally disabled person whether at a day training center or group training home or combination thereof or otherwise.

Sec. 11. Section 3, chapter 251, Laws of 1961 and RCW 72.33.810 are each amended to read as follows:

Any person, corporation, or association may make application to the ((director)) secretary of the department of ((institutions))

social and health services for approval and certification of the applicant's facility as a day training center, or a group training home for mentally ((or physically deficient)) retarded or developmentally disabled persons or a combination of both. The ((director)) secretary may either grant or deny certification or revoke certification previously granted after investigation of the applicant's facilities, to ascertain whether or not such facilities are adequate for the health, safety and the care, treatment, maintenance, training and support of mentally ((or physically deficient)) retarded or developmentally disabled persons, in accordance with standards as set forth in rules and regulations ((to be)) promulgated by the ((director)) secretary.

Sec. 12. Section 4, chapter 251, Laws of 1961 as amended by section 3, chapter 34, Laws of 1965 and RCW 72.33.815 are each amended to read as follows:

The parent or guardian of a ((mentally or physically deficient)) retarded or developmentally disabled person ((acceptable for admission to a state residential school;)) may make application to the ((director)) secretary of ((institutions)) social and health services for the payment of all, or a portion of, the monthly cost of care, treatment, maintenance, support and training of such mentally ((deficient)) retarded or developmentally disabled person, whether in a day training center or a group training home or a combination thereof or otherwise, approved by the department ((= PROVIDED; That such cost shall not exceed one hundred twenty-five dollars per month)). The ((director)) secretary, after investigation, may accept or reject the application, and, if accepted, shall determine the extent and type of care and training and the amount which the department will pay, ((not to exceed one hundred twenty-five dollars per month;)) based upon the needs of such mentally ((or physically deficient)) retarded or developmentally disabled person and the ability of the parent or the guardian to pay, or contribute to the payment of the monthly cost of such care and training. The ((director)) secretary, may, upon application of such parent or guardian, after investigation of the ability or inability of such persons to pay, or without application being made, modify the amount of the monthly payments to be paid by the department of ((institutions)) social and health services for the care and training of such mentally ((or physically deficient)) retarded or developmentally disabled persons whether at a day training center or group training home or combination thereof or otherwise.

NEW SECTION. Sec. 13. If any provision of this amendatory act, or its application to any person or circumstance is held

invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

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CHAPTER 72

[Senate Bill No. 3366]

THERMAL POWER—COMMON FACILITIES--

PRELIMINARY CONSTRUCTION--

COUNTY, TAXING DISTRICT COMPENSATION

AN ACT Relating to public utility districts; and amending section 2, chapter 159, Laws of 1967 as amended by section 2, chapter 7, Laws of 1973 1st ex. sess. and RCW 54.44.020.

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

Section 1. Section 2, chapter 159, Laws of 1967 as amended by section 2, chapter 7, Laws of 1973 1st ex. sess. and RCW 54.44.020 are each amended to read as follows:

In addition to the powers heretofore conferred upon cities of the first class, public utility districts organized under chapter 54.08 RCW, and joint operating agencies organized under chapter 43.52 RCW, any such cities and public utility districts which operate electric generating facilities or distribution systems and any joint operating agency shall have power and authority to participate and enter into agreements with each other and with electrical companies which are subject to the jurisdiction of the Washington utilities and transportation commission or the public utility commissioner of Oregon, hereinafter called "regulated utilities", for the undivided ownership of nuclear and other thermal power generating plants and facilities, and transmission facilities including, but not limited to, related transmission facilities, hereinafter called "common facilities", and for the planning, financing, acquisition, construction, operation and maintenance thereof. It shall be provided in such agreements that each city, public utility district, or joint operating agency shall own a percentage of any common facility equal to the percentage of the money furnished or the value of property supplied by it for the acquisition and construction thereof and shall own and control a like percentage of the electrical output thereof.

Each participant shall defray its own interest and other payments required to be made or deposited in connection with any financing undertaken by it to pay its percentage of the money