

mother, or legal guardian of the person for whom the license is required, the license may be granted in cases where the female has attained the age of seventeen years or the male has attained the age of seventeen years. Such affidavit may be subscribed and sworn to before any person authorized to administer oaths. Anyone knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this section shall be deemed guilty of perjury and punished as provided by the laws of the state of Washington.

Passed the Senate January 29, 1970  
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CHAPTER 18  
[Engrossed Senate Bill No. 52]  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

AN ACT Relating to state government; creating a department of social and health services; prescribing its composition, powers, duties and functions; transferring certain powers, duties and functions thereto from the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council for occupational education; abolishing the departments of health, institutions, and public assistance; abolishing the division of vocational rehabilitation of the coordinating council for occupational education; amending section 2, chapter 176, Laws of 1933 as last amended by section 41, chapter 8, Laws of 1967 ex. sess. and RCW 28.10.010; amending section 31, chapter 157, Laws of 1955 as last amended by section 2, chapter 105, Laws of 1969 and RCW 28.10.080; amending section 16, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.160; amending section 22, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.220; amending section 28A.10.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.10.010; amending section 28A.10.080, chapter 223,

Laws of 1969 ex. sess. as amended by section 23, chapter ..., Laws of 1970 ex. sess. (HB ) and RCW 28A.10.080; amending section 28B.50.160, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.160; amending section 28B.50.220, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.220; amending section 1. chapter 32, Laws of 1969 and RCW 43.17.010; amending section 2, chapter 32, Laws of 1969 and RCW 43.17.020; amending section 43.20.030, chapter 8, Laws of 1965 and RCW 43.20.030; amending section 5, chapter 242, Laws of 1967 and RCW 43.27A-.050; amending section 43.61.010, chapter 8, Laws of 1965 and RCW 43.61.010; amending section 43.61.020, chapter 8, Laws of 1965 and RCW 43.61.020; amending section 43.61.030, chapter 8, Laws of 1965 and RCW 43.61.030; amending section 43.61-.040, chapter 8, Laws of 1965 and RCW 43.61.040; amending section 43.61.050, chapter 8, Laws of 1965 and RCW 43.61.050; amending section 43.61.070, chapter 8, Laws of 1965 and RCW 43.61.070; amending section 72.01.010, chapter 28, Laws of 1959 and RCW 72.01.010; amending section 72.02.040, chapter 28, Laws of 1959 and RCW 72.02.040; amending sections 1 and 2, chapter 169, Laws of 1953 and RCW 72.01.042 and 72.01.043; amending section 72.05.020, chapter 28, Laws of 1959 and RCW 72.05.020; amending section 72.06.010, chapter 28, Laws of 1959 and RCW 72.06.010; amending section 5, chapter 207, Laws of 1961 as amended by section 3, chapter 88, Laws of 1965 and RCW 70.98.050; amending section 6, chapter 207, Laws of 1961 and RCW 70.98.060; amending section 7, chapter 207, Laws of 1961 as last amended by section 1, chapter 44, Laws of 1969 and RCW 70.98.070; amending section 6, chapter 172, Laws of 1967 and RCW 74.15.060; amending section 18, chapter 172, Laws of 1967 as amended by section 3, chapter 172, Laws of 1969 ex. sess. and RCW 74.32.051; amending section 19, chapter 172, Laws of 1967 and RCW 74.32.053; amending section

2, chapter 39, Laws of 1965 and RCW 74.36.010; amending section 3, chapter 39, Laws of 1965 and RCW 74.36.020; amending section 4, chapter 39, Laws of 1965 and RCW 74.36.030; amending section 5, chapter 39, Laws of 1965 and RCW 74.36.040; amending section 1, chapter 33, Laws of 1967 ex. sess. and RCW 74.36.100; adding a new section to chapter 1, Laws of 1961, and to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; repealing section 19, chapter 8, Laws of 1967 ex. sess. and RCW 28.85-.190; repealing section 28B.50.190, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.190; repealing section 21, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.210; repealing section 28B.50.210, chapter 223, Laws of 1969 ex. sess. and RCW 28B-.50.210; repealing section 26, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.260; repealing section 28B.50.260, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.260; repealing section 43.20.020, chapter 8, Laws of 1965 and RCW 43.20.020; repealing section 72.01.020, chapter 28, Laws of 1959 and RCW 72.01.020; repealing section 72.01.030, chapter 28, Laws of 1959 as amended by section 1, chapter 134, Laws of 1967 and RCW 72.01.030; repealing section 72.01.040, chapter 28, Laws of 1959 and RCW 72.01.040; repealing section 1, chapter 293, Laws of 1959 and RCW 72.01.061; repealing section 2, chapter 293, Laws of 1959 and RCW 72.01.062; repealing section 4, chapter 293, Laws of 1959 and RCW 72.01.064; repealing section 5, chapter 293, Laws of 1959 and RCW 72.01.065; repealing section 6, chapter 293, Laws of 1959 and RCW 72.01.066; repealing section 7, chapter 293, Laws of 1959 and RCW 72.01.067; repealing section 72.01.070, chapter 28, Laws of 1959 and RCW 72.01.070; repealing section 72.01.080, chapter 28, Laws of 1959 and RCW 72.01.080; repealing section 72.01.330, chapter 28, Laws of 1959 and RCW 72.01.330; repealing section 72.01.340, chapter 28, Laws of 1959 and RCW 72.01.340; repealing section 72.01.350, chapter 28, Laws of 1959 and RCW 72.01.350; repeal-

ing section 72.01.360, chapter 28, Laws of 1959 and RCW 72.01-.360; repealing section 72.02.010, chapter 28, Laws of 1959 and RCW 72.02.010; repealing section 72.02.020, chapter 28, Laws of 1959 and RCW 72.02.020; repealing section 72.02-.030, chapter 28, Laws of 1959 and RCW 72.02.030; repealing section 3, chapter 134, Laws of 1967 and RCW 72-.04A.010; repealing section 4, chapter 134, Laws of 1967 and RCW 72.04A.020; repealing section 5, chapter 134, Laws of 1967 and RCW 72.04A.030; repealing section 6, chapter 134, Laws of 1967 and RCW 72.04A.040; repealing section 72-.05.030, chapter 28, Laws of 1959 and RCW 72.05.030; repealing section 72.05.040, chapter 28, Laws of 1959 and RCW 72-.05.040; repealing section 72.06.020, chapter 28, Laws of 1959 and RCW 72.06.020; repealing section 72.06.030, chapter 28, Laws of 1959 and RCW 72.06.030; repealing section 72.06-.040, chapter 28, Laws of 1959 and RCW 72.06.040; repealing sections 72.50.010 through 72.50.110, chapter 28, Laws of 1959 and RCW 72.50.010 through 72.50.110; repealing section 6, chapter 39, Laws of 1965 and RCW 74.36.050; providing for the expiration of certain sections and for certain effective dates.

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

NEW SECTION. Section 1. The purpose of this 1970 amendatory act is to create a single department which will unify the related social and health services of state government. The department is designed to integrate and coordinate all those activities involving provision of care for individuals who, as a result of their economic, social or health condition, require financial assistance, institutional care, rehabilitation or other social and health services. In order to provide for maximum efficiency of operation consistent with meeting the needs of those served or affected, the department will encompass substantially all of the powers, duties and functions presently vested by law in the department of health, the department

of public assistance, the department of institutions, the veterans' rehabilitation council and the division of vocational rehabilitation of the coordinating council on occupational education. The department will concern itself with changing social needs, and will expedite the development and implementation of programs designed to achieve its goals. In furtherance of this policy, it is the legislative intent to set forth in this 1970 amendatory act only the broad outline of the structure of the department, leaving specific details of its internal organization and management to those charged by this 1970 amendatory act with its administration.

NEW SECTION. Sec. 2. As used in this 1970 amendatory act, unless the context indicates otherwise:

(1) "Department" means the department of social and health services.

(2) "Secretary" means the secretary of the department of social and health services.

(3) "Deputy secretary" means the deputy secretary of the department of social and health services.

NEW SECTION. Sec. 3. There is hereby created a department of state government to be known as the department of social and health services. All powers, duties and functions now or through action of this 1970 legislature vested by law in the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education are transferred to the department, except those powers, duties and functions which are expressly directed elsewhere in this or in any concurrent act of this 1970 legislature. Powers, duties and functions to be transferred shall include, but not be limited to, all those powers, duties and functions involving cooperation with other governmental units, such as cities and counties, or with the federal government, in particular those concerned with

participation in federal grants-in-aid programs.

NEW SECTION. Sec. 4. The executive head and appointing authority of the department shall be the secretary of social and health services. He shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. He shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in his position while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office.

NEW SECTION. Sec. 5. It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the secretary in order that he may institute therein the flexible, alert and intelligent management of its business that changing contemporary circumstances require. Therefore, whenever his authority is not specifically limited by law, he shall have complete charge and supervisory powers over the department. In the performance of duties and functions previously performed through the divisions of the departments affected by this 1970 amendatory act, he is authorized to create such administrative structures as he may deem appropriate, except as otherwise specified in this or any concurrent act of this 1970 legislature. The secretary shall have the power to employ such assistants and personnel as may be necessary for the general administration of the department: PROVIDED, That, except as elsewhere specified in this 1970 amendatory act, such employment is in accordance with the rules of the state civil service law, chapter 41.06 RCW.

NEW SECTION. Sec. 6. The department of social and health services shall be subdivided into divisions, including a division of vocational rehabilitation, with an assistant secretary thereof as provided in section 7 of this 1970 amendatory act, such secretary hereafter in sections 42 and 43 of this 1970 amendatory act referred to as "his designee". Except as otherwise specified in this 1970

amendatory act, or as federal requirements may differently require, these divisions shall be established and organized in accordance with plans to be prepared by the secretary and approved by the governor. In preparing such plans, the secretary shall endeavor to promote efficient public management, to improve programs, and to take full advantage of the economies, both fiscal and administrative, to be gained from the consolidation of the departments of health, public assistance, institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education.

NEW SECTION. Sec. 7. The secretary shall appoint a deputy secretary, a department personnel director and such assistant secretaries as shall be needed to administer the department. The deputy secretary shall have charge and general supervision of the department in the absence or disability of the secretary, and in case of a vacancy in the office of secretary, shall continue in charge of the department until a successor is appointed and qualified, or until the governor shall appoint an acting secretary. The officers appointed under this section, and exempt from the provisions of the state civil service law by the terms of section 8 of this 1970 amendatory act, shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

NEW SECTION. Sec. 8. There is added to chapter 1, Laws of 1961, and to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of social and health services to the secretary; his deputy secretary; his personnel director; his administrative assistant, if any; not to exceed six assistant secretaries and one confidential secretary for each of the ten above-named officers: PROVIDED, That each such confidential secretary must meet the minimum qualifications for the class of secretary II as determined by the state personnel board.

NEW SECTION. Sec. 9. The secretary may delegate any power or duty vested in or transferred to him by law, or executive order, to his deputy secretary or to any other assistant or subordinate; but the secretary shall be responsible for the official acts of the officers and employees of the department.

NEW SECTION. Sec. 10. The powers, duties and functions now or through action of this 1970 legislature assigned to the director of health as head of the department of health, as chairman and executive officer of the state board of health, and as the official in charge of registration of vital statistics are transferred to the secretary of social and health services or his designee, except those powers, duties and functions which are expressly directed elsewhere in this 1970 amendatory act, or in any concurrent act of this 1970 legislature.

Sec. 11. Section 43.20.030, chapter 8, Laws of 1965 and RCW 43.20.030 are each amended to read as follows:

~~((The director of health and four other persons experienced in matters of health and sanitation, to be appointed by the governor, shall constitute the state board of health.~~

~~The director shall be chairman and executive officer of the board and, with the advice and assistance of the board, shall have charge and supervision of the department of health.))~~ The state board of health shall be composed of six members. These shall be the secretary or his designee and five other persons to be appointed by the governor, including four persons experienced in matters of health and sanitation and one person representing the consumers of health care. The chairman shall be selected by the governor from among the five members appointed by him.

NEW SECTION. Sec. 12. Where feasible, the department and the state board of health shall consult with the water pollution control commission and the state air pollution control board, or their successors, in order that to the fullest extent possible, agencies concerned with the preservation of life and health and agen-



cies concerned with protection of the environment may integrate their efforts and endorse policies in common.

NEW SECTION. Sec. 13. The research, educational and treatment program for the rehabilitation of alcoholics established within the department of health by chapter 70.96 RCW and the responsibility for the treatment and rehabilitation of narcotic addicts placed within the department of health by chapter 69.32 RCW shall be transferred to the department of social and health services, and the legal powers and responsibilities vested in the department of health in connection with these programs shall inhere in the department of social and health services.

Sec. 14. Section 6, chapter 172, Laws of 1967 and RCW 74.15-.060 are each amended to read as follows:

The ~~((state-department-of-health))~~ secretary of social and health services shall have the power and it shall be ~~((it))~~ his duty:

~~((1))~~ In consultation with the child welfare and day care advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to ~~((assist-the-department-of-public-assistance-in-developing))~~ develop minimum requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW, RCW 74.32.040 through 74.32-.055 and 74.13.031, ~~((except-foster-family-homes-and-child-placing agencies,))~~ necessary to promote the health of all persons residing therein ~~((and~~

~~{2}--To-assist-the-director-in-his-periodic-review-of-requirements-under-RCW-74.15.030(6)-and-to-make-recommendations-after-consultation-as-required--in--subsection-(1)-of-this-section)).~~

The ~~((state-department-of-health,))~~ secretary or the city, county, or district health department designated by ~~((it))~~ him shall have the power and ~~((it-shall-be-it))~~ the duty:

(1) To make or cause to be made such inspections and investigations of agencies ~~((other-than-foster-family-homes-and-child~~

~~placing agencies, as it deems~~) as may be deemed necessary; and

(2) To issue to applicants for licenses hereunder (~~(other than foster family homes and child placing agencies,)~~) who comply with the requirements adopted hereunder, a certificate of compliance, a copy of which shall be presented to the department (~~(of public assistance)~~) before a license shall be issued, except that a provisional license may be issued as provided in RCW 74.15.120.

Sec. 15. Section 5, chapter 242, Laws of 1967 and RCW 43.27A-.050 are each amended to read as follows:

In order to provide advice and guidance to the director of water resources, and to better coordinate the department with other state agencies having responsibilities affecting the state's water resources, there is created a water resources advisory council. The advisory council shall be composed of eleven members to be selected as follows:

- (1) the director of the water pollution control commission;
  - (2) (~~(the director of the department of health)~~) the secretary of the department of social and health services, or his designee;
  - (3) the director of the department of fisheries;
  - (4) the director of the department of water resources;
  - (5) the director of the department of game; and
  - (6) six other persons representing the public interest who shall be selected by the governor and serve continuously during the full length of the appointing governor's term or terms of office, and until a replacement appointment has been made. Should any vacancy occur under this subsection, a replacement appointment for the balance of the term shall be made by the governor within ninety days.
- The chairman of the council shall be the director of the department of water resources, and he shall conduct the council's meetings in accordance with such rules as the council may prescribe. Complete minutes shall be taken at each regular meeting, and copies thereof shall be made available on request to any interested person.

Sec. 16. Section 5, chapter 207, Laws of 1961 as amended by section 3, chapter 88, Laws of 1965, and RCW 70.98.050 are each amended to read as follows:

(1) The department of ~~((health))~~ social and health services is ~~((hereby))~~ designated as the state radiation control agency, hereinafter referred to as the agency, and shall be the state agency having sole responsibility for administration of the regulatory, licensing and radiation control provisions of this chapter.

(2) The ~~((director-of-the-state-department-of-health))~~ secretary of social and health services shall be director of the agency, hereinafter referred to as the ~~((director))~~ secretary, who shall perform the functions vested in the agency pursuant to the provisions of this chapter.

(3) The agency shall appoint a state radiological control officer, and in accordance with the laws of the state, fix his compensation and prescribe his powers and duties. ~~((Such-officer-shall be-competent-to-evaluate-radiological-health-hazards-associated-with the-many-uses-of-radioactive-material-and-other-sources-of-ionizing radiation.--He-shall-at-least-have-a-baccalaureate-degree,-be-trained in-the-physical-and/or-life-sciences,-and-shall-have-had-experience in-health-physics-~~

~~(4)--In-accordance-with-the-laws-of-the-state,-the-agency-may appoint,-employ,-fix-the-compensation,-and-prescribe-the-powers-and duties-of-such-other-individuals,-including-consultants-and-advisory councils-and-committees,-as-may-be-necessary-to-carry-out-the-provisions-of-this-chapter.--The-personnel-engaged-in-field-activities-of evaluation-and-inspection-shall-at-least-have-a-baccalaureate-degree in-the-physical-or-life-sciences,-or-the-equivalent,-and-be-trained in-health-physics-~~

~~(5))~~ (4) The agency shall for the protection of the occupational and public health and safety:

(a) Develop programs for evaluation of hazards associated

with use of ionizing radiation;

(b) Develop programs with due regard for compatibility with federal programs for regulation of byproduct, source, and special nuclear materials;

(c) Formulate and, with the approval of the technical advisory board, adopt, promulgate, and repeal codes, rules and regulations relating to control of sources of ionizing radiation;

(d) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and with groups concerned with control of sources of ionizing radiation;

(e) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private;

(f) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of ionizing radiation;

(g) Collect and disseminate information relating to control of sources of ionizing radiation; including:

(i) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations;

(ii) Maintenance of a file of registrants possessing sources of ionizing radiation requiring registration under the provisions of this chapter and any administrative or judicial action pertaining thereto; and

(iii) Maintenance of a file of all rules and regulations relating to regulation of sources of ionizing radiation, pending or promulgated, and proceedings thereon.

(h) In connection with any contested case as defined by RCW 34.04.010 or any other administrative proceedings as provided for in this chapter, have the power to issue subpoenas in order to compel

the attendance of necessary witnesses and/or the production of records or documents.

Sec. 17. Section 6, chapter 207, Laws of 1961 and RCW 70.98-.060 are each amended to read as follows:

The (~~director-of-health~~) secretary of social and health services, with the approval of the governor, shall appoint a technical advisory board to serve in an advisory capacity to the agency, which shall furnish technical advice to the agency and shall advise with reference to matters of policy affecting administration of this chapter, and approve the rules and regulations provided for herein. The board shall be comprised of nine individuals including representatives of the healing arts, research, industrial and other recognized users of ionizing radiation or experts in the field of physiological (~~affects~~) effects of ionizing radiation: PROVIDED, That no more than two individuals shall represent any single profession or scientific discipline.

The (~~director-of-the-agency~~) secretary, or his designee, shall be ex officio chairman of the board without vote except in cases of a tie. The state radiation control officer shall be a member of the board ex officio without vote and serve as secretary to the board. The members' term of office shall be four years except that the terms of those first appointed shall expire as follows: Two at the end of one year after effective date, two at the end of two years after such date, two at the end of three years after such date, and three after the end of four years after such date as designated by the (~~director~~) secretary at the time of appointment. If a vacancy occurs, the (~~director~~) secretary shall appoint a member for the remaining portion of that term.

The board shall hold meetings at the call of the chairman or upon the request of any four members. (~~The members of the board shall serve without compensation but shall be reimbursed by the agency for the actual expenses incurred in the discharge of their of-~~

~~fiducial duties-))~~ Members shall receive a compensatory per diem of twenty-five dollars for each day or portion thereof actually spent in attending their duties as members of the board and, in addition, they shall be entitled to reimbursement for their subsistence and lodging expenses as provided in RCW 43.03.050, as now or hereafter amended, and for their travel expenses as provided in RCW 43.03.060, as now or hereafter amended. }-V

Sec. 18. Section 7, chapter 207, Laws of 1961 as last amended by section 1, chapter 44, Laws of 1969 and RCW 70.98.070 are each amended to read as follows:

(1) There is hereby created an advisory council on nuclear energy and radiation, hereinafter referred to as the council, consisting of seven members appointed by the governor and serving at his pleasure. Membership on the advisory council shall include, but not be limited to, representatives from industry, labor, the healing arts, research and education. In addition the secretary of social and health services and the directors of the department of ((health, department-of)) labor and industries, department of agriculture, department of commerce and economic development, and the chairman of the interagency committee for outdoor recreation, or their successors, shall serve as ex officio members of the council. The governor shall designate from his appointees a member to serve as chairman of the council. ~~((Members-of-the-council-shall-receive-no-salary-or-compensation-for-services-but-shall-be-reimbursed-for-actual-expenses-incurred-while-engaged-in-the-business-of-the-council-))~~

Members shall receive a compensatory per diem of twenty-five dollars for each day or portion thereof actually spent in attending their duties as members of the board and, in addition, they shall receive reimbursement for subsistence and lodging expenses as provided in RCW 43.03.050, as now or hereafter amended, and for travel expenses as provided in RCW 43.03.060, as now or hereafter amended. }-V

(2) The council shall:

(a) Review and evaluate policies and programs of the state relating to ionizing radiation.

(b) Make recommendations to the governor and furnish such advice as may be required on matters relating to development, utilization, and regulation of sources of ionizing radiation.

(c) Make an annual report to the governor.

(d) Review, after any agency, agencies, board or commission has held any public hearing required by this chapter or chapter 34.04 prior to promulgation and filing with the code reviser, the proposed rules and regulations of the state radiation control agency and all other boards, agencies, and commissions of this state relating to use and control of sources of ionizing radiation to determine that such rules and regulations are consistent with rules and regulations of other agencies, boards, and commissions of the state. Proposed rules and regulations shall not be filed with the code reviser until sixty days after submission to the council unless the council waives all or any part of such sixty day period.

(e) When the council determines that any proposed rules or regulations or parts thereof are inconsistent with rules and regulations of other agencies, boards, or commissions of the state, the council will so advise the governor and the appropriate agency, agencies, boards or commissions, and consult with them in an effort to resolve any such inconsistencies.

(f) Have the power to employ, compensate, and prescribe the powers and duties of such individuals as may be necessary to properly carry out the duties of the council from whatever funds which may be made available to the council for such purpose, including the power to employ an executive secretary to perform the administrative functions of the council.

NEW SECTION. Sec. 19. The powers, duties and functions now or through action of this 1970 legislature assigned to the director of public assistance as head of the department of public assistance

are transferred to the secretary of social and health services or his designee, except those powers, duties and functions which are expressly directed elsewhere in this 1970 amendatory act, or in any concurrent act of this 1970 legislature.

NEW SECTION. Sec. 20. The powers, duties and functions of the division of medical care, established within the department of public assistance by chapter 74.09 RCW are transferred to the department of social and health services. The secretary may administer the provisions of chapter 74.09 RCW either through this division or in any other way consistent with the purposes of this 1970 amendatory act as set forth in section 1 hereof. The office of assistant director of medical care is abolished, and his powers, duties and functions shall be assumed by the secretary or his designee.

Sec. 21. Section 18, chapter 172, Laws of 1967 as amended by section 3, chapter 172, Laws of 1969 ex. sess. and RCW 74.32.051 are each amended to read as follows:

The child welfare and day care advisory committee shall consist of fifteen members. The ~~((director))~~ secretary of social and health services shall designate a chairman. The committee shall hold original terms of office under chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031 as follows:

Five members shall serve for one year; five members shall serve two years; and five members shall serve three years. Upon expiration of the original terms, subsequent appointments shall be for three years, except ~~((that))~~ in the case of a vacancy, in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy occurs.

There shall be included among the members of the committee ~~((one-representative-from-each-of-the-following-state-agencies+~~

- ~~{1}--The-state-department-of-health+~~
- ~~{2}--The-department-of-public-instruction+~~
- ~~{3}--The-department-of-institutions+-and~~



~~{4}--The office of the state fire marshal~~

~~These members shall be the respective directors or the state fire marshal, or the directors or the state fire marshal's designee, as the case may be)~~ two representatives from the department of social and health services and one representative each from the department of public instruction and the office of the state fire marshal.

Five members shall be appointed by the (~~director~~) secretary from representatives of agencies subject to licensing under chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031, the members to represent a variety of types of agencies including sectarian and nonsectarian agencies and from different geographical areas of the state.

The remaining members shall be appointed by the (~~director~~) secretary on the basis of their interest in and concern for the welfare of children and selected insofar as possible to represent all geographical areas of the state.

The committee shall become informed about child welfare service needs of the children of this state and the extent to which resources are available to meet those needs.

Sec. 22. Section 19, chapter 172, Laws of 1967 and RCW 74.32-.053 are each amended to read as follows:

There shall be established a subcommittee of the child welfare and day care advisory committee to be appointed by the committee which shall have as its primary concern all matters relating to licensing of agencies as contained in chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031. (~~Members of this subcommittee shall consist of one representative of each of the following state agencies:~~

~~{1}--The department of health~~

~~{2}--The department of institutions~~

~~{3}--The office of the state fire marshal, and~~

~~{4}--Five members representative of sectarian and nonsectarian agencies from different geographical areas of the state, subject~~

~~te-licensing-under-chapter-74.157-RCW-74.32.040-through-74.32.055  
and-74.13.031-))~~

Sec. 23. Section 2, chapter 39, Laws of 1965 and RCW 74.36-.010 are each amended to read as follows:

There is ~~((hereby))~~ created within the ~~((department-of-public-assistance))~~ department of social and health services an advisory council which shall be known as the Washington state council on aging. The purpose of the council shall be to improve the socio-economic conditions of the aging in the state of Washington.

Members shall be appointed by the governor, one from each legislative district of the state, plus an additional number of members not to exceed twenty, all of whom shall be selected on the basis of their known experience or interest in the welfare of aged persons, and they shall be selected on the basis of representation according to population insofar as possible. Four additional members shall be chosen from the legislature; two from the senate appointed by the president of the senate; and two from the house of representatives appointed by the speaker of the house. Of the members initially appointed by the governor half shall be appointed for a two year term and half for a four year term. Thereafter, all appointments shall be for four years. The legislative appointments shall be for terms of two years each. Vacancies shall be filled by the appropriate appointing officer for the remainder of the unexpired terms.

The governor shall appoint from the membership a chairman and vice chairman to serve as such at his pleasure. The chairman shall establish up to seven geographic subcommittees and appoint the chairman and vice chairman of each.

The executive committee shall be composed of the council chairman, vice chairman, and each geographical committee chairman.

~~((Members-of-the-executive-committee-of-the-council-shall-be entitled-to-per-diem-allowance-and-travel-expenses-at-the-same-rate as-state-employees-in-going-to,-attending-and-returning-from-official~~

~~meetings-of-the-executive-committee-if-sufficient-funds-are-avail-  
able.--The-council-chairman-or-his-designated-alternate-shall-also  
be-entitled-to-per-diem-allowance-and-travel-expenses-at-the-same  
rate-as-state-employees-in-going-to,-attending-and-returning-from  
official-area-meetings-))~~ Members of the executive committee of the  
council, and the council chairman or his designated alternate, shall  
receive a compensatory per diem of twenty-five dollars for each day  
or portion thereof actually spent in attending their duties as mem-  
bers of the council and, in addition, they shall be entitled to reim-  
bursement for their subsistence and lodging expenses as provided in  
V- RCW 43.03.050, as now or hereafter amended, and for their travel ex-  
penses as provided in RCW 43.03.060, as now or hereafter amended.

The executive committee of the council shall fix the times and  
places of meetings, and the full advisory council shall meet with the  
executive committee in regular session at least once each year.

Sec. 24. Section 3, chapter 39, Laws of 1965 and RCW 74.36-  
.020 are each amended to read as follows:

The state council on aging shall:

(1) Advise with and recommend policies to the governor and  
to the ~~((director-of-the-department-of-public-assistance))~~ secretary  
of the department of social and health services and other state de-  
partments in relation to the needs of the aging and aged.

(2) Recommend and promote programs designed to provide,  
strengthen, and coordinate such services as are deemed essential to  
the senior members of the state, and to that end, cooperate with ex-  
isting agencies, and to encourage and assist the organization of com-  
munity units in the several counties of the state for local study  
and examination of the unmet needs of the senior members.

(3) Collect information, and collaborate with local, state,  
and national agencies and with special local community units in col-  
lecting statistics and information, regarding the problems encoun-  
tered by aging persons and the underlying causes thereof.

(4) Make continuous studies of the educational, health, rec-

reational, economic, employment and housing conditions of the older people with the object of recommending the adoption of measures designed to alleviate prevailing problems.

Sec. 25. Section 4, chapter 39, Laws of 1965 and RCW 74.36-.030 are each amended to read as follows:

The department of social and health services through its administrative budget shall provide staff, office space, supplies and equipment as shall be determined necessary by the department to carry out the function of the council.

In furthering the purposes of this council, authority is ~~((hereby))~~ given to the department ~~((of public assistance))~~ to accept contributions or gifts in cash or otherwise from private or public agencies, persons, associations or corporations, such contributions to be disbursed after consultation with the executive committee of the council in carrying out the duties prescribed in RCW 74.36.020: PROVIDED, That the donor of such contributions or gifts may stipulate the purpose for which they shall be expended.

Sec. 26. Section 5, chapter 39, Laws of 1965 and RCW 74.36-.040 are each amended to read as follows:

There is ~~((hereby))~~ established an interdepartmental committee on aging to coordinate the plans, policies and activities of the state departments which have services affecting the aging and aged and to work with the state council on aging to implement its objectives. Membership shall consist of the secretary of social and health services or his designated representative, the director or his designated representative of the department of commerce and economic development, employment security, ~~((health, institutions,))~~ labor and industries, parks and recreation, ~~((public assistance,))~~ public instruction, vocational education, ~~((vocational rehabilitation,))~~ the state library, and any other department named by the governor: PROVIDED, That should any of these departments be reconstituted, the executive head of the new department, or his desicnee shall serve on the committee. The interdepartmental committee shall elect a chair-

man and recording secretary. The committee shall meet with the state council for aging at its regular meetings.

Sec. 27. Section 1, chapter 33, Laws of 1967 ex. sess. and RCW 74.36.100 are each amended to read as follows:

The department (~~(of public assistance)~~) of social and health services is authorized to take advantage of and participate in the Federal Older Americans Act of 1965 (Public Law 89-73, 89th Congress, 79 Stat. 220) and to accept, administer and disburse any federal funds that may be available under said act.

NEW SECTION. Sec. 28. The powers, duties and functions now or through action of this 1970 legislature assigned to the director of institutions, as head of the department of institutions, and those powers vested in the superintendents of institutions relating to their status as appointing authorities for the purpose of establishing bargaining units by the personnel board and the conduct of negotiations with exclusive bargaining representatives, are transferred to the secretary of social and health services or his designee, except those powers, duties and functions which are expressly directed elsewhere in this 1970 amendatory act or in any concurrent act of this 1970 legislature. These powers shall include but not be limited to authority to manage and govern the institutions named in RCW 72.01.050.

NEW SECTION. Sec. 29. The powers, duties and functions of all divisions of the department of institutions are transferred to the jurisdiction of the department of social and health services including but not limited to the division of adult corrections, the division of probation and parole, the division of children and youth, and the division of mental health. The secretary or his designee shall perform all functions concerned therewith formerly assigned to the director of institutions to be performed either by the director or through his various division heads.

NEW SECTION. Sec. 30. The institutional industries commission created in chapter 72.60 RCW will aid and assist the department of social and health services and the secretary thereof in the same

manner that it formerly assisted the department of institutions and its director, and the secretary of the department of social and health services, or his designee, will perform the same duties and functions in connection with the commission as were formerly performed by the department of institutions.

Sec. 31. Section 43.61.010, chapter 8, Laws of 1965 and RCW 43.61.010 are each amended to read as follows:

There is ~~((hereby))~~ created a "veterans' rehabilitation council" which shall consist of the secretary of the department of social and health services, or his designee, who shall serve ex officio, and one member from each veterans' organization now or hereafter chartered by act of congress, and one other member, all of whom shall be appointed by the governor in the manner following.

The American Legion, Disabled American Veterans, United Spanish War Veterans, Veterans of Foreign Wars, and any veterans' organization hereafter chartered by act of congress and authorized to represent claims before the veterans' administration shall each submit to the governor a panel of three names selected by the commanders and approved by the executive committee or board of directors, respectively, of each nationally chartered veterans' organization. The governor shall appoint one member from each panel so submitted. Members shall serve for terms of three years expiring on the fifteenth day of January: PROVIDED, That of the members first appointed two shall be appointed for a term of one year, one shall be appointed for a term of two years and one shall be appointed for a term of three years. One additional member shall be appointed by and serve at the pleasure of the governor and shall not be a veteran.

~~((The members shall receive no compensation but shall receive their actual necessary traveling and other expenses in going to, attending, and returning from meetings of the council.))~~ PROVIDED, That the per diem expense of each board member shall not exceed fifteen dollars per day and the travel expense shall not exceed five cents per mile from his domicile to and from the place of the official

meetings.))

Members shall receive a compensatory per diem of twenty-five dollars for each day or portion thereof actually spent in attending their duties as members of the council and, in addition, they shall be entitled to reimbursement for their subsistence and lodging expenses as provided in RCW 43.03.050, as now or hereafter amended, and for their travel expenses as provided in RCW 43.03.060, as now or hereafter amended.

Sec. 32. Section 43.61.020, chapter 8, Laws of 1965 and RCW 43.61.020 are each amended to read as follows:

~~The council shall select one of its number as chairman. ((The council shall employ a director, who shall serve as executive officer of the council and who shall receive such salary as shall be fixed by the governor in accordance with the provisions of RCW 43.03.040, and shall employ such additional persons as may be necessary to carry out the provisions of this chapter. -- The council))~~ It shall maintain an office at the state capital, which shall be under the jurisdiction of the department of social and health services, but shall have power to meet at such other places as it may provide by resolution from time to time. A majority of the members shall constitute a quorum.

Sec. 33. Section 43.61.030, chapter 8, Laws of 1965 and RCW 43.61.030 are each amended to read as follows:

~~The council ((is hereby))~~ shall function under the jurisdiction of the department of social and health services, and shall serve in an advisory capacity to the secretary thereof. After considering the advice of the council, the secretary is empowered to approve expenditures by veterans' organizations represented upon the council, and to reimburse such organizations therefor. All sums paid to veterans' organizations shall be used by the organizations in the maintenance of a rehabilitation service and to assist veterans in the prosecution of their claims and the solution of their problems arising out of military service. Such service and assistance shall be

rendered all veterans and their dependents and also all beneficiaries of any military claim, and shall include but not be limited to those services now rendered by the service departments of the respective council member organizations. Under the supervision and with the approval of the secretary, the council may also establish a field and contact service wherever and to whatever extent such service may in its judgment be necessary. The secretary shall employ such persons as may be necessary to carry out the provisions of this 1970 amendatory act: PROVIDED, That except as otherwise specified in this 1970 amendatory act, such employment is in accordance with the state civil service law, chapter 41.06 RCW.

Sec. 34. Section 43.61.040, chapter 8, Laws of 1965 and RCW 43.61.040 are each amended to read as follows:

Under the supervision of the secretary, the council shall make such rules and regulations as may be necessary to carry out the purposes of this chapter and administer the affairs of the council. It shall furnish information, advice, and assistance to veterans and coordinate all programs and services in the field of veterans' claims service, education, health, vocational guidance and placement, and welfare not provided by some other agency of the state or by the federal government. The council shall render to the ((governor)) secretary before the fifteenth day of January of each year, a complete report of its activities for the preceding year; the secretary shall in turn submit the report to the governor.

Sec. 35. Section 43.61.050, chapter 8, Laws of 1965 and RCW 43.61.050 are each amended to read as follows:

There is created in the state treasury a fund to be known as the veterans' rehabilitation council account and no money shall be withdrawn therefrom except by warrant of the state treasurer for claims approved by the ((~~governor~~)) secretary and filed on proper forms.

Sec. 36. Section 43.61.070, chapter 8, Laws of 1965 and RCW 43.61.070 are each amended to read as follows:



Payments to any veterans' organization shall first be approved by the ~~((eouneiz))~~ secretary and insofar as possible shall be made on an equitable basis for work done.

Sec. 37. Section 2, chapter 176, Laws of 1933 as last amended by section 41, chapter 8, Laws of 1967 ex. sess. and RCW 28.10-.010 are each amended to read as follows:

(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 (~~coordinating-council-for-occupational-education~~) department of social and health services.

Sec. 38. Section 31, chapter 157, Laws of 1955 as last amended by section 2, chapter 105, Laws of 1969 and RCW 28.10.080 are each amended to read as follows:

(1) The state agency 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.

(2) Notwithstanding any other provision of RCW 28.10.080, 28.10.100, 28.10.105 and 28.10.110, when the (~~division~~) state agency determines that a mentally retarded, severely handicapped, or disadvantaged person can reasonably be expected to benefit from, or in his best interests reasonably requires extended sheltered employment or supervised work furnished by an approved nonprofit organization, the (~~division~~) state agency is authorized to contract with such organization for the furnishing of such sheltered employment or supervised work to such mentally retarded, severely handicapped, or disadvantaged person. The (~~division~~) state agency is authorized to expend for or toward the cost of providing such sheltered employment or supervised work a sum or sums not to exceed one thousand five hundred dollars per annum for each such mentally retarded, severely handicapped, or disadvantaged person in order to maintain him as a contributing and self-supporting member of society as an alternative

to dependency.

(3) The determination of eligibility for such service shall be made for each individual by the ~~((division))~~ state agency. The mentally retarded, severely handicapped and disadvantaged individuals served under this law shall be construed to be poor or infirm within the meaning of the term as used in the state Constitution.

(4) The ~~((division))~~ state agency shall maintain a register of nonprofit organizations which it has inspected and certified as meeting required standards and as qualifying to serve the needs of such mentally retarded, severely handicapped, or disadvantaged persons. Eligibility of such organizations to receive the funds hereinbefore specified shall be based upon standards and criteria promulgated by the ~~((division))~~ state agency.

(5) The ~~((division-of-vocational-rehabilitation, with the approval-of-the-coordinating-council-for-occupational-education,))~~ state agency is authorized to promulgate such rules and regulations as it may deem necessary or proper to carry out the provisions of this section.

Sec. 39. Section 16, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.160 are each amended to read as follows:

In order to facilitate the greatest possible coordination and cooperation between the agencies of the state and the federal government, and to carry out the purposes and intent of this chapter and the acts of Congress relating to distribution of federal funds for the support of vocational education ~~((and-vocational-rehabilitation))~~, there is ~~((hereby))~~ created the coordinating council for occupational education to serve as the sole agency of the state for the receipt of federal funds made available by acts of Congress for vocational education ~~((and-for-vocational-rehabilitation))~~ within this state.

Consistent with the requirements of Public Law 88-210, and other acts of Congress dealing with vocational education, and to the extent necessary to comply therewith the coordinating council shall have power to supervise the administration of the state plan for

vocational education in the community college system; and, subject to the supervisory powers of the state superintendent of public instruction, the coordinating council shall have the power to administer the state plan for vocational education in the public schools of the state.

NEW SECTION. Sec. 40. The department of social and health services shall serve as the sole agency of the state for the receipt of federal funds made available by acts of Congress for vocational rehabilitation within this state.

Sec. 41. Section 22, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.220 are each amended to read as follows:

In addition to its other powers and duties, the coordinating council shall have the following powers and duties:

(1) To prepare, adopt and certify the state plan for vocational education (~~((and the state plan for vocational rehabilitation))~~);

(2) To adopt necessary rules and regulations and do such other acts not forbidden by law necessary to carry out the provisions of this chapter and the federal acts: PROVIDED, That the coordinating council shall meet, consult and cooperate with the office of the state superintendent of public instruction on all matters falling within his constitutional supervisory powers in advance of exercising any of the powers or duties granted to the council by this section;

(3) To carry out the aims and purposes of the acts of Congress pertaining to vocational education (~~((and vocational rehabilitation))~~).

NEW SECTION. Sec. 42. In addition to his other powers and duties, the secretary or his designee, shall have the following powers and duties:

(1) To prepare, adopt and certify the state plan for vocational rehabilitation;

(2) With respect to vocational rehabilitation, to adopt necessary rules and regulations and do such other acts not forbidden by law necessary to carry out the provisions of this 1970 amendatory

act and the federal acts;

(3) To carry out the aims and purposes of the acts of Congress pertaining to vocational rehabilitation.

NEW SECTION. Sec. 43. The secretary or his designee shall consult with the coordinating council for occupational education in order to maintain close contact with developing programs of vocational education, particularly as such programs may affect programs undertaken in connection with vocational rehabilitation.

NEW SECTION. Sec. 44. All state officials required to maintain contact with or provide services to the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council, or the division of vocational rehabilitation of the coordinating council on occupational education, shall continue to perform such services for the department of social and health services unless otherwise specified by this or any concurrent act of this 1970 legislature.

NEW SECTION. Sec. 45. All employees and personnel of the department of health, the department of institutions, the department of public assistance, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education, except those whose functions are not transferred elsewhere by this 1970 amendatory act, or by any concurrent statute enacted by this 1970 legislature shall, on the effective date of this 1970 amendatory act, be transferred to the jurisdiction of the department of social and health services. All employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law.

NEW SECTION. Sec. 46. All reports, documents, surveys, books, records, files, papers or other writings in the possession of the department of health, the department of public assistance, the

department of institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education, and pertaining to the functions affected by this 1970 amendatory act, shall be delivered to the custody of the department of social and health services. All cabinets, furniture, office equipment, motor vehicles and other tangible property employed in carrying out the powers and duties transferred by this 1970 amendatory act shall be made available to the department. All funds, credits, or other assets held in connection with the functions herein transferred shall be assigned to the department.

Any appropriations made to the departments and agencies or divisions thereof affected by this 1970 amendatory act for the purpose of carrying out the powers and duties herein transferred, shall on the effective date of this 1970 amendatory act be transferred and credited to the department of social and health services for the purpose of carrying out such transferred powers and duties.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under this 1970 amendatory act, the director of program planning and fiscal management or his successor shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 47. All rules and regulations, and all pending business before the departments and agencies or divisions thereof affected by this 1970 amendatory act pertaining to matters transferred herein, as of July 1, 1970, shall be continued and acted upon by the department. All existing contracts and obligations pertaining to the functions herein transferred shall remain in full force and effect, and shall be performed by the department. Neither the transfer of any department or agency, or division thereof, nor any transfer of powers, duties and functions, shall affect the valid-

ity of any act performed by such department or agency or division thereof or any officer or employee thereof prior to the effective date of this 1970 amendatory act.

NEW SECTION. Sec. 48. If apportionments of budgeted funds are required because of the transfers herein authorized, the director of program planning and fiscal management shall certify such apportionments to the agencies affected, the state auditor and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification.

NEW SECTION. Sec. 49. On the effective date of this 1970 amendatory act, the following state agencies are abolished:

- (1) The department of health.
- (2) The department of public assistance.
- (3) The department of institutions.
- (4) The division of vocational rehabilitation of the coordinating council for occupational education.

Sec. 50. Section 1, chapter 32, Laws of 1969 and RCW 43.17-.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (~~(1) the department of public assistance, (2) the department of institutions, (3) the department of health, (4) the department of water resources, (5) the department of labor and industries, (6) the department of agriculture, (7) the department of fisheries, (8) the department of game, (9) the department of highways, (10) the department of motor vehicles, (11) the department of general administration, (12) the department of commerce and economic development, and (13)~~) (1) the department of social and health services, (2) the department of water resources, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of highways, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and eco-

conomic development, and (11) the department of revenue, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 51. Section 2, chapter 32, Laws of 1969 and RCW 43.17-.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (~~(1) The director of public assistance,~~ ~~(2) the director of institutions,~~ ~~(3) the director of health,~~ ~~(4) the director of water resources,~~ ~~(5) the director of labor and industries,~~ ~~(6) the director of agriculture,~~ ~~(7) the director of fisheries,~~ ~~(8) the director of game,~~ ~~(9) the director of highways,~~ ~~(10) the director of motor vehicles,~~ ~~(11) the director of general administration,~~ ~~(12) the director of commerce and economic development,~~ and ~~(13) the director of revenue~~) (1) The secretary of social and health services, (2) the director of water resources, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the director of highways, (8) the director of motor vehicles, (9) the director of general administration, (10) the director of commerce and economic development, and (11) the director of revenue.

Such officers, except the director of highways and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director of highways shall be appointed by the state highway commission, and the director of game shall be appointed by the game commission.

Sec. 52. Section 28A.10.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.10.010 are each amended to read as follows:

(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 (~~coordinating-council-for-occupational-education~~) department of social and health services.

Sec. 53. Section 28A.10.080, chapter 223, Laws of 1969 ex. sess. as amended by section 23, chapter 15, Laws of 1970 ex. sess. (HB 41) and RCW 28A.10.080 are each amended to read as follows:

(1) The state agency 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 director of program planning and fiscal management. The performance of and payment for such services shall be subject to post audit review by the state auditor.

(2) Notwithstanding any other provision of RCW 28A.10.080, 28A.10.100, 28A.10.105 and 28A.10.110, when the (~~division~~) state agency determines that a mentally retarded, severely handicapped, or disadvantaged person can reasonably be expected to benefit from, or in his best interests reasonably requires extended sheltered employment or supervised work furnished by an approved nonprofit organization, the (~~division~~) state agency is authorized to contract with such organization for the furnishing of such sheltered employment or supervised work to such mentally retarded, severely handicapped, or disadvantaged person. The (~~division~~) state agency is authorized to expend for or toward the cost of providing such sheltered employment or supervised work a sum or sums not to exceed one thousand five hundred dollars per annum for each such mentally retarded, severely handicapped, or disadvantaged person in order to maintain him as a contributing and self-supporting member of society as an alternative to dependency.

(3) The determination of eligibility for such service shall be made for each individual by the (~~division~~) state agency. The mentally retarded, severely handicapped and disadvantaged individuals served under this law shall be construed to be poor or infirm within the meaning of the term as used in the state Constitution.

(4) The (~~division~~) state agency shall maintain a register

of nonprofit organizations which it has inspected and certified as meeting required standards and as qualifying to serve the needs of such mentally retarded, severely handicapped, or disadvantaged persons. Eligibility of such organizations to receive the funds hereinbefore specified shall be based upon standards and criteria promulgated by the ~~((division))~~ state agency.

(5) The ~~((division-of-vocational-rehabilitation-with-the-approval-of-the-coordinating-council-for-occupational-education))~~ state agency is authorized to promulgate such rules and regulations as it may deem necessary or proper to carry out the provisions of this section.

Sec. 54. Section 28B.50.160, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.160 are each amended to read as follows:

In order to facilitate the greatest possible coordination and cooperation between the agencies of the state and the federal government, and to carry out the purposes and intent of this chapter and the acts of Congress relating to distribution of federal funds for the support of vocational education ~~((and-vocational-rehabilitation))~~, there is ~~((hereby))~~ created the coordinating council for occupational education to serve as the sole agency of the state for the receipt of federal funds made available by acts of Congress for vocational education ~~((and-for-vocational-rehabilitation))~~ within this state.

Consistent with the requirements of Public Law 88-210, and other acts of Congress dealing with vocational education, and to the extent necessary to comply therewith the coordinating council shall have power to supervise the administration of the state plan for vocational education in the community college system; and, subject to the supervisory powers of the state superintendent of public instruction, the coordinating council shall have the power to administer the state plan for vocational education in the public schools of the state.

Sec. 55. Section 28B.50.220, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.220 are each amended to read as follows:

In addition to its other powers and duties, the coordinating council shall have the following powers and duties:

(1) To prepare, adopt and certify the state plan for vocational education (~~((and-the-state-plan-for-vocational-rehabilitation))~~);

(2) To adopt necessary rules and regulations and do such other acts not forbidden by law necessary to carry out the provisions of this chapter and the federal acts: PROVIDED, That the coordinating council shall meet, consult and cooperate with the office of the state superintendent of public instruction on all matters falling within his constitutional supervisory powers in advance of exercising any of the powers or duties granted to the council by this section;

(3) To carry out the aims and purposes of the acts of Congress pertaining to vocational education (~~((and-vocational-rehabilitation))~~).

Sec. 56. Section 72.01.010, chapter 28, Laws of 1959 and RCW 72.01.010 are each amended to read as follows:

As used in this title:

The word "department" after the effective date of this 1970 amendatory act means the department of (~~((institutions))~~) social and health services;

The word "director" after the effective date of this 1970 amendatory act means the (~~((director-of-institutions))~~) secretary of social and health services.

Sec. 57. Section 72.02.040, chapter 28, Laws of 1959 and RCW 72.02.040 are each amended to read as follows:

~~((The-supervisor-of-adult-corrections,-through-the-division-of-adult-corrections,-and-with-the-approval-of-the-director-of-institutions,))~~ The secretary of social and health services acting for the department shall exercise all powers and perform all duties prescribed by law with respect to the administration of (~~((the))~~) any adult correctional program by the department.

Sec. 58. Section 72.05.020, chapter 28, Laws of 1959 and RCW

72.05.020 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Council" means the state council for children and youth.
- (2) "Division" after the effective date of this 1970 amendatory act means the ((division-of-children-and-youth-services)) department of social and health services.
- (3) ((Supervisor"-means-the-supervisor-of-children-and-youth services)) "Department" after the effective date of this 1970 amendatory act means the department of social and health services.

Sec. 59. Section 72.06.010, chapter 28, Laws of 1959 and RCW 72.06.010 are each amended to read as follows:

((There-is-established-within-the-department-of-institutions a-division-to-be-known-as-the-division-of-mental-health)) "Department" for the purposes of this chapter shall mean the department of social and health services.

Sec. 60. Section 1, chapter 169, Laws of 1953 and RCW 72.01.042 are each amended to read as follows:

The hours of labor for each full time employee ((of)) transferred under the provisions of this 1970 amendatory act from the department of institutions shall be a maximum of eight hours in any work day and forty hours in any work week.

Employees transferred under the provisions of this 1970 amendatory act from the department of institutions and required to work in excess of the eight-hour maximum per day or the forty-hour maximum per week shall be compensated by not less than equal hours of compensatory time off or, in lieu thereof, a premium rate of pay per hour equal to not less than one-one hundred and seventy-sixth of the employee's gross monthly salary: PROVIDED, That in the event that an employee is granted compensatory time off, such time off should be given within the calendar year and in the event that such an arrangement is not possible the employee shall be given a premium rate of pay: PROVIDED FURTHER, That compensatory time and/or payment thereof shall be allowed only for overtime as is duly authorized and accounted for under rules and

regulations (~~to-be~~) established by the director of institutions prior to the effective date of this 1970 amendatory act or as the same are hereinafter amended under rules and regulations promulgated hereunder.

Sec. 61. Section 2, chapter 169, Laws of 1953 and RCW 72.01.043 are each amended to read as follows:

RCW 72.01.042 shall not be applicable to the following designated personnel transferred from the department of institutions under the provisions of this 1970 amendatory act: Administrative officers of the department (~~of-institutions~~); institutional superintendents, medical staff other than nurses, and business managers; and such professional, administrative and supervisory personnel as designated prior to the effective date of this 1970 amendatory act by the department of institutions with the concurrence of the merit system board having jurisdiction.

NEW SECTION. Sec. 62. The following acts or parts of acts are each repealed.

(1) Section 72.01.020, chapter 28, Laws of 1959 and RCW 72.01-.020;

(2) Section 72.01.030, chapter 28, Laws of 1959 as amended by section 1, chapter 134, Laws of 1967 and RCW 72.01.030;

(3) Section 72.01.040, chapter 28, Laws of 1959 and RCW 72.01-.040;

(4) Sections 1, 2, 4, 5, 6 and 7, chapter 293, Laws of 1959 and RCW 72.01.061, 72.01.062, 72.01.064, 72.01.065, 72.01.066 and 72.01.067;

(5) Sections 72.01.070 and 72.01.080, chapter 28, Laws of 1959 and RCW 72.01.070 and 72.01.080;

(6) Sections 72.01.330 through 72.01.360, chapter 28, Laws of 1959 and RCW 72.01.330 through 72.01.360;

(7) Sections 72.02.010 through 72.02.030, chapter 28, Laws of 1959 and RCW 72.02.010 through 72.02.030;

(8) Sections 3 through 6, chapter 134, Laws of 1967 and RCW

72.04A.010 through 72.04A.040;

(9) Sections 72.05.030 and 72.05.040, chapter 28, Laws of 1959 and RCW 72.05.030 and 72.05.040;

(10) Sections 72.06.020 through 72.06.040, chapter 28, Laws of 1959 and RCW 72.06.020 through 72.06.040;

(11) Sections 72.50.010 through 72.50.110, chapter 28, Laws of 1959 and RCW 72.50.010 through 72.50.110;

(12) Section 6, chapter 39, Laws of 1965 and RCW 74.36.050;

(13) Section 19, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.190;

(14) Section 28B.50.190, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.190;

(15) Section 21, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.210;

(16) Section 28B.50.210, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.210;

(17) Section 26, chapter 8, Laws of 1967 ex. sess. and RCW 28.85.260;

(18) Section 28B.50.260, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.260; and

(19) Section 43.20.020, chapter 8, Laws of 1965 and RCW 43-.20.020.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

NEW SECTION. Sec. 63. Nothing in this 1970 amendatory act shall be construed to affect any existing rights acquired under the sections amended or repealed herein except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities or proceedings validated thereunder,

nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency or division thereof nor any transfer of powers, duties and functions as provided herein, shall affect the validity of any act performed by such agency or division thereof or any officer thereof prior to the effective date of this 1970 amendatory act.

NEW SECTION. Sec. 64. Nothing contained in this 1970 amendatory act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 65. The rule of strict construction shall have no application to this 1970 amendatory act, and it shall be liberally construed in order to carry out the objective for which it is designed, in accordance with the legislative intent to give the secretary the maximum possible freedom in carrying the provisions of this 1970 amendatory act into effect. Any ambiguities arising from its interpretation should be resolved consistently with the broad purposes set forth in section 1 of this 1970 amendatory act.

NEW SECTION. Sec. 66. In furtherance of the policy of the state to cooperate with the federal government in all of the programs included in this 1970 amendatory act, such rules and regulations as may become necessary to entitle the state to participate in federal funds may be adopted, unless the same be expressly prohibited by this 1970 amendatory act. Any internal reorganization carried out under the terms of this 1970 amendatory act shall meet federal requirements which are a necessary condition to state receipt of federal funds. Any section or provision of the 1970 amendatory act which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs



of the department. If any part of this 1970 amendatory act is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of this act is declared to be inoperative solely to the extent of the conflict.

NEW SECTION. Sec. 67. Notwithstanding any other provision of this 1970 amendatory act, sections 37, 38, 39 and 41 hereof shall remain law until chapter 223, Laws of 1969 ex. sess. becomes effective, at which time sections 37, 38, 39 and 41 hereof shall become void and of no effect and sections 52 through 55 of this 1970 amendatory act shall become effective.

NEW SECTION. Sec. 68. Sections 1 through 10, 12, 13, 19, 20, 28 through 30, 40, 42 through 49, and 61 through 63 of this 1970 amendatory act shall be codified as a new chapter in Title 43 RCW.

NEW SECTION. Sec. 69. Except as otherwise in this amendatory act provided, this 1970 amendatory act shall take effect on July 1, 1970.

NEW SECTION. Sec. 70. If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application to other persons or circumstances, is not affected.

Passed the Senate January 30, 1970

Passed the House February 5, 1970

Approved by the Governor February 23, 1970, with the exception of all of section 15 and certain items in sections 17, 18, 23 and 31, which are vetoed.

Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill creates the Department of Social and Health Services which will provide the framework for the continuing improvement in human resource programs and services of state government.

Sections 17, 18, 23 and 31 pertain to various statutory boards and commissions located within the new department. Both Senate Bill 52 and the companion bill submitted to the House of Representatives provided that members of these boards and commissions shall receive a compensatory per diem of \$25 for each day or portion thereof actually spent in attending their duties as members of the respective bodies and, in addition, they shall be

entitled to reimbursement for their subsistence and lodging expenses as provided in RCW 43.03.050 and for their travel expenses as provided in 43-.03.060.

When the companion House Bill was considered in the House it was determined by that body that the appropriate policy should be to provide a compensatory per diem of \$25 per day and not to provide in addition thereto subsistence and lodging expenses. Accordingly, the latter provision was deleted from each of the sections referred to. When Senate Bill 52 was taken up by the Senate, this issue was not actively considered. Because of the determination made in the House not to authorize subsistence and lodging expenses in addition to the compensatory per diem, I have concluded that it is appropriate to veto the item providing for subsistence and lodging expenses in each of the sections referred to.

Section 15 of Senate Bill 52 amends RCW 43.27A-.050 to conform the membership of the Water Resources Advisory Council with the structure of the new Department of Social and Health Services by replacing the Director of the Department of Health with the Secretary of the new department as a member of that Council. Senate Bill 1, which creates the Department of Ecology, abolishes the Water Resources Advisory Council by repealing RCW 43.27A-.050. To avoid any misunderstanding as to legislative intent, I am vetoing section 15 of Senate Bill 52 to make clear the legislative intent to repeal RCW 43.27A.050.

With the exception of section 15 and the items in sections 17, 18, 23 and 31, the remainder of Senate Bill 52 is approved."

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CHAPTER 19  
[Senate Bill No. 67]  
ELECTIONS--COURT OF APPEALS JUDGES--  
POSITION NUMBER

AN ACT Relating to the election of the court of appeals judges by position number; and amending section 29.21.110, chapter 9, Laws of 1965 and RCW 29.21.110.

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

Section 1. Section 29.21.110, chapter 9, Laws of 1965 and RCW 29.21.110 are each amended to read as follows:

Not less than ten days before the time for filing declarations of candidacy for election to the supreme court, or to the court of appeals for a district comprising more than one county, or to a superior court for a judicial district comprising more than one county, the secretary of state shall in each case designate the