

government and its existing public institutions, and shall take effect January 1, 1981.

Passed the House April 24, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

CHAPTER 166

[Second Substitute House Bill No. 628]

STATE RESIDENTIAL SCHOOLS—COMMUNITY PLACEMENT, RESIDENTS

AN ACT Relating to residential schools; amending section 72.33.160, chapter 28, Laws of 1959 as last amended by section 6, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.160; adding a new section to chapter 72.33 RCW; providing an effective date; and providing an expiration date.

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

*Section 1. Section 72.33.160, chapter 28, Laws of 1959 as last amended by section 6, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.160 are each amended to read as follows:

(1) Whenever in the judgment of the secretary, the treatment and training of any resident of a state residential school listed in RCW 72.33.030 has progressed to the point that it is deemed advisable to return such resident to the community, the secretary may, subject to this section, grant placement on such terms and conditions as ((he)) the secretary may deem advisable after ((reasonable)) at least thirty-day notice to and consultation with the resident and the available parents, guardian, or other court-appointed personal representative of such person, and with ((any)) the consent of the available parents, guardian, or other court-appointed personal representative of such person. If the available parent, guardian, or other court-appointed personal representative of the resident refuses to consent within twenty-five days after being provided notice, the secretary may petition the court to waive the requirement for consent. The court, after a hearing, may waive the requirement for consent if the secretary proves that it is in the best interests of the resident to be returned to the community and that the department has complied with subsection (2) of this section. If the secretary does not prevail, the department shall pay any attorney fees and costs. The parties, by agreement, may submit to arbitration instead of a court hearing.

(2) The secretary shall not make a placement unless:

(a) An assessment of the resident's physical, psychological, and emotional condition, the resident's daily living skills, and the precise services which the resident will need in the community to continue progress in habilitation is made;

(b) A determination is made that the services that the resident would need in the community placement to continue progress in habilitation would be available to the resident upon placement;

(c) A habilitation plan for the resident is prepared within ninety days before placement; and

(d) The placement conforms to the standards prescribed under 42 U.S.C. 1396 d (c) for institutions for the mentally retarded, as such standards exist on the effective date of this 1981 act but only as long as they remain unchanged.

(3) The department of social and health services shall periodically evaluate at reasonable intervals the adjustment of the resident to the placement to determine whether the resident should be continued in the placement or returned to the institution or given a different placement. A copy of the evaluation shall be provided to the resident's parents, if their location is known, or to the guardian or other court-appointed personal representative of the resident.

This section shall expire on June 30, 1983.

*Section 1. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 2. There is added to chapter 72.33 RCW a new section to read as follows:

Whenever in the judgment of the secretary, the treatment and training of any resident of a state residential school has progressed to the point that it is deemed advisable to return such resident to the community, the secretary may grant placement on such terms and conditions as the secretary may deem advisable after reasonable notice to and consultation with the resident, and with any available parent, guardian, or other court-appointed personal representative of such person.

The department of social and health services shall periodically evaluate at reasonable intervals the adjustment of the resident to the placement to determine whether the resident should be continued in the placement or returned to the institution or given a different placement.

****NEW SECTION. Sec. 3. It is the intent of the legislature that parental consent will not adversely affect the populations of institutions because the department will limit admission accordingly.***

*Sec. 3. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. Section 2 of this act shall take effect July 1, 1983.

Passed the House April 24, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor May 14, 1981, with the exceptions of Section 1 (1) and Section 3, which are vetoed.

Filed in Office of Secretary of State May 14, 1981.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to Section 1 (1), and Section 3 Second Substitute House Bill No. 628 entitled:

"AN ACT Relating to residential schools."

This bill would establish a special procedure for deinstitutionalizing mentally retarded residents of the state residential schools for the next two years.

I am very sensitive to the concerns of the parents who advocated the passage of this bill. The changes that have come about in recent years in the treatment of the mentally retarded have been controversial and often upsetting to those most closely involved, both lay and professional.

I am not convinced, however, that the procedure for decision-making and appeal outlined in Section 1 (1) is going to solve the problem — and it may raise other problems. I am willing, though, to ask for a "trial run." I have therefore directed Alan J. Gibbs, Secretary of the Department of Social and Health Services, to freeze disputed placements for a period of six months. I have also directed him to examine placement practices during this period and report to me prior to the next legislative session.

For the reasons outlined above, I have vetoed Section 1 (1) and Section 3. The remainder of Second Substitute House Bill No. 628 is approved."

CHAPTER 167

[Substitute House Bill No. 648]

REAL ESTATE EXCISE TAX—ADMINISTRATION—DELINQUENT PAYMENTS, INTEREST, PENALTIES—AFFIDAVIT FORM

AN ACT Relating to real estate excise taxes; amending section 28A.45.120, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 134, Laws of 1980 and RCW 28A.45.120; amending section 5, chapter 154, Laws of 1980 and RCW 82.45.150; amending section 6, chapter 154, Laws of 1980 and RCW 82.45.180; adding a new section to chapter 82.45 RCW; and providing an effective date.

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

Section 1. Section 5, chapter 154, Laws of 1980 and RCW 82.45.150 are each amended to read as follows:

All of chapter 82.32 RCW, except RCW 82.32.030, 82.32.040, 82.32.050, 82.32.140, and 82.32.270 and except for the penalties and the limitations thereon imposed by RCW 82.32.090, applies to the tax imposed by this chapter, in addition to any other provisions of law for the payment and enforcement of the tax imposed by this chapter. The department of revenue shall by rule provide for the effective administration of this chapter. (~~The rules shall specify the form and content of an affidavit to be filed with the county treasurer by the seller.~~) The rules shall also include a manual which defines transactions which are taxable under this chapter. The department of revenue shall annually conduct (~~a random~~) audits of (~~taxable~~) transactions and affidavits filed under this chapter.

NEW SECTION. Sec. 2. There is added to chapter 82.45 RCW a new section to read as follows:

(1) The tax imposed under this chapter is due and payable immediately at the time of sale, and if not paid within thirty days thereafter shall bear