

CHAPTER 198

[Engrossed Senate Bill No. 2256]

JUVENILE PROBATION SERVICES--ALTERNATIVE
SUBSIDY PROGRAMS--HOUSING AUTHORITIES, GROUP
HOMES OR HALFWAY HOUSES

AN ACT Relating to juvenile probation services; amending section 5, chapter 165, Laws of 1969 ex. sess. as amended by section 1, chapter 165, Laws of 1971 ex. sess. and RCW 13.06.050; adding a new section to chapter 35.82 RCW; and declaring an emergency and making an effective date.

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

Section 1. Section 5, chapter 165, Laws of 1969 ex. sess. as amended by section 1, chapter 165, Laws of 1971 ex. sess. and RCW 13.06.050 are each amended to read as follows:

No county shall be entitled to receive any state funds provided by this chapter until its application is approved, and unless and until the minimum standards prescribed by the department of social and health services are complied with and then only on such terms as are set forth hereafter in this section.

(1) A base commitment rate for each county and for the state as a whole shall be calculated by the department of social and health services. The base commitment rate shall be determined by computing the ratio of the number of juveniles committed to state juvenile correctional institutions plus the number of juveniles who have been convicted of felonies and committed to state correctional institutions after a juvenile court has declined jurisdiction of their cases and remanded them for prosecution in the superior courts, to the county population, such ratio to be expressed in a rate per hundred thousand population, for each of the calendar years 1964 through 1968. The average of these rates for a county for the five year period or the average of the last two years of the period, whichever is higher, shall be the base commitment rate, as certified by the (~~director~~) secretary: PROVIDED, That, a county may elect as its base commitment rate the average of the base commitment rates of all counties in the state over the last two years of the period described above. The county and state population shall be that certified as of April 1st of each year by the office of program planning and fiscal management, such population figures to be provided to the secretary of social and health services not later than June 30th of each year.

(2) An annual commitment rate shall be calculated by the department at the end of each year for each participating county and for the state as a whole, in a like manner as provided in subsection (1).

(3) The amount that may be paid to a county pursuant to this chapter shall be the actual cost of the operation of a special supervision program or four thousand dollars multiplied by the "commitment reduction number", whichever is the lesser. The "commitment reduction number" is obtained by subtracting (a) the product of the most recent annual commitment rate and population of the county for the same year from (b) the product of the base commitment rate and population of the county for the same year employed in (a).

(4) The secretary of social and health services will reimburse a county upon presentation and approval of a valid claim pursuant to the provisions of this chapter based on actual performance in reducing the annual commitment rate from its base commitment rate. Whenever a claim made by a county pursuant to this chapter, covering a prior year, is found to be in error, an adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(5) In the event a participating county earns in a payment period less than one-half of the sum paid in the previous payment period because of extremely unusual circumstances claimed by the county and verified by the secretary of the department of social and health services, the secretary may pay to the county a sum not to exceed actual program expenditures, provided, however, that in subsequent periods the county will be paid only the amount earned: PROVIDED, That *the amendatory provisions of subsection (5) of this act may be applied to payment periods prior to May 20, 1971.

(6) If the amount received by a county in reimbursement of its expenditures in a calendar year is less than the maximum amount computed under subsection (3) above, the difference may be paid to the county as reimbursement of program costs during the next two succeeding years upon receipt of valid claims for reimbursement of program expenses.

~~((16))~~ (7) Funds received by participating counties under this chapter shall not be used to replace local funds for existing programs for delinquent juveniles or to develop county institutional programs.

~~((17))~~ (8) Any county averaging less than thirty commitments annually during either the two year or five year period used to determine the base commitment rate as defined in subsection (1) above may:

(a) apply for subsidies under subsection (1); or

(b) as an alternative, elect to receive from the state the salary of one full-time additional probation officer ~~((unless the total number of juveniles placed on probation annually is twenty or fewer in which case the county may receive from the state one-half~~

the salary of a full-time officer)) and related employee benefits.

(c) elect to receive from the state the salary and related employee benefits of one full-time additional probation officer and in addition, reimbursement for certain supporting services other than capital outlay and equipment whose total will not exceed a maximum limit established by the secretary of the department of social and health services; or

(d) elect to receive from the state reimbursement for certain supporting services other than capital outlay and equipment whose total cost will not exceed a maximum limit established by the secretary of the department of social and health services.

((8)) (9) In the event a county chooses one of the alternative proposals in subsection ((7)) (8), it will be eligible for reimbursement only so long as the officer ((devotes all of his time)) and supporting services are wholly used in the performance of probation services to supervision of persons eligible for state commitment and ((is)) are paid the salary referred to in this section in accordance with a salary schedule adopted by rule of the department and:

(a) if its base commitment rate is below the state average, its annual commitment rate does not exceed the base commitment rate for the entire state; or

(b) if its base commitment rate is above the state average, its annual commitment rate does not in the year exceed by ((five)) two ((percent)) its own base commitment rate.

((9)) (10) Where any county does not have a juvenile probation officer, but obtains such services by agreement with another county or counties, or, where two or more counties mutually provide probation services by agreement for such counties, then under such circumstances the ((director)) secretary may make the computations and payments under this chapter as though the counties served with probation services were one geographical unit.

NEW SECTION. Sec. 2. There is added to chapter 35.82 RCW a new section to read as follows:

Housing authorities of first class counties created under this chapter may establish and operate group homes or halfway houses to serve juveniles released from state juvenile or correctional institutions, or to serve the developmentally disabled as defined in 42 U.S.C. 2670, 85 Stat. 1316. Such authorities may contract for the operation of facilities so established, with qualified nonprofit organizations as agent of the authority.

Action under this section shall be taken by the authority only after a public hearing as provided by chapter 42.30 RCW. In exercising this power the authority shall not be empowered to acquire property by eminent domain, and the facilities established shall

comply with all zoning, building, fire, and health regulations and procedures applicable in the locality. Any facilities in which medical care is given shall comply with federal standards for skilled nursing care facilities and any facilities in which no medical care is given shall comply with federal standards for intermediate care facilities. The authorization contained in this section shall permit such action by housing authorities only during the period from July 1, 1973 through February 15, 1974, unless extended by a subsequent act of the legislature: PROVIDED, That any projects commenced during that period shall continue and shall be valid and the housing authorities may complete, operate, or contract for the operation of such facilities.

NEW SECTION. Sec. 3. This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1973.

Passed the Senate April 14, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 25, 1973, with the exception of one item in Section 2 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am returning herewith, without my approval as to one item, Senate Bill No. 2256 entitled:

Veto
Message

"AN ACT Relating to juvenile services."

Section one of this act was requested by the department of social and health services to clarify some of the provisions relating to the juvenile probation subsidy program.

Section two, which was not part of the departmental request, would allow housing authorities to use their funds to establish and operate group homes for juvenile parolees and the developmentally disabled. While this provision is indeed a laudable effort to provide varied settings for rehabilitation and care of juveniles and the handicapped, an item in that section would require that if medical care were provided in the homes, the homes would have to meet standards of a skilled nursing home. Additionally, the item would terminate the authority granted by this section on February 15, 1974.

The language relating to medical care and requiring standards of a skilled nursing home is both inappropriate and irrelevant. "Medical care" could mean a doctor's house call, administration of a shot, or treatment of a sore throat. Obviously, the medical standards required of nursing homes are not necessary to the kind of treatment likely to be given in a group home. Group homes are not and would not be medically oriented nor provided for a medical purpose. Additionally, there seems to be no justifiable purpose to grant this authority in this act and then terminate it on February 15, 1974. If provision of group homes is a worthy idea, which it is, then there is no justification for this language.

Veto
Message

Accordingly, for the reasons set out above, I have determined to veto that item in section two of Senate Bill No. 2256. With that exception, the remainder of the bill is approved."

CHAPTER 199
[Substitute House Bill No. 894]
VOTER REGISTRATION--PRECINCT
COMMITTEEMEN--REGISTRATION AUTHORITY

AN ACT Relating to elections, voting, and voter registration; amending section 29.07.010, chapter 9, Laws of 1965 as amended by section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010; adding a new section to chapter 29.07 RCW; repealing section 29.07.040, chapter 9, Laws of 1965, section 6, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.040; and providing for a referendum.

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

NEW SECTION. Section 1. There is added to chapter 29.07 RCW a new section to read as follows:

The purpose of this 1973 amendatory act is to make registration to vote readily available to Washington's citizens and to recognize that voting under the democratic system is a right, not a privilege; that the present voting registration laws serve to effectively defeat this right by making it extremely difficult, and even impossible, for many citizens to vote, particularly the aged, the sick, and the poor who do not normally have easy access to places of registration.