

CHAPTER 118.

[Substitute Senate Bill No. 409.]

VOCATIONAL REHABILITATION.

AN ACT relating to vocational rehabilitation; amending section 2, chapter 176, Laws of 1933, as amended by section 1, chapter 223, Laws of 1957, and RCW 28.10.010; amending section 3, chapter 176, Laws of 1933, as last amended by section 1, chapter 135, Laws of 1963, and RCW 28.10.030; amending section 5, chapter 176, Laws of 1933, as last amended by section 5, chapter 223, Laws of 1957, and RCW 28.10.050; repealing section 1, chapter 176, Laws of 1933, as amended by section 2, chapter 223, Laws of 1957, and RCW 28.10.020; repealing section 4, chapter 223, Laws of 1957 and RCW 28.10.032; repealing section 4, chapter 176, Laws of 1933, and RCW 28.10.040; repealing section 1, chapter 75, Laws of 1935 and RCW 28.10.060; repealing section 1, chapter 307, Laws of 1959, as amended by section 1, chapter 134, Laws of 1963, and RCW 28.10.070; repealing section 72.33.060, chapter 28, Laws of 1959 and RCW 72.33.060; repealing section 74.11.010, chapter 26, Laws of 1959, as amended by section 1, chapter 118, Laws of 1963, and RCW 74.11.010; repealing section 74.11.020, chapter 26, Laws of 1959, as amended by section 2, chapter 118, Laws of 1963, and RCW 74.11.020; repealing section 74.11.030, chapter 26, Laws of 1959, as amended by section 3, chapter 118, Laws of 1963, and RCW 74.11.030; repealing section 74.11.040, chapter 26, Laws of 1959, as last amended by section 1, chapter 35, Laws of 1965, and RCW 74.11.040; repealing section 74.11.050, chapter 26, Laws of 1959 and RCW 74.11.050; repealing section 74.11.060, chapter 26, Laws of 1959 and RCW 74.11.060; repealing section 74.11.070, chapter 26, Laws of 1959, as amended by section 5, chapter 118, Laws of 1963, and RCW 74.11.070; adding new sections to chapter 176, Laws of 1933 and to chapter 28.10 RCW; and establishing an effective date of this act.

Be it enacted by the Legislature of the State of Washington:

Section 1. The purposes of this act are (1) to rehabilitate vocationally handicapped persons so that they may prepare for and engage in a gainful occupation; (2) to provide persons with physical or mental disabilities with a program of services which will result in greater opportunities for them to enter more fully into the life of the community; (3) to

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promote activities which will assist the vocationally handicapped to reach their fullest potential; and (4) to encourage and develop facilities and other resources needed by the handicapped.

RCW 28.10.010
amended.

Sec. 2. Section 2, chapter 176, Laws of 1933, as amended by section 1, chapter 223, Laws of 1957, and RCW 28.10.010 are each amended to read as follows:

Definitions.

(1) "Handicapped person" means any individual:

(a) Who has a physical or mental disability, which constitutes a substantial handicap to employment, of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a gainful occupation consistent with his capacities and abilities; or

(b) Who, because of lack of social competence or mobility, experience, skills, training, or other factors, is in need of vocational rehabilitation services in order to become fit to engage in a gainful occupation or to attain or maintain a maximum degree of self-support or self-care; or

(c) For whom vocational rehabilitation services are necessary to determine rehabilitation potential.

(2) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning. The term includes behavioral disorders characterized by deviant social behavior or impaired ability to carry out normal relationships with family and community which may result from vocational, educational, cultural, social, environmental or other factors.

(3) "Vocational rehabilitation services" means goods or services provided handicapped persons to enable such persons to be fit for gainful occupation or to attain or maintain a maximum degree of self-

support or self-care and includes every type of goods and services for which federal funds are available for vocational rehabilitation purposes, including, but not limited to, the establishment, construction, development, operation and maintenance of workshops and rehabilitation facilities.

(4) "Self-care" means a reasonable degree of restoration from dependency upon others for personal needs and care and includes but is not limited to ability to live in own home, rather than requiring nursing home care and care for self rather than requiring attendant care.

(5) "State agency" means the state board for vocational education or any agency which supercedes the state board for vocational education and which administers or supervises the administration of vocational education in the state.

NOTE: See also section 41, chapter 8, Laws of 1967 ex. sess.

Sec. 3. There is added to chapter 176, Laws of 1933 and to chapter 28.10 RCW a new section to read as follows:

The agency heretofore designated in RCW 28.10.020 as "the division of vocational rehabilitation" shall be known as "the office of vocational rehabilitation," and the change in name of such agency shall not affect the rights and duties of the employees thereof, who shall continue to perform their same functions upon the same terms and conditions, and with the same accrued employee benefits, as heretofore.

Division of
vocational re-
habilitation
redesignated.

NOTE: See also section 73 (38), chapter 8, Laws of 1967 ex. sess.

Sec. 4. There is added to chapter 176, Laws of 1933 and to chapter 28.10 RCW a new section to read as follows:

The state agency shall administer vocational rehabilitation services in this state through the office of vocational rehabilitation, which office shall be the organizational unit of the state agency responsible

Office of voca-
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for the performance of the state agency's vocational rehabilitation program. The administrator of the office of vocational rehabilitation shall be appointed by, and serve at the pleasure of, the state agency and shall have primary responsibility for the performance of all powers, duties and functions of the office of vocational rehabilitation.

New section.

Sec. 5. There is added to chapter 176, Laws of 1933 and to chapter 28.10 RCW a new section to read as follows:

Powers and duties of the "state agency"

The state agency shall:

- (1) Develop a state-wide vocational rehabilitation program;
- (2) Adopt rules, in accord with chapter 34.04 RCW, necessary to carry out the purposes of this 1967 amendatory act;
- (3) Report annually to the governor, and to the legislature at least ten days prior to each regular session, on the administration of this 1967 amendatory act.

RCW 28.10.030 amended.

Sec. 6. Section 3, chapter 176, Laws of 1933, as last amended by section 1, chapter 135, Laws of 1963, and RCW 28.10.030 are each amended to read as follows:

Office of vocational rehabilitation—Powers and duties.

The office of vocational rehabilitation shall:

- (1) Provide vocational rehabilitation services to handicapped persons, including the placing of such persons in gainful occupations;
- (2) Disburse all funds provided by law and may receive, accept and disburse such gifts, grants, conveyances, devises and bequests of real and personal property from public or private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out vocational rehabilitation services as specified by law and the regulations of the state agency; and may sell, lease or exchange real or per-

sonal property according to the terms and conditions thereof. Any money so received shall be deposited in the state treasury for investment, reinvestment or expenditure in accordance with the conditions of its receipt and RCW 43.88.180;

(3) Appoint and fix the compensation, and prescribe the duties, of the personnel necessary for the administration of this 1967 amendatory act, unless otherwise provided by law;

(4) Make exploratory studies, make reviews, and do research relative to vocational rehabilitation.

NOTE: See also section 42, chapter 8, Laws of 1967 ex. sess.

Sec. 7. There is added to chapter 176, Laws of 1933 and to chapter 28.10 RCW a new section to read as follows: New section.

The office of vocational rehabilitation shall make available vocational rehabilitation services to the departments of institutions, labor and industries, public assistance, and employment security, and other state or other public agencies, in accordance with cooperative agreements between the office of vocational rehabilitation and the respective agencies. Cooperation with other state agencies.

NOTE: See also section 45, chapter 8, Laws of 1967 ex. sess.

Sec. 8. There is added to chapter 176, Laws of 1933 and to chapter 28.10 RCW a new section to read as follows: New section.

The office of vocational rehabilitation may purchase, from any source, by contract, vocational rehabilitation services for handicapped persons, payments for such services to be made subject to procedures and fiscal controls approved by the budget director. The performance of and payment for such services shall be subject to post audit review by the state auditor. Contracts for vocational rehabilitation services.

NOTE: See also section 46, chapter 8, Laws of 1967 ex. sess.

RCW 28.10.050 amended.

Sec. 9. Section 5, chapter 176, Laws of 1933, as last amended by section 5, chapter 223, Laws of 1957, and RCW 28.10.050 are each amended to read as follows:

Vocational rehabilitation—State acceptance of federal acts.

The state of Washington does hereby:

(1) Accept the provisions and maximum possible benefits resulting from any acts of congress which provide benefits for the purposes of this chapter;

(2) Designate the state treasurer as custodian of all moneys received by the state from appropriations made by the congress of the United States for purposes of this 1967 amendatory act, and authorize the state treasurer to make disbursements therefrom upon the order of the office of vocational rehabilitation; and

(3) Empower and direct the state agency to cooperate with the federal government in carrying out the provisions of this 1967 amendatory act or of any federal law or regulation pertaining to vocational rehabilitation, and to comply with such conditions as may be necessary to assure the maximum possible benefits resulting from any such federal law or regulation.

NOTE: See also section 43, chapter 8, Laws of 1967 ex. sess.

New section.

Sec. 10. There is added to chapter 176, Laws of 1933 and to chapter 28.10 RCW a new section to read as follows:

Construction—Conflict with federal law or regulations.

If any part of this 1967 amendatory act shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, such conflicting part of this 1967 amendatory act is hereby declared to be inoperative solely to the extent of such conflict, and such findings or determination shall not affect the operation of the remainder of this 1967 amendatory act.

Sec. 11. The following acts or parts of acts are hereby repealed: ^{Repeal.}

(1) Section 4, chapter 223, Laws of 1957 and RCW 28.10.032;

(2) Section 4, chapter 176, Laws of 1933 and RCW 28.10.040;

(3) Section 1, chapter 75, Laws of 1935 and RCW 28.10.060;

(4) Section 1, chapter 307, Laws of 1959, as amended by section 1, chapter 134, Laws of 1963, and RCW 28.10.070;

(5) Section 72.33.060, chapter 28, Laws of 1959 and RCW 72.33.060;

(6) Section 74.11.010, chapter 26, Laws of 1959, as amended by section 1, chapter 118, Laws of 1963, and RCW 74.11.010;

(7) Section 74.11.020, chapter 26, Laws of 1959, as amended by section 2, chapter 118, Laws of 1963, and RCW 74.11.020;

(8) Section 74.11.030, chapter 26, Laws of 1959, as amended by section 3, chapter 118, Laws of 1963, and RCW 74.11.030;

(9) Section 74.11.040, chapter 26, Laws of 1959, as last amended by section 1, chapter 35, Laws of 1965, and RCW 74.11.040;

(10) Section 74.11.050, chapter 26, Laws of 1959 and RCW 74.11.050;

(11) Section 74.11.060, chapter 26, Laws of 1959 and RCW 74.11.060;

(12) Section 74.11.070, chapter 26, Laws of 1959, as amended by section 5, chapter 118, Laws of 1963, and RCW 74.11.070; and

(13) Section 1, chapter 176, Laws of 1933, as amended by section 2, chapter 223, Laws of 1957, and RCW 28.10.020.

Sec. 12. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1967 amenda- ^{Severability.}

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

Emergency.

Sec. 13. This 1967 amendatory 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 on April 1, 1967.

Passed the Senate March 1, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 119.

[Senate Bill No. 486.]

CITIES AND TOWNS—CONVERTING OVERHEAD
ELECTRIC AND COMMUNICATIONS FACILITIES TO
UNDERGROUND FACILITIES.

AN ACT relating to cities and towns; authorizing the conversion of overhead electric and communication facilities to underground facilities; authorizing contracts with electric utilities and communication utilities to effect such conversion; authorizing the establishment of local improvement districts to carry out the purposes of this act; requiring the removal of existing overhead service lines; and adding a new chapter to chapter 7, Laws of 1965 and to Title 35 RCW.

Be it enacted by the Legislature of the State of Washington:

New chapter to Title 35.

Section 1. There is added to chapter 7, Laws of 1965 and to Title 35 RCW a new chapter to read as set forth in sections 2 through 10 of this act.

Cities and towns—Conversion of overhead wires to underground facilities.

Sec. 2. It is hereby found and declared that the conversion of overhead electric and communication facilities to underground facilities is substantially beneficial to the public safety and welfare, is in the public interest and is a public purpose, notwithstanding any resulting incidental private benefit to