

(2) Where signs are in place to define a driving-on-shoulder zone as set forth in subsection (1) of this section, the driver of a slow moving vehicle may drive onto and along the shoulder within the zone but only for the purpose of allowing overtaking vehicles to pass and then shall return to the roadway.

(3) Signs erected to define a driving-on-shoulder zone shall take precedence over pavement markings for the purpose of allowing the movements described in subsection (2) of this section.

Sec. 2. Section 46.56.130, chapter 12, Laws of 1961 and RCW 46.61.670 are each amended to read as follows:

It shall be unlawful to operate or drive any vehicle or combination of vehicles over or along any pavement or gravel or crushed rock surface on a public highway with one wheel or all of the wheels off the roadway thereof, except as permitted by section 1 of this 1977 amendatory act or for the purpose of stopping off such roadway, or having stopped thereat, for proceeding back onto the pavement, gravel or crushed rock surface thereof.

Passed the House March 23, 1977.

Passed the Senate May 12, 1977.

Approved by the Governor May 18, 1977.

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CHAPTER 40

[House Bill No. 424]

WASHINGTON STATE COMMISSION FOR THE BLIND—SERVICES TO THE BLIND

AN ACT Relating to blind persons; establishing the Washington state commission for the blind; amending section 40, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.300; amending section 74.16.170, chapter 26, Laws of 1959 and RCW 74.16.170; amending section 1, chapter 59, Laws of 1967 and RCW 74.16.181; amending section 2, chapter 59, Laws of 1967 and RCW 74.16.183; amending section 74.16.190, chapter 26, Laws of 1959 and RCW 74.16.190; amending section 74.16.300, chapter 26, Laws of 1959 and RCW 74.16.300; amending section 1, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.010; amending section 2, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.020; amending section 4, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.040; adding new sections to chapter 74.16 RCW.

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

NEW SECTION. Section 1. There is added to chapter 74.16 RCW a new section to read as follows:

The purpose of sections 1 through 14 of this 1977 amendatory act is to promote the economic and social welfare of blind persons in the state of Washington, to relieve blind or visually handicapped persons from the distress of poverty through their complete integration into society on the basis of equality, and to encourage and assist blind or visually handicapped persons in their efforts to become economically and socially independent so as to render themselves more self-supporting.

NEW SECTION. Sec. 2. There is added to chapter 74.16 RCW a new section to read as follows:

(1) There is hereby created the Washington state commission for the blind. As used in this chapter, unless the context otherwise requires, "commission" means the Washington state commission for the blind. The commission shall consist of five members of whom at least three shall be blind as defined in RCW 74.16.030(1) as

now existing or hereafter amended. Commission members shall be residents of the state of Washington, and no member shall be an employee of the commission.

(2) The governor shall, with the advise and consent of the senate, appoint members of the commission for terms of three years, except that the initial appointment shall be as follows: (a) Two members for terms of three years; (b) two members for terms of two years; and (c) one member for a term of one year. All vacancies in the membership of the commission shall only be filled for the remainder of the unexpired term.

(3) Commission members shall elect one of their members as chairperson of the commission for a term of one year or until a successor has been elected. The commission chairperson shall preside over meetings to be held at least once every quarter on such date and at such place as may be set by the commission. In addition, a majority of the commission may require such special meetings as may be necessary.

(4) Commission members shall not receive a salary, but shall receive twenty-five dollars for each day or major portion thereof spent in the performance of their official duties, plus reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

NEW SECTION. Sec. 3. There is added to chapter 74.16 RCW a new section to read as follows:

(1) The commission shall appoint a director whose function shall be to serve as secretary to the commission and director of programs established by the commission. The commission in appointing such director shall give preference to qualified blind persons and/or persons experienced in working with various programs for the blind. The director of the commission shall be executive head and appointing authority for all activities undertaken in the name of the commission.

(2) The director may appoint such officers as deemed necessary, none of whom shall be members of the commission. Moreover, the director and deputy director, together with their confidential secretaries and any assistant directors shall be exempt from the civil service laws of this state. The director's salary and the salaries of the officers designated in this subsection shall be fixed by the governor, pursuant to the provisions of RCW 43.03.040 in the same manner as salaries are fixed for persons appointed by the governor.

NEW SECTION. Sec. 4. There is added to chapter 74.16 RCW a new section to read as follows:

(1) All powers, duties, and functions of the department of social and health services relating to State Services for the Blind are transferred to the commission, along with all facilities, buildings, desks, equipment, files, furniture, supplies, contracts, personnel, records, reports, documents, books, papers, or other writings within the department of social and health services which pertain to such powers, duties, and functions and which are presently vested with State Services for the Blind or as vested in the department of social and health services in the name of services for the blind as administered under RCW 74.16.170, 74.16.181, 74.16.183, 74.16.190, 74.16.300, and chapter 74.17 RCW.

(2) All appropriations and funds allocated to the department of social and health services and/or to any other department for such services to the blind as are set forth in subsection (1) of this section are transferred to the commission.

(3) All transfer of funds and/or any tangible property, under subsections (1) and (2) of this section, shall be executed as efficiently and expeditiously as possible. Whenever any question arises with respect to the transfers referred to herein, the director of program planning and fiscal management shall make a determination as to the proper allocation and verify the same to the affected state agencies.

NEW SECTION. Sec. 5. There is added to chapter 74.16 RCW a new section to read as follows:

The commission, through the director, shall serve as the sole agency of the state for contracting for and disbursement of all federal and state funds appropriated for any and all programs and services established by and within the jurisdiction of this chapter or chapter 74.17 RCW. The director, in the name of the commission, shall make such reports and render such accounting as may be required including a biennial report to the governor and the legislature, which report shall include a summary of all rules and regulations adopted pursuant to this chapter.

NEW SECTION. Sec. 6. There is added to chapter 74.16 RCW a new section to read as follows:

The commission, through the director, shall serve as the sole agency of the state in preparing, adopting, and certifying state plans, rules, and regulations for services for the blind and visually handicapped, as set forth in this chapter and in seeking federal funds for same.

NEW SECTION. Sec. 7. There is added to chapter 74.16 RCW a new section to read as follows:

The commission shall be responsible for all negotiations with the federal government regarding the Randolph Sheppard Act (P.L. 93-516, 88 Stat. 1622 Title 2).

NEW SECTION. Sec. 8. There is added to chapter 74.16 RCW a new section to read as follows:

The director, in the name of the commission, may accept contributions or gifts in cash or otherwise from persons, associations, or corporations. Contributions and gifts shall be disbursed, under section 5 of this 1977 amendatory act, in the same manner as moneys appropriated for implementing the purposes of this chapter. However, the donor of such gifts may stipulate the manner in which such gifts shall be expended.

NEW SECTION. Sec. 9. There is added to chapter 74.16 RCW a new section to read as follows:

To effectively carry out the intent and purposes of sections 1 through 14 of this 1977 amendatory act any conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, or any rule or regulation promulgated thereunder, shall be resolved in favor of sections 1 through 14 of this 1977 amendatory act.

NEW SECTION. Sec. 10. There is added to chapter 74.16 RCW a new section to read as follows:

(1) The commission may employ qualified educational consultants to assist public or private school teachers responsible for teaching visually handicapped students. Educational consultants shall assist public and private school teachers by providing methods and materials for teaching visually handicapped students. The superintendent of public instruction shall inform the commission of all schools having visually handicapped students enrolled therein.

(2) The director shall be the liaison between the commission, the state school for the blind, the superintendent of public instruction, and the department of social and health services and shall coordinate all programs affecting blind students.

NEW SECTION. Sec. 11. There is added to chapter 74.16 RCW a new section to read as follows:

Nothing in this chapter shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining contract or agreement until such contract or agreement has expired or until the state personnel board, as provided by law, modifies the bargaining unit.

NEW SECTION. Sec. 12. There is added to chapter 74.16 RCW a new section to read as follows:

(1) An applicant for services to the blind may be required to submit to an eye examination. Such examination shall be performed by an ophthalmologist or physician skilled in diseases of the eye or by a licensed optometrist and may be provided without charge to the applicant for services to the blind. Unless other funds are available, all examinations shall be paid for by the commission.

(2) The commission may contract with the department of social and health services to provide eye examinations for applicants for aid to the blind. The cost of such examinations will be paid for by the department of social and health services.

NEW SECTION. Sec. 13. There is added to chapter 74.16 RCW a new section to read as follows:

(1) Every person aggrieved by a decision or action or inaction of the commission shall be granted, upon request, an administrative review of such decision or action or inaction. A hearing shall be held and a decision rendered by the commission or its designee within fifteen days of receipt of a request for administrative review. All hearings held pursuant to this section shall be conducted in the county in which the applicant resides, and a transcript of the testimony shall be made and included in the record, the cost of which shall be borne by the commission.

(2) A copy of this transcript shall be made available to the aggrieved party or his attorney of record upon written request.

(3) Unless this chapter specifically provides otherwise, the administrative procedure act, chapter 34.04 RCW, shall whenever applicable herein govern the rights, remedies, and procedures with respect to the administration of this chapter.

NEW SECTION. Sec. 14. There is added to chapter 74.16 RCW a new section to read as follows:

(1) A person aggrieved by the decision rendered in a hearing held pursuant to section 13 of this 1977 amendatory act, shall have the right to petition the superior court for judicial review pursuant to chapter 34.04 RCW.

(2) An aggrieved party may secure review of any final judgment under this chapter by appeal to the supreme court or the court of appeals.

(3) The appellant under this section, shall not be required to post bond or to pay any filing fees with respect to such appeal. In addition, an appellant receiving a favorable decision upon appeal under this section, shall be entitled to reasonable attorney's fees and costs.

Sec. 15. Section 40, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.300 are each amended to read as follows:

Except as provided in section 5 of this 1977 amendatory act, 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. 16. Section 74.16.170, chapter 26, Laws of 1959 and RCW 74.16.170 are each amended to read as follows:

In cooperation with the department of ~~((public))~~ social and health services, there shall be established and maintained such service as is needed looking toward the prevention of blindness, the purpose of which shall be to determine the causes of blindness, and to inaugurate and cooperate in any preventive measures for the state of Washington as may appear practicable. Whenever a blind or partially blind person can be benefited by medical or surgical treatment for which he is unable to pay, arrangement shall be made for an examination, with the consent of the individual, and for the necessary treatment by an ophthalmologist or physician skilled in the diseases of the eye.

Sec. 17. Section 1, chapter 59, Laws of 1967 and RCW 74.16.181 are each amended to read as follows:

The ~~((department of public assistance, services for the blind,))~~ commission may maintain or cause to be maintained ~~((in cooperation with the division of vocational rehabilitation of the state department of public instruction))~~ a program of services to assist visually handicapped persons to overcome vocational handicaps and to obtain the maximum degree of self-support and self-care~~((;))~~. Services provided for under this section may be furnished to clients from other agencies of this or other states for a fee which shall not be less than the actual costs of such services. Under ((which)) such program the ((department)) commission may:

(1) Furnish diagnostic evaluation to determine the nature and scope of services to be provided.

(2) Provide physical restoration to eliminate or minimize the effects of the handicap.

(3) Provide for special education and/or training in the professions, business or trades under a vocational rehabilitation plan, and if the same cannot be obtained within the state, provisions shall be made for such purposes outside of the state. Living maintenance during the period of such education and/or training within or without the state may be furnished.

(4) Establish, construct, and/or maintain one or more rehabilitation centers, training centers and/or workshops to teach visually handicapped persons to prepare for and maintain trades or occupations when such training is feasible and will contribute to the efficiency and/or support of such visually handicapped persons, to provide employment for them and to devise means for the sale and distribution of their products.

(5) Provide teacher-counselor services and teaching of subjects which will assist visually handicapped persons in the ease and enjoyment of daily living.

(6) Place visually handicapped persons in jobs and/or business enterprises in accordance with the abilities and interests of the applicant therefor.

(7) Teach visually handicapped persons trades or occupations which may be followed in their homes and to assist them in whatever manner may seem advisable in disposing of the products of their home industries.

(8) Aid individual visually handicapped persons or groups of visually handicapped persons to engage in gainful occupations by furnishing materials, equipment, goods or services to them, by providing such financial assistance as may be necessary to encourage and equip them to reach an objective established ~~((for))~~ with them by the agency.

~~((9) Services provided for under this section may be furnished to clients from other agencies of this or other states for a fee which shall not be less than the actual costs of such services.))~~

Sec. 18. Section 2, chapter 59, Laws of 1967 and RCW 74.16.183 are each amended to read as follows:

An applicant for ~~((vocational rehabilitation))~~ services from the commission must be an applicant:

Who has no vision or whose vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential or who has an eye condition of a progressive nature which may lead to blindness.

Sec. 19. Section 74.16.190, chapter 26, Laws of 1959 and RCW 74.16.190 are each amended to read as follows:

The ~~((department))~~ commission may create an operating fund of fifteen thousand dollars from any money appropriated for the blind to be used to create a home industries revolving fund for the purpose of advancing the cost of production and wages for the blind engaged in industry under the supervision of the ~~((department))~~ commission and to promote the sale of articles produced by such industry. All moneys received from the sale of articles produced in industries of the blind under the supervision of the ~~((department))~~ commission shall be deposited in the home industries revolving fund.

Sec. 20. Section 74.16.300, chapter 26, Laws of 1959 and RCW 74.16.300 are each amended to read as follows:

The ~~((department))~~ commission is authorized to provide social and related services as are reasonably necessary to the end that applicants for or recipients of aid to the blind assistance are helped to attain self-care.

Sec. 21. Section 1, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.010 are each amended to read as follows:

The terms defined in this section shall have the indicated meanings when used in this chapter.

(1) ~~(("Department" means the department of social and health services))~~
"Commission" means the Washington state commission for the blind.

(2) "Blind person" means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to

such a degree that its widest diameter subtends an angle of no greater than twenty degrees. In determining whether an individual is blind there shall be an examination by a physician skilled in diseases of the eye, or by an optometrist, whichever the individual shall select.

(3) "Licensee" means a blind person licensed by the state of Washington pursuant to federal law, 49 Stat. 1559, as amended, 20 U.S.C. sec. 107, this chapter, and the rules and regulations issued hereunder.

(4) "Public building" means any building owned by the state of Washington or any political subdivision thereof and any space leased by the state of Washington or any political subdivision thereof in any privately owned building and designated by the ~~((department))~~ commission as being appropriate for inclusion in the business enterprises program: PROVIDED, HOWEVER, That any vending facility or vending machine under the jurisdiction and control of another established state or local board or authority responsible for its maintenance and operation shall not be designated without the consent and approval of such state or local board or authority.

(5) "Vending facility" means any vending stand, facility, cafeteria, or snack bar at which food, tobacco, or sundries are offered for sale.

(6) "Vending machine" means any coin operated machine offering food, tobacco, or sundries for sale.

(7) "Business enterprises program" is that program operated by the ~~((department))~~ commission pursuant to applicable federal law and this chapter in support of blind persons operating vending businesses in public buildings.

Sec. 22. Section 2, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.020 are each amended to read as follows:

(1) The ~~((department))~~ commission is authorized to license blind persons for the operation of vending facilities and machines on federal property and in public buildings.

(2) The state, political subdivisions thereof, and agencies of the state or political subdivisions thereof shall give priority to licensees in the operation of vending facilities and machines in a public building.

Sec. 23. Section 4, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.040 are each amended to read as follows:

(1) The ~~((department))~~ commission shall promulgate rules ~~((and regulations))~~ necessary to implement this chapter.

(2) This chapter and rules promulgated thereunder shall not apply to any franchise, concession, or contract governing operation of a vending facility in a public building if such franchise, concession, or contract was in existence immediately prior to September 8, 1975.

NEW SECTION. Sec. 24. The Washington state commission for the blind and its operations shall expire automatically on June 30, 1983, unless such expiration date be removed or extended by subsequent action of the legislature.

NEW SECTION. Sec. 25. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House April 22, 1977.

Passed the Senate May 11, 1977.

Approved by the Governor May 20, 1977.

Filed in Office of Secretary of State May 20, 1977.

CHAPTER 41

[House Bill No. 335]

CITIES AND TOWNS—SECOND, THIRD OR FOURTH CLASS—PUBLIC BIDS

AN ACT Relating to cities and towns; and amending section 35.23.352, chapter 7, Laws of 1965 as last amended by section 2, chapter 74, Laws of 1974 ex. sess. and RCW 35.23.352.

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

Section 1. Section 35.23.352, chapter 7, Laws of 1965 as last amended by section 2, chapter 74, Laws of 1974 ex. sess. and RCW 35.23.352 are each amended to read as follows:

Any city or town of the second, third or fourth class may construct any public work or improvement by contract or day labor without calling for bids therefor whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment will not exceed the sum of five thousand dollars. Whenever the cost of such public work or improvement, including materials, supplies and equipment, will exceed five thousand dollars, the same shall be done by contract. All such contracts shall be let at public bidding upon posting notice calling for sealed bids upon the work. Such notice thereof shall be posted in a public place in the city or town and by publication in the official newspaper once each week for two consecutive weeks before the date fixed for opening the bids. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. If there is no official newspaper the notice shall be published in a newspaper published or of general circulation in the city or town. The city council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call (~~(, or if in its judgment the improvement or work, including the purchase of supplies, material and equipment, can be done by the city at less cost than the lowest bid submitted it may do so without making a further call for bids or awarding any contract therefor and in such case all such bid proposal deposits shall be returned to the bidder; but if)~~). When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond