

objection to this policy determination by the legislature; however I believe the language of section 33 will have a result not intended by the legislature.

"Included among the sections of this bill which apply only to counties of the second class are several sections of existing law relating to the conduct of elections and regulating the use of voting machines. As amended by this bill these statutes also would be applicable to the new voting systems. However, if these amended laws apply only to counties of the second class, it is doubtful that any amended section of the law would apply to the other counties of the state. This inadvertently could leave most of the counties of the state without necessary laws regulating the conduct of elections and particularly the procedure by which voting machines are approved by the State Voting Machine Committee.

"This problem has been called to the attention of several members of the legislature who wished to limit the number of counties which could utilize new voting devices. It is my understanding that another bill will be proposed to the legislature to give effect to the original intent of the legislature without creating the problem caused by section 33 of this bill.

"For the foregoing reasons I have vetoed sections 26 and 33. The remainder of House Bill No. 516 is approved."

DANIEL J. EVANS,  
Governor.

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## CHAPTER 110.

[Substitute House Bill No. 304.]

### MENTAL RETARDATION AND MENTAL HEALTH.

AN ACT relating to mental retardation and mental health; authorizing state agencies to accept and disburse federal funds for mental retardation programs; providing for the establishment, development, and coordination of state and local services for mentally retarded persons; authorizing county commissioners to levy taxes to provide funds for community mental retardation or mental health services, and to utilize certain available funds for these purposes; amending section 1, chapter 162, Laws of 1943, as last amended by section 1, chapter 117, Laws of 1959 and RCW 70.32.010; amending section 2, chapter 4, Laws of 1953 extraordinary session and RCW 70.32.015; amending section 1, chapter 4, Laws of 1953 extraordinary session, as amended by section 2, chapter 117, Laws of 1959, and RCW 70.32.021; amending section 3, chapter 4, Laws of 1953 extraordinary session and RCW 70.32.080; and amending section 3, chapter 117, Laws of 1959, as amended by section 1, chapter 101, Laws of 1961, and RCW 70.32.090.

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

Section 1. It is declared to be the policy of the legislature of the state of Washington to authorize the state, as part of its program to promote mental health, to develop and coordinate state services for mentally retarded persons; to encourage research and staff training for state and local personnel working with mentally retarded persons; and to cooperate with communities to encourage the establishment and development of services to the mentally retarded through locally administered and locally controlled programs. The complexities of mental retardation require the services of many state departments as well as those of the community. Services should be planned and provided as a part of a continuum. A pattern of facilities, services and eligibility should be established which is sufficiently complete to meet the needs of each retarded person regardless of age or degree of handicap, and at each state of his life's development.

Mental health and mental retardation—Purpose.

It is the intention of the legislature herein that there be established a central point of referral in the community for the mentally retarded and their families and the establishment of ongoing points of contact with the mentally retarded and their families so that they may have a place of entry for services and return as the need may appear. Further, it is necessary to provide a link between the mentally retarded and sources in the community, including state departments, to the end that the mentally retarded and their families may have access to each of the facilities best suited to them throughout the life of the retarded person.

Sec. 2. The governor is authorized and empowered to take whatever action is necessary to enable the state to participate in the manner set forth in this act in any programs provided by any federal law and to designate the state agencies authorized to

Mental health and mental retardation—Governor's duties.

Mental health  
and mental  
retardation—  
Governor's  
duties.

administer within this state the several federal acts providing federal moneys to assist in providing services and training in the state or local level for mentally retarded persons, and personnel working with such persons. Such state agencies are authorized and empowered to apply for and accept and disburse federal grants, matching funds, or other funds or gifts or donations from any source available for use by the state or by communities to provide more adequate services, training and rehabilitation of the mentally retarded.

Duties of state  
agencies  
administering  
programs.

Sec. 3. Each state department or agency administering federal or state funds which provide services to the mentally retarded, or research or staff training in the field of mental retardation, shall consult with the mental retardation and mental health advisory council established pursuant to RCW 71.16.020 and shall:

(1) Investigate and determine the nature and extent of services within its legal authority which are presently available to mentally retarded persons in this state;

(2) Develop and prepare any state plan or application which may be necessary to establish the eligibility of the state or any community to participate in any program established by the federal government relating to mentally retarded persons;

(3) Cooperate with other state agencies providing services to the mentally retarded to determine the availability of services and facilities within the state, and to coordinate state and local services in order to maximize services to mentally retarded persons and their families;

(4) Review and approve proposed plans required to be submitted for the expenditure of funds in community mental retardation services submitted by any community under the provisions of this act;

(5) Provide consultant and staff training for state and local personnel working in the field of mental retardation.

Sec. 4. The county commissioners of any county or the boards of county commissioners of more than one county by joint action, are authorized to appoint a community board to coordinate all of the local mental retardation services within the county or counties to provide a continuum of care and services to mentally retarded persons and their families. Members to be appointed to the board shall include but not be limited to representatives of public, private or voluntary agencies, and local governmental units which participate in a program for mentally retarded persons, and private citizens knowledgeable or interested in services to the mentally retarded in the community.

County community board to coordinate local services within county.

The board shall consist of not less than nine nor more than fifteen members who shall be appointed by the board or boards of county commissioners for three year terms, and until their successors are appointed and qualified. The members of the community board shall not be compensated for the performance of their duties as members of the community board, but may be paid subsistence rates and mileage in the amounts prescribed by RCW 36.17.030 as now or hereafter amended.

Sec. 5. The governor is authorized to designate a state department as the agency to work with county commissioners and the community boards appointed by the commissioners to coordinate local services for the mentally retarded and their families. The department is authorized to promulgate rules and regulations establishing the eligibility of each community board for state funds to be used for the work of the board in coordinating services to the mentally retarded and their families. The application for state

Governor to designate state agency to meet federal requirements.

Mental health and mental retardation programs.

funds shall be made by the community board with the approval of the county commissioners or by the county commissioners on behalf of the community board.

State agency— Rules and regulations— Authority.

Sec. 6. The state agency designated by the governor pursuant to section 5 may require by rule and regulation that in order to be eligible for state funds, community boards shall provide the following indirect services to the community:

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

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

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

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

Community mental retardation programs authorized.

Sec. 7. Community mental retardation programs may consist of any or all of the following services:

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

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

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

(4) Group homes providing full or part time care, support and maintenance for mentally retarded persons;

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

(6) Day care centers for mentally retarded persons;

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

(8) Consultant services to public or private agencies for the promotion and coordination of services to the mentally retarded.

Sec. 8. The state agency responsible for the administration of a state grant to a community board shall review the application from the community board or the board of county commissioners. The agency may approve such application if it meets the requirements of this act and the rules and regulations promulgated by the agency which establish the eligibility requirements to be met by the applicant in addition to the submission of a plan for coordination of services and for providing a continuum of such services as provided in section 6 of this act. The agency shall develop rules and regulations to assist in determining the amount of the grant to be made to a community board. These rules and regulations shall take into consideration the population of the area served, the need of the area, and the ability of the community to provide funds for the continuum of care.

State agency—  
Review of  
applications  
for state  
grants.

Sec. 9. A community board provided for in section 4 is authorized to receive and spend funds received from the state under this act, or any federal funds received through any state agency, or any gifts or donations received by it for the benefit of the mentally retarded.

Community  
boards'  
authority.

Public health  
—County  
budget law.

Sec. 10. Expenditures of county funds under this act shall be subject to the provisions of chapter 36.40 RCW and other statutes relating to expenditures by counties.

RCW 70.32.010  
amended.

Sec. 11. Section 1, chapter 162, Laws of 1943, as last amended by section 1, chapter 117, Laws of 1959, and RCW 70.32.010 are each amended to read as follows:

Tuberculosis  
control.

Tuberculosis is a communicable disease and tuberculosis control, including hospitalization, case finding, prevention and follow up of known cases of tuberculosis represents the basic step in the conquest of this major health problem. In order to carry on such work effectively, the board of county commissioners of each county in the state shall budget and levy annually a tax in a sum equal to one-half of a mill on the assessed valuation of the taxable property in the county, to be used for the control of tuberculosis, including hospitalization, case finding, prevention and follow up of known cases of tuberculosis: *Provided*, That upon certification of the state director of health that any county has an unexpended balance from such levy, over and above the amount required for adequate tuberculosis control, including hospitalization, case finding, prevention and follow up of known cases of tuberculosis within the county, the board of county commissioners may budget and reappropriate the same for such tuberculosis control for the ensuing year, or it may allocate from time to time such unexpended balance, or any portion thereof, to the county health department for use in furtherance of other communicable disease prevention or control, or as provided in RCW 70.32.090. The sum herein provided for, and any income that may accrue from miscellaneous receipts in connection with the tuberculosis control program of the county, shall be placed in the county treasury in a special fund to be

known as the tuberculosis fund, and obligations incurred for the tuberculosis control program shall be paid from said fund by the county treasurer in the same manner as general county obligations are paid. The county auditor shall furnish to the board of commissioners and the state department of health a monthly report of receipts and disbursements in the tuberculosis fund, which report shall also show balances of cash on hand.

Sec. 12. Section 2, chapter 4, Laws of 1953 extraordinary session and RCW 70.32.015 are each amended to read as follows:

RCW 70.32.015 amended.

The county auditor shall report monthly all moneys collected for tuberculosis hospitalization from all sources, including the revenue from the one-half mill tax levy as received, to the state director of health and deposit the same in the county tuberculosis hospitalization fund.

County monthly reports of expenditures for tuberculosis control.

Sec. 13. Section 1, chapter 4, Laws of 1953 extraordinary session, as amended by section 2, chapter 117, Laws of 1959, and RCW 70.32.021 are each amended to read as follows:

RCW 70.32.021 amended.

To provide for tuberculosis control, including hospitalization, case finding, prevention and follow up of known cases of tuberculosis the state shall provide moneys which shall be apportioned and expended under the direction of the state director of health to give state aid to counties in which the proceeds of the one-half mill tax levy required by RCW 70.32.010 are not sufficient for an adequate tuberculosis control program in the counties.

Tuberculosis control—State grants and loans.

Payments from the state moneys appropriated for tuberculosis control in the counties shall be made by warrant of the state auditor to individual counties upon vouchers of the state department of health. Upon receipt of such warrant the amount thereof shall be paid into the county tuberculosis



Tuberculosis control—State grants and loans.

fund and disbursed in the same manner as county moneys are disbursed therefrom.

Payments to counties from state appropriations for tuberculosis control shall be made on the following basis: Payments shall commence at such time as the county has expended all budgeted county moneys in the county tuberculosis fund, excepting a sum estimated to be required for two months' operation of the tuberculosis program within the county, which sum shall be used as a revolving fund and be expended for the tuberculosis control program within the county during the final two months of the state biennium: *Provided*, That where proceeds of the one-half mill tax levy are not sufficient for the estimated two months' operation of the county tuberculosis control program the state shall advance such funds as are estimated to be required from the state moneys appropriated for tuberculosis control to provide the moneys for the two months' revolving fund at the beginning of each biennium.

RCW 70.32.080 amended.

*Sec. 14. Section 3, chapter 4, Laws of 1953 extraordinary session and RCW 70.32.080 are each amended to read as follows:*

Tuberculosis control—State director annual review of hospitalization program.

*The state director of health shall annually review the tuberculosis hospitalization program in the state to determine if, through the consolidation of tuberculosis patients from smaller hospitals into larger tuberculosis hospitals which maintain good standards of medical care as determined by the state department of health, a financial saving will result to the state tuberculosis equalization fund. Before giving the notice of consolidation hereinafter provided the director of health shall conduct a public hearing at the county seat of the county wherein the smaller affected hospital is located; thirty days' notice of such hearing shall be given by the director of health in a manner so as to notify the affected*

*hospital and the general public. If he so determines he shall notify the county or counties, as the case may be, of the facts, requesting that such consolidation be effectuated within a reasonable time but not to exceed one year from the date of such notification. If the county or counties refuse to make such consolidation, the director of health shall then allow from the state tuberculosis equalization fund only the amount of money that he estimates would have been the cost against the tuberculosis equalization fund if consolidation had been effected. Funds needed by said county or counties to operate their tuberculosis hospital over and above the six-tenths mill tax levy and above allotted state equalization fund amounts shall then be the financial responsibility of said county or counties.*

**NOTE:** The above section was amended by the Legislature but such action was nullified by the Governor's veto of this section. See page 1924 for Governor's explanation.

**Note:** See also section 18, chapter 54, Laws of 1967.

Sec. 15. Section 3, chapter 117, Laws of 1959, as amended by section 1, chapter 101, Laws of 1961, and RCW 70.32.090 are each amended to read as follows:

RCW 70.32.090  
amended.

In any county where the state director of health has certified that the proceeds of the one-half mill tax levy is more than adequate to provide for tuberculosis control, including hospitalization, case finding, prevention, and follow-up of known cases of tuberculosis in the county, the board of county commissioners, after a special public hearing conducted in accordance with the procedures established for hearings on budgetary matters as delineated in RCW 36.40.060 and 36.40.070 and upon making a finding that an adequate general public health program is being carried out in the county, may budget and reappropriate such surplus funds from the one-half mill tax levy for the ensuing year to the county treasury for general purposes of the county, as au-

Reappropriation of tuberculosis control tax proceeds excess.

Public health  
—Tuberculosis  
control.

thorized by law, or the board in its discretion may budget, reappropriate and transfer such surplus fund to any public hospital district within the county.

Tax levy for  
mental retar-  
dation services  
authorized.

Sec. 16. In order to provide additional funds for the coordination of community mental retardation services and to provide community mental retardation or mental health services, the board of county commissioners of each county in the state shall budget and levy annually a tax in a sum equal to one-tenth of a mill on the assessed valuation of the taxable property in the county to be used for such purposes.

Passed the House April 10, 1967.

Passed the Senate March 22, 1967.

Approved by the Governor April 19, 1967, with the exception of Section 14 which was vetoed.

**NOTE:** Governor's explanation of partial veto is as follows:

"This bill is the final part of a package which I introduced to create a basis for development of a progressive community mental health and retardation program in the state. Substitute House Bill 304 contains provisions making available to local government a source of funds with which to develop these programs.

"Section 14 amends RCW 70.32.080. The same statute was substantially changed in House Bill 476. The only amendment to that statute in Substitute House Bill 304 is in a portion of the statute which was deleted by the earlier bill. Therefore, if the language as contained in House Bill 476 is allowed to remain, the amendment contained in Substitute House Bill 304 is not necessary. Because I believe it was the intention of the legislature that the substantive changes in House Bill 476 not be altered by Substitute House Bill 304, I have vetoed Section 14. The remainder of the bill is approved."

**DANIEL J. EVANS,**  
Governor.