

shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Passed the Senate March 31, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

Filed in Office of Secretary of State May 24, 1977.

CHAPTER 80

[Substitute Senate Bill No. 2872]

MENTALLY, PHYSICALLY, AND SENSORY HANDICAPPED

—INCOMPETENCY, DISABILITY—TERMINOLOGY—PROCEDURE

AN ACT Relating to social and health services; amending section 11, page 364, Laws of 1854 as last amended by section 74, chapter 292, Laws of 1971 ex. sess. and RCW 4.16.190; amending section 290, page 186, Laws of 1854 as last amended by section 1, chapter 84, Laws of 1927 and RCW 5.60.030; amending section 26, chapter 64, Laws of 1895 and RCW 6.12.300; amending section 27, chapter 64, Laws of 1895 and RCW 6.12.310; amending section 28, chapter 64, Laws of 1895 and RCW 6.12.320; amending section 5, chapter 11, Laws of 1893 as amended by section 7, chapter 292, Laws of 1971 ex. sess. and RCW 7.28.090; amending section 456, page 214, Laws of 1854 as last amended by section 17, chapter 154, Laws of 1973 1st ex. sess. and RCW 7.36.020; amending section 551, page 142, Laws of 1869 as last amended by section 597, Code of 1881 and RCW 7.52.460; amending section 552, page 142, Laws of 1869 as last amended by section 598, Code of 1881 and RCW 7.52.470; amending section 9A.16.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.16.020; amending section 11.02.005, chapter 145, Laws of 1965 as amended by section 23, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 11.02.005; amending section 11.76.080, chapter 145, Laws of 1965 as last amended by section 45, chapter 117, Laws of 1974 ex. sess. and RCW 11.76.080; amending section 4, chapter 297, Laws of 1957 as last amended by section 12, chapter 302, Laws of 1961 and RCW 13.04.200; amending sections 13 and 14, page 83, Laws of 1866 as last amended by section 29, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.210; amending section 419, chapter 249, Laws of 1909 and RCW 26.04.250; amending section 1, chapter 82, Laws of 1970 ex. sess. and RCW 26.36.050; amending section 1, chapter 272, Laws of 1955 and RCW 26.40.010; amending section 3, chapter 272, Laws of 1955 and RCW 26.40.030; amending section 1, chapter 13, Laws of 1965 as last amended by section 1, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.010; amending section 2, chapter 13, Laws of 1965 as last amended by section 2, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.020; amending section 3, chapter 13, Laws of 1965 as last amended by section 3, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.030; amending section 4, chapter 13, Laws of 1965 as last amended by section 4, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.040; amending section 5, chapter 13, Laws of 1965 as last amended by section 5, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.050; amending section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 7, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.070; amending section 28A.58.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 30, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.150; amending section 30.30.060, chapter 33, Laws of 1955 and RCW 30.30.060; amending section 4, chapter 128, Laws of 1969 ex. sess. and RCW 48.21.150; amending section 1, chapter 128, Laws of 1969 ex. sess. and RCW 48.44.200; amending section 2, chapter 128, Laws of 1969 ex. sess. and RCW 48.44.210; amending section 13, chapter 174, Laws of 1913 as amended by section 13, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.110; amending section 51.08.030, chapter 23, Laws of 1961 as last amended by section 37, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 51.08.030; amending section 2, chapter 4, Laws of 1967 ex. sess. and RCW 70.10.020; amending section 4, chapter 4, Laws of 1967 ex. sess. and RCW 70.10.040; amending section 5, chapter 4, Laws of 1967 ex. sess. and RCW 70.10.050; amending section 1, chapter 82, Laws of 1967 and RCW 70.83.010; amending section 9, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.040; amending section 71.06.010, chapter 25, Laws of 1959 as last amended by section 65, chapter 292, Laws of 1971 ex. sess. and RCW 71.06.010; amending section 71.12.455, chapter 25, Laws of 1959 and RCW 71.12.455; amending section 1, chapter 84, Laws of 1967 and RCW 71.28.010; amending section 72.05.170, chapter 28, Laws of 1959 and RCW 72.05.170; amending section 72.06.050, chapter 28, Laws of 1959 and RCW 72.06.050; amending section 72.06.060, chapter 28, Laws of 1959 and RCW 72.06.060; amending section 72.23.070, chapter 28, Laws of 1959 as last amended by section 11, chapter 199, Laws of 1975 1st ex. sess. and RCW 72.23.070; amending section 72.25.010, chapter 28, Laws of 1959 as amended by section 1, chapter 78, Laws of 1965 and RCW

72.25.010; amending section 72.25.020, chapter 28, Laws of 1959 as amended by section 2, chapter 78, Laws of 1965 and RCW 72.25.020; amending section 72.25.030, chapter 28, Laws of 1959 as amended by section 3, chapter 78, Laws of 1965 and RCW 72.25.030; amending section 3, chapter 11, Laws of 1965 and RCW 72.29.010; amending section 1, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.010; amending section 2, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.020; amending section 3, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.030; amending section 72.33.020, chapter 28, Laws of 1959 as last amended by section 1, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.020; amending section 2, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.125; amending section 72.33.130, chapter 28, Laws of 1959 as amended by section 3, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.130; amending section 11, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.165; amending section 72.33.170, chapter 28, Laws of 1959 as amended by section 7, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.170; amending section 72.33.240, chapter 28, Laws of 1959 as last amended by section 10, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.240; amending section 72.33.040, chapter 28, Laws of 1959 as amended by section 3, chapter 56, Laws of 1969 and RCW 72.33.040; amending section 72.33.070, chapter 28, Laws of 1959 and RCW 72.33.070; amending section 72.33.080, chapter 28, Laws of 1959 and RCW 72.33.080; amending section 1, chapter 251, Laws of 1961 as last amended by section 9, chapter 71, Laws of 1974 ex. sess. and RCW 72.33.800; amending section 2, chapter 251, Laws of 1961 as last amended by section 10, chapter 71, Laws of 1974 ex. sess. and RCW 72.33.805; amending section 3, chapter 251, Laws of 1961 as amended by section 11, chapter 71, Laws of 1974 ex. sess. and RCW 72.33.810; amending section 72.40.040, chapter 28, Laws of 1959 as amended by section 1, chapter 39, Laws of 1969 and RCW 72.40.040; amending section 1, chapter 287, Laws of 1959 and RCW 72.70.010; amending section 1, chapter 172, Laws of 1967 and RCW 74.15.010; amending section 2, chapter 172, Laws of 1967 and RCW 74.15.020; amending section 3, chapter 172, Laws of 1967 and RCW 74.15.030; amending section 9, chapter 172, Laws of 1967 and RCW 74.15.090; amending section 11, chapter 115, Laws of 1895 as amended by section 57, chapter 292, Laws of 1971 ex. sess. and RCW 85.06.110; amending section 18, chapter 117, Laws of 1917 and RCW 90.03.150; creating new sections; adding a new section to chapter 8.25 RCW; repealing section 14, chapter 153, Laws of 1907 and RCW 8.12.180; repealing section 1, chapter 174, Laws of 1909, section 1, chapter 16, Laws of 1909 ex. sess., section 1, chapter 149, Laws of 1959, section 27, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.030; and repealing section 2, chapter 174, Laws of 1909, section 2, chapter 16, Laws of 1909 ex. sess., section 2, chapter 149, Laws of 1959, section 28, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.040.

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

NEW SECTION. Section 1. It is the purpose of the legislature in enacting this 1977 amendatory act to provide for a comprehensive revision of out-dated and offensive language, procedures and assumptions that have previously been used to identify and categorize mentally, physically, and sensory handicapped citizens. It is legislative intent that language references such as idiots, imbeciles, feeble-minded or defective persons be deleted and replaced with more appropriate references to reflect current statute law more recently enacted by the federal government and this legislature. It is legislative belief that use of the undefined term "insanity" be avoided in preference to the use of a process for defining incompetency or disability as fully set forth in chapter 11.88 RCW; that language that has allowed or implied a presumption of incompetency or disability on the basis of an apparent condition or appearance be deleted in favor of a reference to necessary due process allowing a judicial determination of the existence or lack of existence of such incompetency or disability.

Sec. 2. Section 11, page 364, Laws of 1854 as last amended by section 74, chapter 292, Laws of 1971 ex. sess. and RCW 4.16.190 are each amended to read as follows:

If a person entitled to bring an action mentioned in this chapter, except for a penalty or forfeiture, or against a sheriff or other officer, for an escape, be at the time the cause of action accrued either under the age of eighteen years, or ((in-
same)) incompetent or disabled to such a degree that he or she cannot understand

the nature of the proceedings, such incompetency or disability as determined according to chapter 11.88 RCW, or imprisoned on a criminal charge, or in execution under the sentence of a court for a term less than his natural life, the time of such disability shall not be a part of the time limited for the commencement of action.

Sec. 3. Section 290, page 186, Laws of 1854 as last amended by section 1, chapter 84, Laws of 1927 and RCW 5.60.030 are each amended to read as follows:

No person offered as a witness shall be excluded from giving evidence by reason of his or her interest in the event of the action, as a party thereto or otherwise, but such interest may be shown to affect his or her credibility: PROVIDED, HOWEVER, That in an action or proceeding where the adverse party sues or defends as executor, administrator or legal representative of any deceased person, or as deriving right or title by, through or from any deceased person, or as the guardian or ~~((conservator))~~ limited guardian of the estate or person of any ((insane)) incompetent or disabled person, or of any minor under the age of fourteen years, then a party in interest or to the record, shall not be admitted to testify in his or her own behalf as to any transaction had by him or her with, or any statement made to him or her, or in his or her presence, by any such deceased ((or insane)), incompetent or disabled person, or by any such minor under the age of fourteen years: PROVIDED FURTHER, That this exclusion shall not apply to parties of record who sue or defend in a representative or fiduciary capacity, and have no other or further interest in the action.

Sec. 4. Section 26, chapter 64, Laws of 1895 and RCW 6.12.300 are each amended to read as follows:

In case of a homestead, if either the husband or wife shall be or become ((hopelessly insane)) incompetent or disabled to such a degree that he or she is unable to assist in the management of his or her interest in the marital property, upon application of the husband or wife not ((insane)) so incompetent or disabled to the superior court of the county in which the homestead is situated, and upon due proof of such ((insanity)) incompetency or disability in the severity required above, the court may make an order permitting the husband or wife ((not insane)) applying to the court to sell and convey or mortgage such homestead.

Sec. 5. Section 27, chapter 64, Laws of 1895 and RCW 6.12.310 are each amended to read as follows:

Notice of the application for such order shall be given by publication of the same in a newspaper published in the county in which such homestead is situated, if there be a newspaper published therein, once each week for three successive weeks prior to the hearing of such application, and a copy of such notice shall be served upon the alleged incompetent husband or wife personally, and upon the nearest ((mate)) relative of such ((insane)) incompetent or disabled husband or wife other than the applicant, resident in this state, at least three weeks prior to such application being heard, and in case there be no such ((mate)) relative known to the applicant, a copy of such notice shall be served upon the prosecuting attorney of the county in which such homestead is situated; and it is hereby made the duty of such prosecuting attorney, upon being served with a copy of such notice, to appear in court and see that such application is made in good faith, and that the proceedings thereon are fairly conducted.

Sec. 6. Section 28, chapter 64, Laws of 1895 and RCW 6.12.320 are each amended to read as follows:

Thirty days before the hearing of any application under the provisions of this chapter, the applicant shall present and file in the court in which such application is to be heard a petition for the order mentioned, subscribed and sworn to by the applicant, setting forth the name and age of the ~~((insane))~~ alleged incompetent or disabled husband or wife; a description of the premises constituting the homestead; the value of the same; the county in which it is situated; ~~((and))~~ such facts ~~((in addition to that of the insanity of the husband or wife))~~ necessary to show that the nonpetitioning husband or wife is incompetent or disabled to the degree required under section 4 of this 1977 amendatory act; and such additional facts relating to the circumstances and necessities of the applicant and his or her family as he or she may rely upon in support of the petition.

Sec. 7. Section 5, chapter 11, Laws of 1893 as amended by section 7, chapter 292, Laws of 1971 ex. sess. and RCW 7.28.090 are each amended to read as follows:

RCW 7.28.070 and 7.28.080 shall not extend to lands or tenements owned by the United States or this state, nor to school lands, nor to lands held for any public purpose. Nor shall they extend to lands or tenements when there shall be an adverse title to such lands or tenements, and the holder of such adverse title is a person under eighteen years of age, or ~~((insane))~~ incompetent within the meaning of RCW 11.88.010: PROVIDED, Such persons as aforesaid shall commence an action to recover such lands or tenements so possessed as aforesaid, within three years after the several disabilities herein enumerated shall cease to exist, and shall prosecute such action to judgment, or in case of vacant and unoccupied land shall, within the time last aforesaid, pay to the person or persons who have paid the same for his or her betterments, and the taxes, with interest on said taxes at the legal rate per annum that have been paid on said vacant and unimproved land.

Sec. 8. Section 456, page 214, Laws of 1854 as last amended by section 17, chapter 154, Laws of 1973 1st ex. sess. and RCW 7.36.020 are each amended to read as follows:

Writs of habeas corpus shall be granted in favor of parents, guardians, limited guardians where appropriate, spouses, and next of kin, and to enforce the rights, and for the protection of infants and ~~((insane))~~ incompetent or disabled persons within the meaning of RCW 11.88.010; and the proceedings shall in all cases conform to the provisions of this chapter.

Sec. 9. Section 551, page 142, Laws of 1869 as last amended by section 597, Code of 1881 and RCW 7.52.460 are each amended to read as follows:

The guardian or limited guardian who may be entitled to the custody and management of the estate of an ~~((insane))~~ incompetent or disabled person ~~((or other person))~~ adjudged incapable of conducting his own affairs, whose interest in real property shall have been sold, may receive in behalf of such person his share of the proceeds of such real property from the referees, on executing a bond with sufficient sureties, approved by the judge of the court, conditioned that he faithfully discharge the trust reposed in him, and will render a true and just account to the person entitled, or to his legal representative.

Sec. 10. Section 552, page 142, Laws of 1869 as last amended by section 598, Code of 1881 and RCW 7.52.470 are each amended to read as follows:

The general guardian of an infant, and the guardian or limited guardian entitled to the custody and management of the estate of an (~~(insane)~~) incompetent or disabled person(~~(, or other person)~~) adjudged incapable of conducting his own affairs, who is interested in real estate held in common or in any other manner, so as to authorize his being made a party to an action for the partition thereof, may consent to a partition without suit and agree upon the share to be set off to such infant or other person entitled, and may execute a release in his behalf to the owners of the shares or parts to which they may respectively be entitled, and upon an order of the court.

NEW SECTION. Sec. 11. Section 14, chapter 153, Laws of 1907 and RCW 8.12.180 are each hereby repealed.

NEW SECTION. Sec. 12. There is added to chapter 8.25 RCW a new section to read as follows:

When it shall appear in any petition or otherwise at any time during the proceedings for condemnation brought pursuant to chapters 8.04, 8.08, 8.12, 8.16, 8.20, and 8.24 RCW, each as now or hereafter amended, that any infant, or allegedly incompetent or disabled person is interested in any property that is to be taken or damaged, the court shall appoint a guardian ad litem for such infant or allegedly incompetent or disabled person to appear and assist in his, her or their defense unless a guardian or limited guardian has previously been appointed, in which case the duty to appear and assist shall be delegated to the properly qualified guardian or limited guardian. The court shall make such orders or decrees as it shall deem necessary to protect and secure the interest of the infant or allegedly incompetent or disabled person in the property sought to be condemned or the compensation which shall be awarded therefore.

Sec. 13. Section 9A.16.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.16.020 are each amended to read as follows:

The use, attempt, or offer to use force upon or toward the person of another shall not be unlawful in the following cases:

- (1) Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting him and acting under his direction;
- (2) Whenever necessarily used by a person arresting one who has committed a felony and delivering him to a public officer competent to receive him into custody;
- (3) Whenever used by a party about to be injured, or by another lawfully aiding him, in preventing or attempting to prevent an offense against his person, or a malicious trespass, or other malicious interference with real or personal property lawfully in his possession, in case the force is not more than shall be necessary;
- (4) Whenever used in a reasonable and moderate manner by a parent or his authorized agent, a guardian, master, or teacher in the exercise of lawful authority, to restrain or correct his child, ward, apprentice, or scholar;
- (5) Whenever used by a carrier of passengers or his authorized agent or servant, or other person assisting them at their request in expelling from a carriage, railway car, vessel, or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has

first been stopped and the force used is not more than shall be necessary to expel the offender with reasonable regard to his personal safety;

(6) Whenever used by any person to prevent a mentally ~~((retarded person or a mentally))~~ ill, mentally incompetent or mentally disabled person from committing an act dangerous to himself or another, or in enforcing necessary restraint for the protection of his person, or his restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of his person.

Sec. 14. Section 11.02.005, chapter 145, Laws of 1965 as amended by section 23, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 11.02.005 are each amended to read as follows:

When used in this title, unless otherwise required from the context:

(1) "Personal representative" includes executor, administrator, special administrator, and guardian or limited guardian.

(2) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the estate.

(3) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of his issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he survived the intestate. Posthumous children are considered as living at the death of their parent.

(4) "Issue" includes all the lawful lineal descendants of the ancestor and all lawfully adopted children.

(5) "Degree of kinship" shall mean the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(6) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on his death intestate.

(7) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(8) "Wills" includes all codicils.

(9) "Codicil" shall mean an instrument executed in the manner provided by this title for wills, which refers to an existing will for the purpose of altering or changing the same, and which need not be attached thereto.

(10) "Guardian" or "limited guardian" means a personal representative of the person or estate of an incompetent or disabled person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context.

(11) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(12) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(13) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(14) Words that import the singular number only, may also be applied to the plural of persons and things.

(15) Words importing the masculine gender only may be extended to females also.

Sec. 15. Section 11.76.080, chapter 145, Laws of 1965 as last amended by section 45, chapter 117, Laws of 1974 ex. sess. and RCW 11.76.080 are each amended to read as follows:

If there be any alleged incompetent or disabled person as defined in RCW 11.88.010 interested in the estate who has no legally appointed guardian or limited guardian, the court:

(1) At any stage of the proceeding in its discretion and for such purpose or purposes as it shall indicate, may, and

(2) For hearings held pursuant to RCW 11.52.010, 11.52.020, 11.68.040 and 11.76.050, each as now or hereafter amended, or for entry of an order adjudicating testacy or intestacy and heirship when no personal representative is appointed to administer the estate of the decedent, shall appoint some disinterested person as guardian ad litem to represent such allegedly incompetent or disabled person with reference to any petition, proceeding report, or adjudication of testacy or intestacy without the appointment of a personal representative to administer the estate of decedent in which the alleged incompetent or disabled person may have an interest, who, on behalf of the alleged incompetent or disabled person, may contest the same as any other person interested might contest it, and who shall be allowed by the court reasonable compensation for his services: PROVIDED, HOWEVER, That where a surviving spouse is the sole beneficiary under the terms of a will, the court may grant a motion by the personal representative to waive the appointment of a guardian ad litem for a person who is the minor child of such surviving spouse and the decedent and who is incompetent solely for the reason of his being under eighteen years of age.

Sec. 16. Section 4, chapter 297, Laws of 1957 as last amended by section 12, chapter 302, Laws of 1961 and RCW 13.04.200 are each amended to read as follows:

The ((director)) secretary of the department of ((institutions)) social and health services may designate the Washington state reformatory for the transfer in institutional placement of incorrigible juvenile delinquents over the age of sixteen

years, the custody of such children to remain in the ((director)) secretary, and such children in no event to remain at the Washington state reformatory beyond the time at which they are eligible for a complete release from the state training school ((as provided in RCW 13.08.140)): PROVIDED, That the term "incurable juvenile delinquent" for the purposes of this section shall mean conduct by a juvenile committed to the department by the juvenile court indicating over the course of a reasonable period of time that the rehabilitative program of the department can be of no further benefit to such juvenile, and that he is in need of closer security.

***NEW SECTION. Sec. 17. Section 1, chapter 174, Laws of 1909, section 1, chapter 16, Laws of 1909 ex. sess., section 1, chapter 149, Laws of 1959, section 27, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.030 are each hereby repealed.**

*Sec. 17. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 18. Section 2, chapter 174, Laws of 1909, section 2, chapter 16, Laws of 1909 ex. sess., section 2, chapter 149, Laws of 1959, section 28, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.040 are each hereby repealed.**

*Sec. 18. was vetoed, see message at end of chapter.

***Sec. 19. Sections 13 and 14, page 83, Laws of 1866 as last amended by section 29, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.210 are each amended to read as follows:**

The county auditor, before a marriage license is issued, upon the payment of a license fee as fixed in RCW 36.18.010 shall require each applicant therefor to make and file in his office upon blanks to be provided by the county for that purpose, an affidavit ((showing that such applicant is not feeble-minded, an imbecile, insane, a common drunkard, or afflicted with pulmonary tuberculosis in its advanced stages: PROVIDED, That in addition, the affidavits of both applicants they are for such marriage license shall show that they are not afflicted with any contagious venereal disease. He shall also require an affidavit of some disinterested credible person showing that neither of said persons is an habitual criminal, and)) that the applicants are the age of eighteen years or over: PROVIDED, ((FURTHER,)) That if ((the)) consent in writing is obtained of the father, mother, or legal guardian of the person for whom the license is required, the license may be granted in cases where the female has attained the age of seventeen years or the male has attained the age of seventeen years. Such affidavit may be subscribed and sworn to before any person authorized to administer oaths. Anyone knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this section shall be deemed guilty of perjury and punished as provided by the laws of the state of Washington.

*Sec. 19. was vetoed, see message at end of chapter.

***Sec. 20. Section 419, chapter 249, Laws of 1909 and RCW 26.04.250 are each amended to read as follows:**

Every person who shall solemnize a marriage when either party thereto is known to him to be under the age of legal consent, ((or to be an idiot, insane person, habitual criminal or common drunkard,)) or a marriage to which, within his knowledge, any legal impediment exists, shall be guilty of a gross misdemeanor.

*Sec. 20. was vetoed, see message at end of chapter.

Sec. 21. Section 1, chapter 82, Laws of 1970 ex. sess. and RCW 26.36.050 are each amended to read as follows:

Every person, firm, society, association, or corporation receiving, securing a home for, or otherwise caring for a minor child shall transmit to the prospective adopting parent prior to placement and shall make available to all persons with whom a child has been placed by adoption a complete medical report containing all reasonably available information concerning the mental, physical and sensory handicaps of said child. (~~This report shall contain, but shall not be limited to, all reasonably available information which would indicate that the child is mentally deficient or physically impaired by reason of heredity, process of birth, disease, or any other cause, but~~) Said report shall not reveal the identity of the natural parents of the child. RCW 26.36.030 and RCW 26.36.060 shall not apply to any information made available by this section: PROVIDED, HOWEVER, That this section shall not apply to attorneys performing legal services in connection with adoptions.

Sec. 22. Section 1, chapter 272, Laws of 1955 and RCW 26.40.010 are each amended to read as follows:

The purpose of this chapter is to assure the right of every physically, mentally or sensory handicapped child to parental love and care as long as possible, to provide for adequate custody of a handicapped child who has lost parental care, and to make available to the handicapped child the services of the state through its various departments and agencies.

Sec. 23. Section 3, chapter 272, Laws of 1955 and RCW 26.40.030 are each amended to read as follows:

The parents or parent of any child who is temporarily or permanently (~~retarded~~) delayed in normal educational processes and/or normal social adjustment by reason of physical, sensory or mental handicap, or by reason of social or emotional maladjustment, or by reason of other handicap, may petition the superior court for the county in which such child resides for an order for the commitment of such child to custody as provided in RCW 26.40.040, as now or hereafter amended.

Sec. 24. Section 1, chapter 13, Laws of 1965 as last amended by section 1, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.010 are each amended to read as follows:

The Washington state legislature finds and declares: The bond between a child and his or her parent, custodian, or guardian is of paramount importance, and any intervention into the life of a child is also an intervention into the life of the parent, custodian, or guardian; however, instances of nonaccidental injury, neglect, death, sexual abuse and cruelty to children by their parents, custodians or guardians have occurred, and in the instance where a child (~~or mentally retarded person~~) is deprived of his or her right to conditions of minimal nurture, health, and safety, the state is justified in emergency intervention based upon verified information; and therefore the Washington state legislature hereby provides for the reporting of such cases to the appropriate public authorities. It is the intent of the legislature that, as a result of such reports, protective services shall be made available in an effort to prevent further abuses, and to safeguard the general welfare of such children: PROVIDED, That such reports shall be maintained and disseminated with strictest regard for the privacy of the subjects of such reports and so as to safeguard against arbitrary, malicious or erroneous information or actions: PROVIDED FURTHER,

That this chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare and safety.

Adult developmentally disabled persons not able to provide for their own protection through the criminal justice system shall also be afforded the protection of-fered children through the reporting and investigation requirements mandated in this chapter.

Sec. 25. Section 2, chapter 13, Laws of 1965 as last amended by section 2, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.020 are each amended to read as follows:

For the purpose of and as used in this chapter:

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatry, optometry, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a child who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected child for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age (~~and shall also include any mentally retarded person regardless of age~~).

(7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social worker" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergyman" shall mean any regularly licensed or ordained minister or any priest of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Child abuse or neglect" shall mean the injury, sexual abuse, or negligent treatment or maltreatment of a child by a person who is legally responsible for the child's welfare under circumstances which indicate that the child's health, welfare

and safety is harmed thereby. An abused child is a child who has been subjected to child abuse or neglect as defined herein. "Negligent treatment or maltreatment" shall mean an act or omission which evinces a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare and safety: PROVIDED, That this subsection shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare and safety.

(13) "Child protective services section" shall mean the child protective services section of the department.

(14) "Adult developmentally disabled persons not able to provide for their own protection through the criminal justice system" shall be defined as those persons over the age of eighteen years with developmental disabilities who have been found legally incompetent pursuant to chapter 11.88 RCW or found disabled to such a degree pursuant to said chapter, that such protection is indicated: PROVIDED, That no persons reporting injury, abuse or neglect to an adult developmentally disabled person as defined herein shall suffer negative consequences if such a judicial determination of incompetency or disability has not taken place and the person reporting believes in good faith that the adult developmentally disabled person needs the protection offered by this chapter.

Sec. 26. Section 3, chapter 13, Laws of 1965 as last amended by section 3, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.030 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social worker, psychologist, pharmacist, or employee of the department of social and health services has reasonable cause to believe that a child or adult developmentally disabled person has suffered (~~child~~) abuse or neglect, he shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(2) Any other person who has reasonable cause to believe that a child or adult developmentally disabled person has suffered (~~child~~) abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040 as now or hereafter amended.

(3) The department or any law enforcement agency receiving a report of an incident of (~~child~~) abuse or neglect pursuant to this chapter, involving a child or adult developmentally disabled person who has died or has had physical injury or injuries inflicted upon him other than by accidental means or who has been subjected to sexual abuse shall report such incident to the proper county prosecutor for appropriate action.

Sec. 27. Section 4, chapter 13, Laws of 1965 as last amended by section 4, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.040 are each amended to read as follows:

An immediate oral report shall be made by telephone or otherwise to the proper law enforcement agency or the department of social and health services and, upon request, shall be followed by a report in writing. Such reports shall contain the following information, if known:

- (1) The name, address, and age of the child or adult developmentally disabled person;
- (2) The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child or the residence of the adult developmentally disabled person;
- (3) The nature and extent of the ~~((child's))~~ injury or injuries;
- (4) The nature and extent of the neglect ~~((of the child))~~;
- (5) The nature and extent of the sexual abuse;
- (6) Any evidence of previous injuries, including their nature and extent; and
- (7) Any other information which may be helpful in establishing the cause of the child's or adult developmentally disabled person's death, injury, or injuries and the identity of the perpetrator or perpetrators.

Sec. 28. Section 5, chapter 13, Laws of 1965 as last amended by section 5, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.050 are each amended to read as follows:

Upon the receipt of a report concerning the possible occurrence of ~~((child))~~ abuse or neglect, it shall be the duty of the law enforcement agency or the department of social and health services to investigate and provide the ~~((child))~~ protective services section with a report in accordance with the provision of chapter 74.13 RCW, and where necessary to refer such report to the court. Notwithstanding the provisions of RCW 13.04.130 as now or hereafter amended, the law enforcement agency or the department of social and health services investigating such a report is hereby authorized to photograph such a child or adult developmentally disabled person for the purpose of providing documentary evidence of the physical condition of the child or disabled person at the time the child or disabled person was taken into custody.

Sec. 29. Section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 7, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.070 are each amended to read as follows:

The department shall maintain a central registry of reported cases of child abuse or abuse of an adult developmentally disabled person and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available except upon court order to any person or agency except (1) law enforcement agencies as defined in this chapter in the course of an investigation of alleged ~~((child))~~ abuse or neglect; (2) to ~~((child))~~ protective services workers or juvenile court personnel who are investigating reported incidences of ~~((child))~~ abuse or neglect; (3) physicians who are treating the child or adult developmentally disabled person or family; (4) any child or adult developmentally disabled person named in the registry who is alleged to be abused or neglected, or his or her guardian ad litem and/or attorney; (5) a parent, guardian, or other person legally responsible for the welfare and safety of the child or adult developmentally disabled person named in the registry; (6) any person engaged in a bona fide research purpose, as determined by the department, according to rules and regulations, provided that information identifying the persons of the registry shall remain privileged; and (7) any individual whose name appears on the registry shall have access to his own records. Those persons or agencies exempted by this section from

the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor.

Sec. 30. Section 28A.58.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 30, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.150 are each amended to read as follows:

In addition to such other duties as a district school board shall prescribe the school district superintendent shall:

(1) Attend all meetings of the board of directors and cause to have made a record as to the proceedings thereof.

(2) Keep such records and reports and in such form as the district board of directors require or as otherwise required by law or rule or regulation of higher administrative agencies and turn the same over to his successor.

(3) Keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school meeting the superintendent must present his record book of board proceedings for public inspection, and shall make a statement of the financial condition of the district and such record book must always be open for public inspection.

(4) Take annually in May of each year a census of all persons between the ages of four and twenty who were bona fide residents of the district on the first day of May of that year. He shall designate the name and sex of each child, and the date of its birth; the number of weeks it has attended school during the school year, its post office address, and such other information as the superintendent of public instruction shall desire. Parents or guardians may be required to verify as to the correctness of this report. He shall also list separately all ~~((defective))~~ persons with handicapping conditions between the ages of ~~((four))~~ three and twenty and give such information concerning them as may be required by the superintendent of public instruction. The board of directors may employ additional persons and compensate the same to aid the superintendent in carrying out such census.

(5) Make to the educational service district superintendent on or before the fifteenth day of October his annual report verified by affidavit upon forms to be furnished by the superintendent of public instruction. It shall contain such items of information as said superintendent of public instruction shall require, including the following: A full and complete report of all children enumerated under subsection (4) above; the number of schools or departments taught during the year; the number of children, male and female, enrolled in the school, and the average daily attendance; the number of teachers employed, and their compensation per month; the number of days school was taught during the past school year, and by whom; and the number of volumes, if any, in the school district library; the number of school houses in the district, and the value of them; and the aggregate value of all school furniture and apparatus belonging to the district. The superintendent shall keep on file a duplicate copy of said report.

(6) Give such notice of all annual or special elections as otherwise required by law; also give notice of the regular and special meetings of the board of directors.

(7) Report to the educational service district superintendent at the beginning of each term of school the name of every teacher and their proposed length of term,

and supply each such teacher with school registers furnished by the educational service district superintendent.

(8) Sign all orders for warrants ordered to be issued by the board of directors.

(9) Carry out all orders of the board of directors made at any regular or special meeting.

Sec. 31. Section 30.30.060, chapter 33, Laws of 1955 and RCW 30.30.060 are each amended to read as follows:

Upon or before the return day any beneficiary of the trust may file his written objections or exceptions to the account filed or to any action of the trustee or trustees set forth therein. The court shall appoint either the legal guardian of a beneficiary, or a guardian ad litem to represent the interests of any such beneficiary who is an infant or ~~((of unsound mind or otherwise legally))~~ incompetent or disabled to such an extent that he or she could not understand the accounting given, or who is yet unborn or unascertained, and such beneficiary shall be bound by any action taken by such representative. Every unborn or unascertainable beneficiary shall be concluded by any action taken by the court for or against any living beneficiary of the same class or whose interests are similar to the interests of such unborn or unascertainable beneficiary.

Sec. 32. Section 4, chapter 128, Laws of 1969 ex. sess. and RCW 48.21.150 are each amended to read as follows:

Any group disability insurance contract or blanket disability insurance contract, providing health care services, delivered or issued for delivery in this state more than one hundred twenty days after August 11, 1969, which provides that coverage of a dependent child of an employee or other member of the covered group shall terminate upon attainment of the limiting age for dependent children specified in the contract shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (1) incapable of self-sustaining employment by reason of ~~((mental retardation))~~ developmental disability or physical handicap and (2) chiefly dependent upon the employee or member for support and maintenance, provided proof of such incapacity and dependency is furnished to the insurer by the employee or member within thirty-one days of the child's attainment of the limiting age and subsequently as may be required by the insurer, but not more frequently than annually after the two year period following the child's attainment of the limiting age.

Sec. 33. Section 1, chapter 128, Laws of 1969 ex. sess. and RCW 48.44.200 are each amended to read as follows:

An individual health care service plan contract, delivered or issued for delivery in this state more than one hundred twenty days after August 11, 1969, which provides that coverage of a dependent child shall terminate upon attainment of the limiting age for dependent children specified in the contract shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (1) incapable of self-sustaining employment by reason of ~~((mental retardation))~~ developmental disability or physical handicap and (2) chiefly dependent upon the subscriber for support and maintenance, provided proof of such incapacity and dependency is

furnished to the health care service plan corporation by the subscriber within thirty-one days of the child's attainment of the limiting age and subsequently as may be required by the corporation but not more frequently than annually after the two year period following the child's attainment of the limiting age.

Sec. 34. Section 2, chapter 128, Laws of 1969 ex. sess. and RCW 48.44.210 are each amended to read as follows:

A group health care service plan contract, delivered or issued for delivery in this state more than one hundred twenty days after August 11, 1969, which provides that coverage of a dependent child of an employee or other member of the covered group shall terminate upon attainment of the limiting age for dependent children specified in the contract shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (1) incapable of self-sustaining employment by reason of (~~mental retardation~~) developmental disability or physical handicap and (2) chiefly dependent upon the employee or member for support and maintenance, provided proof of such incapacity and dependency is furnished to the health care service plan corporation by the employee or member within thirty-one days of the child's attainment of the limiting age and subsequently as may be required by the corporation, but not more frequently than annually after the two year period following the child's attainment of the limiting age.

Sec. 35. Section 13, chapter 174, Laws of 1913 as amended by section 13, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.110 are each amended to read as follows:

For any occupation in which a minimum wage has been established, the committee through its secretary may issue to an employer, a special certificate or permit for an employee who is physically or mentally (~~defective or crippled by age or otherwise~~) handicapped to such a degree that he or she is unable to obtain employment in the competitive labor market, or to a trainee or learner not otherwise subject to the jurisdiction of the apprenticeship council, a special certificate or permit authorizing the employment of such employee for a wage less than the legal minimum wage; and the committee shall fix the minimum wage for said person, such special certificate or permit to be issued only in such cases as the committee may decide the same is applied for in good faith and that such certificate or permit shall be in force for such length of time as the said committee shall decide and determine is proper.

Sec. 36. Section 51.08.030, chapter 23, Laws of 1961 as last amended by section 37, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 51.08.030 are each amended to read as follows:

"Child" means every natural born child, posthumous child, stepchild, child legally adopted prior to the injury, and dependent child in the legal custody and control of the claimant, all while under the age of eighteen years, or under the age of twenty-one years while permanently enrolled at a full time course in an accredited school, and over the age of eighteen years if the child is a dependent (~~invalid child~~) as a result of a physical, mental, or sensory handicap.

Sec. 37. Section 2, chapter 4, Laws of 1967 ex. sess. and RCW 70.10.020 are each amended to read as follows:

The term "comprehensive community health center" as used in this chapter shall mean a health facility housing community health, mental health, and (~~mental retardation~~) developmental disabilities services.

Sec. 38. Section 4, chapter 4, Laws of 1967 ex. sess. and RCW 70.10.040 are each amended to read as follows:

Any application for federal or state funds to be used for construction of the community health, mental health, or (~~mental retardation~~) developmental disabilities facility, which will be part of the comprehensive community health center as defined in RCW 70.10.020, shall be separately processed and approved by the state agency which has been designated to administer the particular federal or state program involved. Any application for federal or state funds for a construction project to establish a community health, mental health, or (~~mental retardation~~) developmental disabilities facility not part of a comprehensive health center shall be processed by the state agency which is designated to administer the particular federal or state program involved. This agency shall also forward a copy of the application to the other agency or agencies designated to administer the program or programs providing funds for construction of the facilities which make up a comprehensive health center. The agency or agencies receiving this copy of the application shall have a period of time not to exceed sixty days in which to file a statement with the agency to which the application has been submitted and to any statutory advisory council or committee which has been designated to advise the administering agency with regard to the program, stating that the proposed facility should or should not be part of a comprehensive health center.

Sec. 39. Section 5, chapter 4, Laws of 1967 ex. sess. and RCW 70.10.050 are each amended to read as follows:

The several state agencies processing applications for the construction of comprehensive health centers for community health, mental health, or (~~mental retardation~~) developmental disability facilities shall cooperate to develop general procedures to be used in implementing the statute and to attempt to develop application forms and procedures which are as nearly standard as possible, after taking cognizance of the different information required in the various programs, to assist applicants in applying to various state agencies.

Sec. 40. Section 1, chapter 82, Laws of 1967 and RCW 70.83.010 are each amended to read as follows:

It is hereby declared to be the policy of the state of Washington to make every effort to detect as early as feasible and to prevent where possible phenylketonuria and other preventable heritable disorders leading to (~~mental retardation~~) developmental disabilities or physical defects.

Sec. 41. Section 9, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.040 are each amended to read as follows:

Persons who are (~~epileptics, mentally deficient, mentally retarded~~) developmentally disabled, impaired by chronic alcoholism or drug abuse, or senile shall not be detained for evaluation and treatment or judicially committed solely by reason of that condition unless such condition causes a person to be gravely disabled or as a result of a mental disorder such condition exists that constitutes a likelihood of

serious harm to self or others: PROVIDED, That a person shall not be subject to the provisions of this chapter if proceedings have been initiated under the provisions of the Washington Uniform Alcoholism and Intoxication Treatment Act, chapter 70.96A RCW.

Sec. 42. Section 71.06.010, chapter 25, Laws of 1959 as last amended by section 65, chapter 292, Laws of 1971 ex. sess. and RCW 71.06.010 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings:

"Psychopathic personality" means the existence in any person of such hereditary, congenital or acquired condition affecting the emotional or volitional rather than the intellectual field and manifested by anomalies of such character as to render satisfactory social adjustment of such person difficult or impossible.

"Sexual psychopath" means any person who is affected in a form of psychoneurosis or in a form of psychopathic personality, which form predisposes such person to the commission of sexual offenses in a degree constituting him a menace to the health or safety of others.

"Sex offense" means one or more of the following: Abduction, incest, rape, assault with intent to commit rape, indecent assault, contributing to the delinquency of a minor involving sexual misconduct, sodomy, indecent exposure, indecent liberties with children, carnal knowledge of children, soliciting or enticing or otherwise communicating with a child for immoral purposes, vagrancy involving immoral or sexual misconduct, or an attempt to commit any of the said offenses.

"Psychopathic delinquent" means any minor who is psychopathic, and who is a habitual delinquent, if his delinquency is such as to constitute him a menace to the health, person, or property of himself or others, and the minor is not a proper subject for commitment to a state correctional school, a penal institution, to a state school for the ~~((mentally deficient as a mentally deficient person))~~ developmentally disabled, or to a state hospital as a mentally ill person.

"Minor" means any person under eighteen years of age.

"Department" means department of social and health services.

"Court" means the superior court of the state of Washington.

"Superintendent" means the superintendent of a state institution designated for the custody, care and treatment of sexual psychopaths or psychopathic delinquents.

Sec. 43. Section 71.12.455, chapter 25, Laws of 1959 and RCW 71.12.455 are each amended to read as follows:

As used in this chapter, "establishment" and "institution" mean and include every private hospital, sanitarium, home, or other place receiving or caring for any ~~((insane, alleged insane,))~~ mentally ill, or mentally incompetent person, or alcoholic.

Sec. 44. Section 1, chapter 84, Laws of 1967 and RCW 71.28.010 are each amended to read as follows:

Any county, or city within a county which is situated on the state boundaries is authorized to contract for mental health and/or ~~((retardation))~~ developmental disabilities services with a county situated in either the states of Oregon or Idaho, located on the boundaries of such states with the state of Washington.

Sec. 45. Section 72.05.170, chapter 28, Laws of 1959 and RCW 72.05.170 are each amended to read as follows:

The ~~((division))~~ department may provide professional counseling services to delinquent ~~((and maladjusted))~~ children and their parents, consultative services to communities dealing with problems of children and youth, and may give assistance to law enforcement agencies by means of juvenile control officers who may be selected from the field of police work.

Sec. 46. Section 72.06.050, chapter 28, Laws of 1959 and RCW 72.06.050 are each amended to read as follows:

The department shall cooperate with other departments of state government and its political subdivisions in the following manner:

(1) By disseminating educational information relating to the prevention, diagnosis and treatment of mental illness ~~((, mental disorders or mental deficiency))~~.

(2) Upon request therefor, by advising public officers, organizations and agencies interested in the mental health of the people of the state.

Sec. 47. Section 72.06.060, chapter 28, Laws of 1959 and RCW 72.06.060 are each amended to read as follows:

The department is hereby authorized to establish and maintain psychiatric outpatient clinics at such of the several state mental institutions as the director shall designate for the prevention, diagnosis and treatment of mental illnesses, ~~((deficiencies or disorders;))~~ and the services of such clinics shall be available to any citizen of the state in need thereof, when determined by a physician that such services are not otherwise available, subject to the rules of the department.

Sec. 48. Section 72.23.070, chapter 28, Laws of 1959 as last amended by section 11, chapter 199, Laws of 1975 1st ex. sess. and RCW 72.23.070 are each amended to read as follows:

Pursuant to rules and regulations established by the department, a public or private facility may receive any person who is a suitable person for care and treatment as mentally ill, or for observation as to the existence of mental illness, upon the receipt of a written application of the person, or others on his behalf, in accordance with the following requirements:

(1) In the case of a person eighteen years of age or over, the application shall be voluntarily made by the person;

(2) In the case of a person thirteen years of age or under, the application may be voluntarily made by his parents, or by the parent, ~~((conservator))~~ limited guardian as authorized, guardian, or other person entitled to his custody. When such person is more than thirteen years of age, such application must be accompanied by the written consent, knowingly and voluntarily given, of the minor. All such voluntary applications to a public agency shall be reviewed by the county mental health professionals, who shall submit a written report and evaluation with recommendations to the superintendent of such facility to which such application is made stating whether treatment is necessary and proper on a voluntary basis and evaluating the reasons for voluntary commitment. Such person's condition and status shall be reviewed by the professional person in charge of the facility or his designee at least once each one hundred eighty days. A person under eighteen years of age received into a public facility as a voluntary patient shall not be retained after he

reaches eighteen years of age, but such person, upon reaching eighteen years of age, may apply for admission into a public or private facility as a voluntary patient.

(3) No minor over thirteen years of age shall be involuntarily committed to a state or private facility for care and treatment as mentally disordered, or for observation as to the existence of mental disorder, except in accordance with the following requirements:

(a) The facility must be certified by the department of social and health services to provide evaluation and treatment to persons under eighteen years of age suffering from mental disorders: **PROVIDED**, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: **PROVIDED FURTHER**, That a facility which is part of, or a part of, or operated by, the department of social and health services or any federal agency will not require certification.

(b) A petition shall be filed with the juvenile court by the person's parent, parents, ((conservator)) limited guardian as authorized, guardian, or by the juvenile court itself. The petition shall set forth the reasons why commitment is necessary and what alternative courses of treatment have been explored. The juvenile court shall then conduct a hearing, at which the person under eighteen years of age shall be represented by an attorney, to determine whether commitment is clearly in the best interests of the person sought to be committed, and that no less restrictive alternative exists: **PROVIDED**, That, if in the opinion of the designated county mental health professional a minor presents an imminent likelihood of serious harm to himself or others, he may be temporarily detained for up to seventy-two hours by a licensed facility pending petition to the juvenile court for further commitment.

(c) If the juvenile court determines that commitment is clearly necessary, it will issue an order approving such petition. If the juvenile court determines that a less restrictive alternative is desirable, it may order that alternatives be followed.

(d) If a person under the age of eighteen years is committed to a state or private facility pursuant to this section, the juvenile court recommending commitment shall require a report from the facility every one hundred eighty days that sets forth such facts as the juvenile court may require. Upon receipt of the report, the juvenile court shall undertake a review of the status of such person to determine whether or not it is still clearly in the best interests of the patient that he remain in the facility. If the juvenile court determines that further commitment is not clearly in the best interests of the patient, it shall order release upon such conditions as it deems necessary.

(e) Every person under the age of eighteen shall have all the rights provided for persons eighteen years of age or over under this chapter as now or hereafter amended except those rights specifically modified by this section: **PROVIDED**, That the juvenile court rather than the superior court shall be responsible for any proceedings. A voluntarily admitted minor over thirteen years of age shall have the right to release on the next judicial day from the date of request unless a petition is filed in juvenile court by the professional person in charge of the facility or his designee on the grounds that the juvenile is dangerous to himself or others or that it would be in the best interests of the juvenile that he remain in the facility. Furthermore, should the patient and his parent, parents, ((conservator)) limited

guardian as authorized, or guardian both request his release, he shall be immediately released unless the professional person in charge of the facility objects immediately in writing to the juvenile court on the grounds that the person is dangerous to himself or others and that it would not be in the patient's best interests to be released. Should this occur, the juvenile court shall hold a hearing on the issue within five judicial days and determine whether the person should be released.

(f) Nothing in this section shall prohibit the professional person in charge of the facility in which the person is being treated from releasing him at any time when, in the opinion of said professional person, further commitment would no longer be in the best interests of the patient.

Whenever a person is released by the professional person in charge of a facility under this section, said person shall, in writing, notify the juvenile court which committed the person for treatment.

(4) In the case of a person eighteen years of age or over for whom a (~~conservator~~) limited guardian or guardian of the person has been appointed, such application shall be made by said (~~conservator~~) limited guardian or guardian, when so authorized by proper court order in the (~~conservatorship~~) limited guardianship or guardianship proceedings.

Sec. 49. Section 72.25.010, chapter 28, Laws of 1959 as amended by section 1, chapter 78, Laws of 1965 and RCW 72.25.010 are each amended to read as follows:

It shall be the duty of the (~~director of institutions~~) secretary of the department of social and health services, in cooperation with the United States bureau of immigration and/or the United States department of the interior, to arrange for the deportation of all alien sexual psychopaths, psychopathic delinquents, (~~insane; or feeble-minded~~) or mentally ill persons who are now confined in, or who may hereafter be committed to, any state hospital for the sexual psychopath, psychopathic delinquent, (~~insane; or feeble-minded~~) or the mentally ill in this state; to transport such alien sexual psychopaths, psychopathic delinquents, (~~insane; or feeble-minded~~) or mentally ill persons to such point or points as may be designated by the United States bureau of immigration or by the United States department of the interior; and to give written permission for the return of any resident of Washington now or hereafter confined in a hospital for the sexual psychopath, psychopathic delinquent, (~~insane; or feeble-minded~~) or the mentally ill in a territory of the United States or in a foreign country. Mentally ill person for the purposes of this section shall be any person defined as mentally ill under RCW 72.23.010, as now or hereafter amended.

Sec. 50. Section 72.25.020, chapter 28, Laws of 1959 as amended by section 2, chapter 78, Laws of 1965 and RCW 72.25.020 are each amended to read as follows:

The (~~director~~) secretary shall also return all nonresident sexual psychopaths, psychopathic delinquents, (~~insane; or feeble-minded~~) or mentally ill persons who are now confined in or who may hereafter be committed to a state hospital for the sexual psychopath, psychopathic delinquent, (~~insane; or feeble-minded~~) or the mentally ill in this state to the states or state in which they may have a legal residence. For the purpose of facilitating the return of such persons the (~~director~~) secretary may enter into a reciprocal agreement with any other state for the mutual

exchange of sexual psychopaths, psychopathic delinquents, (~~insane, or feeble-minded~~) or mentally ill persons now confined in or hereafter committed to any hospital for the sexual psychopath, psychopathic delinquent, (~~insane, or feeble-minded~~) or the mentally ill in one state whose legal residence is in the other, and he may give written permission for the return of any resident of Washington now or hereafter confined in a hospital for the sexual psychopath, psychopathic delinquent, (~~insane, or feeble-minded~~) or the mentally ill in another state. Such residents may be returned directly to the proper Washington state institution without further court proceedings: PROVIDED, That if the superintendent of such institution is of the opinion that the returned person is not a sexual psychopath, a psychopathic delinquent, (~~insane, or feeble-minded~~) or mentally ill person he may discharge said patient: PROVIDED FURTHER, That if such superintendent deems such person a sexual psychopath, a psychopathic delinquent, (~~insane, or feeble-minded~~) or mentally ill person, he shall file an application for commitment within ninety days of arrival at the Washington institution.

A person shall be deemed to be a resident of this state within the meaning of this chapter who has maintained his domiciliary residence in this state for a period of one year preceding commitment to a state institution without receiving assistance from any tax supported organization and who has not subsequently acquired a domicile in another state: PROVIDED, That any period of time spent by such person while an inmate of a state hospital or state institution or while on parole, escape, or leave of absence therefrom shall not be counted in determining the time of residence in this or another state.

All expenses incurred in returning sexual psychopaths, psychopathic delinquents, (~~insane, or feeble-minded~~) or mentally ill persons from this to another state may be paid by this state, but the expense of returning residents of this state shall be borne by the state making the return. Mentally ill person for the purposes of this section shall be any person defined as mentally ill under RCW 72.23.010, as now or hereafter amended.

Sec. 51. Section 72.25.030, chapter 28, Laws of 1959 as amended by section 3, chapter 78, Laws of 1965 and RCW 72.25.030 are each amended to read as follows:

For the purpose of carrying out the provisions of this chapter the (~~director~~) secretary may employ all help necessary in arranging for and transporting such alien and nonresident sexual psychopaths, psychopathic delinquents, (~~insane, or feeble-minded~~) or mentally ill persons, and the cost and expense of providing such assistance, and all expenses incurred in effecting the transportation of such alien and nonresident sexual psychopaths, psychopathic delinquents, (~~insane, or feeble-minded~~) or mentally ill persons, shall be paid from the funds appropriated for that purpose upon vouchers approved by the department. Mentally ill person for the purposes of this section shall be any person defined as mentally ill under RCW 72.23.010, as now or hereafter amended.

Sec. 52. Section 3, chapter 11, Laws of 1965 and RCW 72.29.010 are each amended to read as follows:

After the acquisition of Harrison Memorial Hospital, the department of (~~institutions~~) social and health services is authorized to enter into contracts for the

repair or remodeling of the hospital to the extent they are necessary and reasonable, in order to establish a multi-use facility for the mentally or physically ~~((deficient))~~ handicapped or the mentally ill. The ~~((director of the department of institutions))~~ secretary of the department of social and health services is authorized to determine the most feasible and desirable use of the facility and to operate the facility in the manner he deems most beneficial to the mentally and physically ~~((deficient))~~ handicapped, or the mentally ill, and is authorized, but not limited to programs for out-patient, diagnostic and referral, day care, vocational and educational services to the community which he determines are in the best interest of the state.

Sec. 53. Section 1, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.010 are each amended to read as follows:

The ~~((director of institutions))~~ secretary of the department of social and health services is authorized to utilize at the eastern state hospital, surplus physical facilities as an institution for ~~((mentally deficient))~~ handicapped persons eligible for admission or admitted to a state institution. The institution authorized by this chapter shall be known as the "Interlake School".

Sec. 54. Section 2, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.020 are each amended to read as follows:

The ~~((director of institutions))~~ secretary of the department of social and health services is authorized to designate and select such buildings and facilities and tracts of land at the Eastern State Hospital, which are surplus to the needs of the department ~~((of institutions))~~ for mentally ill persons, and which are reasonably necessary and adequate for a school for ~~((mentally deficient))~~ handicapped persons. The ~~((director of institutions))~~ secretary shall also designate those buildings, equipment and facilities which are to be used jointly and mutually by both the Eastern State Hospital and the Interlake School for ~~((mentally deficient))~~ handicapped persons.

Sec. 55. Section 3, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.030 are each amended to read as follows:

The superintendent of the Interlake School for ~~((mentally deficient))~~ handicapped persons shall be appointed by the ~~((director))~~ secretary and shall have such administrative experience and possess such qualifications as shall be determined by the state personnel board subject to the advice and approval of the ~~((director))~~ secretary.

Sec. 56. Section 72.33.020, chapter 28, Laws of 1959 as last amended by section 1, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.020 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Mental ~~((deficiency))~~ handicap" is a state of ~~((subnormal))~~ limited development ~~((of the human organism))~~ in consequence of which the individual affected is mentally incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(2) "Physical ~~((deficiency))~~ handicap" is a state of physical impairment ~~((of the human organism))~~ in consequence of which the individual affected is physically

incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(3) "Parent" is the person or persons having the legal right to custody of a child by reason of kinship by birth or adoption.

(4) "State school" shall mean any residential school of the department established, operated and maintained by the state of Washington for the education, guidance, care, treatment and rehabilitation of ~~((mentally and/or physically deficient))~~ handicapped persons as defined herein.

(5) "Resident of a state school" shall mean a person, whose ~~((mental and/or physical involvement))~~ handicapping condition requires the specialized care, treatment and educational instruction therein provided, and who has been admitted upon parental or guardian's or limited guardian's application, or found in need of residential care by proper court and duly received.

(6) "Court" shall mean the superior court of the state of Washington.

(7) ~~((Division))~~ Department shall mean the ~~((division of children and youth services of the))~~ department of ~~((institutions))~~ social and health services or its successor.

(8) "Resident of the state of Washington" shall mean a person who has acquired his domicile in this state by continuously residing within the state for a period of not less than one year before application for admission is made: PROVIDED, That the residence of an unemancipated minor shall be imputed from the residence of the parents if they are living together, or from the residence of the parent with whom the child resides, and if the parental rights and responsibilities regarding a minor have been transferred by the court, then the residence of such minor shall be imputed from the person to whom such have been awarded.

(9) "Superintendent" shall mean the superintendent of Lakeland Village, Rainier school and other like residential schools that may be hereafter established.

(10) "Custody" shall mean immediate physical attendance, retention and supervision.

(11) "Placement" shall mean an extramural status for the resident's best interests granted after reasonable notice and consultation with the parents or guardian or limited guardian and such resident.

(12) "Discharge" shall mean the relinquishment by the state of all rights and responsibilities it may have acquired by reason of the acceptance for admission of any resident.

(13) "Residential placement" is any out-of-home placement providing domiciliary type care among other services for which the state makes payment in whole or in part including, but not limited to, state residential schools, group homes, group training homes, boarding homes and nursing homes, but does not include placement in a state juvenile or adult correctional facility without consultation as provided for in RCW 72.33.160.

(14) "Domiciliary care services" shall mean the furnishing of necessary room, board, laundry, clothing, housekeeping, and other personal care services.

(15) "Secretary" means the secretary of social and health services or his designee.

Sec. 57. Section 2, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.125 are each amended to read as follows:

(1) In order to provide ongoing points of contact with the ~~((mentally deficient and/or physically deficient))~~ handicapped individual and his family so that they may have a place of entry for state services and return to the community as the need may appear; to provide a link between those individuals and services of the community and state operated services so that the individuals with ~~((mental or physical deficiencies))~~ handicapping conditions and their families may have access to the facilities best suited to them throughout the life of the individual; to offer viable alternatives to state residential school admission; and to encourage the placement of persons from state residential schools, the secretary of social and health services or his designee, pursuant to rules and regulations of the department, shall receive applications of persons for care, treatment, hospitalization, support, training, or rehabilitation provided by state programs or services for the ~~((mentally and/or physically deficient))~~ handicapped. Written applications shall be submitted in accordance with the following requirements:

(a) In the case of a minor person, the application shall be made by his parents or by the parent, guardian, limited guardian where so authorized, person or agency legally entitled to custody, which application shall be in the form and manner required by the department; and

(b) In the case of an adult person, the application shall be made by such person, by his ~~((parents, or by a parent;))~~ or her guardian, or limited guardian where so authorized, or agency legally entitled to custody, which application shall be in the form and manner required by the department.

(2) Upon receipt of the written application the secretary shall determine if the individual to receive services has a ~~((mental deficiency and/or a physical deficiency))~~ handicapping condition as defined in RCW 72.33.020 qualifying him for services. In order to determine eligibility for services, the secretary may require a supporting affidavit of a physician or a clinical psychologist, or one of each profession, certifying that the individual is ~~((mentally and/or physically deficient))~~ handicapped as herein defined.

(3) After determination of eligibility because of ~~((mental and/or physical deficiency))~~ a handicapping condition, the secretary shall determine the necessary services to be provided for the individual. Individuals may be temporarily admitted, for a period not to exceed thirty days, to departmental residential facilities for observation prior to determination of needed services, where such observation is necessary to determine the extent and necessity of services to be provided.

Sec. 58. Section 72.33.130, chapter 28, Laws of 1959 as amended by section 3, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.130 are each amended to read as follows:

In the event a minor person under the age of eighteen years shall be found under the juvenile court law to be "dependent" or "delinquent" and ~~((mentally and/or physically deficient))~~ handicapped as herein defined, and that placement for care, custody, treatment, or education in a state school is to the minor's welfare, the secretary shall receive such minor upon commitment from the superior court pursuant to such terms and conditions as may therein be set forth for placement by the department in a facility most appropriate to his needs, subject to the provisions of RCW 72.33.070.

Sec. 59. Section 11, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33-.165 are each amended to read as follows:

The secretary of social and health services is authorized to make payments for nonresidential services which exceed the cost of caring for an average individual at home, and which are reasonably necessary for the care, treatment, maintenance, support, and training of ~~((mentally and/or physically deficient))~~ handicapped persons, upon application pursuant to RCW 72.33.125. The department shall adopt rules and regulations determining the extent and type of care and training for which the department will pay all or a portion of the costs.

Sec. 60. Section 72.33.170, chapter 28, Laws of 1959 as amended by section 7, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.170 are each amended to read as follows:

Whenever in the judgment of the secretary a person no longer needs the services provided by the department for ~~((mentally and/or physically deficient))~~ handicapped persons, he or she may be discharged from services after reasonable notice and consultation with the person to be discharged and any available parent, guardian, limited guardian, or other court appointed personal representative.

Sec. 61. Section 72.33.240, chapter 28, Laws of 1959 as last amended by section 10, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.240 are each amended to read as follows:

Any parent ~~((or))~~, guardian, limited guardian, or other court appointed personal representative feeling aggrieved by an adverse decision pertaining to admission, placement, or discharge of his ward may apply to the secretary in writing within thirty days of notification of the decision for a review and reconsideration of the decision. An administrative hearing shall be held within ten days from the date of receipt of the written request for review. In the event of an unfavorable ruling by the secretary, such parent ~~((or))~~, guardian, limited guardian, or other court appointed personal representative may institute proceedings in the superior court of the state of Washington in the county of residence of such parent or guardian, otherwise in Thurston county, and have such decision reviewed and its correctness, reasonableness, and lawfulness decided in an appeal heard as in initial proceeding on an original application. Said parent ~~((or))~~, guardian, limited guardian, or other court appointed personal representative shall have the right to appeal from the decision of the superior court to the supreme court or the court of appeals of the state of Washington, as in civil cases.

Sec. 62. Section 72.33.040, chapter 28, Laws of 1959 as amended by section 3, chapter 56, Laws of 1969 and RCW 72.33.040 are each amended to read as follows:

The superintendent of a state school appointed after June 12, 1957 shall be a person of good character, ~~((over the age of thirty years, in good physical health,))~~ and either a physician licensed to practice in the state of Washington or has attained a minimum of a master's degree from an accredited college or university in psychology, social science, or education, and in addition shall have had suitable experience in an administrative or professional capacity in the residential care, treatment and training of ~~((mentally deficient))~~ handicapped persons.

The superintendent shall have custody of all residents and control of the medical, educational, therapeutic and dietetic treatment of all persons resident in such state school: PROVIDED, That the superintendent shall cause surgery to be performed on any resident only upon gaining the consent of a parent ((or)), guardian, or limited guardian as authorized, except, if after reasonable effort to locate the parents ((or)), guardian, or limited guardian as authorized, and the health of such resident is certified by the attending physician to be jeopardized unless such surgery is performed, the required consent shall not be necessary.

The superintendent shall have control of the internal government and economy of the state school and shall appoint and direct all subordinate officers and employees: PROVIDED, That the powers and duties conferred upon the superintendent shall be subject to the rules and regulations of the department and the state personnel board.

The superintendent shall have authority to engage the residents of the state school in beneficial work programs but shall not abuse such therapy by excessive hours or for purposes of discipline or punishment.

Sec. 63. Section 72.33.070, chapter 28, Laws of 1959 and RCW 72.33.070 are each amended to read as follows:

The department of ((health)) social and health services shall determine by the application of proper criteria the maximum number of ((children)) persons to reside in the residential quarters of the state schools and the superintendent shall adhere to such standards unless written permission is granted by the department to exceed such rated capacities.

Sec. 64. Section 72.33.080, chapter 28, Laws of 1959 and RCW 72.33.080 are each amended to read as follows:

The department of ((public assistance)) social and health services shall aid the superintendents of the state schools in the placement of residents in suitable foster homes, those to be assisted and the method thereof to be defined in a mutually approved interdepartmental agreement.

Sec. 65. Section 1, chapter 251, Laws of 1961 as last amended by section 9, chapter 71, Laws of 1974 ex. sess. and RCW 72.33.800 are each amended to read as follows:

The secretary of the department of social and health services is hereby authorized to enter into agreements with any person, or with any person, corporation or association operating a day training center or group training home or a combination thereof approved by the department, for the payment of all, or a portion of the cost of the care, treatment, maintenance, support and training of ((mentally retarded or other)) developmentally disabled persons.

For the purpose of RCW 72.33.800 through 72.33.820, as now or hereafter amended, the terms "day training center" and "group training home" shall have the following meanings:

(1) "Day training center" shall mean a facility equipped, supervised, managed and operated at least three days per week by any person, association or corporation on a nonprofit basis for the day-care, treatment, training and maintenance of ((mentally retarded or other)) developmentally disabled persons, and approved in accordance with RCW 72.33.800 through 72.33.820, as now or hereafter amended,

and the standards of the department of social and health services as set forth in the rules and regulations promulgated by the secretary.

(2) "Group training home" shall mean a facility equipped, supervised, managed and operated on a full time basis by any person, association or corporation on a nonprofit basis for the full time care, treatment, training and maintenance of ~~((mentally retarded or other))~~ developmentally disabled persons, and approved in accordance with RCW 72.33.800 through 72.33.820, as now or hereafter amended, and the standards of the department of social and health services as set forth in rules and regulations promulgated by the secretary.

Sec. 66. Section 2, chapter 251, Laws of 1961 as last amended by section 10, chapter 71, Laws of 1974 ex. sess. and RCW 72.33.805 are each amended to read as follows:

All payments made by the secretary of the department of social and health services pursuant to RCW 72.33.800 through 72.33.820, as now or hereafter amended, shall be, insofar as possible, supplementary to payments to be made to a day training center or group training home or combination thereof by the ~~((parents or guardians of such mentally retarded or other))~~ developmentally disabled persons resident therein. Payments made by the secretary in accordance with the authority of RCW 72.33.800 through 72.33.820, as now or hereafter amended, shall not exceed actual costs for the care, treatment, support, maintenance and training of any ~~((mentally retarded or))~~ developmentally disabled person whether at a day training center or group training home or combination thereof or otherwise.

Sec. 67. Section 3, chapter 251, Laws of 1961 as amended by section 11, chapter 71, Laws of 1974 ex. sess. and RCW 72.33.810 are each amended to read as follows:

Any person, corporation, or association may make application to the secretary of the department of social and health services for approval and certification of the applicant's facility as a day training center, or a group training home for ~~((mentally retarded or))~~ developmentally disabled persons or a combination of both. The secretary may either grant or deny certification or revoke certification previously granted after investigation of the applicant's facilities, to ascertain whether or not such facilities are adequate for the health, safety and the care, treatment, maintenance, training and support of ~~((mentally retarded or))~~ developmentally disabled persons, in accordance with standards as set forth in rules and regulations promulgated by the secretary.

Sec. 68. Section 72.40.040, chapter 28, Laws of 1959 as amended by section 1, chapter 39, Laws of 1969 and RCW 72.40.040 are each amended to read as follows:

The ~~((institutions))~~ schools shall be free to residents of the state between the ages of six and twenty-one years, and who are blind or deaf, or otherwise sensory handicapped, and who are free from loathsome or contagious diseases: PROVIDED, That children under the age of six, who are otherwise qualified may be admitted to the ~~((institution))~~ school, if in the discretion of the superintendent they are proper ~~((subjects))~~ persons to receive the training given in the ~~((institution))~~ school

and the facilities are adequate for proper care, education, and training: PROVIDED FURTHER, That students over the age of twenty-one years, who are otherwise qualified may be retained at the ((institution)) school, if in the discretion of the superintendent in consultation with the faculty they are proper ((subjects)) persons to receive further training given at the ((institution)) school and the facilities are adequate for proper care, education, and training.

Sec. 69. Section 1, chapter 287, Laws of 1959 and RCW 72.70.010 are each amended to read as follows:

The Western Interstate Corrections Compact as contained herein is hereby enacted into law and entered into on behalf of this state with any and all other states legally joining therein in a form substantially as follows:

WESTERN INTERSTATE CORRECTIONS COMPACT

ARTICLE I—Purpose and Policy

The party states, desiring by common action to improve their institutional facilities and provide programs of sufficiently high quality for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society. The purpose of this compact is to provide for the development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders.

ARTICLE II—Definitions

As used in this compact, unless the context clearly requires otherwise:

(a) "State" means a state of the United States, (~~the Territory of Hawaii;~~) or, subject to the limitation contained in Article VII, Guam.

(b) "Sending state" means a state party to this compact in which conviction was had.

(c) "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction was had.

(d) "Inmate" means a male or female offender who is under sentence to or confined in a prison or other correctional institution.

(e) "Institution" means any prison, reformatory or other correctional facility (~~including but not limited to a facility~~) except facilities for the mentally ill or mentally (~~defective~~) handicapped in which inmates may lawfully be confined.

ARTICLE III—Contracts

(a) Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

1. Its duration.

2. Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance.

3. Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.

4. Delivery and retaking of inmates.

5. Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

(b) Prior to the construction or completion of construction of any institution or addition thereto by a party state, any other party state or states may contract therewith for the enlargement of the planned capacity of the institution or addition thereto, or for the inclusion therein of particular equipment or structures, and for the reservation of a specific percentum of the capacity of the institution to be kept available for use by inmates of the sending state or states so contracting. Any sending state so contracting may, to the extent that monies are legally available therefor, pay to the receiving state, a reasonable sum as consideration for such enlargement of capacity, or provision of equipment or structures, and reservation of capacity. Such payment may be in a lump sum or in installments as provided in the contract.

(c) The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

ARTICLE IV—Procedures and Rights

(a) Whenever the duly constituted judicial or administrative authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary in order to provide adequate quarters and care or desirable in order to provide an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in that regard solely as agent for the ending state.

(b) The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

(c) Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III.

(d) Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact including a conduct record of each inmate and certify said record to the official designated by the sending state, in order that each inmate may have the benefit of his or her

record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

(e) All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be cared for and treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state.

(f) Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this subdivision, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state. Costs of records made pursuant to this subdivision shall be borne by the sending state.

(g) Any inmate confined pursuant to this compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

(h) Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

(i) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

ARTICLE V—Acts Not Reviewable In Receiving State; Extradition

(a) Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is suspected of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly

accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

(b) An inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

ARTICLE VI—Federal Aid

Any state party to this compact may accept federal aid for use in connection with an institution or program, the use of which is or may be affected by this compact or any contract pursuant thereto and any inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision; provided that if such program or activity is not part of the customary correctional regimen the express consent of the appropriate official of the sending state shall be required therefor.

ARTICLE VII—Entry Into Force

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two contiguous states from among the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. For the purposes of this article, Alaska and Hawaii shall be deemed contiguous to each other; to any and all of the states of California, Oregon and Washington; and to Guam. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states, or any other state contiguous to at least one party state upon similar action by such state. Guam may become party to this compact by taking action similar to that provided for joinder by any other eligible party state and upon the consent of Congress to such joinder. For the purposes of this article, Guam shall be deemed contiguous to Alaska, Hawaii, California, Oregon and Washington.

ARTICLE VIII—Withdrawal and Termination

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until two years after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

ARTICLE IX—Other Arrangements Unaffected

Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a non-party state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

ARTICLE X—Construction and Severability

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Sec. 70. Section 1, chapter 172, Laws of 1967 and RCW 74.15.010 are each amended to read as follows:

The purpose of chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031 is:

(1) To safeguard the well-being of children, expectant mothers and ~~((adult retarded))~~ developmentally disabled persons receiving care away from their own homes;

(2) To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care;

(3) To promote the development of a sufficient number and variety of adequate child-care and maternity-care facilities, both public and private, through the cooperative efforts of public and voluntary agencies and related groups.

(4) To provide consultation to agencies caring for children, expectant mothers or ~~((adult retarded))~~ developmentally disabled persons in order to help them to improve their methods of and facilities for care;

(5) To license agencies as defined in RCW 74.15.020 and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children, expectant mothers and ~~((adult retarded))~~ developmentally disabled persons.

Sec. 71. Section 2, chapter 172, Laws of 1967 and RCW 74.15.020 are each amended to read as follows:

For the purpose of chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Department" means the state department of ~~((public assistance))~~ social and health services;

(2) "~~((Director))~~ Secretary" means the ~~((director))~~ secretary of the state department of ~~((public assistance))~~ social and health services;

(3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers or (~~(adult-retarded)~~) developmentally disabled persons for control, care or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers or (~~(adult-retarded)~~) developmentally disabled persons for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or (~~(adult-retarded)~~) developmentally disabled persons for services rendered:

(a) "Group-care facility" means an agency which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(d) "Day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours; and

(e) "Foster-family home" means an agency which regularly provides care during any part of the twenty-four hour day to one or more children, expectant mothers or (~~(adult-retarded)~~) developmentally disabled persons in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or (~~(adult-retarded)~~) developmentally disabled person is placed.

"Agency" shall not include the following:

(a) Persons related by blood or marriage to the child, expectant mother or (~~(adult-retarded)~~) developmentally disabled persons in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin;

(b) Persons who are legal guardians of the child, expectant mother or (~~(adult-retarded)~~) developmentally disabled persons;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in such activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children, or persons who have the care of an exchange student in their own home;

(d) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(e) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(f) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(j) Facilities approved and certified under RCW 72.33.810;

(k) Any agency having been in operation in this state ten years prior to June 8, 1967 and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund.

(4) "Requirement" means any rule, regulation or standard of care to be maintained by an agency.

Sec. 72. Section 3, chapter 172, Laws of 1967 and RCW 74.15.030 are each amended to read as follows:

The director shall have the power and it shall be his duty:

(1) In consultation with the child welfare and day care advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the child welfare and day care advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or (~~adult retarded~~) developmentally disabled persons;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or (~~adult retarded~~) developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served.

(3) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(4) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031 and to require regular reports from each licensee;

(5) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031 and the requirements adopted hereunder;

(6) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the child welfare and day care advisory committee; and

(7) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and (~~adult retarded~~) developmentally disabled persons.

Sec. 73. Section 9, chapter 172, Laws of 1967 and RCW 74.15.090 are each amended to read as follows:

It shall hereafter be unlawful for any agency to receive children, expectant mothers or (~~adult retarded~~) developmentally disabled persons for supervision or care, or arrange for the placement of such persons, unless such agency is licensed as provided in chapter 74.15 RCW, RCW 74.32.040 through 74.32.055 and 74.13.031.

Sec. 74. Section 11, chapter 115, Laws of 1895 as amended by section 57, chapter 292, Laws of 1971 ex. sess. and RCW 85.06.110 are each amended to read as follows:

A summons stating briefly the objects of the petition and containing a description of the land, real estate, premises or property sought to be appropriated, and those which it is claimed to be benefited by such improvement, and stating the court wherein said petition is filed, the date of the filing thereof and when the defendants are required to appear (which shall be ten days, exclusive of the day of service, if served within the county in which the petition is pending, and if in any other county, then twenty days after such service, and if served by publication, then within thirty days from the date of the first publication), shall be served on each and every person named therein as owner, encumbrancer, tenant or otherwise interested therein. Said summons must be subscribed by the commissioners, or their attorney, running in the name of the state of Washington and directed to the defendants; and service thereof shall be made by delivering a copy of such summons to each of the persons or parties so named therein, if a resident of the state, or in case of the absence of such person or party from his or her usual place of abode, by leaving a copy of such notice at his or her usual place of abode, or in case of a foreign corporation, at its principal place of business in this state with some person of more than sixteen years of age; in case of domestic corporations, said service shall be made upon the president, secretary or other director or trustee of such corporation; in case of persons under eighteen years of age, on their guardians; or in case no guardian shall have been appointed, then on the person who has the care and custody of such person; in the case of (~~idiots, lunatics or insane~~) mentally ill or mentally incompetent persons, on their guardian or limited guardian; or in case no guardian or limited guardian shall have been appointed, then on (~~the~~) such person and on the person in whose care or charge (~~they are~~) such person is found. In case the land, real estate, premises or other property sought to be appropriated,

or which it is claimed will be benefited by such improvement, is state, tide, school or county land, the summons shall be served on the auditor of the county in which the land, real estate, premises or other property sought to be appropriated, or which it is claimed will be benefited, is situated. In all cases where the owner or person claiming an interest in such real or other property is a nonresident of this state, or where the residence of such owner or person is unknown, and an affidavit of one or more of the commissioners of said district shall be filed that such owner or person is a nonresident of this state, or that after diligent inquiry his residence is unknown or cannot be ascertained by such deponent, service may be made by publication thereof in a newspaper published in the county where such lands are situated, once a week for three successive weeks; and in case no newspaper is published in such county, then such publication may be had in a newspaper published in the county nearest to the county in which lies the land sought to be appropriated, or which it is claimed will be benefited by said improvement. Such publication shall be deemed service upon each nonresident person or persons whose residence is unknown. Such summons may be served by any competent person eighteen years of age or over. Due proof of service of such summons by affidavit or publication shall be filed with the clerk of such court before the court shall proceed to hear the matter. Want of service of such notice shall render the subsequent proceedings void as to the person not served; but all persons or parties having been served with summons as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings. In all cases not otherwise provided for service of notice, order and other papers in the proceedings authorized by this chapter may be made as the superior court, or the judge thereof, may direct: PROVIDED, That personal service upon any party outside of the state shall be of like effect as service by publication.

Sec. 75. Section 18, chapter 117, Laws of 1917 and RCW 90.03.150 are each amended to read as follows:

Whenever any defendant in any proceeding instituted under this chapter is an infant, ~~((insane or incompetent person, the court shall, on application of any party thereto, appoint a guardian ad litem for such person as in civil actions. If such infant, insane or incompetent person has a general guardian, such general guardian shall be appointed guardian ad litem))~~ or an alleged incompetent or disabled person for whom the court has not yet appointed either a guardian or a limited guardian, the court shall appoint a guardian ad litem for such minor or alleged incompetent or disabled defendant.

NEW SECTION. Sec. 76. 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 Senate May 4, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977, with the exception of sections 17, 18, 19 and 20 which are vetoed.

Filed in Office of Secretary of State May 24, 1977.

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

"I am returning herewith, without my approval as to several sections, Substitute Senate Bill No. 2872 entitled:

"AN ACT Relating to social and health services."

In making much needed revisions in the law to eliminate language offensive to certain of our citizens, the legislature has inadvertently made substantial changes in the law relating to marriage by repealing, in sections 17, 18, 19 and 20 of this bill, the basic prohibitions to be set forth by affidavit of persons desiring to marry. These alterations go far beyond the intent of this bill and should be given close attention by the legislature at some future date.

For the foregoing reasons, I have determined to veto sections 17, 18, 19, and 20. With the exception of those sections, I have approved the remainder of Substitute Senate Bill No. 2872."

CHAPTER 81

[Senate Bill No. 2014]

INDIANS

AN ACT Relating to Indians; amending section 95, page 117, Laws of 1854 as last amended by section 1069, Code of 1881 and RCW 10.52.020; amending section 1, chapter 177, Laws of 1903 and RCW 27.28.010; amending section 1, chapter 187, Laws of 1925 ex. sess. as amended by section 1, chapter 35, Laws of 1973 and RCW 27.32.010; repealing section 29.85.150, chapter 9, Laws of 1965 and RCW 29.85.150; and repealing section 2, page 500, Laws of 1890 and RCW 64.20.020.

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

Section 1. Section 95, page 117, Laws of 1854 as last amended by section 1069, Code of 1881 and RCW 10.52.020 are each amended to read as follows:

Witnesses competent to testify in civil cases shall be competent in criminal prosecutions, but regular physicians or surgeons, clergymen or priests, shall be protected from testifying as to confessions, or information received from any defendant, by virtue of their profession and character(~~(; Indians shall be competent witnesses as hereinbefore provided, or in any prosecutions in which an Indian may be a defendant)~~)).

Sec. 2. Section 1, chapter 177, Laws of 1903 and RCW 27.28.010 are each amended to read as follows:

The Washington state historical society, a corporation existing under the laws of the state of Washington, be and the same is hereby created the trustee of the state for the intent and purposes hereinafter mentioned, viz.:

It shall be the duty of the said society

(1) To collect books, maps, charts, papers, and materials illustrative of the history of this state, and of its progress and development.

(2) To procure from pioneers authentic narrative of their experiences and of incidents relating to the early settlement of this state.

(3) To gather data and information concerning the origin, history, language, and customs of ((our)) native Indian tribes.

(4) To procure and purchase books, papers and pamphlets for the several departments of its collections; climatic, health and mortuary statistics, and such other books, maps, charts, papers and materials as will facilitate the investigation of the historical, scientific and literary subjects.

(5) To bind, shelf, store and safely keep the unbound books, documents, manuscripts, pamphlets and newspaper files now or hereafter to come into its possession.

(6) To catalogue the collections of said society for the convenient reference of persons having occasion to consult same.