

follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(6) Establish a child welfare and day care advisory committee who shall act as an advisory committee to the state advisory committee and to the ((~~director~~)) secretary in the development of policy on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto.

Passed the House March 9, 1973.

Passed the Senate April 12, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 102

[House Bill No. 362]

PUBLIC ASSISTANCE--WORKMEN'S COMPENSATION
BENEFITS--SUBROGATION

AN ACT Relating to public assistance; and adding new section to chapter 74.04 RCW.

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

NEW SECTION. Section 1. Notwithstanding any provisions in Title 51 RCW to the contrary, by accepting public assistance from the department of social and health services, the recipient thereof shall be deemed to have subrogated said department to the recipient's right to recover net time loss compensation due to such recipient pursuant to the provisions of Title 51 RCW of up to eighty percent of the extent of such assistance or compensation, whichever is less, furnished to the recipient for or during the period for which time loss compensation is payable: PROVIDED, That where public assistance has been furnished to one or more persons to whom such a recipient owes a duty of support, whether such duty has been expressed by an order of court or otherwise, the department's right to recover any time loss compensation shall be limited to that part of such compensation allocated to such persons by RCW 51.32.090: PROVIDED, FURTHER, That the amount to be repaid to the department of social and health services shall bear its proportionate share of attorney's fees and costs, if any, incurred by the injured workman or his dependents. The department of social and health services may assert and enforce a lien and notice to withhold and deliver as hereinafter provided to secure reimbursement of any public assistance paid for or during the

period and for the purposes expressed in this section: PROVIDED, FURTHER, That no claim for payment under chapter 73.34 RCW shall be subject to garnishment, attachment, levy, or execution.

NEW SECTION. Sec. 2. The form of lien and notice to withhold and deliver in section 1 of this 1973 act shall be signed by the secretary or his authorized representative and shall be substantially as follows:

STATEMENT OF LIEN AND NOTICE TO WITHHOLD AND DELIVER
TO: State of Washington, Department of Labor
and Industries

NOTICE IS HEREBY GIVEN THAT DURING THE PERIOD commencing..... and ending....., the department of social and health services furnished public assistance to..... in the amount of \$....., and therefore it claims a lien in the amount of \$....., upon time loss compensation payable to said recipient for or during said period in the amount above stated. You are therefore commanded to withhold and deliver to the department of social and health services, to the extent of the amount claimed due, any funds you now hold or which may come into your possession on account of time loss compensation payable to said recipient for or during the period mentioned.

STATE OF WASHINGTON, DEPARTMENT
OF SOCIAL AND HEALTH SERVICES
BY.....
(Title)

NEW SECTION. Sec. 3. The effective date of the statement of lien and notice to withhold and deliver provided in section 2 of this 1973 act, shall be the day that it is received by the director of the department of labor and industries or an employee of his office of suitable discretion: PROVIDED, That service of such statement of lien and notice to withhold and deliver may be made personally or by regular mail, postage prepaid: PROVIDED, FURTHER, That a copy of the statement of lien and notice to withhold and deliver shall be mailed to the recipient at his last known address by certified mail, return receipt requested, no later than three days after such statement of lien and notice to withhold and deliver has been mailed or delivered to the department of labor and industries.

NEW SECTION. Sec. 4. The director of the department of labor and industries, following receipt of the statement of lien and notice to withhold and deliver, shall deliver to the secretary of the department of social and health services or his designee any funds up to the amount claimed he may hold, or which may at any time come into his possession, on account of time loss compensation payable to said recipient for or during the period stated, immediately upon a final determination of the recipient's entitlement to the time loss

compensation in accordance with the provisions of Title 51 RCW.

NEW SECTION. Sec. 5. Any person feeling himself aggrieved by the action of the department of social and health services in impounding his time loss compensation as provided in this 1973 act shall have the right to an administrative hearing, which hearing may be conducted by an examiner designated by the secretary for such purpose.

Any such person who desires a hearing shall, within thirty days after the notice to withhold and deliver has been mailed to or served upon the director of the department of labor and industries and said appellant, file with the secretary a notice of appeal from said action.

The hearings conducted shall be in accordance with chapter 34.04 RCW (Administrative Procedure Act).

NEW SECTION. Sec. 6. This act shall not apply to persons whose eligibility for benefits under Title 51, RCW, is based upon an injury or illness occurring prior to July 1, 1972.

NEW SECTION. Sec. 7. Sections 1 through 5 of this 1973 act are added to chapter 74.04 RCW.

Passed the House April 14, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 103

[House Bill No. 376]

INVESTMENT ADVISORY COMMITTEE--

PUBLIC FUND INVESTMENT

AN ACT Relating to investments; amending section 8, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.080; amending section 7, chapter 209, Laws of 1969 ex. sess. as amended by section 2, chapter 216, Laws of 1971 ex. sess. and RCW 41.26.070; amending section 2, chapter 297, Laws of 1961 and RCW 41.32.201; amending section 3, chapter 297, Laws of 1961 and RCW 41.32.202; amending section 3, chapter 104, Laws of 1965 ex. sess. and RCW 43.84.031; amending section 51.44.100, chapter 23, Laws of 1961 as last amended by section 2, chapter 92, Laws of 1972 ex. sess. and RCW 51.44.100; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding new sections to chapter 43.33 RCW; adding new sections to chapter 43.84 RCW; repealing section 20, chapter 80, Laws of 1947, section 6, chapter 274, Laws of