

personal property contracts, or security agreements and financing statements under the uniform commercial code(~~(, or land contracts; and which has issued or proposes to issue notes, debentures and other obligations for money used or to be used as capital of the issuer)~~). The term "debenture company" does not include an issuer by reason of any of its securities which are exempt from registration under RCW 21.20.310 or offered or sold in transactions exempt from registration under RCW 21.20.320 (1) or (8).

Passed the House February 22, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 141

[House Bill No. 847]

DEPARTMENT OF SOCIAL AND HEALTH SERVICES—STATUTORY DEVOLUTION

AN ACT Relating to state government; amending section 7, chapter 133, Laws of 1955 as last amended by section 46, chapter 81, Laws of 1971 and RCW 9.95.060; amending section 13, chapter 133, Laws of 1955 as last amended by section 2, chapter 98, Laws of 1969 and RCW 9.95.120; amending section 3, chapter 98, Laws of 1969 and RCW 9.95.121; amending section 6, chapter 98, Laws of 1969 and RCW 9.95.124; amending section 3, chapter 114, Laws of 1935 as amended by section 13, chapter 134, Laws of 1967 and RCW 9.95.170; amending section 3, chapter 227, Laws of 1957 as amended by section 15, chapter 134, Laws of 1967 and RCW 9.95.200; amending section 4, chapter 227, Laws of 1957 as last amended by section 1, chapter 29, Laws of 1969 and RCW 9.95.210; amending section 8, chapter 227, Laws of 1957 as amended by section 17, chapter 134, Laws of 1967 and RCW 9.95.250; amending section 7, chapter 114, Laws of 1935 as amended by section 14, chapter 134, Laws of 1967 and RCW 9.95.260; amending section 11.08.101, chapter 145, Laws of 1965 and RCW 11.08.101; amending section 11.08.120, chapter 145, Laws of 1965 and RCW 11.08.120; amending section 2, chapter 175, Laws of 1967 and RCW 11.66.010; amending section 2, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.020; amending section 3, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.030; amending section 4, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.040; amending section 6, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.060; amending section 1, chapter 331, Laws of 1959 and RCW 13.07.010; amending section 4, chapter 331, Laws of 1959 as amended by section 2, chapter 137, Laws of 1965 ex. sess. and RCW 13.07.030; amending section 7, chapter 331, Laws of 1959 and RCW 13.07.050; amending section 8, chapter 331, Laws of 1959 and RCW 13.07.060; amending section 15.36.130, chapter 11, Laws of 1961 and RCW 15.36.130; amending section 15.36.425, chapter 11, Laws of 1961 and RCW 15.36.425; amending section 15.36.550, chapter 11, Laws of 1961 and RCW 15.36.550; amending section 15.36.560, chapter 11, Laws of 1961 and RCW 15.36.560; amending section 2, chapter 253, Laws of 1957 and RCW 18.20.020; amending section 10, chapter 253, Laws of 1957 and RCW 18.20.100; amending section 1, chapter 183, Laws of 1951 and RCW 18.45.010; amending section 2, chapter 183, Laws of 1951 and RCW 18.45.020; amending section 46, chapter 183, Laws of 1951 and RCW 18.45.440; amending section 47, chapter 183, Laws of 1951 and RCW 18.45.450; amending section 49, chapter 183, Laws of 1951 and RCW 18.45.470; amending section 2, chapter 168, Laws of 1951 and RCW 18.46.010; amending section 45, chapter 139, Laws of 1959 and RCW 20.01.450; amending section 1, chapter 279, Laws of 1969 ex. sess. and RCW 26.04.165; amending section 6, chapter 272, Laws of 1955 and RCW 26.40.060; amending section 28A.47.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.090; amending section 28A.47.690, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.690; amending section 28A.47.744, chapter 223, Laws of 1969 ex. sess. and RCW

28A.47.744; amending section 8, chapter 244, Laws of 1969 ex. sess. as amended by section 5, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.807; amending section 35.88-.080, chapter 7, Laws of 1965 and RCW 35.88.080; amending section 35.88.090, chapter 7, Laws of 1965 and RCW 35.88.090; amending section 35A.70.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.70.070; amending section 36.39.040, chapter 4, Laws of 1963 and RCW 36.39.040; amending section 36.62.240, chapter 4, Laws of 1963 and RCW 36.62.240; amending section 43.19.450, chapter 8, Laws of 1965 and RCW 43.19-.450; amending section 43.20.010, chapter 8, Laws of 1965 as amended by section 1, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.010; amending section 2, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.015; amending section 43.20.040, chapter 8, Laws of 1965 as amended by section 8, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.040; amending section 43.20.050, chapter 8, Laws of 1965 as amended by section 9, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.050; amending section 43.20.060, chapter 8, Laws of 1965 as amended by section 10, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.060; amending section 43.20.070, chapter 8, Laws of 1965 as amended by section 1, chapter 26, Laws of 1967 and RCW 43.20.070; amending section 43.20.130, chapter 8, Laws of 1965 and RCW 43.20.130; amending section 3, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.150; amending section 4, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.160; amending section 5, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.170; amending section 6, chapter 102, Laws of 1967 ex. sess. and RCW 43-.20.180; amending section 7, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.190; amending section 43.20.140, chapter 8, Laws of 1965 and RCW 43.20.140; amending section 14, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.210; amending section 1, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.010; amending section 2, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.020; amending section 3, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.030; amending section 5, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.050; amending section 6, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.060; amending section 42, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.310; amending section 66, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A-.550; amending section 14, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.140; amending section 17, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.170; amending section 1, chapter 111, Laws of 1963 as amended by section 3, chapter 135, Laws of 1967 ex. sess. and RCW 57.08.065; amending section 1, chapter 144, Laws of 1955 and RCW 69.30.010; amending section 8, chapter 144, Laws of 1955 and RCW 69.30.080; amending section 9, chapter 144, Laws of 1955 and RCW 69.30.090; amending section 10, chapter 144, Laws of 1955 and RCW 69.30.100; amending section 11, chapter 144, Laws of 1955 and RCW 69.30.110; amending section 2, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.051; amending section 3, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.053; amending section 4, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.054; amending section 5, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.055; amending section 10, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.060; amending section 12, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.070; amending section 13, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.080; amending section 14, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.090; amending section 15, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.100; amending section 18, chapter 51, Laws of 1967 ex. sess. and RCW 70-.05.130; amending section 8, chapter 46, Laws of 1949 and RCW 70.08.050; amending section 2, chapter 191, Laws of 1939 and RCW 70.12.015; amending section 5, chapter 190, Laws of 1943 and RCW 70.12.070; amending section 2, chapter 283, Laws of 1961 and RCW 70.22.020; amending section 3, chapter 283, Laws of 1961 and RCW 70.22-.030; amending section 4, chapter 283, Laws of 1961 and RCW 70.22.040; amending section 5, chapter 283, Laws of 1961 and RCW 70.22.050; amending section 6, chapter 283, Laws of 1961 and RCW 70.22.060; amending section 2, chapter 114, Laws of 1919 and RCW 70.24.020; amending section 7, chapter 114, Laws of 1919 and RCW 70.24.060; amending section 2, chapter 165, Laws of 1939 and RCW 70.24.100; amending section 2, chapter 197, Laws of 1949 as amended by section 2, chapter 252, Laws of 1959 and RCW 70.40.020; amending section 3, chapter 197, Laws of 1949 as amended by section 3, chapter 252, Laws of 1959 and RCW 70.40.030; amending section 4, chapter 197, Laws of 1949 as last amended by section 83, chapter 75, Laws of 1977 and RCW 70.40.040; amending section 6, chapter 197, Laws of 1949 as amended by section 6, chapter 252, Laws of 1959 and RCW 70.40.060; amending section 8, chapter 197, Laws of 1949 and RCW 70.40.080; amending section 9, chapter 197, Laws of 1949 as amended by section 8,

chapter 252, Laws of 1959 and RCW 70.40.090; amending section 10, chapter 197, Laws of 1949 as amended by section 9, chapter 252, Laws of 1959 and RCW 70.40.110; amending section 12, chapter 197, Laws of 1949 as amended by section 10, chapter 252, Laws of 1959 and RCW 70.40.120; amending section 13, chapter 197, Laws of 1949 and RCW 70.40.130; amending section 14, chapter 197, Laws of 1949 and RCW 70.40.140; amending section 1, chapter 267, Laws of 1955 and RCW 70.41.010; amending section 8, chapter 264, Laws of 1945 and RCW 70.44.100; amending section 1, chapter 23, Laws of 1945 and RCW 70.50.010; amending section 3, chapter 208, Laws of 1909 and RCW 70.54.040; amending section 2, chapter 177, Laws of 1959 and RCW 70.58.310; amending section 3, chapter 177, Laws of 1959 and RCW 70.58.320; amending section 5, chapter 177, Laws of 1959 and RCW 70.58.340; amending section 3, chapter 82, Laws of 1967 and RCW 70.83.030; amending section 4, chapter 82, Laws of 1967 and RCW 70.83.040; amending section 1, chapter 57, Laws of 1957 and RCW 70.90.010; amending section 2, chapter 57, Laws of 1957 and RCW 70.90.020; amending section 3, chapter 57, Laws of 1957 and RCW 70.90.030; amending section 4, chapter 57, Laws of 1957 and RCW 70.90.040; amending section 3, chapter 232, Laws of 1957 as last amended by section 2, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.030; amending section 4, chapter 238, Laws of 1967 and RCW 70.94.053; amending section 20, chapter 232, Laws of 1957 as amended by section 32, chapter 238, Laws of 1967 and RCW 70.94.200; amending section 6, chapter 188, Laws of 1961 as amended by section 45, chapter 238, Laws of 1967 and RCW 70.94.350; amending section 8, chapter 188, Laws of 1961 as amended by section 59, chapter 238, Laws of 1967 and RCW 70.94.370; amending section 1, chapter 143, Laws of 1965 ex. sess. and RCW 70.96.085; amending section 3, chapter 207, Laws of 1961 as amended by section 2, chapter 88, Laws of 1965 and RCW 70.98.030; amending section 5, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.412; amending section 7, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.414; amending section 9, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.416; amending section 71.06.060, chapter 25, Laws of 1959 as amended by section 2, chapter 104, Laws of 1967 and RCW 71.06.060; amending section 3, chapter 104, Laws of 1967 and RCW 71.06.091; amending section 71.06.140, chapter 25, Laws of 1959 as amended by section 6, chapter 104, Laws of 1967 and RCW 71.06.140; amending section 71.06.260, chapter 25, Laws of 1959 and RCW 71.06.260; amending section 71.12.460, chapter 25, Laws of 1959 and RCW 71.12.460; amending section 71.12.480, chapter 25, Laws of 1959 and RCW 71.12.480; amending section 1, chapter 224, Laws of 1959 and RCW 71.12.485; amending section 71.12.500, chapter 25, Laws of 1959 and RCW 71.12.500; amending section 71.12.520, chapter 25, Laws of 1959 and RCW 71.12.520; amending section 71.12.530, chapter 25, Laws of 1959 and RCW 71.12.530; amending section 71.12.540, chapter 25, Laws of 1959 and RCW 71.12.540; amending section 71.12.640, chapter 25, Laws of 1959 and RCW 71.12.640; amending section 1, chapter 61, Laws of 1969 and RCW 71.24.165; amending section 72.01.010, chapter 28, Laws of 1959 as amended by section 56, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.010; amending section 1, chapter 169, Laws of 1953 as amended by section 60, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.042; amending section 2, chapter 169, Laws of 1953 as amended by section 61, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.043; amending section 72.01.050, chapter 28, Laws of 1959 as amended by section 1, chapter 31, Laws of 1977 and RCW 72.01.050; amending section 72.01.060, chapter 28, Laws of 1959 and RCW 72.01.060; amending section 72.01.100, chapter 28, Laws of 1959 and RCW 72.01.100; amending section 72.01.120, chapter 28, Laws of 1959 and RCW 72.01.120; amending section 72.01.140, chapter 28, Laws of 1959 and RCW 72.01.140; amending section 72.01.150, chapter 28, Laws of 1959 and RCW 72.01.150; amending section 72.01.160, chapter 28, Laws of 1959 and RCW 72.01.160; amending section 72.01.180, chapter 28, Laws of 1959 as last amended by section 166, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 72.01.180; amending section 72.01.190, chapter 28, Laws of 1959 and RCW 72.01.190; amending section 72.01.210, chapter 28, Laws of 1959 as last amended by section 1, chapter 58, Laws of 1967 and RCW 72.01.210; amending section 72.01.240, chapter 28, Laws of 1959 and RCW 72.01.240; amending section 72.01.260, chapter 28, Laws of 1959 and RCW 72.01.260; amending section 72.01.270, chapter 28, Laws of 1959 and RCW 72.01.270; amending section 72.01.280, chapter 28, Laws of 1959 as last amended by section 3, chapter 39, Laws of 1959 and RCW 72.01.280; amending section 1, chapter 210, Laws of 1959 and RCW 72.01.282; amending section 72.01.290, chapter 28, Laws of 1959 and RCW 72.01.290; amending

section 72.01.300, chapter 28, Laws of 1959 and RCW 72.01.300; amending section 72.01.310, chapter 28, Laws of 1959 and RCW 72.01.310; amending section 72.01.320, chapter 28, Laws of 1959 as last amended by section 84, chapter 75, Laws of 1977 and RCW 72.01.320; amending section 1, chapter 40, Laws of 1959 and RCW 72.01.370; amending section 2, chapter 40, Laws of 1959 and RCW 72.01.380; amending section 1, chapter 140, Laws of 1959 and RCW 72.01.410; amending section 1, chapter 193, Laws of 1961 as amended by section 1, chapter 23, Laws of 1967 and RCW 72.01.430; amending section 1, chapter 46, Laws of 1967 as amended by section 2, chapter 50, Laws of 1970 ex. sess. and RCW 72.01.450; amending section 3, chapter 50, Laws of 1970 ex. sess. and RCW 72.01.452; amending section 5, chapter 50, Laws of 1970 ex. sess. and RCW 72.01.454; amending section 2, chapter 46, Laws of 1969 ex. sess. and RCW 72.01.460; amending section 1, chapter 50, Laws of 1970 ex. sess. and RCW 72.01.480; amending section 7, chapter 134, Laws of 1967 and RCW 72.04A.050; amending section 9, chapter 134, Laws of 1967 and RCW 72.04A.070; amending section 10, chapter 134, Laws of 1967 and RCW 72.04A.080; amending section 11, chapter 134, Laws of 1967 as amended by section 1, chapter 98, Laws of 1969 and RCW 72.04A.090; amending section 72.05.010, chapter 28, Laws of 1959 and RCW 72.05.010; amending section 72.05.020, chapter 28, Laws of 1959 as amended by section 58, chapter 18, Laws of 1970 ex. sess. and RCW 72.05.020; amending section 72.05.130, chapter 28, Laws of 1959 and RCW 72.05.130; amending section 72.05.140, chapter 28, Laws of 1959 and RCW 72.05.140; amending section 72.05.150, chapter 28, Laws of 1959 and RCW 72.05.150; amending section 72.05.160, chapter 28, Laws of 1959 and RCW 72.05.160; amending section 72.05.300, chapter 28, Laws of 1959 and RCW 72.05.300; amending section 72.05.310, chapter 28, Laws of 1959 and RCW 72.05.310; amending section 72.06.060, chapter 28, Laws of 1959 as last amended by section 47, chapter 80, Laws of 1977 ex. sess. and RCW 72.06.060; amending section 72.08.020, chapter 28, Laws of 1959 and RCW 72.08.020; amending section 72.08.045, chapter 28, Laws of 1959 and RCW 72.08.045; amending section 3, chapter 9, Laws of 1965 ex. sess. and RCW 72.08.101; amending section 4, chapter 9, Laws of 1965 ex. sess. and RCW 72.08.102; amending section 72.08.120, chapter 28, Laws of 1959 and RCW 72.08.120; amending section 72.08.130, chapter 28, Laws of 1959 and RCW 72.08.130; amending section 72.08.380, chapter 28, Laws of 1959 and RCW 72.08.380; amending section 72.12.020, chapter 28, Laws of 1959 and RCW 72.12.020; amending section 72.12.050, chapter 28, Laws of 1959 as amended by section 1, chapter 251, Laws of 1959 and RCW 72.12.050; amending section 72.12.070, chapter 28, Laws of 1959 and RCW 72.12.070; amending section 72.12.090, chapter 28, Laws of 1959 and RCW 72.12.090; amending section 72.12.100, chapter 28, Laws of 1959 and RCW 72.12.100; amending section 72.12.140, chapter 28, Laws of 1959 and RCW 72.12.140; amending section 1, chapter 214, Laws of 1959 and RCW 72.13.010; amending section 4, chapter 214, Laws of 1959 and RCW 72.13.040; amending section 5, chapter 214, Laws of 1959 and RCW 72.13.050; amending section 6, chapter 214, Laws of 1959 and RCW 72.13.060; amending section 7, chapter 214, Laws of 1959 and RCW 72.13.070; amending section 8, chapter 214, Laws of 1959 and RCW 72.13.080; amending section 10, chapter 214, Laws of 1959 and RCW 72.13.100; amending section 12, chapter 214, Laws of 1959 and RCW 72.13.120; amending section 14, chapter 214, Laws of 1959 and RCW 72.13.140; amending section 15, chapter 214, Laws of 1959 and RCW 72.13.150; amending section 16, chapter 214, Laws of 1959 and RCW 72.13.160; amending section 17, chapter 214, Laws of 1959 and RCW 72.13.170; amending section 1, chapter 122, Laws of 1967 ex. sess. and RCW 72.15.010; amending section 4, chapter 122, Laws of 1967 ex. sess. and RCW 72.15.020; amending section 5, chapter 122, Laws of 1967 ex. sess. and RCW 72.15.030; amending section 7, chapter 122, Laws of 1967 ex. sess. and RCW 72.15.050; amending section 9, chapter 122, Laws of 1967 ex. sess. and RCW 72.15.070; amending section 1, chapter 277, Laws of 1959 and RCW 72.18.010; amending section 4, chapter 277, Laws of 1959 and RCW 72.18.040; amending section 5, chapter 277, Laws of 1959 and RCW 72.18.050; amending section 6, chapter 277, Laws of 1959 and RCW 72.18.060; amending section 7, chapter 277, Laws of 1959 and RCW 72.18.070; amending section 8, chapter 277, Laws of 1959 and RCW 72.18.080; amending section 1, chapter 183, Laws of 1961 as amended by section 1, chapter 165, Laws of 1963 and RCW 72.19.010; amending section 4, chapter 183, Laws of 1961 and RCW 72.19.020; amending section 3, chapter 165, Laws of 1963 and RCW 72.19.030; amending section 4, chapter 165, Laws of 1963 and RCW 72.19.040; amending section 5, chapter 165, Laws of 1963 and RCW 72.19.050; amending section 7, chapter 165, Laws of 1963 and RCW 72.19.060; amending

section 72.20.020, chapter 28, Laws of 1959 as amended by section 1, chapter 39, Laws of 1959 and RCW 72.20.020; amending section 72.20.040, chapter 28, Laws of 1959 as amended by section 2, chapter 39, Laws of 1959 and RCW 72.20.040; amending section 72.20.060, chapter 28, Laws of 1959 and RCW 72.20.060; amending section 72.20.080, chapter 28, Laws of 1959 and RCW 72.20.080; amending section 72.20.090, chapter 28, Laws of 1959 and RCW 72.20.090; amending section 2, chapter 26, Laws of 1965 ex. sess. and RCW 72.27.020; amending section 7, chapter 26, Laws of 1965 ex. sess. and RCW 72.27.070; amending section 4, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.040; amending section 5, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.050; amending section 1, chapter 141, Laws of 1967 and RCW 72.33.650; amending section 3, chapter 141, Laws of 1967 and RCW 72.33.660; amending section 5, chapter 141, Laws of 1967 as amended by section 1, chapter 75, Laws of 1970 ex. sess. and RCW 72.33.670; amending section 7, chapter 141, Laws of 1967 and RCW 72.33.680; amending section 8, chapter 141, Laws of 1967 and RCW 72.33.685; amending section 9, chapter 141, Laws of 1967 and RCW 72.33.690; amending section 12, chapter 141, Laws of 1967 and RCW 72.33.700; amending section 1, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.830; amending section 2, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.840; amending section 3, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.850; amending section 72.40.020, chapter 28, Laws of 1959 and RCW 72.40.020; amending section 6, chapter 50, Laws of 1970 ex. sess. and RCW 72.40.031; amending section 72.40.050, chapter 28, Laws of 1959 and RCW 72.40.050; amending section 72.40.070, chapter 28, Laws of 1959 as last amended by section 152, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.070; amending section 72.56.010, chapter 28, Laws of 1959 and RCW 72.56.010; amending section 72.56.040, chapter 28, Laws of 1959 and RCW 72.56.040; amending section 72.56.050, chapter 28, Laws of 1959 and RCW 72.56.050; amending section 72.60.010, chapter 28, Laws of 1959 and RCW 72.60.010; amending section 72.60.020, chapter 28, Laws of 1959 and RCW 72.60.020; amending section 72.60.030, chapter 28, Laws of 1959 and RCW 72.60.030; amending section 72.60.040, chapter 28, Laws of 1959 and RCW 72.60.040; amending section 72.60.090, chapter 28, Laws of 1959 and RCW 72.60.090; amending section 72.60.130, chapter 28, Laws of 1959 and RCW 72.60.130; amending section 72.60.160, chapter 28, Laws of 1959 and RCW 72.60.160; amending section 72.60.200, chapter 28, Laws of 1959 and RCW 72.60.200; amending section 2, chapter 273, Laws of 1959 and RCW 72.60.250; amending section 1, chapter 273, Laws of 1959 and RCW 72.60.240; amending section 3, chapter 273, Laws of 1959 and RCW 72.60.260; amending section 72.64.010, chapter 28, Laws of 1959 and RCW 72.64.010; amending section 72.64.020, chapter 28, Laws of 1959 and RCW 72.64.020; amending section 72.64.030, chapter 28, Laws of 1959 as amended by section 1, chapter 171, Laws of 1961 and RCW 72.64.030; amending section 72.64.050, chapter 28, Laws of 1959 as amended by section 2, chapter 171, Laws of 1961 and RCW 72.64.050; amending section 72.64.060, chapter 28, Laws of 1959 as amended by section 3, chapter 171, Laws of 1961 and RCW 72.64.060; amending section 72.64.070, chapter 28, Laws of 1959 and RCW 72.64.070; amending section 72.64.080, chapter 28, Laws of 1959 and RCW 72.64.080; amending section 4, chapter 171, Laws of 1961 and RCW 72.64.100; amending section 5, chapter 171, Laws of 1961 and RCW 72.64.110; amending section 1, chapter 17, Laws of 1967 and RCW 72.65.010; amending section 2, chapter 17, Laws of 1967 and RCW 72.65.020; amending section 3, chapter 17, Laws of 1967 and RCW 72.65.030; amending section 4, chapter 17, Laws of 1967 and RCW 72.65.040; amending section 5, chapter 17, Laws of 1967 and RCW 72.65.050; amending section 8, chapter 17, Laws of 1967 as amended by section 1, chapter 109, Laws of 1969 and RCW 72.65.080; amending section 10, chapter 17, Laws of 1967 and RCW 72.65.100; amending section 11, chapter 17, Laws of 1967 and RCW 72.65.110; amending section 72.68.010, chapter 28, Laws of 1959 and RCW 72.68.010; amending section 72.68.020, chapter 28, Laws of 1959 and RCW 72.68.020; amending section 72.68.040, chapter 28, Laws of 1959 as last amended by section 1, chapter 60, Laws of 1967 and RCW 72.68.040; amending section 72.68.060, chapter 28, Laws of 1959 as last amended by section 3, chapter 60, Laws of 1967 and RCW 72.68.060; amending section 72.68.070, chapter 28, Laws of 1959 as last amended by section 4, chapter 60, Laws of 1967 and RCW 72.68.070; amending section 12, chapter 122, Laws of 1967 ex. sess. and RCW 72.68.075; amending section 72.68.090, chapter 28, Laws of 1959 and RCW 72.68.090; amending section 72.68.100, chapter 28, Laws of 1959 as amended by section 11, chapter 122, Laws of 1967 ex. sess. and RCW 72.68.100; amending section 2, chapter 287, Laws of 1959 and RCW 72.70.020; amending section 4,

chapter 287, Laws of 1959 and RCW 72.70.040; amending section 5, chapter 287, Laws of 1959 and RCW 72.70.050; amending section 6, chapter 287, Laws of 1959 and RCW 72.70.060; amending section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.005; amending section 74.04.011, chapter 26, Laws of 1959 as amended by section 4, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.011; amending section 74.04.015, chapter 26, Laws of 1959 as amended by section 2, chapter 228, laws of 1963 and RCW 74.04.015; amending section 74.04.017, chapter 26, Laws of 1959 and RCW 74.04.017; amending section 74.04.055, chapter 26, Laws of 1959 as amended by section 4, chapter 228, Laws of 1963 and RCW 74.04.055; amending section 74.04.070, chapter 26, Laws of 1959 and RCW 74.04.070; amending section 74.04.080, chapter 26, Laws of 1959 and RCW 74.04.080; amending section 74.04.120, chapter 26, Laws of 1959 and RCW 74.04.120; amending section 74.04.200, chapter 26, Laws of 1959 and RCW 74.04.200; amending section 74.04.265, chapter 26, Laws of 1959 as amended by section 1, chapter 35, Laws of 1965 ex. sess. and RCW 74.04.265; amending section 74.04.270, chapter 26, Laws of 1959 and RCW 74.04.270; amending section 74.04.290, chapter 26, Laws of 1959 as amended by section 2, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.290; amending section 74.04.300, chapter 26, Laws of 1959 as last amended by section 1, chapter 49, Laws of 1973 1st ex. sess. and RCW 74.04.300; amending section 1, chapter 91, Laws of 1965 ex. sess. and RCW 74.04.305; amending section 2, chapter 91, Laws of 1965 ex. sess. and RCW 74.04.306; amending section 74.04.310, chapter 26, Laws of 1959 and RCW 74.04.310; amending section 74.04.330, chapter 26, Laws of 1959 as amended by section 5, chapter 228, Laws of 1963 and RCW 74.04.330; amending section 74.04.340, chapter 26, Laws of 1959 and RCW 74.04.340; amending section 74.04.360, chapter 26, Laws of 1959 and RCW 74.04.360; amending section 1, chapter 112, Laws of 1961 as amended by section 1, chapter 219, Laws of 1963 and RCW 74.04.380; amending section 2, chapter 219, Laws of 1963 and RCW 74.04.385; amending section 2, chapter 269, Laws of 1961 as amended by section 6, chapter 228, Laws of 1963 and RCW 74.04.390; amending section 3, chapter 269, Laws of 1961 as amended by section 7, chapter 228, Laws of 1963 and RCW 74.04.400; amending section 4, chapter 269, Laws of 1961 as amended by section 8, chapter 228, Laws of 1963 and RCW 74.04.410; amending section 5, chapter 269, Laws of 1961 as amended by section 9, chapter 228, Laws of 1963 and RCW 74.04.420; amending section 6, chapter 269, Laws of 1961 as amended by section 10, chapter 228, Laws of 1963 and RCW 74.04.430; amending section 14, chapter 228, Laws of 1963 and RCW 74.04.470; amending section 15, chapter 228, Laws of 1963 and RCW 74.04.480; amending section 4, chapter 172, Laws of 1969 ex. sess. and RCW 74.04.500; amending section 74.08.055, chapter 26, Laws of 1959 and RCW 74.08.055; amending section 74.08.070, chapter 26, Laws of 1959 as amended by section 1, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.070; amending section 74.08.105, chapter 26, Laws of 1959 and RCW 74.08.105; amending section 74.08.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 259, Laws of 1969 ex. sess. and RCW 74.08.120; amending section 74.08.278, chapter 26, Laws of 1959 and RCW 74.08.278; amending section 74.08.280, chapter 26, Laws of 1959 and RCW 74.08.280; amending section 1, chapter 34, Laws of 1965 ex. sess. and RCW 74.08.331; amending section 74.08.335, chapter 26, Laws of 1959 and RCW 74.08.335; amending section 74.08.338, chapter 26, Laws of 1959 and RCW 74.08.338; amending section 17, chapter 228, Laws of 1963 as amended by section 7, chapter 173, Laws of 1969 ex. sess. and RCW 74.08.390; amending section 74.09.010, chapter 26, Laws of 1959 and RCW 74.09.010; amending section 74.09.030, chapter 26, Laws of 1959 and RCW 74.09.030; amending section 74.09.050, chapter 26, Laws of 1959 and RCW 74.09.050; amending section 74.09.070, chapter 26, Laws of 1959 and RCW 74.09.070; amending section 2, chapter 30, Laws of 1967 ex. sess. and RCW 74.09.075; amending section 74.09.080, chapter 26, Laws of 1959 and RCW 74.09.080; amending section 74.09.110, chapter 26, Laws of 1959 and RCW 74.09.110; amending section 74.09.170, chapter 26, Laws of 1959 and RCW 74.09.170; amending section 9, chapter 173, Laws of 1969 ex. sess. and RCW 74.09.182; amending section 74.09.190, chapter 26, Laws of 1959 and RCW 74.09.190; amending section 3, chapter 30, Laws of 1967 ex. sess. and RCW 74.09.500; amending section 5, chapter 30, Laws of 1967 ex. sess. as amended by section 11, chapter 173, Laws of 1969 ex. sess. and RCW 74.09.520; amending section 6, chapter 30, Laws of 1967 ex. sess. and RCW 74.09.530; amending section 74.10.010, chapter 26, Laws of 1959 and RCW 74.10.010; amending section 74.10.030, chapter 26, Laws of 1959 and RCW 74.10.030; amending section 74.10.070, chapter 26,

Laws of 1959 and RCW 74.10.070; amending section 1, chapter 60, Laws of 1967 ex. sess. and RCW 74.10.090; amending section 74.12.010, chapter 26, Laws of 1959 as last amended by section 1, chapter 31, Laws of 1973 2nd ex. sess. and RCW 74.12.010; amending section 22, chapter 228, Laws of 1963 and RCW 74.12.260; amending section 25, chapter 228, Laws of 1963 and RCW 74.12.290; amending section 26, chapter 228, Laws of 1963 and RCW 74.12.300; amending section 1, chapter 226, Laws of 1963 and RCW 74.12.350; amending section 3, chapter 172, Laws of 1967 as amended by section 72, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.030; amending section 4, chapter 172, Laws of 1967 and RCW 74.15.040; amending section 5, chapter 172, Laws of 1967 and RCW 74.15.050; amending section 7, chapter 172, Laws of 1967 and RCW 74.15.070; amending section 8, chapter 172, Laws of 1967 and RCW 74.15.080; amending section 10, chapter 172, Laws of 1967 and RCW 74.15.100; amending section 12, chapter 172, Laws of 1967 and RCW 74.15.120; amending section 13, chapter 172, Laws of 1967 and RCW 74.15.130; amending section 14, chapter 172, Laws of 1967 and RCW 74.15.140; amending section 2, chapter 322, Laws of 1959 as amended by section 1, chapter 206, Laws of 1963 and RCW 74.20.010; amending section 7, chapter 322, Laws of 1959 and RCW 74.20.060; amending section 17, chapter 322, Laws of 1959 as amended by section 5, chapter 206, Laws of 1963 and RCW 74.20.160; amending section 7, chapter 206, Laws of 1963 as last amended by section 112, chapter 154, Laws of 1973 1st ex. sess. and RCW 74.20.220; amending section 11, chapter 206, Laws of 1963 and RCW 74.20.260; amending section 12, chapter 206, Laws of 1963 and RCW 74.20.270; amending section 13, chapter 206, Laws of 1963 and RCW 74.20.280; amending section 3, chapter 164, Laws of 1971 ex. sess. as amended by section 4, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.030; amending section 2, chapter 14, Laws of 1969 and RCW 74.22.020; amending section 5, chapter 14, Laws of 1969 and RCW 74.22.050; amending section 7, chapter 14, Laws of 1969 and RCW 74.22.070; amending section 10, chapter 14, Laws of 1969 and RCW 74.22.100; amending section 11, chapter 14, Laws of 1969 and RCW 74.22.110; amending section 3, chapter 15, Laws of 1969 and RCW 74.23.020; amending section 5, chapter 15, Laws of 1969 and RCW 74.23.040; amending section 8, chapter 15, Laws of 1969 and RCW 74.23.070; amending section 12, chapter 15, Laws of 1969 and RCW 74.23.110; amending section 13, chapter 15, Laws of 1969 and RCW 74.23.120; amending section 75.12.130, chapter 12, Laws of 1955 as last amended by section 2, chapter 16, Laws of 1969 ex. sess. and RCW 75.12.130; amending section 5, chapter 221, Laws of 1963 and RCW 87.84.061; recodifying in chapter 43.20A RCW: RCW 43.20.010, 43.20.015, 43.20.040, 43.20.060, 43.20.070, 43.20.080, 43.20.090, 43.20.130, 43.20.150, 43.20.160, 43.20.170, 43.20.180, 43.20.190, 43.20.210; decodifying RCW 43.20.005, 43.20A.120, 43.20A.180, 43.20A.190, 43.20A.200, 43.20A.210, 43.20A.220, 43.20A.500, 43.20A.505, 43.20A.510, 43.20A.515, 43.20A.520, 43.20A.525, 43.20A.900, 43.20A.910, 43.20A.920, 72.01.005, 72.02.005, 72.04A.060, 72.04A.065, 72.04A.100, 72.04A.110, 72.05.045, 72.06.015, 72.13.020, 72.13.030, 72.18.020, 72.18.030, 72.56.010, 72.56.020, 72.56.030, 74.04.003, 74.04.013, 74.09.041, and 74.16.430; repealing section 43.20.120, chapter 8, Laws of 1965 and RCW 43.20.120; repealing section 1, chapter 75, Laws of 1965 and RCW 71.16.010; repealing section 2, chapter 75, Laws of 1965 and RCW 71.16.020; repealing section 3, chapter 75, Laws of 1965 and RCW 71.16.030; repealing section 4, chapter 75, Laws of 1965 and RCW 71.16.040; repealing section 72.01.170, chapter 28, Laws of 1959 and RCW 72.01.170; repealing section 74.09.040, chapter 26, Laws of 1959 and RCW 74.09.040; repealing section 74.09.060, chapter 26, Laws of 1959 and RCW 74.09.060; repealing section 74.09.130, chapter 26, Laws of 1959 and RCW 74.09.130; repealing section 74.09.170, chapter 26, Laws of 1959 and RCW 74.09.170; and declaring an emergency.

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

Section 1. Section 7, chapter 133, Laws of 1955 as last amended by section 46, chapter 81, Laws of 1971 and RCW 9.95.060 are each amended to read as follows:

When a convicted person appeals from his conviction and is at liberty on bond pending the determination of the appeal by the supreme court or the

court of appeals, credit on his sentence will begin from the date such convicted person is returned to custody. The date of return to custody shall be certified to the department of ((institutions)) social and health services, the Washington state board of prison terms and paroles, and the prosecuting attorney of the county in which such convicted person was convicted and sentenced, by the sheriff of such county. If such convicted person does not appeal from his conviction, but is at liberty for a period of time subsequent to the signing of the judgment and sentence, or becomes a fugitive, credit on his sentence will begin from the date such convicted person is returned to custody. The date of return to custody shall be certified as provided in this section. In all other cases, credit on a sentence will begin from the date the judgment and sentence is signed by the court.

Sec. 2. Section 13, chapter 133, Laws of 1955 as last amended by section 2, chapter 98, Laws of 1969 and RCW 9.95.120 are each amended to read as follows:

Whenever the board of prison terms and paroles or a probation and parole officer of this state has reason to believe a convicted person has breached a condition of his parole or violated the law of any state where he may then be or the rules and regulations of the board of prison terms and paroles, any probation and parole officer of this state may arrest or cause the arrest and detention and suspension of parole of such convicted person pending a determination by the board whether the parole of such convicted person shall be revoked. All facts and circumstances surrounding the violation by such convicted person shall be reported to the board of prison terms and paroles by the probation and parole officer, with recommendations. The board of prison terms and paroles, after consultation with the ((director)) secretary of the department of ((institutions)) social and health services, shall make all rules and regulations concerning procedural matters, which shall include the time when state probation and parole officers shall file with the board reports required by this section, procedures pertaining thereto and the filing of such information as may be necessary to enable the board to perform its functions under this section. On the basis of the report by the probation and parole officer, or at any time upon its own discretion, the board may revise or modify the conditions of parole or order the suspension of parole by the issuance of a written order bearing its seal which order shall be sufficient warrant for all peace officers to take into custody any convicted person who may be on parole and retain such person in their custody until arrangements can be made by the board of prison terms and paroles for his return to a state correctional institution for convicted felons. Any such revision or modification of the conditions of parole or the order suspending parole shall be personally served upon the parolee.

Any parolee arrested and detained in physical custody by the authority of a state probation and parole officer, or upon the written order of the board of prison terms and paroles, shall not be released from custody on

bail or personal recognizance, except upon approval of the board of prison terms and paroles and the issuance by the board of an order of reinstatement on parole on the same or modified conditions of parole.

All chiefs of police, marshals of cities and towns, sheriffs of counties, and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

Whenever a paroled prisoner is accused of a violation of his parole, other than the commission of, and conviction for, a felony or misdemeanor under the laws of this state or the laws of any state where he may then be, he shall be entitled to a fair and impartial hearing of such charges within thirty days from the time that he is served with charges of the violation of conditions of his parole after his arrest and detention. The hearing shall be held before one or more members of the parole board at a place or places, within this state, reasonably near the site of the alleged violation or violations of parole.

In the event that the board of prison terms and paroles suspends a parole by reason of an alleged parole violation or in the event that a parole is suspended pending the disposition of a new criminal charge, the board of prison terms and paroles shall have the power to nullify the order of suspension and reinstate the individual to parole under previous conditions or any new conditions that the board of prison terms and paroles may determine advisable. Before the board of prison terms and paroles shall nullify an order of suspension and reinstate a parole they shall have determined that the best interests of society and the individual shall best be served by such reinstatement rather than a return to a penal institution.

Sec. 3. Section 3, chapter 98, Laws of 1969 and RCW 9.95.121 are each amended to read as follows:

Within fifteen days from the date of notice to the (~~(division of probation and parole of the)~~) department of (~~(institutions)~~) social and health services of the arrest and detention of the alleged parole violator, he shall be personally served by a state probation and parole officer with a copy of the factual allegations of the violation of the conditions of parole, and, at the same time shall be advised of his right to an on-site parole revocation hearing and of his rights and privileges as provided in RCW 9.95.120 through 9.95.126. The alleged parole violator, after service of the allegations of violations of the conditions of parole and the advice of rights may waive the on-site parole revocation hearing as provided in RCW 9.95.120, and admit one or more of the alleged violations of the conditions of parole. If the board accepts the waiver it shall either, (1) reinstate the parolee on parole under the same or modified conditions, or (2) revoke the parole of the parolee and enter an order of parole revocation and return to state custody. A determination of a new minimum sentence shall be made within thirty days of return to state custody which shall not exceed the maximum

sentence as provided by law for the crime of which the parolee was originally convicted or the maximum fixed by the court.

If the waiver made by the parolee is rejected by the board it shall hold an on-site parole revocation hearing under the provisions of RCW 9.95.120 through 9.95.126.

Sec. 4. Section 6, chapter 98, Laws of 1969 and RCW 9.95.124 are each amended to read as follows:

At all on-site parole revocation hearings the probation and parole officers of the department of ((institutions)) social and health services, having made the allegations of the violations of the conditions of parole, may be represented by the attorney general. Only such persons as are reasonably necessary to the conducting of such hearings shall be permitted to be present: PROVIDED, That other persons may be admitted to such hearings at the discretion of the board and with the consent of the alleged parole violator. The hearings shall be recorded either manually or by a mechanical recording device. An alleged parole violator may be requested to testify and any such testimony shall not be used against him in any criminal prosecution. The board of prison terms and paroles shall adopt rules governing the formal and informal procedures authorized by this chapter and make rules of practice before the board in on-site parole revocation hearings, together with forms and instructions.

Sec. 5. Section 3, chapter 114, Laws of 1935 as amended by section 13, chapter 134, Laws of 1967 and RCW 9.95.170 are each amended to read as follows:

To assist it in fixing the duration of a convicted person's term of confinement, and in fixing the condition for release from custody on parole, it shall not only be the duty of the board of prison terms and paroles to thoroughly inform itself as to the facts of such convicted person's crime but also to inform itself as thoroughly as possible as to such convict as a personality. The department of ((institutions)) social and health services and the institutions under its control shall make available to the board of prison terms and paroles on request its case investigations, any file or other record, in order to assist the board in developing information for carrying out the purpose of this section.

Sec. 6. Section 3, chapter 227, Laws of 1957 as amended by section 15, chapter 134, Laws of 1967 and RCW 9.95.200 are each amended to read as follows:

After conviction by plea or verdict of guilty of any crime, the court upon application or its own motion, may summarily grant or deny probation, or at a subsequent time fixed may hear and determine, in the presence of the defendant, the matter of probation of the defendant, and the conditions of such probation, if granted. The court may, in its discretion, prior to the hearing on the granting of probation, refer the matter to the ((director of

~~institutions~~) secretary of social and health services or such officers as the ~~((director))~~ secretary may designate for investigation and report to the court at a specified time, upon the circumstances surrounding the crime and concerning the defendant, his prior record, and his family surroundings and environment.

Sec. 7. Section 4, chapter 227, Laws of 1957 as last amended by section 1, chapter 29, Laws of 1969 and RCW 9.95.210 are each amended to read as follows:

The court in granting probation, may suspend the imposing or the execution of the sentence and may direct that such suspension may continue for such period of time, not exceeding the maximum term of sentence, except as hereinafter set forth and upon such terms and conditions as it shall determine.

The court in the order granting probation and as a condition thereof, may in its discretion imprison the defendant in the county jail for a period not exceeding one year or may fine the defendant any sum not exceeding one thousand dollars plus the costs of the action, and may in connection with such probation impose both imprisonment in the county jail and fine and court costs. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question, and (3) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, and may require bonds for the faithful observance of any and all conditions imposed in the probation. The court shall order the probationer to report to the ~~((supervisor of the division of probation and parole of the department of institutions))~~ secretary of social and health services or such officer as the ~~((supervisor))~~ secretary may designate and as a condition of said probation to follow implicitly the instructions of the ~~((supervisor of probation and parole))~~ secretary. The ~~((supervisor of probation and parole with the approval of the director of institutions))~~ secretary of social and health services will promulgate rules and regulations for the conduct of such person during the term of his probation: PROVIDED, That for defendants found guilty in justice court, like functions as the ~~((supervisor of probation and parole))~~ secretary performs in regard to probation may be performed by probation officers employed for that purpose by the board of county commissioners of the county wherein the court is located.

Sec. 8. Section 8, chapter 227, Laws of 1957 as amended by section 17, chapter 134, Laws of 1967 and RCW 9.95.250 are each amended to read as follows:

In order to carry out the provisions of this chapter 9.95 RCW the parole officers working under the supervision of the (~~director of institutions~~) secretary of social and health services shall be known as probation and parole officers.

Sec. 9. Section 7, chapter 114, Laws of 1935 as amended by section 14, chapter 134, Laws of 1967 and RCW 9.95.260 are each amended to read as follows:

It shall be the duty of the board of prison terms and paroles, when requested by the governor, to pass on the representations made in support of applications for pardons for convicted persons and to make recommendations thereon to the governor.

It will be the duty of the (~~director of institutions through the division of probation and parole~~) secretary of social and health services to exercise supervision over such convicted persons as have been conditionally pardoned by the governor, to the end that such persons shall faithfully comply with the conditions of such pardons. The board of prison terms and paroles shall also pass on any representations made in support of applications for restoration of civil rights of convicted persons, and make recommendations to the governor. The department of (~~institutions and the division of probation and parole and the officers and employees thereof~~) social and health services shall prepare materials and make investigations requested by the board of prison terms and paroles in order to assist the board in passing on the representations made in support of applications for pardon or for the restoration of civil rights.

Sec. 10. Section 11.08.101, chapter 145, Laws of 1965 and RCW 11.08.101 are each amended to read as follows:

Where, upon the expiration of two years after the death of any inmate of any state institution, there remains in the custody of the superintendent of such institution, money or property belonging to said deceased inmate, the superintendent shall forward such money to the state treasurer for deposit in the general fund of the state, and shall report such transfer and any remaining property to the department of (~~institutions~~) social and health services, which department shall cause the sale of such property and proceeds thereof shall be forwarded to the state treasurer for deposit in the general fund.

Sec. 11. Section 11.08.120, chapter 145, Laws of 1965 and RCW 11.08.120 are each amended to read as follows:

The property, other than money, of such deceased inmate remaining in the custody of a superintendent of a state institution after the expiration of the above two-year period may be forwarded to the department of (~~institutions~~) social and health services at its request and may be appraised and sold at public auction to the highest bidder in the manner and form as provided for public sales of personal property, and all moneys realized upon

such sale, after deducting the expenses thereof, shall be paid into the general fund of the state treasury.

Sec. 12. Section 2, chapter 175, Laws of 1967 and RCW 11.66.010 are each amended to read as follows:

(1) If not less than thirty days after the death of an individual entitled at the time of death to a monthly benefit or benefits under Title II of the Social Security Act, all or part of the amount of such benefit or benefits, not in excess of one thousand dollars, is paid by the United States to (a) the surviving spouse, (b) one or more of the deceased's children, or descendants of his deceased children, (c) the ~~((director of the department of institutions))~~ secretary of social and health services if the decedent was a resident of a state institution at the date of death and liable for the cost of his care in an amount at least as large as the amount of such benefits, (d) the deceased's father or mother, or (e) the deceased's brother or sister, preference being given in the order named if more than one request for payment shall have been made by or for such individuals, such payment shall be deemed to be a payment to the legal representative of the decedent and shall constitute a full discharge and release from any further claim for such payment to the same extent as if such payment had been made to an executor or administrator of the decedent's estate.

(2) The provisions of subsection (1) hereof shall apply only if an affidavit has been made and filed with the United States Department of Health, Education, and Welfare by the surviving spouse or other relative by whom or on whose behalf request for payment is made and such affidavit shows (a) the date of death of the deceased, (b) the relationship of the affiant to the deceased, (c) that no executor or administrator for the deceased has qualified or been appointed, nor to the affiant's knowledge is administration of the deceased's estate contemplated, and (d) that, to the affiant's knowledge, there exists at the time of the filing of such affidavit, no relative of a closer degree of kindred to the deceased than the affiant: PROVIDED, That the affidavit filed by the ~~((director of the department of institutions))~~ secretary of social and health services shall meet the requirements of parts (a) and (c) of this subsection and, in addition, show that the decedent left no known surviving spouse or children and died while a resident of a state institution at the date of death and liable for the cost of his care in an amount at least as large as the amount of such benefits.

Sec. 13. Section 2, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.020 are each amended to read as follows:

From any state moneys made available for such purpose, the state of Washington, through the department of ~~((institutions))~~ social and health services, shall, in accordance with this chapter, share in the cost of supervising probationers who could otherwise be committed by the juvenile courts to the custody of the ~~((director of the department of institutions))~~ secretary

of social and health services, and who are granted probation and placed in "special supervision programs".

Sec. 14. Section 3, chapter 165, Laws of 1969 ex. sess. and RCW 13-06.030 are each amended to read as follows:

The department of ~~((institutions))~~ social and health services shall adopt rules prescribing minimum standards for the operation of "special supervision programs" and such other rules as may be necessary for the administration of the provisions of this chapter. A "special supervision program" is one embodying a degree of supervision substantially above the usual or the use of new techniques in addition to, or instead of, routine supervision techniques, and which meets the standards prescribed pursuant to this section. Such standards shall be sufficiently flexible to foster the development of new and improved supervision practices. The ~~((director of institutions))~~ secretary of social and health services shall seek advice from appropriate county officials in developing standards and procedures for the operation of "special supervision programs".

Sec. 15. Section 4, chapter 165, Laws of 1969 ex. sess. and RCW 13-06.040 are each amended to read as follows:

Any county may make application to the department of ~~((institutions))~~ social and health services in the manner and form prescribed by the department for financial aid for the cost of "special supervision programs". Any such application must include a plan or plans for providing special supervision of juveniles on probation and a method for certifying that moneys received are spent only for these "special supervision programs".

Sec. 16. Section 6, chapter 165, Laws of 1969 ex. sess. and RCW 13-06.060 are each amended to read as follows:

The ~~((director of institutions))~~ secretary of social and health services may make pro rata payments to eligible counties for periods of less than one year, but for periods of not less than six months, upon satisfactory demonstration of a reduction in commitments in accordance with the provisions of this chapter and the regulations of the department of ~~((institutions))~~ social and health services.

Sec. 17. Section 1, chapter 331, Laws of 1959 and RCW 13.07.010 are each amended to read as follows:

As used in RCW 13.07.010 through 13.07.060:

(1) ~~(("Director"))~~ "Secretary" means the ~~((director of the department of institutions))~~ secretary of social and health services;

(2) "County" means any county of the third class or lower classification;

(3) "Probation counselor" includes probation officers and persons performing similar duties relative to probation services.

Sec. 18. Section 4, chapter 331, Laws of 1959 as amended by section 2, chapter 137, Laws of 1965 ex. sess. and RCW 13.07.030 are each amended to read as follows:

State aid shall be granted by the ((~~director~~)) secretary in an amount he deems advisable for reimbursement of expenditures incurred by counties in employing the necessary probation counselors (1) to establish and maintain probation services in counties in which such services have not heretofore existed, and (2) to increase the number of probation counselors of any county and maintain such additional counselors: PROVIDED, That probation counselors so employed shall conform to the personnel standards and qualifications as provided in RCW 13.07.040 before such funds shall be available.

Sec. 19. Section 7, chapter 331, Laws of 1959 and RCW 13.07.050 are each amended to read as follows:

Applications from counties for state aid under this chapter shall be made prior to July 1st of each year by the presiding judge of the county or judicial district to the ((~~director~~)) secretary in conformity with rules and regulations prescribed by him. The application shall include (1) detailed plans and cost estimates covering probation services for the fiscal year, or portion thereof, for which aid is requested, (2) estimated clerical, maintenance, and operation costs, (3) educational qualifications and salaries of probation counselors, (4) designation of all items for which reimbursement is requested, and (5) such other information as the ((~~director~~)) secretary deems pertinent.

Upon approval by the ((~~director~~)) secretary the plan shall be adopted and the county declared eligible not later than August 1st of each year.

Sec. 20. Section 8, chapter 331, Laws of 1959 and RCW 13.07.060 are each amended to read as follows:

Each county approved as eligible for reimbursement under this chapter shall submit to the ((~~director~~)) secretary at the end of each quarterly period, in such form as required by the ((~~director~~)) secretary, a verified accounting of all expenditures made by the county in providing probation services. The accounting shall designate those items for which reimbursement is claimed and shall be presented together with a claim for reimbursement. The ((~~director~~)) secretary shall thereupon certify to the state treasurer the amount to be paid to such county and the state treasurer shall thereupon pay such amount to the county from the probation services account.

The ((~~director~~)) secretary may deny, or direct the state treasurer to withhold, payment of state aid to any county if such county (1) fails to conform to the minimum educational qualifications for probation counselors provided for in this chapter, or (2) discontinues an approved plan, or (3) fails to enforce in a satisfactory manner any rules promulgated pursuant to this chapter or any law now in effect or hereafter enacted which relate in any manner to the administration of probation services.

Sec. 21. Section 15.36.130, chapter 11, Laws of 1961 and RCW 15.36-.130 are each amended to read as follows:

Certified milk—raw is raw milk which conforms with requirements of the American association of medical milk commissions in force at the time of production and is produced under the supervision of a medical milk commission reporting monthly to the director and the state department of ~~((health))~~ social and health services.

Sec. 22. Section 15.36.425, chapter 11, Laws of 1961 and RCW 15.36-.425 are each amended to read as follows:

The health officer or a physician authorized by him shall examine and take careful morbidity history of every person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state department of social and health services for such examinations, and if the results justify such persons shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

Sec. 23. Section 15.36.550, chapter 11, Laws of 1961 and RCW 15.36-.550 are each amended to read as follows:

The director shall have the power and duty (1) to adopt, issue and promulgate from time to time necessary rules, regulations and orders for the enforcement of this chapter; (2) with the approval of the ~~((state director of health))~~ secretary of social and health services to adopt standards of requirements necessary for approval of local milk inspection service units hereinafter provided for, the basic standards in this connection being a sufficient force of qualified personnel under the general direction of a health officer, and sufficient laboratory facilities to insure compliance with the provisions of this chapter and the rules and regulations promulgated thereunder; and (3) to cancel, and with the consent of the ~~((director of health))~~ secretary of social and health services, to approve the issuance of certificates of approval for such local milk inspection service units.

Sec. 24. Section 15.36.560, chapter 11, Laws of 1961 and RCW 15.36-.560 are each amended to read as follows:

Any city, township, or county desiring to maintain and operate a local milk inspection service unit shall make application in writing to the director for a certificate of approval. Upon receipt of such application the director

shall investigate and determine whether the city, township, or county is entitled to approval in the maintenance and operation of a local milk inspection service unit, and if so the director, with the consent and approval of the ~~((director of health))~~ secretary of social and health services, shall issue the certificate applied for. The boundaries of jurisdiction of the local milk inspection service unit shall be defined by the director after investigation and consultation with the health officer of the local milk inspection service unit taking into consideration among other things the geographical convenience of the area and the amount of fluid milk and fluid milk products sold or delivered within the area. Upon receipt of such certificate of approval the local milk inspection service unit shall have full authority through the health officer to perform all of the duties relative to the enforcement of the provisions of this chapter and to the issuing, suspension and revocation of permits within the defined jurisdiction of such local milk inspection service unit. Any certificate of approval may be canceled by the director after thirty days notice in writing to the holder of the certificate of approval should the local milk inspection service unit be found incompetent, inadequate, improper or remiss in any particular.

Sec. 25. Section 2, chapter 253, Laws of 1957 and RCW 18.20.020 are each amended to read as follows:

As used in this chapter:

(1) "Aged person" means a person of the age sixty-five years or more, or a person of less than sixty-five years who by reason of infirmity requires domiciliary care.

(2) "Boarding home" means any home or other institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator. It shall not include any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof.

(3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(4) ~~(("Director"))~~ "Secretary" means the ~~((state director of health))~~ secretary of social and health services.

(5) "Board" means the state board of health.

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

(7) "Authorized department" means any city, county, city-county health department or health district authorized by the ~~((director of the state department of health))~~ secretary of social and health services to carry out the provisions of this chapter.

Sec. 26. Section 10, chapter 253, Laws of 1957 and RCW 18.20.100 are each amended to read as follows:

Where it is determined by the ((~~director~~)) secretary together with the jurisdictional health officer, that a city, county, city-county health department or health district is qualified to carry out the provisions of this chapter, he shall authorize such political subdivision or agency to administer and enforce this chapter, and the rules and regulations promulgated hereunder.

Any such authorization may be withdrawn by the ((~~director~~)) secretary after thirty days' notice in writing to the authorized department should the ((~~director~~)) secretary determine that the authorized department is unwilling or unable to carry out the duties and responsibilities hereunder.

Sec. 27. Section 1, chapter 183, Laws of 1951 and RCW 18.45.010 are each amended to read as follows:

When used in this chapter, the following terms, words or phrases shall have the following meanings:

"Person" includes individual, copartnership, association, firm, auctioneer, trust and corporation and the agents, employees and servants of any of them.

"Sell" or any of its variants includes any of, or any combination of, the following: Sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess with an intent to sell or dispose of in any other commercial manner. Merchandise found on sales floors or in places from which sales or deliveries are made, shall be assumed to be for sale.

"Department" refers to department of social and health services.

((~~"Director"~~)) "Secretary" refers to the ((~~director of health~~)) secretary of social and health services or his authorized representatives.

"Annually," or any of its variants, means that period beginning July first of each year and ending June thirtieth of the succeeding year, or any unexpired portion of that period.

"Certificate" means any registration certificate issued by the department of social and health services.

"Upholstered furniture" includes any furniture, including children's furniture, movable or stationary, which

(1) is made or sold with cushions or pillows, loose or attached, or

(2) is itself stuffed or filled in whole or in part with any material, hidden or concealed by fabrics or any other covering, including cushions or pillows belonging to or forming a part thereof, together with the structural units, the filling material and its covering and its container, that can be used as a support for the body of a human being, or his limbs and feet when sitting or resting in an upright or reclining position.

"Bedding" means any quilted pad, packing pad, mattress pad, hammock pad, mattress, comforter, bunk quilt, sleeping bag, box spring, studio couch, pillow, cushion, hassock or any bag or container made of leather, cloth or any other material or any other device that is stuffed or filled in whole or in part with concealed material in addition to the structural units, all of which

may be used by any human being for sleeping, resting, or reclining purposes.

"Bedding" also includes pillows which are hereby defined as a bag or a case of cloth filled or stuffed with feathers, down, kapok, cotton, hair, wool, or other sanitary filling not prohibited by the regulations of this chapter to be used, or that may be used, as a rest or a support for the head in reclining, resting, or sleeping.

"Filling material" means cotton, wool, kapok, feathers, down, or any other material, or any combination thereof, loose or in batting, pads, or any other prefabricated form, concealed or not concealed, to be used, or that may be used, in articles of bedding or upholstered furniture.

"Second-hand" means any material or article of which prior use has been made, and includes used defabricated material, thread, and yarn, not otherwise classed as new by the regulations of this chapter.

Any article of upholstered furniture or bedding is second-hand if it contains any second-hand material in whole or in part.

Any article of upholstered furniture or bedding on sales floors in a private residence or room, which is not separated from living quarters, is second-hand furniture or bedding.

"Manufacturer" means a person who, either by himself or through employees or agents, makes any article of upholstered furniture or bedding in whole or in part, or who does the upholstery or covering of any structural unit or part thereof, using either new or second-hand material.

A "wholesaler" is a person who sells any article of upholstered furniture or bedding or filling material to another for purpose of resale.

A "retailer" is a person who sells any article of upholstered furniture or bedding or filling material to a consumer or user of the article purchased.

"Repairer" or "renovator" means a person who repairs, makes over, recovers, restores, renovates, or renews upholstered furniture or bedding.

"Transient repairer or renovator" means any person who travels from place to place and repairs upholstered furniture or renovates bedding with or without benefit of mobile facilities but who has no permanent shop or address.

"Sterilizer" means any person certified by the department to sterilize any upholstered furniture, bedding, or filling material relating thereto.

"Fumigator" means any person certified by the department to fumigate any article of upholstered furniture or bedding or filling material relating thereto.

"Supply dealer" means any person certified by the department to manufacture, process, or sell at wholesale any felt, padding, pads, or loose material in bags or containers, concealed or not concealed, to be used, or that could be used in articles of bedding or upholstered furniture.

"Supply depot" means any warehouse or storeroom used as a merchandising center or supply outlet, to supply, or for the purpose of supplying,

merchandise subject to this chapter, either directly or indirectly at wholesale or retail, which merchandise is sold or held for the purpose of sale to any person regardless of whether the purchaser is in business or in the employ of any person.

"Auctioneer" means any person who sells at auction to the highest bidder, either for himself or another party, at public or private sale, any article or material regulated by this chapter.

"Residence dealer" means any person who sells any new or used article of upholstered furniture or bedding from his own or another person's place of abode or from any salesroom not having a recognized and ordinary store entrance.

"Slip cover" means any casing or cover without any filling material and meeting any of the following requirements:

- (1) Which is for use or is to be placed on or over any manufactured article or upholstered furniture or bedding;
- (2) Which covers or conceals the upholstered furniture or bedding in whole or in part;
- (3) Which is closed or held in place by snaps or hooks and eyes or lacing so that it may be removed without the use of tools or instruments;
- (4) Which is not permanently attached by tacking, sewing, or in any other manner.

Any person engaged exclusively in the manufacture of slip covers shall not be required to have a certificate under the provisions of this chapter.

"Branch" means any subordinate establishment situated apart from the parent house, maintaining a separate service to the trade.

"Owner's own material" means any article or material belonging to any person for his own or his tenant's use that is sent to any manufacturer, repairer or renovator to be repaired or renovated or used in repairing or renovating.

Sec. 28. Section 2, chapter 183, Laws of 1951 and RCW 18.45.020 are each amended to read as follows:

The ((~~director~~)) secretary shall administer this chapter.

Sec. 29. Section 46, chapter 183, Laws of 1951 and RCW 18.45.440 are each amended to read as follows:

The ((~~director~~)) secretary shall have access to any premises or to any records held by any person containing any information pertaining to any materials or articles affected by and subject to the provisions of this chapter. They may inspect materials and structural parts intended to be used in the manufacture of upholstered furniture or bedding, may open such articles or parts thereof for the purpose of inspecting concealed filling material and may take either the entire article or samples of filling material in such quantities as may be necessary for laboratory analysis.

Sec. 30. Section 47, chapter 183, Laws of 1951 and RCW 18.45.450 are each amended to read as follows:

When the ((director)) secretary determines that any second-hand or damaged article of upholstered furniture or bedding for sale, or any materials intended to be used in the manufacture of any article or articles of upholstered furniture or bedding are detrimental to public health, he may condemn, withhold from sale, seize, or destroy any such article or articles.

Sec. 31. Section 49, chapter 183, Laws of 1951 and RCW 18.45.470 are each amended to read as follows:

The failure of any person to produce upon demand of the ((director)) secretary any article or material that has been condemned or ordered held on an inspection notice is a violation of this chapter.

Sec. 32. Section 2, chapter 168, Laws of 1951 and RCW 18.46.010 are each amended to read as follows:

(1) "Maternity home" means any home, place, hospital or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: PROVIDED, HOWEVER, That this chapter shall not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association or its successor.

(2) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

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

(4) "Board" means the state board of health.

Sec. 33. Section 45, chapter 139, Laws of 1959 and RCW 20.01.450 are each amended to read as follows:

No claim may be made as against the seller of agricultural products by a dealer or cash buyer under this chapter, and no credit may be allowed to such dealer or cash buyer as against a consignor of agricultural products by reason of damage to, or loss, dumping, or disposal of agricultural products sold to said dealer or cash buyer, in any payment, accounting or settlement made by said dealer or cash buyer to said consignor, unless said dealer or cash buyer has secured and is in possession of a certificate, issued by an agricultural inspector, county health officer, director, a duly authorized officer of the state department of social and health services, or by some other official now or hereafter authorized by law, to the effect that the agricultural products involved have been damaged, dumped, destroyed or otherwise disposed of as unfit for the purpose intended. Such certificate will not be valid as proof of proper claim, credit or offset unless issued within twenty-four hours, or a reasonable time as prescribed by the director, of the receipt by the dealer or cash buyer of the agricultural products involved.

Sec. 34. Section 1, chapter 279, Laws of 1969 ex. sess. and RCW 26-04.165 are each amended to read as follows:

In addition to the application provided for in RCW 26.04.160, the county auditor for the county wherein the license is issued shall submit to each applicant at the time for application for a license the Washington state department of social and health services marriage certificate form prescribed by RCW 70.58.200 to be completed by the applicants and returned to the county auditor for the files of the state registrar of vital statistics: PROVIDED, That after the execution of the application for, and the issuance of a license, no county shall require the persons authorized to solemnize marriages to obtain any further information from the persons to be married except the names and county of residence of the persons to be married.

Sec. 35. Section 6, chapter 272, Laws of 1955 and RCW 26.40.060 are each amended to read as follows:

Upon the issuance of an order for the commitment of a child to custody, the court shall transmit copies thereof to the co-custodians named therein. For the state as co-custodian the copy of such order shall be filed with the secretary of state whose duty it shall be to notify the state superintendent of public instruction, the state department of social and health services, and such other state departments or agencies as may have services for the child, of the filing of such order, which notice shall be given by the secretary of state at the time commitment to custody becomes effective under the order.

Sec. 36. Section 28A.47.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.090 are each amended to read as follows:

It shall be the duty of the superintendent of public instruction, in consultation with the Washington state department of social and health services, to prepare, and so often as he deems necessary revise, a manual for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance, and operation of school plant facilities for the common schools. In the preparation and revision of the aforesaid manual due consideration shall be given to the presentation of information regarding (1) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW 28A.47.050 through 28A.47.120; (2) procedures in inaugurating and conducting a school plant planning program for a school district; (3) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (4) the planning of readily expandable and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (5) an acceptable school

building maintenance program and the necessity therefor; (6) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (7) any other matters regarded by the aforesaid officer as pertinent or related to the purposes and requirements of RCW 28A.47.050 through 28A.47.120.

Sec. 37. Section 28A.47.690, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.690 are each amended to read as follows:

It shall be the duty of the state board of education, in consultation with the Washington state department of social and health services, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance, and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (a) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW 28A.47.570 through 28A.47.710; (b) procedures in inaugurating and conducting a school plant planning program for a school district; (c) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (d) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (e) an acceptable school building maintenance program and the necessity therefor; (f) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (g) any other matters regarded by the state board as pertinent or related to the purposes and requirements of RCW 28A.47.570 through 28A.47.710.

Sec. 38. Section 28A.47.744, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.744 are each amended to read as follows:

It shall be the duty of the state board of education, in consultation with the Washington state department of social and health services, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance, and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (a) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW 28A.47.720 through 28A.47.750; (b) procedures in inaugurating and conducting a school plant planning program for a school district; (c) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health,

safety, and educational well-being and development of school children will be served; (d) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (e) an acceptable school building maintenance program and the necessity therefor; (f) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (g) any other matters regarded by the state board as pertinent or related to the purposes and requirements of RCW 28A.47.720 through 28A.47.750.

Sec. 39. Section 8, chapter 244, Laws of 1969 ex. sess. as amended by section 5, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.807 are each amended to read as follows:

It shall be the duty of the state board of education, in consultation with the Washington state department of social and health services, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (a) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW 28A.47.800 through 28A.47.811; (b) procedures in inaugurating and conducting a school plant planning program for a school district; (c) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (d) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (e) an acceptable school building maintenance program and the necessity therefor; (f) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (g) any other matters regarded by the state board as pertinent or related to the purposes and requirements of RCW 28A.47.800 through 28A.47.811.

Sec. 40. Section 35.88.080, chapter 7, Laws of 1965 and RCW 35.88-.080 are each amended to read as follows:

Any city not located on tidewater, having a population of one hundred thousand or more, is hereby prohibited from discharging, draining or depositing, or causing to be discharged, drained or deposited, any sewage, garbage, feculent matter, offal, refuse, filth, or any animal, mineral, or vegetable matter or substance, offensive, injurious or dangerous to health, into any springs, streams, rivers, lakes, tributaries thereof, wells, or into any subterranean or other waters used or intended to be used for human or animal consumption or for domestic purposes.

Anything done, maintained, or suffered, in violation of any of the provisions of this section, shall be deemed to be a public nuisance, and may be summarily abated as such by any court of competent jurisdiction at the suit of the (~~director of health~~) secretary of social and health services or any person whose supply of water for human or animal consumption or for domestic purposes is or may be affected.

Sec. 41. Section 35.88.090, chapter 7, Laws of 1965 and RCW 35.88-.090 are each amended to read as follows:

The (~~director of health~~) secretary of social and health services shall have the power, and it shall be his duty, to investigate the system of disposal of sewage, garbage, feculent matter, offal, refuse, filth, or any animal, mineral, or vegetable matter or substance, by cities not located on tidewater, having a population of one hundred thousand or more, and if he shall determine upon investigation that any such system or systems of disposal is or may be injurious or dangerous to health, he shall have the power, and it shall be his duty, to order such city or cities to provide for, construct, and maintain a system or systems of disposal which will not be injurious or dangerous to health.

Sec. 42. Section 35A.70.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.70.070 are each amended to read as follows:

Every code city may exercise the powers authorized and shall perform the duties imposed upon cities of like population relating to the public health and safety as provided by Title 70 RCW and, without limiting the generality of the foregoing, shall: (1) Organize boards of health and appoint a health officer with the authority, duties and functions as provided in chapter (~~70.04~~) 70.05 RCW, or provide for combined city-county health departments as provided and in accordance with the provisions of chapter 70.08 RCW; (2) contribute and participate in public health pooling funds as authorized by chapter 70.12 RCW; (3) perform the functions and provide health precautions at seaports as required by chapter 70.16 RCW; (4) procure pesthouses and to provide quarantines and miscellaneous other health precautions as authorized by chapter 70.20 RCW; (5) control and provide for treatment of venereal diseases as authorized by chapter 70.24 RCW; (6) provide for the care and control of tuberculosis as provided in chapters 70.28, 70.30, 70.32, and 70.54 RCW; (7) participate in health districts as authorized by chapter 70.46 RCW; (8) exercise control over water pollution as provided in chapter 35.88 RCW; (9) for all code cities having a population of more than twenty thousand serve as a primary district for registration of vital statistics in accordance with the provisions of chapter 70.58 RCW and RCW 43.20.090; (10) enforce the provisions of chapter 70.70 RCW relating to the control of shoddy; (11) observe and enforce the provisions relating to fireworks as provided in chapter 70.77 RCW; (12) enforce the provisions relating to swimming pools provided in chapter 70.90 RCW; (13) enforce the provisions of chapter 18.20 RCW when applicable; (14)

perform the functions relating to mentally ill prescribed in chapters 72.06 and 71.12 RCW; (15) cooperate with the state department of social and health services in mosquito control as authorized by RCW 70.22.060; and (16) inspect nursing homes as authorized by RCW 18.51.020.

Sec. 43. Section 36.39.040, chapter 4, Laws of 1963 and RCW 36.39-.040 are each amended to read as follows:

The county commissioners of any county may expend from the county general fund for the purpose of receiving, warehousing and distributing federal surplus commodities for the use of or assistance to recipients of public assistance or other needy families and individuals when such recipients, families or individuals are certified as eligible to obtain such commodities by the state department of ~~((public assistance))~~ social and health services. The county commissioners may expend county general fund moneys to carry out any such program as a sole county operation or in conjunction or cooperation with any similar program of distribution by private individuals or organizations, any department of the state, or any political subdivision of the state.

Sec. 44. Section 36.62.240, chapter 4, Laws of 1963 and RCW 36.62-.240 are each amended to read as follows:

Any institution maintained and operated under the provisions of RCW 36.62.110 through 36.62.230 shall be subject to inspection by a duly authorized representative of the state department of social and health services and any member of the board of county commissioners of the county or counties and governing officials of the cities by which the hospital has been established.

Sec. 45. Section 43.19.450, chapter 8, Laws of 1965 and RCW 43.19-.450 are each amended to read as follows:

The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of engineering and architecture who shall have charge and supervision of the division of engineering and architecture. With the approval of the director he may appoint and employ such assistants and personnel as may be necessary to carry out the work of the division.

No person shall be eligible for appointment as supervisor of engineering and architecture unless he is, and for the last five years prior to his appointment has been, licensed to practice the profession of engineering or the profession of architecture in the state of Washington.

The director of general administration, through the division of engineering and architecture shall:

(1) Establish a systematic building program for the grouping of buildings at the state capital, at institutions under the control of the department of ~~((institutions))~~ social and health services, and for state agencies which have no architectural staff, and prepare preliminary layouts, site studies,

programs and topographical plans to accompany the estimates for the biennial budgets.

(2) Contract for professional architectural, engineering and related services for the design of buildings and major alterations to existing buildings at the state capital, at institutions under the control of the department of ~~((institutions))~~ social and health services, and for all state-owned buildings for agencies which have no architectural staff.

(3) Prepare estimates for the biennial budget and prepare plans and specifications for all necessary maintenance, repairs, and minor alterations to the state capitol buildings, all buildings required at the institutions under the control of the department of ~~((institutions))~~ social and health services, and for all other state-owned buildings for agencies which have no architectural staff.

(4) Supervise the erection, repairing and betterment of all capitol buildings, all buildings required for the institutions under the control of the department of ~~((institutions))~~ social and health services, and all other state-owned buildings for agencies which have no architectural staff.

(5) Negotiate and/or call for bids and execute all contracts on behalf of the state for the preceding.

Sec. 46. Section 43.20.010, chapter 8, Laws of 1965 as amended by section 1, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.010 are each amended to read as follows:

The ~~((director of health))~~ secretary of social and health services shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to public health and vital statistics;

(2) Investigate and study factors relating to the preservation, promotion, and improvement of the health of the people, the causes of morbidity and mortality, and the effects of the environment and other conditions upon the public health, and report his findings to the state board of health for such action as the board determines is necessary;

(3) Strictly enforce all laws for the protection of the public health and the improvement of sanitary conditions in the state, and all rules, regulations, and orders of the state board of health;

(4) Investigate outbreaks and epidemics of disease that may occur and advise local health officers as to measures to be taken to prevent and control the same;

(5) Exercise general supervision over the work of all local health departments and establish uniform reporting systems by local health officers to the state department of social and health services;

(6) Have the same authority as local health officers, except that he shall not exercise such authority unless the local health officer fails or is unable to do so, or when in an emergency the safety of the public health demands it;

(7) Cause to be made from time to time, inspections of the sanitary and health conditions existing at the state institutions, require the governing authorities thereof to take such action as will conserve the health of all persons connected therewith, and report his findings to the governor;

(8) Take such measures as he deems necessary in order to promote the public health, to establish or participate in the establishment of health educational or training activities, and to provide funds for and to authorize the attendance and participation in such activities of employees of the state or local health departments and other individuals engaged in programs related to or part of the public health programs of the local health departments or the state department of social and health services. The ((~~director~~)) secretary is also authorized to accept any funds from the federal government or any public or private agency made available for health education training purposes and to conform with such requirements as are necessary in order to receive such funds; and

(9) Establish and maintain laboratory facilities and services as are necessary to carry out the responsibilities of the department.

Sec. 47. Section 2, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.015 are each amended to read as follows:

The ((~~director~~)) secretary shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before him together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation. The provisions of RCW 34.04.105 shall apply to subpoenas issued hereunder.

Sec. 48. Section 43.20.040, chapter 8, Laws of 1965 as amended by section 8, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.040 are each amended to read as follows:

The ((~~director~~)) secretary may appoint and employ such deputies, scientific experts, physicians, nurses, sanitary engineers, and other personnel including consultants, and such clerical and other assistants as may be necessary to carry on the work of the department of social and health services.

Sec. 49. Section 43.20.050, chapter 8, Laws of 1965 as amended by section 9, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.050 are each amended to read as follows:

The state board of health shall have supervision of all matters relating to the preservation of the life and health of the people of the state.

In order to protect public health, the state board of health shall:

Adopt rules and regulations for the protection of water supplies for domestic use, and such other uses as may affect the public health, and shall

adopt standards and procedures governing the design, construction and operation of water supply, treatment, storage, and distribution facilities, as well as the quality of water delivered to the ultimate consumer;

Adopt rules and regulations and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities; and

Adopt rules and regulations controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work.

It shall have supreme authority in matters of quarantine, and shall provide by rule and regulation procedures for the imposition and use of isolation and quarantine.

The board shall promulgate rules and regulations for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules and regulations governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule.

It may also enforce the public health laws of the state and the rules and regulations promulgated by it through the ~~((state director of health))~~ secretary of social and health services in local matters, when in its opinion an emergency exists and the local board of health has failed to act with sufficient promptness or efficiency, or is unable for reasons beyond its control to act, or when no local board has been established, and all expenses so incurred shall be paid upon demand of the ~~((state director of health))~~ secretary of social and health services by the local health department for which such services are rendered, out of moneys accruing to the credit of the municipality or the local health department in the current expense fund of the county.

All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules and regulations adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

The board shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic, or endemic, and take prompt action to control and suppress it.

Sec. 50. Section 43.20.060, chapter 8, Laws of 1965 as amended by section 10, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.060 are each amended to read as follows:

In order to receive the assistance and advice of local health officers in carrying out his duties and responsibilities, the ~~((director of health))~~ secretary of social and health services shall hold annually a conference of local health officers, at such place as he deems convenient, for the discussion of questions pertaining to public health, sanitation, and other matters pertaining to the duties and functions of the local health departments, which shall continue in session for such time not exceeding three days as the ~~((director))~~ secretary deems necessary.

The health officer of each county, district, municipality and county-city department shall attend such conference during its entire session, and receive therefor his actual and necessary traveling expenses, to be paid by his county, district, and municipality or county-city department: PROVIDED, That no claim for such expenses shall be allowed or paid unless it is accompanied by a certificate from the ~~((director of health))~~ secretary of social and health services attesting the attendance of the claimant.

Sec. 51. Section 43.20.070, chapter 8, Laws of 1965 as amended by section 1, chapter 26, Laws of 1967 and RCW 43.20.070 are each amended to read as follows:

The ~~((director of health))~~ secretary of social and health services shall have charge of the state system of registration of births, deaths, fetal deaths, marriages, and decrees of divorce, annulment and separate maintenance, and shall prepare the necessary rules, forms, and blanks for obtaining records, and insure the faithful registration thereof.

Sec. 52. Section 43.20.130, chapter 8, Laws of 1965 and RCW 43.20.130 are each amended to read as follows:

It shall be the duty of the ~~((director of health))~~ secretary of social and health services and he shall have the power to establish and administer a program of services for children who are crippled or who are suffering from physical conditions which lead to crippling, which shall provide for developing, extending, and improving services for locating such children, and for providing for medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and after care; to supervise the administration of those services, included in the program, which are not administered directly by it; to extend and improve any such services, including those in existence on April 1, 1941; to cooperate with medical, health, nursing, and welfare groups and organizations, and with any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children; to cooperate with the federal government, through its appropriate agency or instrumentality in developing, extending, and improving such services; and to receive and expend all

funds made available to the department by the federal government, the state or its political subdivisions or from other sources, for such purposes.

Sec. 53. Section 3, chapter 102, Laws of 1967 ex. sess. and RCW 43-.20.150 are each amended to read as follows:

The ~~((director))~~ secretary on his own motion or upon the complaint of any interested party, may investigate, examine, sample or inspect any article or condition constituting a threat to the public health including, but not limited to, outbreaks of communicable diseases, food poisoning, contaminated water supplies, and all other matters injurious to the public health. When not otherwise available, the department may purchase such samples or specimens as may be necessary to determine whether or not there exists a threat to the public health. In furtherance of any such investigation, examination or inspection, the ~~((director))~~ secretary or his authorized representative may examine that portion of the ledgers, books, accounts, memorandums, and other documents and other articles and things used in connection with the business of such person relating to the actions involved.

For purposes of such investigation, the ~~((director))~~ secretary or his representative shall at all times have free and unimpeded access to all buildings, yards, warehouses, storage and transportation facilities or any other place. The ~~((director))~~ secretary may also, for the purposes of such investigation, issue subpoenas to compel the attendance of witnesses, as provided for in ~~((RCW 43.20.015))~~ RCW 43.20A.... (RCW 43.20.015 as recodified by section 384 of this 1979 act), and/or the production of books and documents anywhere in the state.

Sec. 54. Section 4, chapter 102, Laws of 1967 ex. sess. and RCW 43-.20.160 are each amended to read as follows:

Pending the results of an investigation provided for under ~~((RCW 43-.20.150))~~ RCW 43.20A.... (RCW 43.20.150 as recodified by section 384 of this 1979 act), the ~~((director))~~ secretary may issue an order prohibiting the disposition or sale of any food or other item involved in the investigation: PROVIDED, That the order of the ~~((director))~~ secretary shall not be effective for more than fifteen days without the commencement of a legal action as provided for under RCW ~~((43.20.170))~~ 43.20A.... (RCW 43.20.170 as recodified by section 384 of this 1979 act).

Sec. 55. Section 5, chapter 102, Laws of 1967 ex. sess. and RCW 43-.20.170 are each amended to read as follows:

The ~~((director))~~ secretary of social and health services may bring an action to enjoin a violation or the threatened violation of any of the provisions of the public health laws of this state or any rules or regulation made by the state board of health or the ~~((health))~~ department of social and health services pursuant to said laws, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which

such violation occurs or is about to occur, or in the superior court of Thurston county.

Sec. 56. Section 6, chapter 102, Laws of 1967 ex. sess. and RCW 43-20.180 are each amended to read as follows:

Upon the request of a local health officer, the ~~((state director of health))~~ secretary of social and health services is hereby authorized and empowered to take legal action to enforce the public health laws and rules and regulations of the state board of health or local rules and regulations within the jurisdiction served by the local health department, and may institute any civil legal proceeding authorized by the laws of the state of Washington.

Sec. 57. Section 7, chapter 102, Laws of 1967 ex. sess. and RCW 43-20.190 are each amended to read as follows:

(1) It shall be the duty of each assistant attorney general, prosecuting attorney, or city attorney to whom the ~~((director))~~ secretary reports any violation of this chapter or chapter 43.20A RCW, or regulations promulgated under ~~((it))~~ them, to cause appropriate proceedings to be instituted in the proper courts, without delay, and to be duly prosecuted as prescribed by law.

(2) Before any violation of this chapter or chapter 43.20A RCW is reported by the ~~((director))~~ secretary to the prosecuting attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views to the ~~((director))~~ secretary, either orally or in writing, with regard to such contemplated proceeding.

Sec. 58. Section 43.20.140, chapter 8, Laws of 1965 and RCW 43.20.140 are each amended to read as follows:

The director of the state board of health shall be empowered to promulgate such rules and regulations as shall be necessary to effectuate and carry out the purposes of ~~((RCW 43.20.130))~~ RCW 43.20A. ____ (RCW 43.20.130 as recodified by section 384 of this 1979 act).

Sec. 59. Section 14, chapter 102, Laws of 1967 ex. sess. and RCW 43-20.210 are each amended to read as follows:

Nothing in ~~((RCW 43.20.010, 43.20.015, 43.20.040 through 43.20.060, 43.20.150 through 43.20.210;))~~ chapters 43.20 and 43.20A RCW and RCW 70.01.010 shall be construed to abridge the right of any person to rely exclusively on spiritual means alone through prayer to alleviate human ailments, sickness or disease, in accordance with the tenets and practice of the Church of Christ, Scientist, nor shall anything in ~~((RCW 43.20.010, 43.20.015, 43.20.040 through 43.20.060, 43.20.150 through 43.20.210;))~~ chapters 43.20 and 43.20A RCW and RCW 70.01.010 be deemed to prohibit a person so relying who is inflicted with a contagious or communicable disease from being isolated or quarantined in a private place of his own choice, provided, it is approved by the local health officer, and all laws, rules

and regulations governing control, sanitation, isolation and quarantine are complied with.

Sec. 60. Section 1, chapter 18, Laws of 1970 ex. sess. and RCW 43-.20A.010 are each amended to read as follows:

~~((The purpose of this 1970 amendatory act is to create a single department which will unify the related social and health services of state government.))~~ The department of social and health services is designed to integrate and coordinate all those activities involving provision of care for individuals who, as a result of their economic, social or health condition, require financial assistance, institutional care, rehabilitation or other social and health services. In order to provide for maximum efficiency of operation consistent with meeting the needs of those served or affected, the department will encompass substantially all of the powers, duties and functions ~~((presently))~~ vested by law on June 30, 1970, in the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council and the division of vocational rehabilitation of the coordinating council on occupational education. The department will concern itself with changing social needs, and will expedite the development and implementation of programs designed to achieve its goals. In furtherance of this policy, it is the legislative intent to set forth ~~((in this 1970 amendatory act))~~ only the broad outline of the structure of the department, leaving specific details of its internal organization and management to those charged ~~((by this 1970 amendatory act))~~ with its administration.

Sec. 61. Section 2, chapter 18, Laws of 1970 ex. sess. and RCW 43-.20A.020 are each amended to read as follows:

As used in this ~~((1970 amendatory act))~~ chapter, unless the context indicates otherwise:

- (1) "Department" means the department of social and health services.
- (2) "Secretary" means the secretary of the department of social and health services.
- (3) "Deputy secretary" means the deputy secretary of the department of social and health services.

Sec. 62. Section 3, chapter 18, Laws of 1970 ex. sess. and RCW 43-.20A.030 are each amended to read as follows:

There is hereby created a department of state government to be known as the department of social and health services. All powers, duties and functions ~~((now or through action of this 1970 legislature))~~ vested by law on June 30, 1970, in the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education are transferred to the department ~~((except those powers, duties and functions which are expressly directed elsewhere in this~~

or in any concurrent act of this 1970 legislature)). Powers, duties and functions to be transferred shall include, but not be limited to, all those powers, duties and functions involving cooperation with other governmental units, such as cities and counties, or with the federal government, in particular those concerned with participation in federal grants-in-aid programs.

Sec. 63. Section 5, chapter 18, Laws of 1970 ex. sess. and RCW 43-20A.050 are each amended to read as follows:

It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the secretary in order that he may institute therein the flexible, alert and intelligent management of its business that changing contemporary circumstances require. Therefore, whenever his authority is not specifically limited by law, he shall have complete charge and supervisory powers over the department. ~~((In the performance of duties and functions previously performed through the divisions of the departments affected by this 1970 amendatory act,))~~ He is authorized to create such administrative structures as he may deem appropriate, except as otherwise specified ~~((in this or any concurrent act of this 1970 legislature))~~ by law. The secretary shall have the power to employ such assistants and personnel as may be necessary for the general administration of the department: PROVIDED, That, except as elsewhere specified ~~((in this 1970 amendatory act))~~, such employment is in accordance with the rules of the state civil service law, chapter 41.06 RCW.

Sec. 64. Section 6, chapter 18, Laws of 1970 ex. sess. and RCW 43-20A.060 are each amended to read as follows:

The department of social and health services shall be subdivided into divisions, including a division of vocational rehabilitation ~~((with an assistant secretary thereof as provided in RCW 43-20A.090, such secretary hereafter in RCW 43-20A.310 and 43-20A.320 referred to as "his designee"))~~. Except as otherwise specified ~~((in this 1970 amendatory act,))~~ or as federal requirements may differently require, these divisions shall be established and organized in accordance with plans to be prepared by the secretary and approved by the governor. In preparing such plans, the secretary shall endeavor to promote efficient public management, to improve programs, and to take full advantage of the economies, both fiscal and administrative, to be gained from the consolidation of the departments of health, public assistance, institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education.

Sec. 65. Section 42, chapter 18, Laws of 1970 ex. sess. and RCW 43-20A.310 are each amended to read as follows:

In addition to his other powers and duties, the secretary or his designee, shall have the following powers and duties:

(1) To prepare, adopt and certify the state plan for vocational rehabilitation;

(2) With respect to vocational rehabilitation, to adopt necessary rules and regulations and do such other acts not forbidden by law necessary to carry out the ~~((provisions of this 1970 amendatory act))~~ duties imposed by state law and the federal acts;

(3) To carry out the aims and purposes of the acts of congress pertaining to vocational rehabilitation.

Sec. 66. Section 66, chapter 18, Laws of 1970 ex. sess. and RCW 43-.20A.550 are each amended to read as follows:

In furtherance of the policy of the state to cooperate with the federal government in all of the programs ~~((included in this 1970 amendatory act))~~ under the jurisdiction of the department, such rules and regulations as may become necessary to entitle the state to participate in federal funds may be adopted, unless the same be expressly prohibited by ~~((this 1970 amendatory act))~~ law. Any internal reorganization carried out under the terms of this ~~((1970 amendatory act))~~ chapter shall meet federal requirements which are a necessary condition to state receipt of federal funds. Any section or provision of ~~((the 1970 amendatory act))~~ law dealing with the department which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any ~~((part of this 1970 amendatory act))~~ law dealing with the department is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of this act is declared to be inoperative solely to the extent of the conflict.

Sec. 67. Section 14, chapter 62, Laws of 1970 ex. sess. and RCW 43-.21A.140 are each amended to read as follows:

The director in carrying out his powers and duties under this chapter shall consult with the department of social and health services and the state board of health, or their successors, insofar as necessary to assure that those agencies concerned with the preservation of life and health may integrate their efforts to the fullest extent possible and endorse policies in common.

Sec. 68. Section 17, chapter 62, Laws of 1970 ex. sess. and RCW 43-.21A.170 are each amended to read as follows:

There is hereby created an ecological commission. The commission shall consist of seven members to be appointed by the governor from the electors of the state who shall have a general knowledge of and interest in environmental matters. No persons shall be eligible for appointment who hold any other state, county or municipal elective or appointive office.

(a) One public member shall be a representative of organized labor.

(b) One public member shall be a representative of the business community.

(c) One public member shall be a representative of the agricultural community.

(d) Four persons representing the public at large.

The members of the initial commission shall be appointed within thirty days after July 1, 1970. Of the members of the initial commission, two shall be appointed for terms ending June 30, 1974, two shall be appointed for terms ending on June 30, 1973, two shall be appointed for terms ending on June 30, 1972, and one shall be appointed for a term ending June 30, 1971. Thereafter, each member of the commission shall be appointed for a term of four years. Vacancies shall be filled within ninety days for the remainder of the unexpired term by appointment of the governor in the same manner as the original appointments. Each member of the commission shall continue in office until his successor is appointed. No member shall be appointed for more than two consecutive terms. The chairman of the commission shall be appointed from the members by the governor.

The governor may remove any commission member for cause giving him a copy of the charges against him, and an opportunity of being publicly heard in person, or by counsel in his own defense. There shall be no right of review in any court whatsoever. The director or administrator, or a designated representative, of each of the following state agencies:

- (1) The department of agriculture;
- (2) The department of commerce and economic development;
- (3) The department of fisheries;
- (4) The department of game;
- (5) The department of social and health services;
- (6) The department of natural resources; and
- (7) The state parks and recreation commission shall be given notice of

and may attend all meetings of the commission and shall be given full opportunity to examine and be heard on all proposed orders, regulations or recommendations.

Sec. 69. Section 1, chapter 111, Laws of 1963 as amended by section 3, chapter 135, Laws of 1967 ex. sess. and RCW 57.08.065 are each amended to read as follows:

In addition to the powers now given water districts by law, they shall also have power to establish, maintain and operate a mutual water and sewer system or a separate sewer system within their water district area in the same manner as provided by law for the doing thereof in connection with water supply systems.

In addition thereto, a water district constructing, maintaining and operating a sanitary sewer system may exercise all the powers permitted to a sewer district under Title 56 RCW, including, but not limited to, the right to compel connections to the district's system, liens for delinquent sewer

connection charges or sewer service charges, and all other powers presently exercised by or which may be hereafter granted to such sewer districts: PROVIDED, That no water district shall proceed to exercise the powers herein granted to establish, maintain, construct and operate any sewer system without first obtaining written approval and certification of necessity so to do from the (~~state of Washington pollution control commission~~) department of ecology and department of social and health services. Any comprehensive plan for a system of sewers or addition thereto or betterment thereof shall be approved by the same county and state officials as are required to approve such plans adopted by a sewer district.

Sec. 70. Section 1, chapter 144, Laws of 1955 and RCW 69.30.010 are each amended to read as follows:

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

(1) "Shellfish" means all varieties of fresh and frozen oysters and clams, either shucked or in the shell, and any fresh or frozen edible products thereof.

(2) "Sale" means to sell, offer for sale, barter, trade, deliver, consign, hold for sale, consignment, barter, trade, or delivery, and/or possess with intent to sell or dispose of in any commercial manner.

(3) "Shellfish growing areas" means the lands and waters in and upon which shellfish are grown for harvesting for sale for human consumption.

(4) "Establishment" means the buildings together with the necessary equipment and appurtenances used for the storage, culling, shucking, packing and/or shipping of shellfish for sale for human consumption.

(5) "Person" means any individual, partnership, firm, company, corporation and/or association.

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

(7) (~~"Director"~~) "Secretary" means the (~~state director of health~~) secretary of social and health services or his authorized representatives.

Sec. 71. Section 8, chapter 144, Laws of 1955 and RCW 69.30.080 are each amended to read as follows:

Any order issued by the department which denies or revokes a certificate of approval for a shellfish growing area or establishment shall be in writing and shall contain a statement of the grounds upon which said denial or revocation is based. A copy of the department's order shall be sent by registered mail to the person whose name appears on the certificate of approval or application therefor. Said order shall become final fifteen days after the date of mailing, provided the person aggrieved by such order does not, within ten days of the date of mailing of such order, apply in writing to the (~~director~~) secretary for a fair hearing. Upon such application, the department shall fix a time for such hearing and shall give the person aggrieved a

notice of the time fixed for such a hearing. The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the state board of health (~~after consultation with the shellfish sanitation advisory committee~~). The ~~((director))~~ secretary shall render his decision affirming, modifying or setting aside the order of the department which decision in the absence of an appeal therefrom as provided by this chapter, shall become final fifteen days after the date of mailing.

Sec. 72. Section 9, chapter 144, Laws of 1955 and RCW 69.30.090 are each amended to read as follows:

Within ten days after the date of mailing of the decision of the ~~((director))~~ secretary, the person aggrieved may appeal to the superior court of the county in which the shellfish growing area or establishment is located or to be located and such appeal shall be heard as a case in equity, but upon such appeal only such issues of law may be raised as were properly included in the hearings before the ~~((director))~~ secretary. Proceedings of every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced. Such appeal shall be perfected by serving a notice of appeal on the department and by filing the notice of appeal together with proof of service thereof with the clerk of the court. The service and filing, together with proof of service of the notice of appeal, all within ten days shall be jurisdictional. The department shall within ten days after receipt of such notice of appeal serve and file a notice of appearance upon appellant or his attorney of record and such appeal shall thereupon be deemed at issue. The department shall serve upon the appellant and file with the clerk of the court before hearing, a certified copy of the complete record of the administrative proceedings which shall, upon being so filed, become the record in such case. The cost of transcribing the record shall be borne by the appellant in the event the ~~((director's))~~ secretary's decision is affirmed by the court. In the event of modification or reversal, such cost shall be borne by the department.

Sec. 73. Section 10, chapter 144, Laws of 1955 and RCW 69.30.100 are each amended to read as follows:

Any order or decision issued by the department or ~~((director))~~ secretary from which an appeal is taken, as provided in this chapter, shall have full force and effect during the appellate procedure.

Sec. 74. Section 11, chapter 144, Laws of 1955 and RCW 69.30.110 are each amended to read as follows:

Any shellfish sold or offered for sale in the state, which have not been grown, shucked, packed, or shipped in accordance with the provisions of this chapter, shall upon order of the ~~((director))~~ secretary be immediately withdrawn from sale, use, or consumption. In the event of failure or refusal to comply with said order, the ~~((director))~~ secretary may apply to the superior court of the county wherein the shellfish were found for an order directing

that the person having control of said shellfish withdraw said shellfish from sale, use, or consumption, in compliance with the order of the ~~((director))~~ secretary.

Sec. 75. Section 2, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.051 are each amended to read as follows:

The following persons holding licenses as required by RCW 70.05.050 shall be deemed qualified to hold the position of local health officer:

(1) Persons holding the degree of master of public health or its equivalent;

(2) Persons not meeting the requirements of subsection (1) of this section, who upon August 11, 1969 are currently employed in this state as a local health officer and whom the ~~((state director of health))~~ secretary of social and health services recommends in writing to the local board of health as qualified; and

(3) Persons qualified by virtue of completing three years of service as a provisionally qualified officer pursuant to RCW 70.05.053 through 70.05.055.

Sec. 76. Section 3, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.053 are each amended to read as follows:

Persons holding licenses required by RCW 70.05.050 but not meeting any of the requirements for qualification prescribed by RCW 70.05.051 may be appointed by local health boards as provisionally qualified local health officers for a maximum period of three years upon the following conditions and in accordance with the following procedure:

(1) He shall participate in an in-service orientation to the field of public health as provided in RCW 70.05.054, and

(2) He shall satisfy the ~~((director))~~ secretary of social and health services pursuant to the periodic interviews prescribed by RCW 70.05.055 that he has successfully completed such in-service orientation and is conducting such program of good health practices as may be required by the jurisdictional area concerned.

Sec. 77. Section 4, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.054 are each amended to read as follows:

The ~~((director of health))~~ secretary of social and health services shall provide an in-service public health orientation program for the benefit of provisionally qualified local health officers.

Such program shall consist of—

(1) A three months course in public health training conducted by the ~~((director))~~ secretary either in the state department of social and health services, in a county and/or city health department, in a local health district, or in an institution of higher education; or

(2) An on-the-job, self-training program pursuant to a standardized syllabus setting forth the major duties of a local health officer including the

techniques and practices of public health principles expected of qualified local health officers: PROVIDED, That each provisionally qualified local health officer may choose which type of training he shall pursue.

Sec. 78. Section 5, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.055 are each amended to read as follows:

Each year, on a date which shall be as near as possible to the anniversary date of appointment as provisional local health officer, the (~~state director of health~~) secretary of social and health services or his designee shall personally visit such provisional officer's office for a personal review and discussion of the activity, plans, and study being carried on relative to the provisional officer's jurisdictional area: PROVIDED, That the third such interview shall occur three months prior to the end of the three year provisional term. A standardized checklist shall be used for all such interviews, but such checklist shall not constitute a grading sheet or evaluation form for use in the ultimate decision of qualification of the provisional appointee as a public health officer.

Copies of the results of each interview shall be supplied to the provisional officer within two weeks following each such interview.

Following the third such interview, the (~~state director of health~~) secretary of social and health services shall evaluate the provisional local health officer's in-service performance and shall notify such officer by certified mail of his decision whether or not to qualify such officer as a local public health officer. Such notice shall be mailed at least sixty days prior to the third anniversary date of provisional appointment. Failure to so mail such notice shall constitute a decision that such provisional officer is qualified.

Sec. 79. Section 10, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.060 are each amended to read as follows:

Each local board of health shall have supervision over all matters pertaining to the preservation of the life and health of the people within its jurisdiction and shall:

- (1) Enforce through the local health officer the public health statutes of the state and rules and regulations promulgated by the state board of health and the (~~state director of health~~) secretary of social and health services;
- (2) Supervise the maintenance of all health and sanitary measures for the protection of the public health within its jurisdiction;
- (3) Enact such local rules and regulations as are necessary in order to preserve, promote and improve the public health and provide for the enforcement thereof;
- (4) Provide for the control and prevention of any dangerous, contagious or infectious disease within the jurisdiction of the local health department;
- (5) Provide for the prevention, control and abatement of nuisances detrimental to the public health;

(6) Make such reports to the state board of health through the local health officer as the state board of health may require; and

(7) Establish fee schedules for issuing or renewing licenses or permits or for such other services as are authorized by the law and the rules and regulations of the state board of health: PROVIDED, That such fees for services shall not exceed the actual cost of providing any such services.

Sec. 80. Section 12, chapter 51, Laws of 1967 ex. sess. and RCW 70-.05.070 are each amended to read as follows:

The local health officer shall:

(1) Enforce the public health statutes of the state, rules and regulations of the state board of health and the ~~((state director of health))~~ secretary of social and health services, and all local health rules, regulations and ordinances within his jurisdiction;

(2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his jurisdiction;

(3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his jurisdiction;

(4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his jurisdiction;

(5) Prevent, control or abate nuisances which are detrimental to the public health;

(6) Attend all conferences called by the ~~((state director of health))~~ secretary of social and health services or his authorized representative;

(7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules and regulations of the state board of health.

(8) Take such measures as he deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

Sec. 81. Section 13, chapter 51, Laws of 1967 ex. sess. and RCW 70-.05.080 are each amended to read as follows:

In case of the refusal or neglect of any local board of health to appoint a local health officer after a vacancy exists, the ~~((state director of health))~~ secretary of social and health services may appoint a local health officer and fix the compensation and the local health officer so appointed shall have the same duties, powers and authority as though appointed by the local boards of health. Such local health officer shall serve until such time as the local board of health appoints a qualified individual in his place. The board shall be authorized to appoint an acting health officer to serve whenever the

health officer is absent or incapacitated and unable to fulfill his responsibilities under the provisions of chapter 70.05 RCW and RCW 70.46.020 through 70.46.090.

Sec. 82. Section 14, chapter 51, Laws of 1967 ex. sess. and RCW 70-.05.090 are each amended to read as follows:

Whenever any physician shall attend any person sick with any dangerous contagious or infectious disease, or with any diseases required by the state board of health to be reported, he shall, within twenty-four hours, give notice thereof to the local health officer within whose jurisdiction such sick person may then be or to the state department of social and health services in Olympia.

Sec. 83. Section 15, chapter 51, Laws of 1967 ex. sess. and RCW 70-.05.100 are each amended to read as follows:

In case of the question arising as to whether or not any person is affected or is sick with a dangerous, contagious or infectious disease, the opinion of the local health officer shall prevail until the state department of social and health services can be notified, and then the opinion of the executive officer of the state department of social and health services, or any physician he may appoint to examine such case, shall be final.

Sec. 84. Section 18, chapter 51, Laws of 1967 ex. sess. and RCW 70-.05.130 are each amended to read as follows:

All expenses incurred by the state, health district, or county in carrying out the provisions of chapter 70.05 RCW and RCW 70.46.020 through 70-.46.090 or any other public health law, or the rules and regulations of the state department of social and health services enacted under such laws, shall be paid by the county or city by which or in behalf of which such expenses shall have been incurred and such expenses shall constitute a claim against the general fund as provided herein.

Sec. 85. Section 8, chapter 46, Laws of 1949 and RCW 70.08.050 are each amended to read as follows:

Nothing in this chapter shall prohibit the director of public health as provided herein from acting as health officer for any other city or town within the county, nor from acting as health officer in any adjoining county or any city or town within such county having a contract or agreement as provided in RCW 70.08.090: PROVIDED, HOWEVER, That before being appointed health officer for such adjoining county, the (~~state director of health~~) secretary of social and health services shall first give his approval thereto.

Sec. 86. Section 2, chapter 191, Laws of 1939 and RCW 70.12.015 are each amended to read as follows:

The (~~director of the state department of health~~) secretary of social and health services is hereby authorized to apportion and expend such sums as he shall deem necessary for public health work in the counties of the

state, from the appropriations made to the state department of social and health services for county public health work.

Sec. 87. Section 5, chapter 190, Laws of 1943 and RCW 70.12.070 are each amended to read as follows:

The public health pool fund shall be subject to audit by the division of departmental audits and shall be subject to check by the state department of social and health services.

Sec. 88. Section 2, chapter 283, Laws of 1961 and RCW 70.22.020 are each amended to read as follows:

The (~~director of the state department of health~~) secretary of social and health services is hereby authorized and empowered to make or cause to be made such inspections, investigations, studies and determinations as he may from time to time deem advisable in order to ascertain the effect of mosquitoes as a health hazard, and, to the extent to which funds are available, to provide for the control or elimination thereof in any or all parts of the state.

Sec. 89. Section 3, chapter 283, Laws of 1961 and RCW 70.22.030 are each amended to read as follows:

The (~~director of health~~) secretary of social and health services shall coordinate plans for mosquito control work which may be projected by any county, city or town, municipal corporation, taxing district, state department or agency, federal government agency, or any person, group or organization, and arrange for cooperation between any such districts, departments, agencies, persons, groups or organizations.

Sec. 90. Section 4, chapter 283, Laws of 1961 and RCW 70.22.040 are each amended to read as follows:

The (~~director of health~~) secretary of social and health services is authorized and empowered to receive funds from any county, city or town, municipal corporation, taxing district, the federal government, or any person, group or organization to carry out the purpose of this chapter. In connection therewith the (~~director~~) secretary is authorized and empowered to contract with any such county, city, or town, municipal corporation, taxing district, the federal government, person, group or organization with respect to the construction and maintenance of facilities and other work for the purpose of effecting mosquito control or elimination, and any such county, city or town, municipal corporation, or taxing district obligated to carry out the provisions of any such contract entered into with the (~~director of health~~) secretary of social and health services is authorized, empowered and directed to appropriate, and if necessary, to levy taxes for and pay over such funds as its contract with the (~~director~~) secretary may from time to time require.

Sec. 91. Section 5, chapter 283, Laws of 1961 and RCW 70.22.050 are each amended to read as follows:

To carry out the purpose of this chapter, the (~~(director of health)~~) secretary of social and health services may

(2) abate as nuisances breeding places for mosquitoes as defined in RCW 17.28.170;

(3) acquire by gift, devise, bequest, lease, or purchase, real and personal property necessary or convenient for carrying out the purpose of this chapter;

(4) make contracts, employ engineers, health officers, sanitarians, physicians, laboratory personnel, attorneys, and other technical or professional assistants;

(5) publish information or literature;

(6) do any and all other things necessary to carry out the purpose of this chapter: PROVIDED, That no program shall be permitted nor any action taken in pursuance thereof which may be injurious to the life or health of game or fish.

Sec. 92. Section 6, chapter 283, Laws of 1961 and RCW 70.22.060 are each amended to read as follows:

Each state department, agency, and political subdivision shall cooperate with the (~~(director of health)~~) secretary of social and health services in carrying out the purposes of this chapter.

Sec. 93. Section 2, chapter 114, Laws of 1919 and RCW 70.24.020 are each amended to read as follows:

State, county and municipal health officers, or their authorized deputies, who are licensed physicians, within their respective jurisdictions are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examination of persons reasonably suspected of being infected with venereal disease of a communicable nature, and to require persons infected with venereal disease of such communicable nature to report for treatment to a reputable physician and continue treatment until cured, or to submit to treatment provided at public expense until cured, and also, when in the judgment of the (~~(state commissioner of health)~~) secretary of social and health services, it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease of such communicable nature. It shall be the duty of all local and state health officers to investigate sources of infection of venereal diseases, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution: PROVIDED, That any person suspected as herein set out may have present at the time of taking the blood sample or smear a physician of his or her choosing, who may satisfy himself that the blood or smear taken is that of the suspected person, and that the same shall be forwarded to the proper state authorities for laboratory tests, and: PROVIDED, FURTHER, That the suspected person shall be informed by the health officer of his or her rights under (~~(this act)~~) RCW 70.24.010 through 70.24.080.

Sec. 94. Section 7, chapter 114, Laws of 1919 and RCW 70.24.060 are each amended to read as follows:

Any person committed to quarantine under the provisions of ~~((this act)) RCW 70.24.010 through 70.24.080~~, feeling aggrieved at the finding of any health officer that he or she is infected, or at the finding of any quarantine officer that he or she has not been cured of infection, shall have the right of appeal from such finding to the ~~((state commissioner of health))~~ secretary of social and health services; and it shall be the duty of every health officer making an examination, and of every quarantine officer, to notify all persons examined or quarantined of their rights in that regard, and to supply them with the forms necessary for that purpose, upon which to make such appeals, to be provided by the ~~((state commissioner of health))~~ secretary of social and health services, and to immediately transmit any such appeals by mail to the ~~((state commissioner of health))~~ secretary of social and health services; and the ~~((state commissioner of health))~~ secretary of social and health services shall, within five days after receiving any such appeal, either in person or by regular or special physician deputy appointed for that purpose, and skilled in the diagnosis of contagious venereal diseases, examine or cause to be examined the person taking the appeal, and the finding and conclusion of the ~~((commissioner of health))~~ secretary of social and health services or his deputy so making such examination shall be final and conclusive.

Sec. 95. Section 2, chapter 165, Laws of 1939 and RCW 70.24.100 are each amended to read as follows:

A standard serological test shall be a laboratory test for syphilis approved by the ~~((state director of health))~~ secretary of social and health services and shall be performed either by a laboratory approved by the ~~((state director of health))~~ secretary of social and health services for the performance of the particular serological test used or by the state department of social and health services, on request of the physician free of charge.

Sec. 96. Section 2, chapter 197, Laws of 1949 as amended by section 2, chapter 252, Laws of 1959 and RCW 70.40.020 are each amended to read as follows:

As used in this chapter:

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

(2) "The federal act" means Title VI of the public health service act, as amended, or as hereafter amended by congress;

(3) "The surgeon general" means the surgeon general of the public health service of the United States;

(4) "Hospital" includes public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, outpatient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals;

(5) "Public health center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers;

(6) "Nonprofit hospital" and "nonprofit medical facility" means any hospital or medical facility owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

(7) "Medical facilities" means diagnostic or diagnostic and treatment centers, rehabilitation facilities and nursing homes as those terms are defined in the federal act.

Sec. 97. Section 3, chapter 197, Laws of 1949 as amended by section 3, chapter 252, Laws of 1959 and RCW 70.40.030 are each amended to read as follows:

There is hereby established in the state department of social and health services a "section of hospital and medical facility survey and construction" which shall be administered by a full time salaried head under the supervision and direction of the ((~~director~~)) secretary. The state department of social and and health services, through such section, shall constitute the sole agency of the state for the purpose of:

(1) Making an inventory of existing hospitals and medical facilities, surveying the need for construction of hospitals and medical facilities, and developing a program of hospital and medical facility construction; and

(2) Developing and administering a state plan for the construction of public and other nonprofit hospitals and medical facilities as provided in this chapter.

Sec. 98. Section 4, chapter 197, Laws of 1949 as last amended by section 83, chapter 75, Laws of 1977 and RCW 70.40.040 are each amended to read as follows:

In carrying out the purposes of the chapter the ((~~director~~)) secretary is authorized and directed:

(1) To require such reports, make such inspections and investigations and prescribe such regulations as he deems necessary;

(2) To provide such methods of administration, appoint a head and other personnel of the section and take such other action as may be necessary to comply with the requirements of the federal act and the regulations thereunder;

(3) To procure in his discretion the temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part time or fee for service basis and do not involve the performance of administrative duties;

(4) To the extent that he considers desirable to effectuate the purposes of this chapter, to enter into agreements for the utilization of the facilities

and services of other departments, agencies, and institutions public or private;

(5) To accept on behalf of the state and to deposit with the state treasurer, any grant, gift, or contribution made to assist in meeting the cost of carrying out the purposes of this chapter, and to expend the same for such purpose; and

(6) To make an annual report to the governor on activities pursuant to this chapter, including recommendations for such additional legislation as the ((director)) secretary considers appropriate to furnish adequate hospital and medical facilities to the people of this state.

Sec. 99. Section 6, chapter 197, Laws of 1949 as amended by section 6, chapter 252, Laws of 1959 and RCW 70.40.060 are each amended to read as follows:

The ((director)) secretary is authorized and directed to make an inventory of existing hospitals and medical facilities, including public nonprofit and proprietary hospitals and medical facilities, to survey the need for construction of hospitals and medical facilities, and, on the basis of such inventory and survey, to develop a program for the construction of such public and other nonprofit hospitals and medical facilities as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital and medical facility services to all the people of the state.

Sec. 100. Section 8, chapter 197, Laws of 1949 and RCW 70.40.080 are each amended to read as follows:

The ((director)) secretary is authorized to make application to the surgeon general for federal funds to assist in carrying out the survey and planning activities herein provided. Such funds shall be deposited with the state treasurer and shall be available to the ((director)) secretary for expenditure in carrying out the purposes of this part. Any such funds received and not expended for such purposes shall be repaid to the treasurer of the United States.

Sec. 101. Section 9, chapter 197, Laws of 1949 as amended by section 8, chapter 252, Laws of 1959 and RCW 70.40.090 are each amended to read as follows:

The ((director)) secretary shall prepare and submit to the surgeon general a state plan which shall include the hospital and medical facility construction program developed under this chapter and which shall provide for the establishment, administration, and operation of hospital and medical facility construction activities in accordance with the requirements of the federal act and the regulations thereunder. The ((director)) secretary shall, prior to the submission of such plan to the surgeon general, give adequate publicity to a general description of all the provisions proposed to be included therein, and hold a public hearing at which all persons or organizations with a legitimate interest in such plan may be given an opportunity to

express their views. After approval of the plan by the surgeon general, the ((director)) secretary shall publish a general description of the provisions thereof in at least one newspaper having general circulation in the state, and shall make the plan, or a copy thereof, available upon request to all interested persons or organizations. The ((director)) secretary shall from time to time review the hospital and medical facility construction program and submit to the surgeon general any modifications thereof which he may find necessary and may submit to the surgeon general such modifications of the state plan, not inconsistent with the requirements of the federal act, as he may deem advisable.

Sec. 102. Section 10, chapter 197, Laws of 1949 as amended by section 9, chapter 252, Laws of 1959 and RCW 70.40.110 are each amended to read as follows:

The ((director)) secretary shall by regulation prescribe minimum standards for the maintenance and operation of hospitals and medical facilities which receive federal aid for construction under the state plan.

Sec. 103. Section 12, chapter 197, Laws of 1949 as amended by section 10, chapter 252, Laws of 1959 and RCW 70.40.120 are each amended to read as follows:

Applications for hospital and medical facility construction projects for which federal funds are requested shall be submitted to the ((director)) secretary and may be submitted by the state or any political subdivision thereof or by any public or nonprofit agency authorized to construct and operate a hospital or medical facility: PROVIDED, That except as may be permitted by federal law no application for a diagnostic or treatment center shall be approved unless the applicant is (1) a state, political subdivision, or public agency, or (2) a corporation or association which owns and operates a nonprofit hospital. Each application for a construction project shall conform to federal and state requirements.

Sec. 104. Section 13, chapter 197, Laws of 1949 and RCW 70.40.130 are each amended to read as follows:

The ((director)) secretary shall afford to every applicant for a construction project an opportunity for a fair hearing. If the ((director)) secretary, after affording reasonable opportunity for development and presentation of applications in the order of relative need, finds that a project application complies with the requirements of RCW 70.40.120 and is otherwise in conformity with the state plan, he shall approve such application and shall recommend and forward it to the surgeon general.

Sec. 105. Section 14, chapter 197, Laws of 1949 and RCW 70.40.140 are each amended to read as follows:

From time to time the ((director)) secretary shall inspect each construction project approved by the surgeon general, and, if the inspection so warrants, the ((director)) secretary shall certify to the surgeon general that

work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment of federal funds is due to the applicant.

Sec. 106. Section 1, chapter 267, Laws of 1955 and RCW 70.41.010 are each amended to read as follows:

The primary purpose of this chapter is to promote safe and adequate care of individuals in hospitals through the development, establishment and enforcement of minimum hospital standards for maintenance and operation. To accomplish these purposes, this chapter provides for:

- (1) The licensing and inspection of hospitals;
- (2) The establishment of a Washington state hospital advisory council;
- (3) The establishment by the state board of health of standards, rules and regulations for the construction, maintenance and operation of hospitals;
- (4) The enforcement by the Washington state department of social and health services of the standards, rules and regulations established by the board.

Sec. 107. Section 8, chapter 264, Laws of 1945 and RCW 70.44.100 are each amended to read as follows:

The Washington state department of social and health services shall be authorized to inspect all premises maintained or operated by any hospital district created hereunder. No district shall construct any building or make any alteration therein without first having obtained the approval of the Washington state board of health as to plans of such construction and the site thereof.

Sec. 108. Section 1, chapter 23, Laws of 1945 and RCW 70.50.010 are each amended to read as follows:

The (~~state director of health~~) secretary of social and health services shall appoint and employ an otologist skilled in diagnosis of diseases of the ear and defects in hearing, especially for school children with an impaired sense of hearing, and shall fix the salary of such otologist in a sum not exceeding the salary of the (~~director~~) secretary.

Sec. 109. Section 3, chapter 208, Laws of 1909 and RCW 70.54.040 are each amended to read as follows:

The commissioners of any county or the mayor of any city may call upon the (~~state commissioner of health~~) secretary of social and health services for advice relative to improving sanitary conditions or disposing of garbage and sewage or obtaining a pure water supply, and when so called upon the (~~state commissioner of health~~) secretary of social and health services shall either personally or by an assistant make a careful examination into the conditions existing and shall make a full report containing his advice thereon to the county or city making such request.

Sec. 110. Section 2, chapter 177, Laws of 1959 and RCW 70.58.310 are each amended to read as follows:

The ~~((director of the department of health))~~ secretary of social and health services, through the state registrar of vital statistics, shall establish and maintain a registry for handicapped children.

Sec. 111. Section 3, chapter 177, Laws of 1959 and RCW 70.58.320 are each amended to read as follows:

Whenever the attending physician discovers that a newborn child has a congenital defect, and whenever a physician discovers upon treating a child under the age of fourteen years that such child has a partial or complete disability or a condition which may lead to partial or complete disability, such fact shall be reported to the local registrar upon a form to be provided by the ~~((director of health))~~ secretary of social and health services. No report shall be required if the disabling condition has been previously reported or the condition is not one required to be reported by the ~~((director of health))~~ secretary of social and health services. Congenital defects shall be reported at the same time as birth certificates are required to be filed. Each physician shall make a report as to disabling conditions within thirty days after discovery thereof.

The forms to be provided by the ~~((director of health))~~ secretary of social and health services for this purpose shall require such information as the ~~((director))~~ secretary deems necessary to carry out the purpose of RCW 70.58.300 through 70.58.350.

Sec. 112. Section 5, chapter 177, Laws of 1959 and RCW 70.58.340 are each amended to read as follows:

The ~~((director of health))~~ secretary of social and health services and any local health officer is authorized to cooperate with and to promote the aid of any medical, health, nursing, welfare, or other private groups or organizations, and with any state agency or political subdivision to furnish statistical data in furtherance of the purpose of RCW 70.58.300 through 70.58.350. The ~~((director))~~ secretary or any local health officer may accept contributions or gifts in cash or otherwise from any person, group, or governmental agency to further the purpose of RCW 70.58.300 through 70.58.350.

Sec. 113. Section 3, chapter 82, Laws of 1967 and RCW 70.83.030 are each amended to read as follows:

Laboratories, attending physicians, hospital administrators, or other persons performing or requesting the performance of tests for phenylketonuria shall report to the department of social and health services all positive tests. The state board of health by rule and regulation shall, when it deems appropriate, require that positive tests for other heritable and metabolic disorders covered by this chapter be reported to the state department of social and health services by such persons or agencies requesting or performing such tests.

Sec. 114. Section 4, chapter 82, Laws of 1967 and RCW 70.83.040 are each amended to read as follows:

When notified of positive screening tests, the state department of social and health services shall offer the use of its services and facilities, designed to prevent mental retardation or physical defects in such children, to the attending physician, or the parents of the newborn child if no attending physician can be identified.

The services and facilities of the state department of social and health services, and other state and local agencies cooperating with the department of social and health services in carrying out programs of detection and prevention of mental retardation and physical defects shall be made available to the family and physician to the extent required in order to carry out the intent of this chapter and within the availability of funds.

Sec. 115. Section 1, chapter 57, Laws of 1957 and RCW 70.90.010 are each amended to read as follows:

(1) The term "swimming pool" as used in this chapter shall mean an artificial pool of water used for swimming or recreational bathing, together with buildings and appurtenances in connection therewith, and shall be construed as including all pools of water used for swimming or recreational bathing in which it is necessary to employ such measures as the addition of clean water or disinfectant or both for the purpose of maintaining water quality standards.

(2) The term "wading pool" shall mean any artificial pool of water for wading purposes.

(3) The term "spray pool" shall mean a pool or artificially constructed depression for use by children, into which water is sprayed but is not allowed to pond in the bottom of the pool.

(4) The term "health officer" shall mean the city, county or district health officer.

(5) The term (~~("director")~~) "secretary" shall mean the (~~(director of health)~~) secretary of social and health services of the state of Washington.

(6) The term "public pool" shall include any swimming pool owned or operated by the state of Washington or any of its political subdivisions or is a pool generally available to the general public upon the payment of a specific admission charge for the use of the same, and shall include pools maintained by hotels, motels or private clubs as an additional facility for members or guests where the same is fifteen hundred square feet or more in surface area.

(7) The term "semipublic pool" shall mean a pool provided by a hotel, motel or private club as an additional facility for members or guests where the same is less than fifteen hundred square feet in surface area.

(8) The term "private pool" shall mean a swimming pool, wading pool or spray pool maintained by an individual for the use of his family and friends.

Sec. 116. Section 2, chapter 57, Laws of 1957 and RCW 70.90.020 are each amended to read as follows:

No municipality, person, firm or corporation shall construct a public or semipublic swimming pool, nor make changes in any public or semipublic swimming pool already built, or in the appurtenances thereof, until the plans and specifications therefor shall first have been submitted to and received the approval of the ~~((director))~~ secretary. The ~~((director))~~ secretary may stipulate as a condition of such approval such modifications or conditions not inconsistent with this chapter as the public health or safety may require.

Sec. 117. Section 3, chapter 57, Laws of 1957 and RCW 70.90.030 are each amended to read as follows:

The ~~((director))~~ secretary is authorized and empowered to make any rules and regulations not inconsistent herewith relative to water quality, disinfection, sanitation and sanitary control of public and semipublic swimming pools, wading pools and spray pools as are reasonably necessary to the protection of the public health and safety: PROVIDED, That such regulations shall not require the installation of overflow troughs or scum gutters in semipublic pools provided other suitable devices of suitable number, type and location, as prescribed by the ~~((director))~~ secretary, shall be provided therefor, nor shall said regulations require recirculation equipment producing a complete turnover of the contents of semipublic pools at a greater rate than once every twelve hours.

Sec. 118. Section 4, chapter 57, Laws of 1957 and RCW 70.90.040 are each amended to read as follows:

The health officer of every city, county or district is empowered to enforce the provisions of this chapter and the needful rules and regulations promulgated by the ~~((director))~~ secretary pursuant hereto, and the violation of any such rules or regulations shall be a misdemeanor punishable by a fine of not more than three hundred dollars.

Sec. 119. Section 3, chapter 232, Laws of 1957 as last amended by section 2, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.030 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(2) "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property.

(3) "Person" means and includes an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

(4) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(5) "Board" means the board of directors of an authority.

(6) "Control officer" means the air pollution control officer of any authority.

(7) "State board" means the state air pollution control board, or any department or agency which by law shall succeed to its powers, duties and functions.

(8) "Emission" means a release into the outdoor atmosphere of air contaminants.

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

(10) "Ambient air" means the surrounding outside air.

(11) "Multicounty authority" means an authority which consists of two or more counties.

(12) "Emission standard" means a limitation on the release of a contaminant or multiple contaminants into the ambient air.

(13) "Air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(14) "Air quality objective" means the concentration and exposure time of a contaminant or multiple contaminants in the ambient air below which undesirable effects will not occur.

Sec. 120. Section 4, chapter 238, Laws of 1967 and RCW 70.94.053 are each amended to read as follows:

(1) In each county of the state there is hereby created an air pollution control authority, which shall bear the name of the county within which it is located. The boundaries of each authority shall be coextensive with the boundaries of the county within which it is located. An authority shall include all incorporated and unincorporated areas of the county within which it is located.

(2) All authorities which are presently or may hereafter be within counties of the first class, class A or class AA, are hereby designated as activated authorities and shall carry out the duties and exercise the powers provided in this chapter. Those authorities hereby activated which encompass contiguous counties located in one or the other of the two major areas determined in RCW 70.94.011 are declared to be and directed to function as a multicounty authority.

(3) Except as provided in RCW 70.94.232, all other air pollution control authorities are hereby designated as inactive authorities.

(4) The boards of those authorities designated as activated authorities by this chapter shall be comprised of such appointees and/or county commissioners as is provided in RCW 70.94.100. The first meeting of the boards of those authorities designated as activated authorities by this chapter shall be on or before sixty days after June 8, 1967.

(5) The state board and the department of social and health services are directed to conduct the necessary evaluations and delineate appropriate air pollution regions throughout the state, taking into consideration:

(a) The natural climatic and topographic features affecting the potential for buildup of air contaminant concentrations.

(b) The degree of urbanization and industrialization and the existence of activities which are likely to cause air pollution.

(c) The county boundaries as related to the air pollution regions and the practicality of administering air pollution control programs.

The state board and the department are directed to report to the 1969 and succeeding legislative sessions with respect to the further need for activating or combining air pollution control authorities.

Sec. 121. Section 20, chapter 232, Laws of 1957 as amended by section 32, chapter 238, Laws of 1967 and RCW 70.94.200 are each amended to read as follows:

For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, a control officer, the ~~((director of the state department of health))~~ secretary of social and health services or their duly authorized representatives, shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing two families or less. No person shall refuse entry or access to any control officer, the ~~((director of health))~~ secretary of social and health services, or their duly authorized representatives, who requests entry for the purpose of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection.

Sec. 122. Section 6, chapter 188, Laws of 1961 as amended by section 45, chapter 238, Laws of 1967 and RCW 70.94.350 are each amended to read as follows:

The ~~((director of health))~~ secretary of social and health services is authorized to contract for or otherwise agree to the use of personnel of municipal corporations or other agencies or private persons; and the ~~((director of health))~~ secretary of social and health services is further authorized to reimburse such municipal corporations or agencies for the employment of such personnel. Merit system regulations or standards for the employment of personnel may be waived for personnel hired under contract as provided for in this section. The ~~((director of health))~~ secretary of social and health services shall provide, within available appropriations, for the scientific, technical, legal, administrative, and other necessary services and facilities

for the functioning of the state board. The necessary staff, services, and facilities shall be administered through an appropriate organizational unit of the department of social and health services under the direction of the executive director of the state board.

Sec. 123. Section 8, chapter 188, Laws of 1961 as amended by section 59, chapter 238, Laws of 1967 and RCW 70.94.370 are each amended to read as follows:

No provision of this chapter or any recommendation of the state board or of any local or regional air pollution program is a limitation:

(1) On the power of any city, town or county to declare, prohibit and abate nuisances.

(2) On the power of the (~~director of the state department of health~~) secretary of social and health services to provide for the protection of the public health under any authority presently vested in that office or which may be hereafter prescribed by law.

(3) On the power of a state agency in the enforcement, or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(4) On the right of any person to maintain at any time any appropriate action for relief against any air pollution.

Sec. 124. Section 1, chapter 143, Laws of 1965 ex. sess. and RCW 70.96.085 are each amended to read as follows:

The department of social and health services is authorized to provide financial assistance and consultative services to assist in the development, establishment, construction, maintenance, and operation of community, public, or private nonprofit facilities throughout the state for the referral, care, custody, treatment, recovery and rehabilitation of alcoholics.

Sec. 125. Section 3, chapter 207, Laws of 1961 as amended by section 2, chapter 88, Laws of 1965 and RCW 70.98.030 are each amended to read as follows:

(1) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(2) "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(3) (a) "General license" means a license effective pursuant to regulations promulgated by the state radiation control agency, without the filing of an application, to transfer, acquire, own, possess, or use quantities of, or devices or equipment utilizing, byproduct, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.

(b) "Specific license" means a license, issued after application to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing byproduct, source, special nuclear materials, or other radioactive materials occurring naturally or produced artificially.

(4) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than federal government agencies licensed by the United States Atomic Energy Commission, or any successor thereto.

(5) "Source material" means (a) uranium, thorium, or any other material which the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such; or (b) ores containing one or more of the foregoing materials, in such concentration as the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material.

(6) "Special nuclear material" means (a) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the governor declares by order to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (b) any material artificially enriched by any of the foregoing, but does not include source material.

(7) "Registration" means registration with the state department of social and health services by any person possessing a source of ionizing radiation in accordance with rules, regulations and standards adopted by the department of social and health services.

(8) "Radiation source" means any type of device or substance which is capable of producing or emitting ionizing radiation.

Sec. 126. Section 5, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.412 are each amended to read as follows:

The department of (~~institutions~~) social and health services is authorized to investigate the financial condition of each person liable under the provisions of RCW (~~(71.02.230,)~~) 71.02.320(;) and 71.02.410 through 71.02.417, and is further authorized to make determinations of the ability of each such person to pay hospitalization charges and/or charges for outpatient services, in accordance with the provisions of RCW (~~(71.02.230,)~~) 71.02.320(;) and 71.02.410 through 71.02.417, and, for such purposes, to set a standard as a basis of judgment of ability to pay, which standard shall

be recomputed periodically to reflect changes in the costs of living, and other pertinent factors, and to make provisions for unusual and exceptional circumstances in the application of such standard.

In accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW, the department shall adopt appropriate rules and regulations relating to the standards to be applied in determining ability to pay such charges, the schedule of charges pursuant to RCW 71.02.410, and such other rules and regulations as are deemed necessary to administer the provisions of RCW (~~(71.02.230,)~~) 71.02.320(;) and 71.02.410 through 71.02.417.

Sec. 127. Section 7, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.414 are each amended to read as follows:

Whenever any notice and finding of responsibility, or appeal therefrom, shall have become final, the superior court, wherein such person or persons reside or have property either real or personal, shall, upon application of the (~~(director of institutions)~~) secretary of social and health services enter a judgment in the amount of the accrued monthly charges for the costs of hospitalization, and/or the costs of outpatient services, and such judgment shall have and be given the same effect as if entered pursuant to civil action instituted in said court.

Sec. 128. Section 9, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.416 are each amended to read as follows:

The provisions of RCW (~~(71.02.230,)~~) 71.02.320(;) and 71.02.410 through 71.02.417 shall not be construed as prohibiting or preventing the department of (~~(institutions)~~) social and health services from obtaining reimbursement from any person liable under RCW (~~(71.02.230,)~~) 71.02.320(;) and 71.02.410 through 71.02.417 for the reimbursement of the state of the full amount of the accrued charges for the costs of hospitalization, and/or the costs of outpatient services, to the extent of the liability as provided by this chapter, from any property acquired subsequent to and regardless of the initial findings of responsibility.

Sec. 129. Section 71.06.060, chapter 25, Laws of 1959 as amended by section 2, chapter 104, Laws of 1967 and RCW 71.06.060 are each amended to read as follows:

After the superintendent's report has been filed, the court shall determine whether or not the defendant is a sexual psychopath. If said defendant is found to be a sexual psychopath, the court shall commit him to the (~~(director of the department of institutions)~~) secretary of social and health services for designation of the facility for detention, care, and treatment of the sexual psychopath. If the defendant is found not to be a sexual psychopath, the court shall order the sentence to be executed, or may discharge the defendant as the case may merit.

Sec. 130. Section 3, chapter 104, Laws of 1967 and RCW 71.06.091 are each amended to read as follows:

A sexual psychopath committed pursuant to RCW 71.06.060 shall be retained by the superintendent of the institution involved until in the superintendent's opinion he is safe to be at large, or until he has received the maximum benefit of treatment, or is not amenable to treatment, but the superintendent is unable to render an opinion that he is safe to be at large. Thereupon, the superintendent of the institution involved shall so inform whatever court committed the sexual psychopath. The court then may order such further examination and investigation of such person as seems necessary, and may at its discretion, summon such person before it for further hearing, together with any witnesses whose testimony may be pertinent, and together with any relevant documents and other evidence. On the basis of such reports, investigation, and possible hearing, the court shall determine whether the person before it shall be released unconditionally from custody as a sexual psychopath, released conditionally, returned to the custody of the institution as a sexual psychopath, or returned to the department of ~~((institutions))~~ social and health services to serve the original sentence imposed upon him. The power of the court to grant conditional release for any such person before it shall be the same as its power to grant, amend and revoke probation as provided by chapter 9.95 RCW. When the sexual psychopath has entered upon the conditional release, the state board of prison terms and paroles shall supervise such person pursuant to the terms and conditions of the conditional release, as set by the court: PROVIDED, That the superintendent of the institution involved shall never release the sexual psychopath from custody without a court release as herein set forth.

Sec. 131. Section 71.06.140, chapter 25, Laws of 1959 as amended by section 6, chapter 104, Laws of 1967 and RCW 71.06.140 are each amended to read as follows:

The department may designate one or more state hospitals for the care and treatment of sexual psychopaths: PROVIDED, That a committed sexual psychopath who has been determined by the superintendent of such mental hospital to be a custodial risk, or a hazard to other patients may be transferred by the ~~((director of the department of institutions))~~ secretary of social and health services to one of the correctional institutions within the department of ~~((institutions))~~ social and health services which has psychiatric care facilities. A committed sexual psychopath who has been transferred to a correctional institution shall be observed and treated at the psychiatric facilities provided by the correctional institution. A complete psychiatric examination shall be given to each sexual psychopath so transferred at least twice annually. The examinations may be conducted at the correctional institution or at one of the mental hospitals. The examiners shall report in writing the results of said examinations, including recommendations as to future treatment and custody, to the superintendent of the

mental hospital from which the sexual psychopath was transferred, and to the committing court, with copies of such reports and recommendations to the superintendent of the correctional institution.

Sec. 132. Section 71.06.260, chapter 25, Laws of 1959 and RCW 71.06.260 are each amended to read as follows:

At any time any person is committed as a sexual psychopath or psychopathic delinquent the court shall, after reasonable notice of the time, place and purpose of the hearing has been given to persons subject to liability under this section, inquire into and determine the financial ability of said person, or his parents if he is a minor, or other relatives to pay the cost of care, meals and lodging during his period of hospitalization. Such cost shall be determined by the department of ~~((institutions))~~ social and health services. Findings of fact shall be made relative to the ability to pay such cost and a judgment entered against the person or persons found to be financially responsible and directing the payment of said cost or such part thereof as the court may direct. The person committed, or his parents or relatives, may apply for modification of said judgment, or the order last entered by the court, if a proper showing of equitable grounds is made therefor.

Sec. 133. Section 71.12.460, chapter 25, Laws of 1959 and RCW 71.12.460 are each amended to read as follows:

No person, association, or corporation, shall establish or keep, for compensation or hire, an establishment as defined in this chapter without first having obtained a license therefor from the department of social and health services, and having paid the license fee provided in this chapter. Any person who carries on, conducts, or attempts to carry on or conduct an establishment as defined in this chapter without first having obtained a license from the department of social and health services, as in this chapter provided, is guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment. The managing and executive officers of any corporation violating the provisions of this chapter shall be liable under the provisions of this chapter in the same manner and to the same effect as a private individual violating the same.

Sec. 134. Section 71.12.480, chapter 25, Laws of 1959 and RCW 71.12.480 are each amended to read as follows:

The department of social and health services shall not grant any such license until it has made an examination of the premises proposed to be licensed and is satisfied that they are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used, and that such license should be granted.

Sec. 135. Section 1, chapter 224, Laws of 1959 and RCW 71.12.485 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all establishments to be licensed hereunder, shall be the responsibility of the state fire marshal, who shall adopt such recognized standards as may be applicable to such establishments for the protection of life against the cause and spread of fire and fire hazards. The department of social and health services, upon receipt of an application for a license, or renewal of a license, shall submit to the state fire marshal in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the state fire marshal or his deputy shall make an inspection of the establishment to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the state fire marshal, he shall promptly make a written report to the establishment and the department of social and health services as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department of social and health services, applicant or licensee shall notify the state fire marshal upon completion of any requirements made by him, and the state fire marshal or his deputy shall make a reinspection of such premises. Whenever the establishment to be licensed meets with the approval of the state fire marshal, he shall submit to the department of social and health services a written report approving same with respect to fire protection before a full license can be issued. The state fire marshal shall make or cause to be made inspections of such establishments at least annually. The department of social and health services shall not license or continue the license of any establishment unless and until it shall be approved by the state fire marshal as herein provided.

In cities which have in force a comprehensive building code, the provisions of which are determined by the state fire marshal to be equal to the minimum standards of the state fire marshal for such establishments, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the state fire marshal or his deputy, and they shall jointly approve the premises before a full license can be issued.

Sec. 136. Section 71.12.500, chapter 25, Laws of 1959 and RCW 71-12.500 are each amended to read as follows:

The department of social and health services may at any time examine and ascertain how far a licensed establishment is conducted in compliance with the license therefor. If the interests of the patients of the establishment so demand, the department may, for just and reasonable cause, suspend or revoke any such license after notice and hearing.

Sec. 137. Section 71.12.520, chapter 25, Laws of 1959 and RCW 71-12.520 are each amended to read as follows:

Each such visit may include an inspection of every part of each establishment. The representatives of the department of social and health services

may make an examination of all records, methods of administration, the general and special dietary, the stores and methods of supply, and may cause an examination and diagnosis to be made of any person confined therein. The representatives of the department may examine to determine their fitness for their duties the officers, attendants, and other employees, and may talk with any of the patients apart from the officers and attendants.

Sec. 138. Section 71.12.530, chapter 25, Laws of 1959 and RCW 71.12.530 are each amended to read as follows:

The representatives of the department of social and health services may, from time to time, at times and places designated by the department, meet the managers or responsible authorities of such establishments in conference, and consider in detail all questions of management and improvement of the establishments, and may send to them, from time to time, written recommendations in regard thereto.

Sec. 139. Section 71.12.540, chapter 25, Laws of 1959 and RCW 71.12.540 are each amended to read as follows:

The authorities of each establishment as defined in this chapter shall place on file in the office of the establishment the recommendations made by the department of social and health services as a result of such visits, for the purpose of consultation by such authorities, and for reference by the department representatives upon their visits. Every such establishment shall keep records of every person admitted thereto as follows and shall furnish to the department, when required, the following data: Name, age, sex, marital status, date of admission, voluntary or other commitment, name of physician, diagnosis, and date of discharge.

Sec. 140. Section 71.12.640, chapter 25, Laws of 1959 and RCW 71.12.640 are each amended to read as follows:

The prosecuting attorney of every county shall, upon application by the department of social and health services or its authorized representatives, institute and conduct the prosecution of any action brought for the violation within his county of any of the provisions of this chapter.

Sec. 141. Section 1, chapter 61, Laws of 1969 and RCW 71.24.165 are each amended to read as follows:

The department of ((~~institutions~~)) social and health services in making payments of state funds in accordance with the provisions of chapter 71.24 RCW, to counties for the support of community mental health programs which were financially supported by the state prior to July 1, 1967 shall pay to the counties not less than the amounts paid by the state to such preexisting programs immediately prior to July 1, 1967: PROVIDED, That in the event appropriated funds to the department of ((~~institutions~~)) social and health services for the support of community mental health programs are insufficient to maintain community mental health programs of eligible

counties at the same level prevailing during the previous biennium, then the department of (~~institutions~~) social and health services shall make pro rata reductions in the payment of state funds to all counties.

Sec. 142. Section 72.01.010, chapter 28, Laws of 1959 as amended by section 56, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.010 are each amended to read as follows:

As used in this title:

~~((The word))~~ "Department" ~~((after July 1, 1970))~~ means the department of social and health services; and

~~((The word "director" after July 1, 1970))~~ "Secretary" means the secretary of social and health services.

Sec. 143. Section 1, chapter 169, Laws of 1953 as amended by section 60, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.042 are each amended to read as follows:

The hours of labor for each full time employee ~~((transferred under the provisions of this 1970 amendatory act from the department of institutions))~~ shall be a maximum of eight hours in any work day and forty hours in any work week.

Employees ~~((transferred under the provisions of this 1970 amendatory act from the department of institutions and))~~ required to work in excess of the eight-hour maximum per day or the forty-hour maximum per week shall be compensated by not less than equal hours of compensatory time off or, in lieu thereof, a premium rate of pay per hour equal to not less than one-hundred and seventy-sixth of the employee's gross monthly salary: PROVIDED, That in the event that an employee is granted compensatory time off, such time off should be given within the calendar year and in the event that such an arrangement is not possible the employee shall be given a premium rate of pay: PROVIDED FURTHER, That compensatory time and/or payment thereof shall be allowed only for overtime as is duly authorized and accounted for under rules and regulations established by the ~~((director of institutions prior to July 1, 1970 or as the same are hereinafter amended under rules and regulations promulgated hereunder))~~ secretary of social and health services.

Sec. 144. Section 2, chapter 169, Laws of 1953 as amended by section 61, chapter 18, Laws of 1970 ex. sess. and RCW 72.01.043 are each amended to read as follows:

RCW 72.01.042 shall not be applicable to the following designated personnel ~~((transferred from the department of institutions under the provisions of this 1970 amendatory act))~~: Administrative officers of the department; institutional superintendents, medical staff other than nurses, and business managers; and such professional, administrative and supervisory personnel as designated prior to July 1, 1970 by the department of

~~((institutions))~~ social and health services with the concurrence of the merit system board having jurisdiction.

Sec. 145. Section 72.01.050, chapter 28, Laws of 1959 as amended by section 1, chapter 31, Laws of 1977 and RCW 72.01.050 are each amended to read as follows:

The ~~((director))~~ secretary shall have full power to manage and govern the following public institutions.

The western state hospital, the eastern state hospital, the northern state hospital, the state penitentiary, the state reformatory, the state training school, the state school for girls, Lakeland Village, the Rainier school, the state school for the deaf, the state school for the blind, ~~((the state narcotic farm colony, the Fort Worden school for the care and custody of children and youth))~~ and such other institutions as authorized by law, subject only to the limitations contained in laws relating to the management of such institutions.

Sec. 146. Section 72.01.060, chapter 28, Laws of 1959 and RCW 72.01.060 are each amended to read as follows:

It shall be the duty of the ~~((director))~~ secretary to appoint a chief executive officer for each public institution under his control, who shall devote his entire time to the duties of his office and whose title shall be "superintendent". Said appointment shall be for a term of four years, but the appointee may be removed by the ~~((director))~~ secretary in his discretion.

No person shall be eligible for appointment as superintendent of a hospital for the mentally ill unless he has had three or more years experience as a practicing physician after receiving his diploma or license.

Except as otherwise provided in this title, the superintendent of each institution may appoint all assistants and employees required for the management of the institution placed in his charge, the number of such assistants and employees to be determined and fixed by the ~~((director))~~ secretary. The superintendent of any institution may, at his pleasure, discharge any person therein employed. The ~~((director))~~ secretary shall investigate all complaints made against the superintendent of any institution and also any complaint against any other officer or employee thereof, if it has not been investigated and reported upon by the superintendent.

The ~~((director))~~ secretary may, after investigation, for good and sufficient reasons, order the discharge of any subordinate officer or employee of an institution.

Each superintendent shall receive such salary as is fixed by the ~~((director))~~ secretary, who shall also fix the compensation of other officers and the employees of each institution. Such latter compensation shall be fixed on or before the first day of April of each year and no change shall be made in the compensation, so fixed, during the twelve months period commencing April 1st.

Sec. 147. Section 72.01.100, chapter 28, Laws of 1959 and RCW 72-01.100 are each amended to read as follows:

The ((director)) secretary shall:

- (1) Prepare topographic and architectural plans for the state institutions under his control;
- (2) Establish a systematic building program providing for the grouping of buildings at the institutions;
- (3) Prepare plans, specifications, and estimates of cost for all necessary repairs or betterments to buildings at the institutions, to accompany the estimates for the biennial budget;
- (4) Supervise the erection, repair, and betterment of all such buildings.

Sec. 148. Section 72.01.120, chapter 28, Laws of 1959 and RCW 72-01.120 are each amended to read as follows:

When improvements are to be made under contract, notice of the call for the same shall be published in at least two newspapers of general circulation in the state for two weeks prior to the award being made. The contract shall be awarded to the lowest responsible bidder. The ((director)) secretary is authorized to require such security as he may deem proper to accompany the bids submitted, and shall also fix the amount of the bond or other security that shall be furnished by the person or firm to whom the contract is awarded. The ((director)) secretary shall have the power to reject any or all bids submitted, if for any reason it is deemed for the best interest of the state to do so, and to readvertise in accordance with the provisions hereof. The ((director)) secretary shall also have the power to reject the bid of any person or firm who has had a prior contract, and who did not, in the opinion of the ((director)) secretary, faithfully comply with the same.

Sec. 149. Section 72.01.140, chapter 28, Laws of 1959 and RCW 72-01.140 are each amended to read as follows:

The ((director)) secretary shall:

- (1) Make a survey, investigation, and classification of the lands connected with the state institutions under his control, and determine which thereof are of such character as to be most profitably used for agricultural, horticultural, dairying, and stock raising purposes, taking into consideration the costs of making them ready for cultivation, the character of the soil, its depth and fertility, the number of kinds of crops to which it is adapted, the local climatic conditions, the local annual rainfall, the water supply upon the land or available, the needs of all state institutions for the food products that can be grown or produced, and the amount and character of the available labor of inmates at the several institutions;
- (2) Establish and carry on suitable farming operations at the several institutions under his control;
- (3) Supply the several institutions with the necessary food products produced thereat;

- (4) Exchange with, or furnish to, other institutions, food products at the cost of production;
- (5) Sell and dispose of surplus food products produced.

Sec. 150. Section 72.01.150, chapter 28, Laws of 1959 and RCW 72-.01.150 are each amended to read as follows:

The ((~~director~~)) secretary shall:

- (1) Establish, install and operate, at the several state institutions under his control, such industries and industrial plants as may be most suitable and beneficial to the inmates thereof, and as can be operated at the least relative cost and the greatest relative benefit to the state, taking into consideration the needs of the state institutions for industrial products, and the amount and character of labor of inmates available at the several institutions;

- (2) Supply the several institutions with the necessary industrial products produced thereat;

- (3) Exchange with, or furnish to, other state institutions industrial products at prices to be fixed by the department, not to exceed in any case the price of such products in the open market;

- (4) Sell and dispose of surplus industrial products produced, to such persons and under such rules, regulations, terms, and prices as may be in his judgment for the best interest of the state;

- (5) Sell products of the plate mill to any department, to any state, county, or other public institution and to any governmental agency, of this or any other state under such rules, regulations, terms, and prices as may be in his judgment for the best interests of the state.

Sec. 151. Section 72.01.160, chapter 28, Laws of 1959 and RCW 72-.01.160 are each amended to read as follows:

The ((~~director~~)) secretary shall have the power, and it shall be his duty, to cause all moneys or credits received from the sale or exchange of farm or industrial products produced or manufactured at the several institutions under the control of the department to be paid into the state treasury to the credit of a revolving account, to be known as the state institutional revolving account, from which account there shall be biennially appropriated for the benefit of the several institutions under the control of the department sufficient moneys to cover the estimated biennial contribution to such account of each of the said institutions.

Sec. 152. Section 72.01.180, chapter 28, Laws of 1959 as last amended by section 166, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 72-.01.180 are each amended to read as follows:

The ((~~director~~)) secretary shall have the power to select a member of the faculty of the University of Washington, or the Washington State University, skilled in scientific food analysis and dietetics, to be known as the state dietitian, who shall make and furnish to the department food analyses

showing the relative food value, in respect to cost, of food products, and advise the department as to the quantity, comparative cost, and food values, of proper diets for the inmates of the state institutions under the control of the department. The state dietitian shall receive travel expenses while engaged in the performance of his duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 153. Section 72.01.190, chapter 28, Laws of 1959 and RCW 72-01.190 are each amended to read as follows:

The ((~~director~~)) secretary may enter into an agreement with a city or town adjacent to any state institution for fire protection for such institution.

Sec. 154. Section 72.01.210, chapter 28, Laws of 1959 as last amended by section 1, chapter 58, Laws of 1967 and RCW 72.01.210 are each amended to read as follows:

The ((~~director~~)) secretary is hereby directed and empowered to appoint chaplains for the state correctional institutions for convicted felons; and chaplains for the correctional institutions for juveniles found delinquent by the juvenile courts, and one chaplain, or more chaplains as may be approved by the ((~~director~~)) secretary for other custodial, correctional and mental institutions. The chaplains so appointed shall have the qualifications and shall be compensated in an amount, as shall hereafter be recommended by the department and approved by the state personnel board.

Sec. 155. Section 72.01.240, chapter 28, Laws of 1959 and RCW 72-01.240 are each amended to read as follows:

The ((~~director~~)) secretary is hereby empowered to appoint one of the chaplains, authorized by RCW 72.01.210, to act as supervisor of chaplains for the department, in addition to his duties at one of the institutions designated in RCW 72.01.210.

Sec. 156. Section 72.01.260, chapter 28, Laws of 1959 and RCW 72-01.260 are each amended to read as follows:

Nothing contained in RCW 72.01.210 through 72.01.250 shall be so construed as to exclude ministers of any denomination from giving gratuitous religious or moral instruction to prisoners under such reasonable rules and regulations as the ((~~director~~)) secretary may prescribe.

Sec. 157. Section 72.01.270, chapter 28, Laws of 1959 and RCW 72-01.270 are each amended to read as follows:

The ((~~director~~)) secretary shall have the power to receive, hold and manage all real and personal property made over to the department by gift, devise or bequest, and the proceeds and increase thereof shall be used for the benefit of the institution for which it is received.

Sec. 158. Section 72.01.280, chapter 28, Laws of 1959 as last amended by section 3, chapter 39, Laws of 1959 and RCW 72.01.280 are each amended to read as follows:

The superintendent of each public institution and the assistant physicians, steward, accountant and chief engineer of each hospital for the mentally ill may be furnished with quarters, household furniture, board, fuel, and lights for themselves and their families, and the ((~~director~~)) secretary may, when in his opinion any public institution would be benefited by so doing, extend this privilege to any officer at any of the public institutions under his control. The words "family" or "families" used in this section shall be construed to mean only the spouse and dependent children of an officer. Employees may be furnished with quarters and board for themselves. The ((~~director~~)) secretary shall charge and collect from such officers and employees the full cost of the items so furnished, including an appropriate charge for depreciation of capital items.

Sec. 159. Section 1, chapter 210, Laws of 1959 and RCW 72.01.282 are each amended to read as follows:

All moneys received by the ((~~director of institutions~~)) secretary of social and health services from charges made pursuant to RCW 72.01.280 shall be deposited by him in the state general fund.

Sec. 160. Section 72.01.290, chapter 28, Laws of 1959 and RCW 72.01.290 are each amended to read as follows:

The department shall keep at its office, accessible only to the ((~~director~~)) secretary and to proper officers and employees, and to other persons authorized by the ((~~director~~)) secretary, a record showing the residence, sex, age, nativity, occupation, civil condition and date of entrance, or commitment of every person, patient, inmate or convict, in the several public institutions governed by the department, the date of discharge of every person from the institution, and whether such discharge is final: PROVIDED, That in addition to this information the superintendents for the hospitals for the mentally ill shall also state the condition of the person at the time of leaving the institution. The record shall also state if the person is transferred from one institution to another and to what institution; and if dead the date and cause of death. This information shall be furnished to the department by the several institutions, and also such other obtainable facts as the department may from time to time require, not later than the fifth day of each month for the month preceding, by the chief executive officer of each public institution, upon blank forms which the department may prescribe.

Sec. 161. Section 72.01.300, chapter 28, Laws of 1959 and RCW 72.01.300 are each amended to read as follows:

The ((~~director~~)) secretary shall have the power, and it shall be his duty, to install and maintain in the department a proper cost accounting system of accounts for each of the institutions under the control of the department, for the purpose of detecting and avoiding unprofitable expenditures and operations.

Sec. 162. Section 72.01.310, chapter 28, Laws of 1959 and RCW 72.01.310 are each amended to read as follows:

Any officer, including the (~~(director)~~) secretary, or employee of the department or of the institutions under the control of the department, who, by solicitation or otherwise, exercises his influence, directly or indirectly, to influence other officers or employees of the state to adopt his political views or to favor any particular person or candidate for office, shall be removed from his office or position by the proper authority.

Sec. 163. Section 72.01.320, chapter 28, Laws of 1959 as last amended by section 84, chapter 75, Laws of 1977 and RCW 72.01.320 are each amended to read as follows:

The (~~(director)~~) secretary shall examine into the conditions and needs of the several state institutions under his control and report in writing to the governor the condition of each institution.

The (~~(director)~~) secretary shall also provide the governor and legislature a full report of the activities of his department each fiscal year, incorporating therein suggestions respecting legislation for the benefit of the several institutions under his control and in the interests of improved administration generally.

Sec. 164. Section 1, chapter 40, Laws of 1959 and RCW 72.01.370 are each amended to read as follows:

The superintendents of the state penitentiary, the state reformatory, the state honor camps and such other penal institutions as may hereafter be established, may, subject to the approval of the (~~(director of the department of institutions)~~) secretary of social and health services, grant leaves of absence to inmates confined in such institutions to:

- (1) Go to the bedside of the inmate's wife, husband, child, mother or father, or other member of the inmate's immediate family who is seriously ill;
- (2) Attend the funeral of a member of the inmate's immediate family listed in subsection (1) of this section;
- (3) Participate in athletic contests, and;
- (4) Perform labor in connection with the industrial or agricultural programs of such institutions.

Sec. 165. Section 2, chapter 40, Laws of 1959 and RCW 72.01.380 are each amended to read as follows:

The (~~(director of the department of institutions)~~) secretary of social and health services is authorized to make rules and regulations providing for the conditions under which inmates will be granted leaves of absence, and providing for safeguards to prevent escapes while on leave of absence: PROVIDED, That leaves of absence granted to inmates under RCW 72.01.370 shall not allow or permit any inmate to go beyond the boundaries of this state. The (~~(director of the department of institutions)~~) secretary of social

and health services shall also make rules and regulations requiring the reimbursement of the state from the inmate granted leave of absence, or his family, for the actual costs incurred arising from any leave of absence granted under the authority of RCW 72.01.370, subsections (1) and (2): PROVIDED FURTHER, That no state funds shall be expended in connection with leaves of absence granted under RCW 72.01.370, subsections (1) and (2), unless such inmate and his immediate family are indigent and without resources sufficient to reimburse the state for the expenses of such leaves of absence.

Sec. 166. Section 1, chapter 140, Laws of 1959 and RCW 72.01.410 are each amended to read as follows:

Whenever any child under the age of sixteen is convicted in the courts of this state of a crime amounting to a felony, and is committed for a term of confinement in a correctional institution wherein adults are confined, the ~~((director of the department of institutions))~~ secretary of social and health services may transfer such child to a juvenile correctional institution ~~((under the supervision of the division of children and youth services of the department of institutions))~~, or to such other institution as is now, or may hereafter be authorized by law to receive such child, until such time as the child arrives at the age of eighteen years, whereupon the child shall be returned to the institution of original commitment. Notice of such transfers shall be given to the clerk of the committing court and the parents, guardian, or next of kin of such child, if known.

Sec. 167. Section 1, chapter 193, Laws of 1961 as amended by section 1, chapter 23, Laws of 1967 and RCW 72.01.430 are each amended to read as follows:

The ~~((director of the department of institutions))~~ secretary of social and health services, notwithstanding any provision of law to the contrary, is hereby authorized to transfer equipment, livestock and supplies between the several institutions within the department without reimbursement to the transferring institution excepting, however, any such equipment donated by organizations for the sole use of such transferring institutions. Whenever transfers of capital items are made between institutions of the department, notice thereof shall be given to the director of the department of general administration accompanied by a full description of such items with inventory numbers, if any.

Sec. 168. Section 1, chapter 46, Laws of 1967 as amended by section 2, chapter 50, Laws of 1970 ex. sess. and RCW 72.01.450 are each amended to read as follows:

The ~~((director of institutions))~~ secretary of social and health services of the state of Washington is authorized to enter into agreements with any school district or any institution of higher learning for the use of the facilities, equipment and personnel of any state institution of the department, for

the purpose of conducting courses of education, instruction or training in the professions and skills utilized by one or more of the institutions, at such times and under such circumstances and with such terms and conditions as may be deemed appropriate.

Sec. 169. Section 3, chapter 50, Laws of 1970 ex. sess. and RCW 72-.01.452 are each amended to read as follows:

The ((director)) secretary is authorized to enter into an agreement with any agency of the state, a county, city or political subdivision of the state for the use of the facilities, equipment and personnel of any institution of the department for the purpose of conducting courses of education, instruction or training in any professional skill having a relationship to one or more of the functions or programs of the department.

Sec. 170. Section 5, chapter 50, Laws of 1970 ex. sess. and RCW 72-.01.454 are each amended to read as follows:

The ((director)) secretary may permit the use of the facilities of any state institution by any community service organization, nonprofit corporation, group or association for the purpose of conducting a program of education, training, entertainment or other purpose, for the residents of such institutions, if determined by the ((director)) secretary to be beneficial to such residents or a portion thereof.

Sec. 171. Section 2, chapter 46, Laws of 1969 ex. sess. and RCW 72-.01.460 are each amended to read as follows:

(1) Any lease of public lands with outdoor recreation potential authorized by the department of ((institutions)) social and health services shall be open and available to the public for compatible recreational use unless the department of ((institutions)) social and health services determines that the leased land should be closed in order to prevent damage to crops or other land cover, to improvements on the land, to the lessee, or to the general public or is necessary to avoid undue interference with carrying forward a departmental program. Any lessee may file an application with the department of ((institutions)) social and health services to close the leased land to any public use. The department shall cause written notice of the impending closure to be posted in a conspicuous place in the department's Olympia office, at the principal office of the institution administering the land, and in the office of the county auditor in which the land is located thirty days prior to the public hearing. This notice shall state the parcel or parcels involved and shall indicate the time and place of the public hearing. Upon a determination by the department that posting is not necessary, the lessee shall desist from posting. Upon a determination by the department that posting is necessary, the lessee shall post his leased premises so as to prohibit recreational uses thereon. In the event any such lands are so posted, it shall be unlawful for any person to hunt or fish, or for any person other than the

lessee or his immediate family to use any such posted land for recreational purposes.

(2) The department of (~~institutions~~) social and health services may insert the provisions of subsection (1) of this section in all leases hereafter issued.

Sec. 172. Section 1, chapter 50, Laws of 1970 ex. sess. and RCW 72-.01.480 are each amended to read as follows:

The (~~director of the department of institutions~~) secretary of social and health services is authorized to enter into agreements with any nonprofit corporation or association for the purpose of providing and coordinating voluntary and community based services for the treatment or rehabilitation of persons admitted or committed to any institution under the supervision of the department of (~~institutions~~) social and health services.

Sec. 173. Section 7, chapter 134, Laws of 1967 and RCW 72.04A.050 are each amended to read as follows:

The powers and duties of the state board of prison terms and paroles, relating to (1) the supervision of parolees of any of the state penal institutions, (2) the supervision of persons placed on probation by the courts, and (3) duties with respect to persons conditionally pardoned by the governor, are transferred to the (~~director of institutions who shall hereafter exercise such powers and perform such duties through the division of probation and parole of the department of institutions~~) secretary of social and health services.

This section shall not be construed as affecting any of the remaining powers and duties of the board of prison terms and paroles including, but not limited to, the following:

(1) The fixing of minimum terms of confinement of convicted persons, or the reconsideration of its determination of minimum terms of confinement;

(2) Determining when and under what conditions a convicted person may be released from custody on parole, and the revocation or suspension of parole or the modification or revision of the conditions of the parole, of any convicted person.

Sec. 174. Section 9, chapter 134, Laws of 1967 and RCW 72.04A.070 are each amended to read as follows:

The (~~director of institutions through the supervisor of the division of probation and parole of the department of institutions~~) secretary of social and health services shall cause to be prepared plans and recommendations for the conditions of supervision under which each inmate of any state penal institutions who is eligible for parole may be released from custody. Such plans and recommendations shall be submitted to the board of prison terms and paroles which may, at its discretion, approve, reject, or revise or amend such plans and recommendations for the conditions of supervision of release

of inmates on parole, and, in addition, the board may stipulate any special conditions of supervision to be carried out by a probation and parole officer.

Sec. 175. Section 10, chapter 134, Laws of 1967 and RCW 72.04A.080 are each amended to read as follows:

Each inmate hereafter released on parole shall be subject to the supervision of the ~~((division of probation and parole of the))~~ department of ~~((institutions))~~ social and health services, and the probation and parole officers of the ~~((division))~~ department shall be charged with the preparation of progress reports of parolees and to give guidance and supervision to such parolees within the conditions of a parolee's release from custody. Copies of all progress reports prepared by the probation and parole officers shall be supplied to the board of prison terms and paroles for their files and records.

Sec. 176. Section 11, chapter 134, Laws of 1967 as amended by section 1, chapter 98, Laws of 1969 and RCW 72.04A.090 are each amended to read as follows:

Whenever a parolee breaches a condition or conditions under which he was granted parole, or violates any law of the state or rules and regulations of the board of prison terms and paroles, any probation and parole officer may arrest, or cause the arrest and suspension of parole of, such parolee without a warrant, pending a determination by the board. The facts and circumstances of such conduct of the parolee shall be reported by the probation and parole officer, with recommendations, to the board of prison terms and paroles, who may order the revocation or suspension of parole, revise or modify the conditions of parole or take such other action as may be deemed appropriate in accordance with RCW 9.95.120. The board of prison terms and paroles, after consultation with the ~~((director of the department of institutions))~~ secretary of social and health services, shall make all rules and regulations concerning procedural matters, which shall include the time when state probation and parole officers shall file with the board reports required by this section, procedures pertaining thereto and the filing of such information as may be necessary to enable the board of prison terms and paroles to perform its functions under this section.

The probation and parole officers shall have like authority and power regarding the arrest and detention of a probationer who has breached a condition or conditions under which he was granted probation by the superior court, or violates any law of the state, pending a determination by the superior court.

In the event a probation and parole officer shall arrest or cause the arrest and suspension of parole of a parolee or probationer in accordance with the provisions of this section, such parolee or probationer shall be confined and detained in the county jail of the county in which the parolee or probationer was taken into custody, and the sheriff of such county shall receive and keep in the county jail, where room is available, all prisoners delivered thereto by the probation and parole officer, and such parolees shall not be

released from custody on bail or personal recognizance, except upon approval of the board of prison terms and paroles and the issuance by the board of an order of reinstatement on parole on the same or modified conditions of parole.

Sec. 177. Section 72.05.010, chapter 28, Laws of 1959 and RCW 72.05.010 are each amended to read as follows:

The purposes of RCW 72.05.010 through 72.05.210 are: To provide for every child with behaviour problems, defective and feeble-minded person, and deaf and blind children, within the purview of RCW 72.05.010 through 72.05.210, such care, guidance and instruction, control and treatment as will best serve the welfare of the child or person and society; to insure non-political and qualified operation, supervision, management, and control of the Green Hill school, the Maple Lane school, Lakeland Village, Rainier school, the state school for the blind, and the state school for the deaf, and to place them under the ~~((division of children and youth services in the))~~ department of ~~((institutions))~~ social and health services; and to provide for the persons committed or admitted to those schools that type of care, instruction, and treatment most likely to accomplish their rehabilitation and restoration to normal citizenship.

Sec. 178. Section 72.05.020, chapter 28, Laws of 1959 as amended by section 58, chapter 18, Laws of 1970 ex. sess. and RCW 72.05.020 are each amended to read as follows:

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

~~((1)) "Council" means the state council for children and youth.~~

~~(2) "Division" after July 1, 1970 means the department of social and health services.~~

~~(3)) "Department" ((after July 1, 1970)) means the department of social and health services.~~

Sec. 179. Section 72.05.130, chapter 28, Laws of 1959 and RCW 72.05.130 are each amended to read as follows:

The ~~((division of children and youth services))~~ department shall establish, maintain, operate and administer a comprehensive program for the custody, care, education, treatment, instruction, guidance, control and rehabilitation of all persons who may be committed or admitted to institutions, schools, or other facilities controlled and operated by the ~~((division))~~ department and in order to accomplish these purposes, the powers and duties of the ~~((supervisor of the division of children and youth services))~~ secretary shall include the following:

(1) The assembling, analyzing, tabulating, and reproduction in report form, of statistics and other data with respect to children with behavior problems in the state of Washington, including, but not limited to, the extent, kind, and causes of such behavior problems in the different areas and

population centers of the state. Such reports shall not be open to public inspection, but shall be open to the inspection of the ~~((director, supervisor,))~~ governor~~((, council,))~~ and to the superior court judges of the state of Washington.

(2) The establishment and supervision of diagnostic facilities and services in connection with the custody, care, and treatment of defective, feeble-minded, and behavior problem children who may be committed or admitted to any of the institutions, schools, or facilities controlled and operated by the ~~((division))~~ department, or who may be referred for such diagnosis and treatment by any superior court of this state. Such diagnostic services may be established in connection with, or apart from, any other state institution under the supervision and direction of the ~~((director))~~ secretary. Such diagnostic services shall be available to the superior courts of the state for persons referred for such services by them prior to commitment, or admission to, any school, institution, or other facility. Such diagnostic services shall also be available to other departments of the state.

(3) The supervision of all persons committed or admitted to any institution, school, or other facility operated by the ~~((division))~~ department, and the transfer of such persons from any such institution, school, or facility to any other such school, institution, or facility: PROVIDED, That where a person has been committed to a minimum security institution, school, or facility by any of the superior courts of this state, a transfer to a close security institution shall be made only with the consent and approval of such court. This shall not apply to the state school for the deaf or the state school for the blind.

(4) The supervision of parole, discharge, or other release, and the post-institutional placement of all persons committed to Green Hill school and Maple Lane school, or such as may be assigned, paroled, or transferred therefrom to other facilities operated by the ~~((division))~~ department. Green Hill school and Maple Lane school are hereby designated as "close security" institutions to which shall be given the custody of children with the most serious behavior problems.

Sec. 180. Section 72.05.140, chapter 28, Laws of 1959 and RCW 72.05.140 are each amended to read as follows:

The ~~((division of children and youth services))~~ department, in order to provide educational facilities for persons admitted or committed to any of the institutions, schools or facilities herein provided, is authorized either to:

(1) Enter into an agreement with the local school district within which the institution is situated or with any other local school district conveniently located in the region, or

(2) Provide a comprehensive school program in connection with any institution as if that institution were itself a local school system.

In the event that either option is exercised, all teachers shall meet all certification requirements and the program shall conform to the usual

standards defined by law or by regulations of the state board of education or the office of the state superintendent of public instruction and/or other recognized national certificating agencies.

Sec. 181. Section 72.05.150, chapter 28, Laws of 1959 and RCW 72.05.150 are each amended to read as follows:

The department(~~(, through the division,)~~) shall have power to acquire, establish, maintain, and operate "minimum security" facilities for the care, custody, education, and treatment of children with less serious behavior problems. Such facilities may include parental schools or homes, farm units, and forest camps. Admission to such minimum security facilities shall be by juvenile court commitment or by transfer as herein otherwise provided. In carrying out the purposes of this section, the department may establish or acquire the use of such facilities by gift, purchase, lease, contract, or other arrangement with existing public entities, and to that end the ~~((director))~~ secretary may execute necessary leases, contracts, or other agreements. In establishing forest camps, the department may contract with other divisions of the state and the federal government; including, but not limited to, the state division of forestry, the state parks and recreation commission, the U.S. forest service, and the national park service, on a basis whereby such camps may be made as nearly as possible self-sustaining. Under any such arrangement the contracting agency shall reimburse the department for the value of services which may be rendered by the inmates of a camp and all such reimbursements shall be credited to a "forest camp revolving fund", which fund is hereby created, and out of which funds may be disbursed towards the cost of operation and maintenance of the camp.

Sec. 182. Section 72.05.160, chapter 28, Laws of 1959 and RCW 72.05.160 are each amended to read as follows:

In carrying out the provisions of RCW 72.05.010 through 72.05.210, the department(~~(, through the division,)~~) shall have power to contract with other divisions or departments of the state or its political subdivisions, with any agency of the federal government, or with any private social agency.

Sec. 183. Section 72.05.300, chapter 28, Laws of 1959 and RCW 72.05.300 are each amended to read as follows:

The department(~~(, through the division,)~~) may execute leases, with options to purchase, of parental school facilities now or hereafter owned and operated by school districts, and such leases with options to purchase shall include such terms and conditions as the ~~((director of institutions))~~ secretary of social and health services deems reasonable and necessary to acquire such facilities. Notwithstanding any provisions of the law to the contrary, the board of directors of each school district now or hereafter owning and operating parental school facilities may, without submission for approval to the voters of the school district, execute leases, with options to purchase, of such parental school facilities, and such leases with options to purchase shall

include such terms and conditions as the board of directors deems reasonable and necessary to dispose of such facilities in a manner beneficial to the school district. The department(~~(, through the division,)~~) if it enters into a lease, with an option to purchase, of parental school facilities, may exercise its option and purchase such parental school facilities; and a school district may, if it enters into a lease, with an option to purchase, of parental school facilities, upon exercise of the option to purchase by the department, sell such parental school facilities and such sale may be accomplished without first obtaining a vote of approval from the electorate of the school district.

Sec. 184. Section 72.05.310, chapter 28, Laws of 1959 and RCW 72.05.310 are each amended to read as follows:

The department(~~(, through the division,)~~) may employ personnel, including but not limited to, superintendents and all other officers, agents, and teachers necessary to the operation of parental schools.

Sec. 185. Section 72.06.060, chapter 28, Laws of 1959 as last amended by section 47, chapter 80, Laws of 1977 ex. sess. 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))~~ secretary shall designate for the prevention, diagnosis and treatment of mental illnesses, 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. 186. Section 72.08.020, chapter 28, Laws of 1959 and RCW 72.08.020 are each amended to read as follows:

It shall be the duty of the ~~((director))~~ secretary to have an officer of the department visit the penitentiary once in each month and oftener if necessary.

Sec. 187. Section 72.08.045, chapter 28, Laws of 1959 and RCW 72.08.045 are each amended to read as follows:

When in his opinion an emergency exists, the superintendent may promulgate temporary rules for the governance of the penitentiary, which shall remain in effect until terminated by the ~~((director))~~ secretary.

Sec. 188. Section 3, chapter 9, Laws of 1965 ex. sess. and RCW 72.08.101 are each amended to read as follows:

The ~~((director of institutions))~~ secretary of social and health services shall provide for the establishment of programs and procedures for convicted persons at the state penitentiary, which are designed to be corrective, rehabilitative and reformatory of the undesirable behavior problems of such persons, as distinguished from programs and procedures essentially penal in nature.

Sec. 189. Section 4, chapter 9, Laws of 1965 ex. sess. and RCW 72.08-.102 are each amended to read as follows:

The ~~((director of institutions))~~ secretary of social and health services is authorized to make rules and regulations for the administration, supervision, security and disciplinary measures inflicted upon convicted persons at the state penitentiary.

Sec. 190. Section 72.08.120, chapter 28, Laws of 1959 and RCW 72-.08.120 are each amended to read as follows:

The ~~((director))~~ secretary shall have power to make rules and regulations for the discipline, employment, instruction, education and compensation of prisoners in the Washington state penitentiary.

Sec. 191. Section 72.08.130, chapter 28, Laws of 1959 and RCW 72-.08.130 are each amended to read as follows:

The ~~((director))~~ secretary shall have power to contract for the supply of water for said penitentiary, upon such terms as he shall deem to be for the best interests of the state, or furnish water themselves, at their option. The department shall have full power to erect any building or structure deemed necessary, or to alter or improve the same, and to pay for the same from the fund appropriated for the use or support of the penitentiary, or from the earnings thereof, without advertising or contracting therefor: PROVIDED, That no buildings or structure, the cost of which will exceed three thousand dollars, shall be erected or constructed without first obtaining the consent of the governor: PROVIDED FURTHER, That such expenditure shall in no instance exceed ten thousand dollars without a special appropriation therefor by the state legislature.

Sec. 192. Section 72.08.380, chapter 28, Laws of 1959 and RCW 72-.08.380 are each amended to read as follows:

Whenever the superintendent of the state penitentiary withholds from mailing letters written by inmates of such institution, the superintendent shall forward such letters to the ~~((director of institutions))~~ secretary of social and health services for study and the inmate shall be forthwith notified that such letter has been withheld from mailing and the reason for so doing. Letters forwarded to the ~~((director))~~ secretary for study shall either be mailed within seven days to the addressee or, if deemed objectionable by the ~~((director))~~ secretary, retained in a separate file for two years and then destroyed.

Sec. 193. Section 72.12.020, chapter 28, Laws of 1959 and RCW 72-.12.020 are each amended to read as follows:

The government and control of the Washington state reformatory and of the prisoners sentenced thereto shall be vested in the ~~((director of institutions))~~ secretary of social and health services.

Sec. 194. Section 72.12.050, chapter 28, Laws of 1959 as amended by section 1, chapter 251, Laws of 1959 and RCW 72.12.050 are each amended to read as follows:

The ~~((director))~~ secretary, through the superintendent of the reformatory shall receive all males between the ages of sixteen and thirty years who are sentenced to the reformatory on conviction of any criminal offense in any court having jurisdiction thereof(;) and all male prisoners who may be removed from any other penal institution of the state as provided by law (;~~and such persons over the age of sixteen years who may be placed at the reformatory at the direction of the supervisor of the division of children and youth services with the approval of the department of institutions, in accordance with RCW 13.08.190, as amended~~). All such persons shall be subject to the rules and regulations of the reformatory and the laws relating to the administration of such institution to the same extent as the other inmates of such institution.

Sec. 195. Section 72.12.070, chapter 28, Laws of 1959 and RCW 72.12.070 are each amended to read as follows:

The ~~((director))~~ secretary shall have power to make rules and regulations for the discipline, employment, instruction, education and removal of prisoners in the reformatory. The discipline imposed shall be reformatory in character.

Sec. 196. Section 72.12.090, chapter 28, Laws of 1959 and RCW 72.12.090 are each amended to read as follows:

The business management, sale of products and manufactures, and the auditing and keeping of accounts pertaining thereto shall be vested in the ~~((director))~~ secretary under such regulations as may be prescribed by the director of ~~((budget))~~ financial management.

Sec. 197. Section 72.12.100, chapter 28, Laws of 1959 and RCW 72.12.100 are each amended to read as follows:

It shall be the duty of the ~~((director))~~ secretary to maintain such control over prisoners committed to the reformatory as shall prevent them from committing crime, best secure their self-support, and accomplish their reformation. When any prisoner shall be received into the reformatory under sentence thereto, the ~~((director))~~ secretary shall cause to be entered in a register the date of such admission, the name, age, nativity and nationality, with such facts as can be ascertained of parentage, or early education and social influences as seem to indicate the constitutional defects and social tendencies of the prisoner and the best probable plan of treatment. In such register shall be entered quarterly, or oftener, minutes of observed improvement or deterioration of character affecting the standing or situation of such prisoner, the circumstances of the final release, and any subsequent facts of the personal history which may be brought to the knowledge of the ~~((director))~~ secretary or superintendent.

Sec. 198. Section 72.12.140, chapter 28, Laws of 1959 and RCW 72-12.140 are each amended to read as follows:

Whenever the superintendent of the state reformatory withholds from mailing letters written by inmates of such institution, the superintendent shall forward such letters to the ~~((director of institutions))~~ secretary of social and health services for study and the inmate shall be forthwith notified that such letter has been withheld from mailing and the reason for so doing. Letters forwarded to the ~~((director))~~ secretary for study shall either be mailed within seven days to the addressee or, if deemed objectionable by the ~~((director))~~ secretary, retained in a separate file for two years and then destroyed.

Sec. 199. Section 1, chapter 214, Laws of 1959 and RCW 72.13.010 are each amended to read as follows:

There is hereby established under the supervision and control of the ~~((director of the department of institutions))~~ secretary of social and health services a correctional institution for the confinement and rehabilitation of male persons convicted of a felony and such other persons transferred to such institution as hereinafter provided. ~~((Such institution shall be situated upon lands within the state, to be selected by the director of institutions under conditions as herein provided. Such institution shall be designed to be of an expandable type, enabling complete construction of the institution over an extended period. The director shall cause preliminary plans, specifications and estimates of cost to be made and for this purpose may retain architectural and engineering services.))~~

Sec. 200. Section 4, chapter 214, Laws of 1959 and RCW 72.13.040 are each amended to read as follows:

The superintendent of the correctional institution established by this chapter shall be appointed by the ~~((director))~~ secretary. The superintendent shall have such administrative experience and possess such qualifications as shall be fixed by the personnel board, or such merit system board as shall be established by law having jurisdiction of personnel within the department of ~~((institutions))~~ social and health services, with the advice and approval of the ~~((director))~~ secretary.

Sec. 201. Section 5, chapter 214, Laws of 1959 and RCW 72.13.050 are each amended to read as follows:

The superintendents, subject to the approval of the ~~((director))~~ secretary, shall appoint such associate superintendents as shall be deemed necessary. In the event the superintendent shall be absent from the institution, or during periods of illness or other situations incapacitating the superintendent from properly performing his duties, he shall appoint one of the officers of the institution to act as superintendent during such period of absence, illness or incapacity, subject to the approval of the ~~((director))~~ secretary.

Sec. 202. Section 6, chapter 214, Laws of 1959 and RCW 72.13.060 are each amended to read as follows:

The superintendent and all subordinate officers and employees of such institution shall be under the jurisdiction of the state personnel board or such merit system board as shall be hereafter established by law having jurisdiction within the department of ~~((institutions))~~ social and health services.

Sec. 203. Section 7, chapter 214, Laws of 1959 and RCW 72.13.070 are each amended to read as follows:

The ~~((supervisor of the division of children and youth services of the department of institutions, upon the approval of the director,))~~ secretary shall have authority to transfer to the correctional institution male juvenile delinquents or male juveniles convicted of a crime, who may hereafter be committed to the ~~((division of children and youth services))~~ department, or who are now confined at facilities under the ~~((division of children and youth services))~~ department for the custody of juvenile delinquents: PROVIDED, That such juveniles shall not be retained in such institution after eighteen years of age: PROVIDED FURTHER, That the ~~((supervisor of the division of children and youth services))~~ secretary shall retain custody of such juveniles for the purpose of returning, in his discretion, such juveniles to the transferring institution or such other facilities of the ~~((division))~~ department as he shall deem appropriate.

Sec. 204. Section 8, chapter 214, Laws of 1959 and RCW 72.13.080 are each amended to read as follows:

The superintendent shall have the following powers, duties and responsibilities:

(1) Subject to the rules and regulations of the department, the superintendent shall have supervision and management of the institution, the grounds and buildings, subordinate officers and employees, and the prisoners committed or transferred to such institution and the custody of such persons until released as provided by law.

(2) Subject to the approval of the ~~((director))~~ secretary, appoint all subordinate officers and employees, who shall be removable from employment by the superintendent, subject to the merit system rules of the state personnel board as may be established by law having jurisdiction of the officers and employees of the department of ~~((institutions))~~ social and health services.

(3) The superintendent shall be the custodian of the personal property of all inmates in the institution and shall make rules and regulations governing the accounting and disposition of all moneys received and earned by the inmates, not inconsistent with law, and subject to the approval of the ~~((director))~~ secretary.

Sec. 205. Section 10, chapter 214, Laws of 1959 and RCW 72.13.100 are each amended to read as follows:

The superintendent, subject to the approval of the ~~((director))~~ secretary and the institutional industries commission, shall be authorized to establish such industrial, vocational and agricultural programs as will be most beneficial to the inmates of such institution.

Sec. 206. Section 12, chapter 214, Laws of 1959 and RCW 72.13.120 are each amended to read as follows:

Any male offender convicted of an offense punishable by imprisonment in the state penitentiary or the state reformatory, except an offender sentenced to death, shall, notwithstanding any inconsistent provision of law, be sentenced to imprisonment in a penal institution under the jurisdiction of the department of ~~((institutions))~~ social and health services without designating the name of such institution, and be committed to the reception center for classification, confinement and placement in such correctional facility under the supervision of the department of ~~((institutions))~~ social and health services as the ~~((director of institutions))~~ secretary of social and health services shall deem appropriate(~~(: PROVIDED, That the provisions of this section shall become effective upon the certification of the director of institutions to the superior courts and prosecuting attorneys of each county and the chief justice of the supreme court that facilities and personnel for the implementation of commitments as above provided are ready to receive persons committed under the provisions of this section))~~).

Sec. 207. Section 14, chapter 214, Laws of 1959 and RCW 72.13.140 are each amended to read as follows:

The ~~((director))~~ secretary shall appoint a staff for the reception center to interview, test, classify, and supervise offenders committed to the center. Such staff shall consist of such employees as the ~~((director))~~ secretary shall determine to be adequate for prompt and effective classification. There shall be within the reception center a classification board, which should be composed of such members of the staff of the reception center as the ~~((director))~~ secretary may require. After making a study and investigation of the facts of the cases of the persons committed to the reception center as the ~~((director))~~ secretary may require, the board shall make and file in the department a certificate in writing, recommending the state correctional institution best suited to receive the offender during the term of his confinement, the type of program to be followed and the approximate length of such treatment. The state board of prison terms and paroles and other state agencies shall cooperate with the department in obtaining necessary investigative materials concerning offenders committed to the reception center and supply the reception center with necessary information regarding social histories and community background.

Sec. 208. Section 15, chapter 214, Laws of 1959 and RCW 72.13.150 are each amended to read as follows:

The superintendent of the correctional institution established by this chapter shall receive all male persons convicted of a felony by the superior court and committed by the superior court to the reception center for classification and placement in such facility as the ~~((director))~~ secretary shall designate, and all persons transferred thereto by the ~~((director))~~ secretary from the state reformatory and state penitentiary, and other correctional facilities of the department. The superintendent shall only receive prisoners for classification and study in the institution upon presentation of certified copies of a judgment, sentence and order of commitment of the superior court, along with other reports as may have been made in reference to each individual prisoner.

Sec. 209. Section 16, chapter 214, Laws of 1959 and RCW 72.13.160 are each amended to read as follows:

The ~~((director))~~ secretary shall determine the state correctional institution in which the offender shall be confined during his term of imprisonment. The confinement of any offender shall be governed by the laws applicable to the institution to which he is certified for confinement, but his parole and discharge shall be governed by the laws applicable to the sentence imposed by the court.

Sec. 210. Section 17, chapter 214, Laws of 1959 and RCW 72.13.170 are each amended to read as follows:

The ~~((director))~~ secretary may make, amend and repeal rules consistent with and in furtherance of the provisions of this chapter.

Sec. 211. Section 1, chapter 122, Laws of 1967 ex. sess. and RCW 72-.15.010 are each amended to read as follows:

There is hereby established under the supervision and control of the ~~((director of the department of institutions;))~~ secretary of social and health services a correctional institution for the confinement, rehabilitation and reformation of female persons convicted of a felony and sentenced and committed to such institution for a term of confinement by the superior courts. Such institution shall be known as the Washington correctional institution for women.

Sec. 212. Section 4, chapter 122, Laws of 1967 ex. sess. and RCW 72-.15.020 are each amended to read as follows:

The superintendent of the Washington correctional institution for women shall be appointed by the ~~((director))~~ secretary, and shall have such administrative and correctional experience and possess such qualifications as shall be determined by the state personnel board, subject to advice and approval of the ~~((director))~~ secretary.

Sec. 213. Section 5, chapter 122, Laws of 1967 ex. sess. and RCW 72-.15.030 are each amended to read as follows:

The superintendent, subject to the approval of the ~~((director))~~ secretary, shall appoint such associate superintendents as shall be deemed necessary, who shall have such qualifications as shall be determined by the state personnel board subject to the advice and approval of the ~~((director))~~ secretary. In the event the superintendent shall be absent from the institution, or during periods of illness or other situations incapacitating the superintendent from properly performing his duties, one of the associate superintendents of such institution as may be designated by the ~~((director))~~ secretary shall act as superintendent during such period of absence, illness or incapacity.

Sec. 214. Section 7, chapter 122, Laws of 1967 ex. sess. and RCW 72-15.050 are each amended to read as follows:

The superintendent, subject to the approval of the ~~((director))~~ secretary and the institutional industries commission, shall be authorized to establish such industrial, vocational and agricultural programs as would be most beneficial to the inmates of such institution.

Sec. 215. Section 9, chapter 122, Laws of 1967 ex. sess. and RCW 72-15.070 are each amended to read as follows:

~~The ((supervisor of the division of adult corrections and the))~~ superintendent, subject to the approval of the ~~((director))~~ secretary, shall make, amend, and repeal rules and regulations for the administration, supervision, discipline, and security of the Washington correctional institution for women.

Sec. 216. Section 1, chapter 277, Laws of 1959 and RCW 72.18.010 are each amended to read as follows:

There is hereby established under the supervision and control of the ~~((director of the department of institutions))~~ secretary of social and health services a correctional institution for the reception, diagnosis, confinement and rehabilitation of juveniles committed by the juvenile courts to the department of ~~((institutions, division of children and youth services. Such institution shall be situated upon lands within the state, to be selected by the director of institutions under conditions as herein provided. The director shall cause preliminary plans, specifications and estimates of cost for the construction of such institution to be made and for this purpose may retain architectural and engineering services))~~ social and health services.

Sec. 217. Section 4, chapter 277, Laws of 1959 and RCW 72.18.040 are each amended to read as follows:

The superintendent of the correctional institution established by this chapter shall be appointed by the ~~((director))~~ secretary. The superintendent shall have such administrative experience and possess such qualifications as shall be fixed by the personnel board, or such merit system board as shall be established by law having jurisdiction of personnel within the department of

~~((institutions))~~ social and health services, with the advice and approval of the ~~((director))~~ secretary.

Sec. 218. Section 5, chapter 277, Laws of 1959 and RCW 72.18.050 are each amended to read as follows:

The superintendent, subject to the approval of the ~~((director))~~ secretary, shall appoint such associate superintendents as shall be deemed necessary. In the event the superintendent shall be absent from the institution, or during periods of illness or other situations incapacitating the superintendent from properly performing his duties, he shall appoint one of the officers of the institution to act as superintendent during such period of absence, illness or incapacity, subject to the approval of the ~~((director))~~ secretary.

Sec. 219. Section 6, chapter 277, Laws of 1959 and RCW 72.18.060 are each amended to read as follows:

The superintendent and all subordinate officers and employees of such institution shall be under the jurisdiction of the state personnel board or such merit system board as shall be hereafter established by law having jurisdiction within the department of ~~((institutions))~~ social and health services.

Sec. 220. Section 7, chapter 277, Laws of 1959 and RCW 72.18.070 are each amended to read as follows:

The superintendent shall have the following powers, duties and responsibilities:

(1) Subject to the rules and regulations of the department, the superintendent shall have supervision and management of the institution, of the grounds and buildings, subordinate officers and employees, and of the juveniles received at such institution and the custody of such persons until released or transferred as provided by law.

(2) Subject to the approval of the ~~((director))~~ secretary, appoint all subordinate officers and employees, who shall be removable from employment by the superintendent, subject to the merit system rules of the state personnel board as may be established by law having jurisdiction of the officers and employees of the department of ~~((institutions))~~ social and health services.

(3) The superintendent shall be the custodian of the personal property of all juveniles in the institution and shall make rules and regulations governing the accounting and disposition of all moneys received by such juveniles, not inconsistent with law, and subject to the approval of the ~~((director))~~ secretary.

Sec. 221. Section 8, chapter 277, Laws of 1959 and RCW 72.18.080 are each amended to read as follows:

The ~~((director))~~ secretary may make, amend and repeal rules and regulations for the administration of the juvenile correctional institution established by this ~~((act))~~ chapter in furtherance of the provisions of this chapter and not inconsistent with law.

Sec. 222. Section 1, chapter 183, Laws of 1961 as amended by section 1, chapter 165, Laws of 1963 and RCW 72.19.010 are each amended to read as follows:

There is hereby established under the supervision and control of the ~~((director of institutions))~~ secretary of social and health services a correctional institution for the confinement and rehabilitation of juveniles committed by the juvenile courts to the department of ~~((institutions))~~ social and health services. Such institution shall be situated upon publicly owned lands within King county, under the supervision of the department of natural resources, which land is located in the vicinity of Echo Lake and more particularly situated in Section 34, Township 24 North, Range 7 East W.M. and that portion of Section 3, Township 23 North, Range 7 East W.M. lying north of U.S. Highway 10, together with necessary access routes thereto, all of which tract is leased by the department of natural resources to the department of ~~((institutions))~~ social and health services for the establishment and construction of the correctional institution authorized and provided for in this chapter. ~~((The director shall cause preliminary plans, specifications and estimates of cost for the construction of such institution to be made and for this purpose may retain architectural and engineering services:))~~

Sec. 223. Section 4, chapter 183, Laws of 1961 and RCW 72.19.020 are each amended to read as follows:

The ~~((director))~~ secretary may make, amend and repeal rules and regulations for the administration of the juvenile correctional institution established by this ~~((act))~~ chapter in furtherance of the provisions of this chapter and not inconsistent with law.

Sec. 224. Section 3, chapter 165, Laws of 1963 and RCW 72.19.030 are each amended to read as follows:

The superintendent of the correctional institution established by this chapter shall be appointed by the ~~((director))~~ secretary. The superintendent shall have such administrative and correctional 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. 225. Section 4, chapter 165, Laws of 1963 and RCW 72.19.040 are each amended to read as follows:

The superintendent, subject to the approval of the ~~((director))~~ secretary, shall appoint such associate superintendents as shall be deemed necessary. In the event the superintendent shall be absent from the institution, or during periods of illness or other situations incapacitating the superintendent

from properly performing his duties, one of the associate superintendents of such institution shall act as superintendent during such period of absence, illness or incapacity as may be designated by the ((director)) secretary.

Sec. 226. Section 5, chapter 165, Laws of 1963 and RCW 72.19.050 are each amended to read as follows:

The superintendent shall have the following powers, duties and responsibilities:

(1) Subject to the rules and regulations of the department, the superintendent shall have the supervision and management of the institution, of the grounds and buildings, the subordinate officers and employees, and of the juveniles received at such institution and the custody of such persons until released or transferred as provided by law.

(2) Subject to the rules and regulations of the department and the state personnel board, appoint all subordinate officers and employees.

(3) The superintendent shall be the custodian of the personal property of all juveniles in the institution and shall make rules and regulations governing the accounting and disposition of all moneys received by such juveniles, not inconsistent with the law, and subject to the approval of the ((director)) secretary.

Sec. 227. Section 7, chapter 165, Laws of 1963 and RCW 72.19.060 are each amended to read as follows:

The plans and construction of the juvenile correctional institution established by this chapter shall provide for adequate separation of the residential housing of the male juvenile from the female juvenile. In all other respects, the juvenile correctional programs for both boys and girls may be combined or separated as the ((director)) secretary deems most reasonable and effective to accomplish the reformation, training and rehabilitation of the juvenile offender, realizing all possible economies from the lack of necessity for duplication of facilities.

Sec. 228. Section 72.20.020, chapter 28, Laws of 1959 as amended by section 1, chapter 39, Laws of 1959 and RCW 72.20.020 are each amended to read as follows:

The government, control and business management of such school shall be vested in the ((director)) secretary. The ((director)) secretary shall, with the approval of the governor, appoint a suitable superintendent of said school, and shall designate the number of subordinate officers and employees to be employed, and fix their respective salaries, and have power, with the like approval, to make and enforce all such rules and regulations for the administration, government and discipline of the school as the ((director)) secretary may deem just and proper, not inconsistent with this chapter.

Sec. 229. Section 72.20.040, chapter 28, Laws of 1959 as amended by section 2, chapter 39, Laws of 1959 and RCW 72.20.040 are each amended to read as follows:

The superintendent, subject to the direction and approval of the ((~~director~~)) secretary shall:

(1) Have general supervision and control of the grounds and buildings of the institution, the subordinate officers and employees, and the inmates thereof, and all matters relating to their government and discipline.

(2) Make such rules, regulations and orders, not inconsistent with law or with the rules, regulations or directions of the ((~~director~~)) secretary, as may seem to him proper or necessary for the government of such institution and for the employment, discipline and education of the inmates.

(3) Exercise such other powers, and perform such other duties as the ((~~director~~)) secretary may prescribe.

Sec. 230. Section 72.20.060, chapter 28, Laws of 1959 and RCW 72.20.060 are each amended to read as follows:

Every girl shall be entitled to a trial on parole before reaching the age of twenty years, such parole to continue for at least one year unless violated. The superintendent and resident physician, with the approval of the ((~~director~~)) secretary, shall determine whether such parole has been violated. Any girl committed to the school who shall escape therefrom, or who shall violate a parole, may be apprehended and returned to the school by any officer or citizen on written order or request of the superintendent.

Sec. 231. Section 72.20.080, chapter 28, Laws of 1959 and RCW 72.20.080 are each amended to read as follows:

It shall be the duty of the superintendent, subject to the approval of the ((~~director~~)) secretary, to employ teachers, and as far as practicable, to instruct the girls in all of the branches usually taught in the grades of the common schools of the state, also in such trades and vocational occupations as may be found desirable. The educational work of the school shall be a part of the educational system of the state, and as such shall be under the supervision of the state board of education. Only those certified by the state superintendent of public instruction shall be employed as teachers.

Sec. 232. Section 72.20.090, chapter 28, Laws of 1959 and RCW 72.20.090 are each amended to read as follows:

The superintendent shall have power to place any girl under the age of eighteen years at any employment for account of the institution or the girl employed, and receive and hold the whole or any part of her wages for the benefit of the girl less the amount necessary for her board and keep, and may also, with the consent of any girl over fourteen years of age, and the approval of the ((~~director~~)) secretary endorsed thereon, execute indentures of apprenticeship, which shall be binding on all parties thereto. In case any girl so apprenticed shall prove untrustworthy or unsatisfactory, the superintendent may permit her to be returned to the school, and the indenture may thereupon be canceled. If such girl shall have an unsuitable employer, the superintendent may, with the approval of the ((~~director~~)) secretary, take her

back to the school, and cancel the indenture of apprenticeship. All indentures so made shall be filed and kept in the school. A system may also be established, providing for compensation to girls for services rendered, and payments may be made from time to time, not to exceed in the aggregate to any one girl the sum of twenty-five dollars for each year of service.

Sec. 233. Section 2, chapter 26, Laws of 1965 ex. sess. and RCW 72-27.020 are each amended to read as follows:

Pursuant to said compact provided in RCW 72.27.010, the (~~director of the department of institutions~~) secretary of social and health services shall be the compact administrator and who, acting jointly with like officers of other party states, shall have power to promulgate rules and regulations to carry out more effectively the terms of the compact. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or any supplementary agreement or agreements entered into by this state thereunder.

Sec. 234. Section 7, chapter 26, Laws of 1965 ex. sess. and RCW 72-27.070 are each amended to read as follows:

Nothing in this chapter shall affect the right of the (~~director of the department of institutions~~) secretary of social and health services to deport aliens and return residents of nonparty states as provided in chapter 72.25 RCW.

Sec. 235. Section 4, chapter 18, Laws of 1967 ex. sess. and RCW 72-30.040 are each amended to read as follows:

The superintendent shall have the following powers, duties and responsibilities:

(1) Subject to the rules and regulations of the department and the state personnel board, he shall appoint all subordinate officers and employees.

(2) Subject to the rules and regulations of the department, he shall supervise and manage the school, grounds, buildings and equipment, the subordinate officers and employees, and the persons committed, admitted or transferred to such school and shall have custody of such persons until they are released, discharged or transferred as provided by law.

(3) He shall be the custodian of the personal property of all residents of the school subject to the provisions of RCW 72.33.180 as now or hereafter amended.

(4) Subject to the approval of the (~~director~~) secretary, he shall be authorized to establish such industrial, vocational, educational or training programs as would be most beneficial to the residents of such school.

(5) Except as otherwise provided in this chapter, he shall administer the institution in accordance with the provisions of chapter 72.33 RCW.

Sec. 236. Section 5, chapter 18, Laws of 1967 ex. sess. and RCW 72-30.050 are each amended to read as follows:

The (~~director of institutions~~) secretary of social and health services shall be authorized to admit to the Interlake School for mentally deficient persons, any mentally deficient person eligible for admission to any state residential school for such persons. He shall be further authorized to transfer to such institution, persons admitted to other state residential schools or persons committed to state hospitals who are in need of care, treatment and training for mental deficiency.

Sec. 237. Section 1, chapter 141, Laws of 1967 and RCW 72.33.650 are each amended to read as follows:

The purpose of RCW 72.33.650 through 72.33.700 is to place financial responsibility for cost of care, support and treatment upon those residents of state residential schools who possess assets over and above the minimal amount required to be retained for personal use; to provide procedures for establishing such liability and the monthly rate thereof, and the process for appeal therefrom to the (~~director of the department of institutions~~) secretary of social and health services and the courts by any person deemed aggrieved thereby.

Sec. 238. Section 3, chapter 141, Laws of 1967 and RCW 72.33.660 are each amended to read as follows:

The charges for care, support and treatment as provided in RCW 72-33.655 shall be based on the average monthly per capita costs of operating such residential schools for the previous calendar year taking into consideration all expenses of institutional operation, maintenance and repair, salaries and wages, equipment and supplies: PROVIDED, That all expenses directly related to the cost of education, vocational training and capital construction shall be excluded from the computation of the average per capita cost. The average per capita cost shall be computed by the department of (~~institutions~~) social and health services annually and adopted as a rule of the department in accordance with the provisions of chapter 42.32 RCW and of chapter 34.04 RCW. The department of (~~institutions~~) social and health services shall be charged with the duty of collection of such charges which may be enforced by civil action instituted by the attorney general within or without the state.

Sec. 239. Section 5, chapter 141, Laws of 1967 as amended by section 1, chapter 75, Laws of 1970 ex. sess. and RCW 72.33.670 are each amended to read as follows:

In all cases where a determination is made that the estate of a mentally or physically deficient person who resides at a state residential school is able to pay all or any portion of the monthly charges, a notice and finding of financial responsibility shall be personally served on the guardian of the resident's estate, or if no guardian has been appointed then to his spouse or

parents or other person acting in a representative capacity and having property in his possession belonging to a resident of a state residential school and the superintendent of the state residential school. The notice shall set forth the amount the department has determined that such estate is able to pay per month, not to exceed the monthly charge as fixed in accordance with RCW 72.33.660, and the responsibility for payment to the department of ~~((institutions))~~ social and health services shall commence thirty days after personal service of such notice and finding of responsibility. An appeal from the determination of responsibility may be made to the ~~((director))~~ secretary by the guardian of the resident's estate, or if no guardian has been appointed then by his spouse, parent or parents or other person acting in a representative capacity and having property in his possession belonging to a resident of a state residential school, within such thirty day period upon written notice of appeal being served upon the ~~((director))~~ secretary by registered or certified mail. If no appeal is taken, the notice and finding of responsibility shall become final. If an appeal is taken, the execution of notice and finding of responsibility shall be stayed pending the decision of such appeal. Appeals may be heard in any county seat most convenient to the appellant. The hearing of appeals may be presided over by a hearing examiner and the proceedings shall be recorded either manually or by a mechanical device. Any such appeal shall be a "contested case" as defined in RCW 34.04.010, and practice and procedure shall be governed by the provisions of RCW 72.33.650 through 72.33.700, the rules and regulations of the department of ~~((institutions))~~ social and health services, and the Administrative Procedure Act, chapter 34.04 RCW.

Sec. 240. Section 7, chapter 141, Laws of 1967 and RCW 72.33.680 are each amended to read as follows:

The ~~((director))~~ secretary, upon application of the guardian of the estate of the resident, and after investigation, or upon investigation without application, may, if satisfied of the financial ability or inability of such person to make payments in accordance with the original finding of responsibility, modify or vacate such original finding of responsibility, and enter a new finding of responsibility. The ~~((director's))~~ secretary's determination to modify or vacate findings of responsibility shall be served and be appealable in the same manner and in accordance with the same procedure for appeals of original findings of responsibility.

Sec. 241. Section 8, chapter 141, Laws of 1967 and RCW 72.33.685 are each amended to read as follows:

The charges for care, support, maintenance and treatment of mentally or physically ~~((deficient))~~ handicapped persons at state residential schools as provided by RCW 72.33.650 through 72.33.700 shall be payable in advance on the first day of each and every month to the department of ~~((institutions))~~ social and health services.

Sec. 242. Section 9, chapter 141, Laws of 1967 and RCW 72.33.690 are each amended to read as follows:

The provisions of RCW 72.33.650 through 72.33.700 shall not be construed to prohibit or prevent the department of ~~((institutions))~~ social and health services from obtaining reimbursement from any person liable under RCW 72.33.650 through 72.33.700 for payment of the full amount of the accrued per capita cost from any property acquired by gift, devise or bequest subsequent to and regardless of the initial findings of responsibility under RCW 72.33.670: PROVIDED, That the estate of any resident of a state residential school shall not be liable for such reimbursement subsequent to his placement out of the state residential school: PROVIDED FURTHER, That upon the death of any person while a resident in a state residential school his estate shall become liable to the same extent as the resident's liability on the date of death.

Sec. 243. Section 12, chapter 141, Laws of 1967 and RCW 72.33.700 are each amended to read as follows:

Notwithstanding any other provision of RCW 72.33.650 through 72.33.700, the ~~((director))~~ secretary may, if in his discretion any resident of a state residential school can be discharged more rapidly therefrom and assimilated into a community, keep an amount not exceeding five thousand dollars in the resident's fund for such resident and such resident shall not thereafter be liable thereon for per capita costs of care, support and treatment as provided for in RCW 72.33.655.

Sec. 244. Section 1, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.830 are each amended to read as follows:

The department of ~~((institutions))~~ social and health services is authorized to pay for all or a portion of the costs of care, support and training of residents of state residential schools for the mentally and/or physically ~~((deficient))~~ handicapped persons who are placed in group homes, as hereinafter provided. ~~(("Mental deficiency" or "physical deficiency" for the purposes of RCW 72.33.160, and 72.33.830 through 72.33.850 shall have the same meaning as those terms are defined in RCW 72.33.020 as now or hereafter amended:))~~

Sec. 245. Section 2, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.840 are each amended to read as follows:

All payments made by the department of ~~((institutions))~~ social and health services in accordance with RCW 72.33.830 shall, insofar as reasonably possible, be supplementary to payments to be made for the costs of care, support and training in a group home by the estate of such resident of the state residential school, or from any resource which such resident may have, or become entitled to, from any public, private, federal or state agency. Payments by the department of ~~((institutions))~~ social and health services

under RCW 72.33.160, and 72.33.830 through 72.33.850 may, in its discretion, be paid directly to group homes, or to counties having created community boards for mental retardation services in accordance with the provisions of chapter 110, Laws of 1967 ex. sess.

Sec. 246. Section 3, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.850 are each amended to read as follows:

The department of ~~((institutions))~~ social and health services shall promulgate rules and regulations concerning the eligibility of residents of state schools for placement in group homes under the authority of RCW 72.33.160, and 72.33.830 through 72.33.850, determination of ability of such persons or their estates to pay all or a portion of the cost of care, support and training, the manner and method of licensing or certification and inspection and approval of such group homes for placement under RCW 72.33.160, and 72.33.830 through 72.33.850 and procedures for the payment of costs of care, maintenance and training in group homes.

Such rules and regulations shall include standards for care, maintenance and training to be met by such group homes. In addition, the department of ~~((institutions))~~ social and health services shall be responsible for coordinating state activities and resources relating to group home placements to the end that state and local resources will be efficiently expended and an effective community-based group home program may be created.

Sec. 247. Section 72.40.020, chapter 28, Laws of 1959 and RCW 72.40.020 are each amended to read as follows:

The ~~((director))~~ secretary shall appoint a superintendent for each institution. The superintendents must be not less than thirty nor more than seventy years of age and must be practically acquainted with school management and class instruction of the blind and the deaf, respectively, having had at least ten years' actual experience in teaching in schools for such persons.

The ~~((director))~~ secretary may discharge any employee in his discretion.

Sec. 248. Section 6, chapter 50, Laws of 1970 ex. sess. and RCW 72.40.031 are each amended to read as follows:

The school year for the state school for the blind and the state school for the deaf shall commence on the first day of July of each year and shall terminate on the 30th day of June of the succeeding year. The regular school term shall be for a period of nine months and shall commence as near as reasonably practical at the time of the commencement of regular terms in the public schools, with the equivalent number of days as are now required by law, and the regulations of the superintendent of public instruction as now or hereafter amended, during the school year in the public schools. The school shall observe all legal holidays, in the same manner as other agencies of state government, and the schools will not be in session on such days and

such other days as may be approved by the ~~((director of institutions))~~ secretary of social and health services. During the period when the schools are not in session during the regular school term, schools may be operated, subject to the approval of the ~~((director))~~ secretary, for the instruction of students or for such other reasons which are in furtherance of the objects and purposes of such schools.

Sec. 249. Section 72.40.050, chapter 28, Laws of 1959 and RCW 72-40.050 are each amended to read as follows:

The ~~((director))~~ secretary may admit to the schools blind or deaf children from other states, but the parents or guardians of such children will be required to pay annually or quarterly in advance a sufficient amount to cover the cost of maintaining and educating such children.

Sec. 250. Section 72.40.070, chapter 28, Laws of 1959 as last amended by section 152, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.070 are each amended to read as follows:

It shall be the duty of each educational service district superintendent to make a full and specific report of such deaf, mute, or blind youth to the board of county commissioners of the county in which the youth resides at its regular meeting in July of each year. He shall also, at the same time, transmit a duplicate copy of such report to the ~~((director))~~ secretary and the superintendent of the school for the blind or the school for the deaf, as the case may be.

Sec. 251. Section 72.56.010, chapter 28, Laws of 1959 and RCW 72-56.010 are each amended to read as follows:

There is hereby established under the supervision and control of the department of ~~((institutions;))~~ social and health services an institution for the care and custody of children and youth, to be located at Fort Worden, near Port Townsend, in Jefferson county.

Sec. 252. Section 72.56.040, chapter 28, Laws of 1959 and RCW 72-56.040 are each amended to read as follows:

The ~~((director))~~ secretary shall have authority to transfer children and youth to Fort Worden who are now confined at, or who may hereafter be committed to, any other facility under the supervision of the department for the custody of children and youth.

Sec. 253. Section 72.56.050, chapter 28, Laws of 1959 and RCW 72-56.050 are each amended to read as follows:

The ~~((director))~~ secretary is hereby authorized to appoint a superintendent and such other officers and employees as are deemed necessary for the proper operation of the institutions and facilities authorized by this chapter.

Sec. 254. Section 72.60.010, chapter 28, Laws of 1959 and RCW 72-60.010 are each amended to read as follows:

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

(1) "Institution" means any place under the jurisdiction of the department of ~~((institutions))~~ social and health services at which individuals are confined pursuant to court order.

(2) "Commission" means the institutional industries commission as herein created.

(3) "Enterprise" means an agricultural or manufacturing operation or group of closely related operations within a single institution which in accepted trade practices would ordinarily be carried on as a single unit for the purpose of producing saleable items above and beyond the needs of the producing institution, not to include or apply to self-sustaining activities, maintenance and construction work and handiwork of prisoners.

Sec. 255. Section 72.60.020, chapter 28, Laws of 1959 and RCW 72.60.020 are each amended to read as follows:

The purpose of this chapter is to aid and assist the department of ~~((institutions))~~ social and health services in minimizing or eliminating idleness among the inmates of the state penal, correctional, or reformatory institutions and promoting rehabilitation by affording such inmates an opportunity to participate in industrial and agricultural activities and to provide for the disposition and sale of the articles produced.

Sec. 256. Section 72.60.030, chapter 28, Laws of 1959 and RCW 72.60.030 are each amended to read as follows:

There is hereby created the institutional industries commission which shall consist of the ~~((director))~~ secretary of the department and six members appointed by the governor of whom two shall be representatives of organized labor, two shall be representatives of industry, one shall be a representative of agriculture and one shall be a representative of the general public.

Sec. 257. Section 72.60.040, chapter 28, Laws of 1959 and RCW 72.60.040 are each amended to read as follows:

The first term of the members representing industry and labor shall be two years. The first term of the members representing agriculture and the general public shall be four years. After the first term all appointments shall have a term of four years. The first term of each member shall commence on the first day of June, 1955. No members shall be removed except by the appointing authority and for cause. In the event of a vacancy in the office of any member the balance of the term shall be filled by the appointing authority as in the case of original appointments. The ~~((director))~~ secretary shall act as chairman of the commission.

Sec. 258. Section 72.60.090, chapter 28, Laws of 1959 and RCW 72.60.090 are each amended to read as follows:

Each inmate, who is engaged in productive work in any state prison or institution under the jurisdiction of the department as a part of the work program, may receive for his work such compensation as the ~~((director))~~

secretary shall determine. Such compensation shall be in accordance with a graduated schedule based on quantity and quality of work performed and skill required for its performance, and be limited to such amounts as are set up by the ((director)) secretary and approved by the commission. Said compensation shall be credited to the account of the inmate.

When any inmate violates the rules of the institution or escapes, the ((director)) secretary shall determine what portion of his earnings shall be forfeited and such forfeiture shall be deposited in the industrial operations revolving fund of such institution.

Said compensation shall be paid from the industrial operations revolving fund of the institution. Whenever by any statute a price is required to be fixed for any article, material, supply, or services to be produced, manufactured, supplied, or performed in connection with the work program of the department, the compensation paid to inmates shall be included as an item of cost in fixing the final statutory price.

Inmates not engaged on work programs under the jurisdiction of the commission and financed out of the industrial operations revolving fund, but who are engaged in productive labor outside of such programs may be compensated in like manner. The compensation of such inmates shall be paid either out of funds appropriated by the legislature for that purpose or out of the industrial operations revolving fund of the institution, as the ((director)) secretary of the department may direct.

Sec. 259. Section 72.60.130, chapter 28, Laws of 1959 and RCW 72-.60.130 are each amended to read as follows:

All articles, materials, and supplies, produced or manufactured under the provisions of this chapter shall be solely and exclusively for public use and no article, material, or supplies, produced or manufactured under the provisions of this chapter shall ever be sold, supplied, furnished, exchanged, or given away, for any private use or profit whatever, except that, to avoid waste or spoilage and consequent loss to the state, byproducts and surpluses of agricultural and animal husbandry enterprises may be sold to private persons, at private sale, under rules prescribed by the ((director)) secretary.

Sec. 260. Section 72.60.160, chapter 28, Laws of 1959 and RCW 72-.60.160 are each amended to read as follows:

All articles, materials, and supplies herein authorized to be produced or manufactured may be purchased from the institution producing or manufacturing the same by any state agency or political subdivision of the state and at the prices fixed in the manner herein provided, and the ((director)) secretary shall require those institutions under his direction to give preference to the purchasing of their needs of such articles as are produced under this chapter.

Sec. 261. Section 72.60.200, chapter 28, Laws of 1959 and RCW 72-.60.200 are each amended to read as follows:

Exceptions from the operation of the provisions of this chapter may be made in any case where in the opinion of the supervisor of purchasing, the attorney general and the commissioner of the employment security department, or a majority of them who are hereby constituted a board for such purpose, the articles so produced or manufactured do not meet the reasonable requirements of such departments, institutions, or agencies of the state of Washington. In any case where the requisition made cannot be complied with on account of an insufficient supply of articles or supplies required, the ~~((director))~~ secretary may grant an exemption to such requisitioning department or agency of the state of Washington. No department, institution, or agency of the state of Washington shall be allowed to evade the intent and meaning of this section by slight variations from adopted standards when the articles produced or manufactured by such institutional industries are reasonably adapted to the actual needs of such departments, institutions, or agencies of the state of Washington.

Sec. 262. Section 2, chapter 273, Laws of 1959 and RCW 72.60.250 are each amended to read as follows:

The institutional industries revolving fund shall be deposited by the state treasurer, who shall be the custodian of such fund, in such depository or depositories as may be authorized by law to accept state funds to the credit of a fund to be designated the institutional industries revolving fund, which fund shall not be a state fund and shall at all times be kept segregated and set apart from all other funds and in trust for the purposes as set forth in RCW 72.60.260 and chapter 72.60 RCW.

All moneys received by the ~~((director))~~ secretary, or any employee, from the operation of the industrial or agricultural programs under the jurisdiction of the institutional industries commission, except an amount of petty cash for each day's needs as fixed by resolution of the institutional industries commission, shall be paid over by the ~~((director))~~ secretary to the state treasurer each day, and as often during the day as advisable, who shall deposit the same forthwith as demand deposits to the credit of the institutional industries revolving fund in a depository or depositories selected by the state treasurer under the terms of this section.

Sec. 263. Section 1, chapter 273, Laws of 1959 and RCW 72.60.240 are each amended to read as follows:

There is hereby established under the supervision and control of the ~~((director of the department of institutions))~~ secretary of social and health services a fund to be known as the institutional industries revolving fund, which shall consist of all funds collected and all profits which shall hereafter accrue from the industrial and agricultural operations under the jurisdiction of the institutional industries commission, and such funds appropriated by the legislature from the state institutional revolving account of the state general fund to the institutional industries revolving fund created by this

section. The provisions of RCW 43.01.050 shall not be applicable to such fund, nor to any of the moneys received, collected or deposited in such fund.

Sec. 264. Section 3, chapter 273, Laws of 1959 and RCW 72.60.260 are each amended to read as follows:

All expenses arising in the administration of the industrial and agricultural programs of the department of ((institutions)) social and health services under the jurisdiction of the institutional industries commission, including the payment of expenses of the members of the commission and the salaries of employees administering such programs and all expenditures incurred in establishing, maintaining, and operating the industrial and agricultural programs of the department of ((institutions)) social and health services, shall be paid from the institutional industries revolving fund, subject to the approval of the institutional industries commission.

Sec. 265. Section 72.64.010, chapter 28, Laws of 1959 and RCW 72.64.010 are each amended to read as follows:

The ((director)) secretary shall have the power and it shall be his duty to provide for the useful employment of prisoners in the adult correctional institutions: PROVIDED, That no prisoners shall be employed in what is known as the contract system of labor.

Sec. 266. Section 72.64.020, chapter 28, Laws of 1959 and RCW 72.64.020 are each amended to read as follows:

The ((director)) secretary shall make the necessary rules and regulations governing the employment of prisoners, the conduct of all such operations, and the disposal of the products thereof, under such restrictions as provided by law.

Sec. 267. Section 72.64.030, chapter 28, Laws of 1959 as amended by section 1, chapter 171, Laws of 1961 and RCW 72.64.030 are each amended to read as follows:

Every prisoner in the Washington state penitentiary or reformatory or other state penal or correctional institution shall be required to work in such manner as may be prescribed by the ((director)) secretary, other than for the private financial benefit of any enforcement officer.

Sec. 268. Section 72.64.050, chapter 28, Laws of 1959 as amended by section 2, chapter 171, Laws of 1961 and RCW 72.64.050 are each amended to read as follows:

The ((director)) secretary shall also have the power to establish temporary branch institutions for the state penitentiary, state reformatory and other penal and correctional institutions of the state in the form of honor camps for the employment of prisoners therein in farming, reforestation, wood-cutting, land clearing, processing of foods in state canneries, forest fire fighting, forest fire suppression and prevention, stream clearance, watershed improvement, development of parks and recreational areas and other work to conserve the natural resources and protect and improve the

public domain and construction of water supply facilities to state institutions.

Sec. 269. Section 72.64.060, chapter 28, Laws of 1959 as amended by section 3, chapter 171, Laws of 1961 and RCW 72.64.060 are each amended to read as follows:

Any department, division, bureau, commission, or other agency of the state of Washington or any agency of any political subdivision thereof or the federal government may use, or cause to be used, prisoners confined in state penal or correctional institutions to perform work necessary and proper, to be done by them at camps to be established pursuant to the authority granted by RCW 72.64.060 through 72.64.090: PROVIDED, That such prisoners shall not be authorized to perform work on any public road, other than access roads to forestry lands. The ((~~director~~)) secretary may enter into contracts for the purposes of RCW 72.64.060 through 72.64.090.

Sec. 270. Section 72.64.070, chapter 28, Laws of 1959 and RCW 72.64.070 are each amended to read as follows:

The department shall determine which prisoners shall be eligible for employment under RCW 72.64.060, and shall establish and modify lists of prisoners eligible for such employment, upon the requisition of an agency mentioned in RCW 72.64.060. The ((~~director~~)) secretary may send to the place, and at the time designated, the number of prisoners requisitioned, or such number thereof as have been determined to be eligible for such employment and are available. No prisoner shall be eligible or shall be released for such employment until his eligibility therefor has been determined by the department.

The ((~~director~~)) secretary may return to prison any prisoner transferred to camp pursuant to this section, when the need for such prisoner's labor has ceased or when the prisoner is guilty of any violation of the rules and regulations of the prison or camp.

Sec. 271. Section 72.64.080, chapter 28, Laws of 1959 and RCW 72.64.080 are each amended to read as follows:

The agency providing for prisoners under RCW 72.64.060 through 72.64.090 shall designate and supervise all work done under the provisions thereof. The agency shall provide, erect and maintain any necessary camps, except that where no funds are available to the agency, the department may provide, erect and maintain the necessary camps. The ((~~director~~)) secretary shall supervise and manage the necessary camps and commissaries.

Sec. 272. Section 4, chapter 171, Laws of 1961 and RCW 72.64.100 are each amended to read as follows:

The ((~~director~~)) secretary is authorized to establish and operate regional jail camps for the confinement, treatment, and care of persons sentenced to jail terms in excess of thirty days, including persons so imprisoned as a

condition of probation. The ~~((director))~~ secretary shall make rules and regulations governing the eligibility for commitment or transfer to such camps and rules and regulations for the government of such camps. Subject to the rules and regulations of the ~~((director))~~ secretary, and if there is in effect a contract entered into pursuant to RCW 72.64.110, a county prisoner may be committed to a regional jail camp in lieu of commitment to a county jail or other county detention facility.

Sec. 273. Section 5, chapter 171, Laws of 1961 and RCW 72.64.110 are each amended to read as follows:

(1) The ~~((director))~~ secretary may enter into a contract, with the approval of the director of ~~((budget))~~ financial management, with any county of the state, upon the request of the sheriff thereof, wherein the ~~((director))~~ secretary agrees to furnish confinement, care, treatment, and employment of county prisoners. The county shall reimburse the state for the cost of such services, such cost to be determined by the director of ~~((budget))~~ financial management. Each county shall pay to the state treasurer the amounts found to be due.

(2) The ~~((director))~~ secretary shall accept such county prisoner if he believes that the prisoner can be materially benefited by such confinement, care, treatment and employment, and if adequate facilities to provide such care are available. No such person shall be transported to any facility under the jurisdiction of the ~~((director))~~ secretary until the ~~((director))~~ secretary has notified the referring court of the place to which said person is to be transmitted and the time at which he can be received.

(3) The sheriff of the county in which such an order is made placing a misdemeanant in a jail camp pursuant to this chapter, or any other peace officer designated by the court, shall execute an order placing such county prisoner in the jail camp or returning him therefrom to the court.

(4) The ~~((director))~~ secretary may return to the committing authority, or to confinement according to his sentence, any person committed or transferred to a regional jail camp pursuant to this chapter when there is no suitable employment or when such person is guilty of any violation of rules and regulations of the regional jail camp.

Sec. 274. Section 1, chapter 17, Laws of 1967 and RCW 72.65.010 are each amended to read as follows:

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

(1) "Department" shall mean the department of ~~((institutions))~~ social and health services.

(2) ~~(("Director"))~~ "Secretary" shall mean the ~~((director of the department of institutions))~~ secretary of social and health services.

(3) "State correctional institutions" shall mean and include the Washington state penitentiary; the Washington corrections center; the Washington state reformatory; the Clallam Bay honor camp in Clallam

county; the Larch Mountain honor camp in Clark county; the Washougal honor camp in ((Clark [Skamania])) Skamania county; the Okanogan honor camp in Okanogan county; and such other state correctional institutions, camps or facilities as may hereafter be established pursuant to law under the jurisdiction of the department for the treatment of convicted felons sentenced to a term of confinement.

(4) "Prisoner" shall mean a person either male or female, convicted of a felony and sentenced by the superior court to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.

(5) "Superintendent" shall mean the superintendent of a state correctional institution, camp or other facility now or hereafter established under the jurisdiction of the department pursuant to law.

Sec. 275. Section 2, chapter 17, Laws of 1967 and RCW 72.65.020 are each amended to read as follows:

The ((director)) secretary is authorized to extend the limits of the place of confinement and treatment within the state of any prisoner convicted of a felony, sentenced to a term of confinement and treatment by the superior court, and serving such sentence in a state correctional institution under the jurisdiction of the department, by authorizing a work release plan for such prisoner, permitting him, under prescribed conditions, to do any of the following:

- (1) Work at paid employment.
- (2) Participate in a vocational training program: PROVIDED, That the tuition and other expenses of such a vocational training program shall be paid by the prisoner, by someone in his behalf, or by the department: PROVIDED FURTHER, That any expenses paid by the department shall be recovered by the department pursuant to the terms of RCW 72.65.050.
- (3) Interview or make application to a prospective employer or employers, or enroll in a suitable vocational training program.

Such work release plan of any prison shall require that he be confined during the hours not reasonably necessary to implement the plan, in (1) a state correctional institution, (2) a county or city jail, which jail has been approved after inspection pursuant to RCW 72.01.420, or (3) any other appropriate, supervised facility, after an agreement has been entered into between the department and the appropriate authorities of the facility for the housing of work release prisoners.

Sec. 276. Section 3, chapter 17, Laws of 1967 and RCW 72.65.030 are each amended to read as follows:

Any prisoner serving a sentence in a state correctional institution may make application to participate in the work release program to the superintendent of the institution in which he is confined. Such application shall set forth the name and address of his proposed employer or employers or shall specify the vocational training program, if any, in which he is enrolled. It

shall include a statement to be executed by such prisoner that if his application be approved he agrees to abide faithfully by all terms and conditions of the particular work release plan adopted for him. It shall further set forth such additional information as the department or the ((director)) secretary shall require.

Sec. 277. Section 4, chapter 17, Laws of 1967 and RCW 72.65.040 are each amended to read as follows:

The superintendent of the state correctional institution in which a prisoner who has made application to participate in the work release program is confined, after careful study of the prisoner's conduct, attitude and behavior within the institutions under the jurisdiction of the department, his criminal history and all other pertinent case history material, shall determine whether or not there is reasonable cause to believe that the prisoner will honor his trust as a work release participant. After having made such determination, the superintendent, in his discretion, may deny the prisoner's application, or recommend to the ((director)) secretary, or such officer of the department as the ((director)) secretary may designate, that the prisoner be permitted to participate in the work release program. The ((director)) secretary or his designee, may approve, reject, modify, or defer action on such recommendation. In the event of approval, the ((director)) secretary or his designee, shall adopt a work release plan for the prisoner, which shall constitute an extension of the limits of confinement and treatment of the prisoner when released pursuant thereto, and which shall include such terms and conditions as may be deemed necessary and proper under the particular circumstances. The plan shall be signed by the prisoner under oath that he will faithfully abide by all terms and conditions thereof. Further, as a condition, the plan shall specify where such prisoner shall be confined when not released for the purpose of the work release plan. At any time after approval has been granted to any prisoner to participate in the work release program, such approval may be revoked, and if the prisoner has been released on a work release plan, he may be returned to a state correctional institution, or the plan may be modified, in the sole discretion of the ((director)) secretary or his designee. Any prisoner who has been initially rejected either by the superintendent or the ((director)) secretary or his designee, may reapply for permission to participate in a work release program after a period of time has elapsed from the date of such rejection. This period of time shall be determined by the ((director)) secretary or his designee, according to the individual circumstances in each case.

Sec. 278. Section 5, chapter 17, Laws of 1967 and RCW 72.65.050 are each amended to read as follows:

A prisoner employed under a work release plan shall surrender to the ((director)) secretary, or to the superintendent of such state correctional institution as shall be designated by the ((director)) secretary in the plan, his

total earnings, ~~((+))~~ less payroll deductions required by law, or such payroll deductions as may reasonably be required by the nature of the employment and ~~((2))~~ less such amount which his work release plan specifies he should retain to help meet his personal needs, including costs necessary for his participation in the work release plan such as expenses for travel, meals, clothing, tools and other incidentals. The ~~((director))~~ secretary, or the superintendent of the state correctional institution designated in the work release plan shall deduct from such earnings, and make payments from such work release participant's earnings in the following order of priority:

(1) Reimbursement to the department for any expenses advanced for vocational training pursuant to RCW 72.65.020(2), or for expenses incident to a work release plan pursuant to RCW 72.65.090.

(2) Payment of board and room charges for the work release participant: PROVIDED, That if the participant is housed at a state correctional institution, the average daily per capita cost for the operation of such correctional institution, excluding capital outlay expenditures, shall be paid from the work release participant's earnings to the general fund of the state treasury: PROVIDED FURTHER, That if such work release participant is housed in another facility pursuant to agreement, then the charges agreed to between the department and the appropriate authorities of such facility shall be paid from the participant's earnings to such appropriate authorities.

~~((4))~~ (3) Payments for the necessary support of the work release participant's dependents, if any.

~~((5))~~ (4) Payments to creditors of the work release participant, which may be made at his discretion and request, upon proper proof of personal indebtedness.

~~((6))~~ (5) Payments to the work release participant himself upon parole or discharge, or for deposit in his personal account if returned to a state correctional institution for confinement and treatment.

Sec. 279. Section 8, chapter 17, Laws of 1967 as amended by section 1, chapter 109, Laws of 1969 and RCW 72.65.080 are each amended to read as follows:

The ~~((director))~~ secretary may enter into contracts with the appropriate authorities for the payment of the cost of feeding and lodging and other expenses of housing work release participants. Such contracts may include any other terms and conditions as may be appropriate for the implementation of the work release program. In addition the ~~((director))~~ secretary is authorized to acquire, by lease, appropriate facilities for the housing of work release participants and providing for their subsistence and supervision. Such work release participants placed in leased facilities shall be required to reimburse the department of ~~((institutions))~~ social and health services the per capita cost of subsistence and lodging in accordance with the provisions and

in the priority established by RCW 72.65.050(2). The location of such facilities shall be subject to the zoning laws of the city or county in which they may be situated.

Sec. 280. Section 10, chapter 17, Laws of 1967 and RCW 72.65.100 are each amended to read as follows:

The ~~((director))~~ secretary is authorized to make rules and regulations for the administration of the provisions of this chapter to administer the work release program. In addition, the department shall:

- (1) Supervise and consult with work release participants;
- (2) Locate available employment or vocational training opportunities for qualified work release participants;
- (3) Effect placement of work release participants under the program;
- (4) Collect, account for and make disbursement from earnings of work release participants under the provisions of this chapter;
- (5) Promote public understanding and acceptance of the work release program.

All state agencies shall cooperate with the department of ~~((institutions))~~ social and health services in the administration of the work release program as provided by this chapter.

Sec. 281. Section 11, chapter 17, Laws of 1967 and RCW 72.65.110 are each amended to read as follows:

All earnings of work release participants shall be deposited by the ~~((director))~~ secretary, or the superintendent of a state correctional institution designated by the ~~((director))~~ secretary in the work release plan, in personal funds. All disbursements from such funds shall be made only in accordance with the work release plans of such participants and in accordance with the provisions of this chapter.

Sec. 282. Section 72.68.010, chapter 28, Laws of 1959 and RCW 72.68.010 are each amended to read as follows:

Whenever in its judgment the best interests of the state or the welfare of any prisoner confined in any penal institution will be better served by his transfer to another institution the ~~((director))~~ secretary may effect such transfer.

Sec. 283. Section 72.68.020, chapter 28, Laws of 1959 and RCW 72.68.020 are each amended to read as follows:

- (1) The ~~((director))~~ secretary shall transport prisoners under guard:
 - (a) to and between the state penitentiary, the state reformatory and all other institutions under his supervision;
 - (b) from a county, city, or municipal jail to an institution mentioned in ~~((subdivision))~~ subparagraph (a) of this subsection and to a county, city or municipal jail from an institution mentioned in ~~((subdivision))~~ subparagraph (a) of this subsection.

(2) The ((director)) secretary may employ necessary persons for such purpose.

Sec. 284. Section 72.68.040, chapter 28, Laws of 1959 as last amended by section 1, chapter 60, Laws of 1967 and RCW 72.68.040 are each amended to read as follows:

The ((director)) secretary may contract with the authorities of the federal government, or the authorities of any state of the United States or of any county or city in this state providing for the detention in an institution or jail operated by such governmental unit, of prisoners convicted of a felony in the courts of this state and sentenced to a term of imprisonment therefor in a state correctional institution for convicted felons under the jurisdiction of the department of ((institutions)) social and health services. After the making of a contract under this section, prisoners sentenced to a term of imprisonment in a state correctional institution for convicted felons may be conveyed by the superintendent or his assistants to the institution or jail named in the contract. The prisoners shall be delivered to the authorities of the institution or jail, there to be confined until their sentences have expired or they are otherwise discharged by law, paroled or until they are returned to a state correctional institution for convicted felons for further confinement.

Sec. 285. Section 72.68.060, chapter 28, Laws of 1959 as last amended by section 3, chapter 60, Laws of 1967 and RCW 72.68.060 are each amended to read as follows:

Should the presence of any prisoner confined, under authority of RCW 72.68.040 through 72.68.070, in an institution of another state or the federal government or in a county or city jail, be required in any judicial proceeding of this state, the superintendent of a state correctional institution for convicted felons or his assistants shall, upon being so directed by the ((director)) secretary, or upon the written order of any court of competent jurisdiction, or of a judge thereof, procure such prisoner, bring him to the place directed in such order and hold him in custody subject to the further order and direction of the ((director)) secretary, or of the court or of a judge thereof, until he is lawfully discharged from such custody. The superintendent or his assistants may, by direction of the ((director)) secretary or of the court, or a judge thereof, deliver such prisoner into the custody of the sheriff of the county in which he was convicted, or may, by like order, return such prisoner to a state correctional institution for convicted felons or the institution from which he was taken.

Sec. 286. Section 72.68.070, chapter 28, Laws of 1959 as last amended by section 4, chapter 60, Laws of 1967 and RCW 72.68.070 are each amended to read as follows:

Upon the expiration of any contract entered into under RCW 72.68.040 through 72.68.070, all prisoners of this state confined in such institution or

jail shall be returned by the superintendent or his assistants to a state correctional institution for convicted felons of this state, or delivered to such other institution as the ((director)) secretary has contracted with under RCW 72.68.040 through 72.68.070.

Sec. 287. Section 12, chapter 122, Laws of 1967 ex. sess. and RCW 72.68.075 are each amended to read as follows:

The ((director)) secretary is hereby authorized to contract for the care, confinement and rehabilitation of female prisoners of other states or territories of the United States, as more specifically provided in the Western Interstate Corrections Compact, as contained in chapter 72.70 RCW as now or hereafter amended.

Sec. 288. Section 72.68.090, chapter 28, Laws of 1959 and RCW 72.68.090 are each amended to read as follows:

The ((director)) secretary is authorized to enter into contracts with the proper officers or agencies of the United States and of other states and territories of the United States relative to the per diem rate to be paid the state of Washington for the conditions of the keep of each prisoner.

Sec. 289. Section 72.68.100, chapter 28, Laws of 1959 as amended by section 11, chapter 122, Laws of 1967 ex. sess. and RCW 72.68.100 are each amended to read as follows:

The ((director)) secretary shall not enter into any contract for the care or commitment of any prisoner of the federal government or any other state unless there is vacant space and unused facilities in the Washington state penitentiary or reformatory or the Washington correctional institution for women.

Sec. 290. Section 2, chapter 287, Laws of 1959 and RCW 72.70.020 are each amended to read as follows:

The ((~~director of the department of institutions~~)) secretary of social and health services is authorized to receive or transfer an inmate as defined in Article II(d) of the Western Interstate Corrections Compact to any institution as defined in Article II(e) of the Western Interstate Corrections Compact within this state or without this state, if this state has entered into a contract or contracts for the confinement of inmates in such institutions pursuant to Article III of the Western Interstate Corrections Compact.

Sec. 291. Section 4, chapter 287, Laws of 1959 and RCW 72.70.040 are each amended to read as follows:

The ((director)) secretary and members of the board of prison terms and paroles are hereby authorized and directed to hold such hearings as may be requested by any other party state pursuant to Article IV(f) of the Western Interstate Corrections Compact. Additionally, the ((director)) secretary and members of the board of prison terms and paroles may hold out-of-state hearings in connection with the case of any inmate of this state

confined in an institution of another state party to the Western Interstate Corrections Compact.

Sec. 292. Section 5, chapter 287, Laws of 1959 and RCW 72.70.050 are each amended to read as follows:

The (~~director of the department of institutions~~) secretary of social and health services is hereby empowered to enter into such contracts on behalf of this state as may be appropriate to implement the participation of this state in the Western Interstate Corrections Compact pursuant to Article III thereof. No such contract shall be of any force or effect until approved by the attorney general.

Sec. 293. Section 6, chapter 287, Laws of 1959 and RCW 72.70.060 are each amended to read as follows:

If any agreement between this state and any other state party to the Western Interstate Corrections Compact enables the release of an inmate of this state confined in an institution of another state to be released in such other state in accordance with Article IV(g) of this compact, then the (~~director~~) secretary is authorized to provide clothing, transportation and funds to such inmate in accordance with the provisions of RCW 72.08.343.

Sec. 294. Section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.005 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"——Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"——The department of (~~public assistance~~) social and health services.

(3) "County office"——The administrative office for one or more counties.

(4) (~~"Director"——The director of the state department of public assistance~~) "Secretary"——The secretary of social and health services.

(5) "Federal-aid assistance"——The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons, including old age assistance, medical assistance, aid to families with dependent children, aid to the permanently and totally disabled persons, aid to the blind, child welfare services, and any other programs of public assistance for which provision for federal funds or aid may from time to time be made.

(6) "General assistance"—Shall include aid to unemployable persons and unemployed employable persons who are not eligible to receive or are not receiving federal-aid assistance.

(a) Unemployable persons are those persons who by reason of bodily or mental infirmity or other cause are substantially incapacitated from gainful employment.

(b) Unemployed employable persons are those persons who although capable of gainful employment are unemployed.

(7) "Medical indigents"—Are persons without income or resources sufficient to secure necessary medical services.

(8) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county office for assistance.

(9) "Recipient"—Any person receiving assistance or currently approved to receive assistance at any future date and in addition those dependents whose needs are included in the recipient's grant.

(10) "Requirement"—Items of goods and services included in the state department of ~~((public assistance))~~ social and health services standards of assistance and required by an applicant or recipient to maintain a defined standard of living.

(11) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as income which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons, shall raise a presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as income which can be made available to meet need.

(b) Household furnishings and personal clothing used and useful to the person.

(c) Automobile(s) used and useful.

(d) Cash of not to exceed two hundred dollars for a single person or four hundred dollars for a family unit of two, or marketable securities of such

value. This maximum shall be increased by twenty-five dollars for each additional member of the family unit.

(e) Life insurance having a cash surrender value.

(f) Other personal property and belongings which are used and useful or which have great sentimental value to the applicant or recipient.

Whenever such person ceases to make use of any of the property specified in items (b), (c) and (f) of this section, the same shall be considered as income available to meet need: **PROVIDED**, That the department may by rule and regulation exempt such personal property and belongings which can be used by the applicant or recipient to decrease his need for public assistance or aid in rehabilitating him or his dependents.

(g) The department shall by rule and regulation fix the ceiling value for the individual or family unit for all property and belongings as defined in items (c), (d) and (e) of this section. In establishing such ceiling, the department shall establish a sliding scale based upon the family size. If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient: **PROVIDED**, That in the determination of need of applicants for or recipients of general assistance no resources or income shall be considered as exempt per se, but the department may by rule and regulation adopt standards which will permit the exemption of the home and personal property and belongings from consideration as an available resource or income when such resources or income are determined to be necessary to the applicant's or recipient's restoration to independence.

(12) "Income"—All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient after applying for or receiving public assistance: **PROVIDED**, That all necessary expenses that may reasonably be attributed to the earning of income shall be considered in determining net income: **PROVIDED FURTHER**, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance: **PROVIDED FURTHER**, That in determining the amount of assistance to which a recipient of aid to the blind is entitled or to which any dependent of such recipient may be entitled under any category of public assistance, the department is hereby authorized to disregard as a resource or income the first eighty-five dollars per month of any earned income plus one-half of earned income in excess of eighty-five dollars per month and for a period of not in excess of thirty-six months such additional amounts of other income and resources, in the case of an individual who has a plan for

achieving self-support approved by the department, as may be necessary for the fulfillment of such plan of such blind recipient who is otherwise eligible for an aid to the blind grant: **PROVIDED FURTHER**, That in determining the amount of assistance to which a recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income (a) with respect to a child who is not a full time employee and who is a full time or part time student attending a school, college, or university, or a course of vocational or technical training designed to fit him for gainful employment, all of the earned income of such child; and (b) with respect to any other dependent child, adult, or other person in the home whose needs are taken into account in making such determination, the first thirty dollars of the total of their earned income for such month and one-third of the remainder: **PROVIDED FURTHER**, The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants of public assistance, but consistent with federal requirements: **PROVIDED FURTHER**, That in determining the amount of assistance to which a recipient of old age assistance is entitled, the department is hereby authorized to disregard as a resource or income the first twenty dollars per month of any earned income plus one-half of additional earnings up to eighty dollars of such recipient who is otherwise eligible for an old age assistance grant; but the total amount of earnings or other income if accumulated shall not, when added to the amount of cash or marketable securities exempted under (d) of subsection (11) of this section, exceed the total amounts exempted under that subsection for a family unit: **PROVIDED FURTHER**, That a recipient of aid to the blind may accumulate without penalty from such exempt income, an amount not to exceed the maximum value of personal property as established by the department pursuant to this section less other cash, marketable securities, cash surrender value of insurance and/or car held by such recipient. In formulating rules and regulations pursuant to this chapter the department shall define "earned income" in such a manner as to meet with the approval of the department of health, education and welfare: and **PROVIDED FURTHER**, That all resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(13) "Need"—The difference between the applicant's or recipient's cost of requirements for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt net income received by or available to the applicant or recipient and the dependent members of his family.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 295. Section 74.04.011, chapter 26, Laws of 1959 as amended by section 4, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.011 are each amended to read as follows:

The (~~director of public assistance~~) secretary of social and health services shall be the administrative head and appointing authority of the department of (~~public assistance~~) social and health services and he shall have the power to and shall employ such assistants and personnel as may be necessary for the general administration of the department: PROVIDED, That such employment is in accordance with the rules and regulations of the state merit system. The (~~director~~) secretary shall through and by means of his assistants and personnel exercise such powers and perform such duties as may be prescribed by the public assistance laws of this state.

The authority vested in the (~~director~~) secretary as appointing authority may be delegated by the (~~director~~) secretary or his designee to any suitable employee of the department.

Sec. 296. Section 74.04.015, chapter 26, Laws of 1959 as amended by section 2, chapter 228, laws of 1963 and RCW 74.04.015 are each amended to read as follows:

The (~~director of public assistance~~) secretary of social and health services shall be the responsible state officer for the administration of, and the disbursement of all funds, goods, commodities and services, which may be received by the state in connection with, old age assistance, medical assistance to the aged, aid to families with dependent children, aid to the blind, disability assistance, child welfare services, vocational rehabilitation, and including, but not limited to other programs of public assistance or services related directly or indirectly to assistance programs, and all other matters included in the federal social security act approved August 14, 1935, or any other federal act or as the same may be amended excepting those required to be administered by the (~~department of education~~) superintendent of public instruction or the state (~~board of~~) commission for vocational education and those required to be administered and disbursed in connection with public health services such as communicable disease control, maternal and child health, sanitation, and vital statistics services.

He shall make such reports and render such accounting as may be required by the federal agency having authority in the premises.

Sec. 297. Section 74.04.017, chapter 26, Laws of 1959 and RCW 74.04.017 are each amended to read as follows:

The personnel in the aid to the blind program shall be chosen on the basis of their experience and qualifications in the field of work among the blind, and to the fullest extent possible shall be residents of this state at the time of their selection. In appointing and employing personnel to carry into effect the provisions of chapter 74.16 RCW, the ~~((director))~~ secretary shall give preference under the merit system to qualified and available blind persons up to fifty percent of such personnel.

Sec. 298. Section 74.04.055, chapter 26, Laws of 1959 as amended by section 4, chapter 228, Laws of 1963 and RCW 74.04.055 are each amended to read as follows:

In furtherance of the policy of this state to cooperate with the federal government in the programs included in this title the ~~((director))~~ secretary shall issue such rules and regulations as may become necessary to entitle this state to participate in federal grants-in-aid, goods, commodities and services unless the same be expressly prohibited by this title. Any section or provision of this title which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal matching or other funds for the various programs of public assistance.

Sec. 299. Section 74.04.070, chapter 26, Laws of 1959 and RCW 74.04.070 are each amended to read as follows:

There may be established in each county of the state a county office which shall be administered by an executive officer designated as the county administrator. The county administrator shall be appointed by the ~~((director))~~ secretary in accordance with the rules and regulations of the state merit system.

Sec. 300. Section 74.04.080, chapter 26, Laws of 1959 and RCW 74.04.080 are each amended to read as follows:

The county administrator shall have the power to, and shall, employ such personnel as may be necessary to carry out the provisions of this title, which employment shall be in accordance with the rules and regulations of the state merit system, and in accordance with personnel and administrative standards established by the department. The county administrator before qualifying shall furnish a surety bond in such amount as may be fixed by the ~~((director))~~ secretary, but not less than five thousand dollars, conditioned that the administrator will faithfully account for all money and property that may come into his possession or control. The cost of such bond shall be an administrative expense and shall be paid by the department.

Sec. 301. Section 74.04.120, chapter 26, Laws of 1959 and RCW 74.04.120 are each amended to read as follows:

Allocations of state and federal funds shall be made upon the basis of need within the respective counties as disclosed by the quarterly budgets,

considered in conjunction with revenues available for the satisfaction of that need: PROVIDED, That in preparing his quarterly budget for federal aid assistance, the administrator shall include the aggregate of the individual case load approved by the department to date on the basis of need and the ~~((director and the public assistance committee))~~ secretary shall approve and allocate an amount sufficient to service the aggregate case load as included in said budget, and in the event any portion of the budgeted case load cannot be serviced with moneys available for the particular category for which an application is made the committee may on the administrator's request authorize the transfer of sufficient general assistance funds to the appropriation for such category to service such case load and secure the benefit of federal matching funds.

Sec. 302. Section 74.04.200, chapter 26, Laws of 1959 and RCW 74.04.200 are each amended to read as follows:

It shall be the duty of the department of ~~((public assistance))~~ social and health services to establish uniform state-wide standards to govern the granting of assistance in the several categories of this title and it shall have power to compel compliance with such uniform standards as a condition to the receipt of state and federal funds by counties for social security purposes.

Sec. 303. Section 74.04.265, chapter 26, Laws of 1959 as amended by section 1, chapter 35, Laws of 1965 ex. sess. and RCW 74.04.265 are each amended to read as follows:

The ~~((director))~~ secretary may issue rules consistent with federal laws and with memorials of the legislature, as will recognize the income of any persons without the deduction in full thereof from the amount of their grants.

Sec. 304. Section 74.04.270, chapter 26, Laws of 1959 and RCW 74.04.270 are each amended to read as follows:

It shall be the duty of the state auditor to audit the accounts, books and records of the department of ~~((public assistance))~~ social and health services. The public assistance committee shall establish and install a uniform accounting system for all categories of public assistance, applicable to all officers, boards, commissions, departments or other agencies having to do with the allowance and disbursement of public funds for assistance purposes, which said uniform accounting system shall conform to the accounting methods required by the federal government in respect to the administration of federal funds for assistance purposes.

Sec. 305. Section 74.04.290, chapter 26, Laws of 1959 as amended by section 2, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.290 are each amended to read as follows:

In carrying out any of the provisions of this title, the (~~director~~) secretary, county administrators, hearing examiners or other duly authorized officers of the department shall have power to subpoena witnesses, administer oaths, take testimony and compel the production of such papers, books, records and documents as they may deem relevant to the performance of their duties; but no officer or agency mentioned in this section shall have power to compel the production of any papers, books, records or documents which are in the custody of any other such officer or agency and within his or its power to provide voluntarily on request.

If an individual fails to obey the subpoena or obeys the subpoena but refuses to testify when required concerning any matter under examination or investigation or the subject of a hearing, the officer or agency issuing the subpoena may petition the superior court of the county where the examination or investigation is being conducted for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the agency. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey said order the witness shall be dealt with as for contempt of court.

Sec. 306. Section 74.04.300, chapter 26, Laws of 1959 as last amended by section 1, chapter 49, Laws of 1973 1st ex. sess. and RCW 74.04.300 are each amended to read as follows:

If a recipient receives public assistance for which he is not eligible, or receives public assistance in an amount greater than that for which he is eligible, the portion of the payment to which he is not entitled shall be a debt due the state: **PROVIDED**, That if any part of any assistance payment is obtained by a person as a result of a wilfully false statement, or representation, or impersonation, or other fraudulent device, or wilful failure to reveal resources or income, one hundred twenty-five percent of the amount of assistance to which he was not entitled shall be a debt due the state and shall become a lien against the real and personal property of such person from the time of filing by the department with the county auditor of the county in which the person resides or owns property, and such lien claim shall have preference to the claims of all unsecured creditors. It shall be the duty of recipients of public assistance to notify the department within twenty days

of the receipt or possession of all income or resources not previously declared to the department, and any failure to so report shall be prima facie evidence of fraud: PROVIDED FURTHER, That there shall be no liability placed upon recipients for receipt of overpayments of public assistance which result from error on the part of the department and no fault on the part of the recipient in obtaining or retaining the assistance if the recovery thereof would be inequitable as determined by the ((director)) secretary or his designee.

Debts due the state pursuant to the provisions of this section, may be recovered by the state by deduction from the subsequent assistance payments to such persons or may be recovered by a civil action instituted by the attorney general.

Sec. 307. Section 1, chapter 91, Laws of 1965 ex. sess. and RCW 74.04.305 are each amended to read as follows:

Any overpayment or debt due the state from a recipient which the ((director)) secretary of the department deems uncollectible may be transferred from accounts receivable to a suspense account and cease to be accounted an asset: PROVIDED FURTHER, That the ((director)) secretary may charge off as finally uncollectible any overpayment or debt which he deems uncollectible at any time after six years after any person owing such overpayment or debt ceases to be a recipient of public assistance if the ((director)) secretary and the attorney general are satisfied that there are no available and lawful means by which such overpayment or debt may thereafter be collected.

Sec. 308. Section 2, chapter 91, Laws of 1965 ex. sess. and RCW 74.04.306 are each amended to read as follows:

The ((director)) secretary shall commence action for the collection of overpayments and debts due the state within six years after the notice of overpayment is given or within six years after the person ceases to be a recipient of public assistance, whichever is later. No proceedings for the collection of such overpayments or debts shall be begun after the expiration of such period.

Sec. 309. Section 74.04.310, chapter 26, Laws of 1959 and RCW 74.04.310 are each amended to read as follows:

In furthering the purposes of this title, the ((director)) secretary or any county administrator may accept contributions or gifts in cash or otherwise from persons, associations or corporations, such contributions to be disbursed in the same manner as moneys appropriated for the purposes of this title: PROVIDED, That the donor of such gifts may stipulate the manner in which such gifts shall be expended.

Sec. 310. Section 74.04.330, chapter 26, Laws of 1959 as amended by section 5, chapter 228, Laws of 1963 and RCW 74.04.330 are each amended to read as follows:

Every person, firm, corporation, association or organization receiving twenty-five percent or more of its income from contributions, gifts, dues, or other payments from persons receiving assistance, community work and training, federal-aid assistance, or any other form of public assistance from the state of Washington or any agency or subdivision thereof, and engaged in political or other activities in behalf of such persons receiving such public assistance, shall, within ninety days after the close of each calendar year, make a report to the ~~((director of the department of public assistance))~~ secretary of social and health services for the preceding year, which report shall contain:

- (1) A statement of the total amount of contributions, gifts, dues, or other payments received;
- (2) The names of any and all persons, firms, corporations, associations or organizations contributing the sum of twenty-five dollars or more during such year, and the amounts contributed by such persons, firms, corporations, associations, or organizations;
- (3) A full and complete statement of all disbursements made during such year, including the names of all persons, firms, corporations, associations, or organizations to whom any moneys were paid, and the amounts and purposes of such payments; and
- (4) Every such report so filed shall constitute a public record.
- (5) Any person, firm, or corporation, and any officer or agent of any firm, corporation, association or organization, violating this section by failing to file such report, or in any other manner, shall be guilty of a gross misdemeanor.

Sec. 311. Section 74.04.340, chapter 26, Laws of 1959 and RCW 74-.04.340 are each amended to read as follows:

The state department of ~~((public assistance))~~ social and health services is authorized to assist needy families and individuals to obtain federal surplus commodities for their use, by certifying, when such is the case, that they are eligible to receive such commodities. However, only those who are receiving or are eligible for public assistance or care and such others as may qualify in accordance with federal requirements and standards shall be certified as eligible to receive such commodities.

Sec. 312. Section 74.04.360, chapter 26, Laws of 1959 and RCW 74-.04.360 are each amended to read as follows:

Expenditures made by the state department of ~~((public assistance))~~ social and health services for the purpose of certifying eligibility of needy families and individuals for federal surplus commodities shall be deemed to be expenditures for the administration of public assistance and care.

Sec. 313. Section 1, chapter 112, Laws of 1961 as amended by section 1, chapter 219, Laws of 1963 and RCW 74.04.380 are each amended to read as follows:

The ~~((director of the state department of public assistance))~~ secretary of social and health services, from funds appropriated to his department for such purpose, shall, upon receipt of authorization from the governor, provide for the receiving, warehousing and distributing of federal and other surplus food commodities for the use and assistance of recipients of public assistance or other needy families and individuals certified as eligible to obtain such commodities. The ~~((director))~~ secretary is authorized to enter into such agreements as may be necessary with the federal government or any state agency in order to participate in any program of distribution of surplus food commodities including but not limited to a food stamp program. The ~~((director))~~ secretary shall hire personnel, establish distribution centers and acquire such facilities as may be required to carry out the intent of this section; and he may carry out any such program as a sole operation of the department or in conjunction or cooperation with any similar program of distribution by private individuals or organizations, any department of the state or any political subdivision of the state.

The ~~((director))~~ secretary shall discontinue such program, or any part thereof, whenever in the determination of the governor such program, or any part thereof, is no longer in the best interest of the state.

Sec. 314. Section 2, chapter 219, Laws of 1963 and RCW 74.04.385 are each amended to read as follows:

It shall be unlawful for any recipient of federal or other surplus commodities received under ~~((this act))~~ RCW 74.04.380 to sell, transfer, barter or otherwise dispose of such commodities to any other person. It shall be unlawful for any person to receive, possess or use any surplus commodities received under ~~((this act))~~ RCW 74.04.380 unless he has been certified as eligible to receive, possess and use such commodities by the state department of ~~((public assistance))~~ social and health services.

Violation of the provisions of ~~((this act))~~ RCW 74.04.380 or this section shall constitute a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not more than six months or by a fine of not more than five hundred dollars or both.

Sec. 315. Section 2, chapter 269, Laws of 1961 as amended by section 6, chapter 228, Laws of 1963 and RCW 74.04.390 are each amended to read as follows:

The term community work and training program shall be defined as follows: A plan jointly entered into between the state department of ~~((public assistance))~~ social and health services and an agency, department, board or commission of the state or federal government, county, city or municipal corporation which is subject to approval of the state department of ~~((public assistance))~~ social and health services, under which the state or federal government, county, city or municipal corporation undertakes to provide

work in and about public works or improvements, utilizing labor and services required to be performed by applicants or recipients of public assistance.

Sec. 316. Section 3, chapter 269, Laws of 1961 as amended by section 7, chapter 228, Laws of 1963 and RCW 74.04.400 are each amended to read as follows:

The state department of (~~(public assistance)~~) social and health services is empowered and directed to adopt such rules and regulations as will make a community work and training program fair, efficient and workable.

Sec. 317. Section 4, chapter 269, Laws of 1961 as amended by section 8, chapter 228, Laws of 1963 and RCW 74.04.410 are each amended to read as follows:

When the state or federal government or any agencies thereof, a county, city or municipal corporation has undertaken or is about to undertake, a program which is for the benefit of the general public or any segment thereof, said state agency, county, city or municipal corporation may enter into an agreement with the state department of (~~(public assistance)~~) social and health services wherein and whereby the department of (~~(public assistance)~~) social and health services may assign unemployed employable persons who have attained the age of eighteen and who are eligible for assistance to do and perform work and labor on behalf of said state, or federal government, county, city or municipal corporation and such person shall perform, if available, work and labor for such state, or federal government, county, city or municipal corporation for the length of time necessary to earn at the legal minimum wage or the going hourly rate prevailing in the area for labor of like kind, whichever is higher, an amount of money equal to the amount of assistance granted to such person and the assistance unit of which he or his dependents is a part.

Sec. 318. Section 5, chapter 269, Laws of 1961 as amended by section 9, chapter 228, Laws of 1963 and RCW 74.04.420 are each amended to read as follows:

Any person assigned to a community work and training program may be denied assistance or may be suspended for such time as may be fixed by the rules and regulations of the department of (~~(public assistance)~~) social and health services if such person without good cause:

- (1) Fails or refuses to satisfactorily perform the labor or services as may be assigned to him;
- (2) Fails or refuses to report to work under such a program when and as directed by the state, or federal government, county, city or municipal corporation or by his foreman, overseer or other supervisor therein;
- (3) Abandons or repeatedly absents himself from work;
- (4) Is insubordinate to his foreman, overseer or other supervisor therein;

- (5) Fails or refuses to take due precaution for the safety of himself or others or to use safety clothing or equipment made available to him; or
- (6) Is guilty of misconduct connected with such work.

Sec. 319. Section 6, chapter 269, Laws of 1961 as amended by section 10, chapter 228, Laws of 1963 and RCW 74.04.430 are each amended to read as follows:

All community work and training programs, before an applicant or recipient of public assistance shall be assigned shall have met the approval of the state department of (~~((public assistance))~~) social and health services: PROVIDED, That the state, or federal government, county, city or municipal corporation utilizing assistance applicants or recipients for work and labor shall insure that such employment is covered by workmen's compensation administered by the department of labor and industries, or a similar plan approved by the department of (~~((public assistance))~~) social and health services, and all fees and charges for such coverage shall be paid by such state, or federal government, county, city or municipal corporation except that portion which is paid for medical aid and is properly chargeable to such applicant or recipient of assistance.

Sec. 320. Section 14, chapter 228, Laws of 1963 and RCW 74.04.470 are each amended to read as follows:

The state department of (~~((public assistance))~~) social and health services shall have the right to terminate unilaterally any agreement entered into pursuant to RCW 74.04.410 with the state or federal government or any agency thereof, a county, city or municipal corporation whenever the community work and training program contemplated by such agreement fails, for any reason, to meet any provision of chapter 74.04 RCW relating to community work and training or the purposes thereof, or any rule or regulation promulgated by the department thereunder.

Sec. 321. Section 15, chapter 228, Laws of 1963 and RCW 74.04.480 are each amended to read as follows:

The state department of (~~((public assistance))~~) social and health services is hereby authorized to promulgate rules and regulations governing the granting to any employee of the department, other than a provisional employee, a leave of absence for educational purposes to attend an institution of learning for the purpose of improving his skill, knowledge and technique in the administration of social welfare programs which will benefit the department.

Pursuant to the rules and regulations of the department, employees of the department who are engaged in the administration of public welfare programs may (1) attend courses of training provided by institutions of

higher learning; (2) attend special courses of study or seminars of short duration conducted by experts on a temporary basis for the purpose; (3) accept fellowships or traineeships at institutions of higher learning with such stipends as are permitted by regulations of the federal government.

The department of (~~(public assistance)~~) social and health services is hereby authorized to accept any funds from the federal government or any other public or private agency made available for training purposes for public assistance personnel and to conform with such requirements as are necessary in order to receive such funds.

Sec. 322. Section 4, chapter 172, Laws of 1969 ex. sess. and RCW 74-.04.500 are each amended to read as follows:

The department of (~~(public assistance)~~) social and health services is authorized to establish a food stamp program under the federal food stamp act of 1964.

Sec. 323. Section 74.08.055, chapter 26, Laws of 1959 and RCW 74-.08.055 are each amended to read as follows:

Each applicant for or recipient of public assistance shall make an application for assistance which shall contain or be verified by a written declaration that it is made under the penalties of perjury. The (~~(director)~~) secretary, by rule and regulation, may require that any other forms filled out by applicants or recipients of public assistance shall contain or be verified by a written declaration that it is made under the penalties of perjury and such declaration shall be in lieu of any oath otherwise required, and each applicant shall be so informed at the time of the signing.

Any applicant for or recipient of public assistance who wilfully makes and subscribes any application, statement or other paper which contains or is verified by a written declaration that it is made under the penalties of perjury and which he does not believe to be true and correct as to every material matter shall be guilty of a felony.

Sec. 324. Section 74.08.070, chapter 26, Laws of 1959 as amended by section 1, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.070 are each amended to read as follows:

Any applicant or recipient feeling himself aggrieved by the decision of the department or any authorized agency of the department shall have the right to a fair hearing to be conducted by the (~~(director)~~) secretary of the department or by a duly appointed, qualified and acting supervisor thereof, or by an examiner especially appointed by the (~~(director)~~) secretary for such purpose. The hearing shall be conducted in the county in which the appellant resides, and a transcript of the testimony shall be made and included in the record, the costs of which shall be borne by the department. A copy of this transcript shall be given the appellant if request for same is made in writing by the appellant or his attorney of record.

Any appellant who desires a fair hearing shall within thirty days after receiving notice of the decision of the department or an authorized agency of the department, file with the ((director)) secretary a notice of appeal from the decision. The department shall notify the appellant of the time and place of said hearing at least twenty days prior to the date thereof by registered mail or by personal service upon said appellant, unless otherwise agreed by appellant and the department.

At any time after the filing of the notice of appeal with the ((director)) secretary, any appellant or attorney for appellant with written authorization or next of kin shall have the right of access to, and can examine any files and records of the department in the case of appeal.

It shall be the duty of the department within sixty days after receipt of the notice of appeal to notify the appellant of the decision of the ((director)) secretary.

If the decision of the ((director)) secretary is made in favor of the appellant, assistance shall be paid from the date of the denial of the application or forty-five days following the date of application, whichever is sooner; or in the case of a recipient, from the effective date of the initial departmental county office decision.

Sec. 325. Section 74.08.105, chapter 26, Laws of 1959 and RCW 74.08.105 are each amended to read as follows:

No assistance payments shall be made to recipients living outside the state of Washington unless in the discretion of the ((director)) secretary there is sound social reason for such out-of-state payments: PROVIDED, That the period for making such payments when authorized shall not exceed the length of time required to satisfy the residence requirements in the other state in order to be eligible for a grant in the same category of assistance as the recipient was eligible to receive in Washington.

Sec. 326. Section 74.08.120, chapter 26, Laws of 1959 as last amended by section 1, chapter 259, Laws of 1969 ex. sess. and RCW 74.08.120 are each amended to read as follows:

The term "funeral" shall mean the proper preparation and care of the remains of a deceased person with needed facilities and appropriate memorial services, including necessary costs of a lot or cremation and all services related to interment and the customary memorial marking of a grave.

The department is hereby authorized through the county offices to assume responsibility for the funeral of deceased persons dying without assets sufficient to pay for the minimum standard funeral herein provided: PROVIDED, HOWEVER, That the ((director)) secretary may furnish funeral assistance for deceased recipients if they leave assets to a surviving spouse and/or to minor children and if the assets are resources permitted to be owned by or available to an eligible applicant or recipient under RCW 74.04.005, and the department shall thereby have a lien against said assets valid for six years from the date of filing with the county auditor and such

lien claim shall have preference to all other claims except prior secured creditors. If the assets remain exempt, or if no probate is commenced, the lien shall automatically terminate without further action six years after filing. If the deceased person is survived by a spouse or is a minor child survived by his parent or parents, the department may take into consideration the assets of such surviving spouse, parent, or parents in determining whether or not the department will assume responsibility for the funeral.

The department shall not pay more than cost for a minimum standard service rendered by each vendor. Payments to the funeral director and to the cemetery or crematorium will be made by separate vouchers. The standard of such services and the uniform amounts to be paid shall be determined by the department after giving due consideration to such advice and counsel as it shall obtain from the trade associations of the various vendors and related state departments, agencies and commissions. The payments made by the department shall not be subject to supplementation by the relatives or friends of recipients. Whenever relatives or friends provide for other than the minimum standard service authorized, the state shall not participate in the payment of any part of the cost.

Sec. 327. Section 74.08.278, chapter 26, Laws of 1959 and RCW 74-08.278 are each amended to read as follows:

In order to comply with federal statutes and regulations pertaining to federal matching funds and to provide for the prompt payment of initial grants and adjusting payments of grants the ~~((director))~~ secretary is authorized to make provisions for the cash payment of assistance by the ~~((director))~~ secretary or county administrators by the establishment of a central operating fund. The ~~((director))~~ secretary may establish such a fund with the approval of the state auditor from moneys appropriated to the department for the payment of general assistance in a sum not to exceed one million dollars. Such funds shall be deposited as agreed upon by the ~~((director))~~ secretary and the state auditor in accordance with the laws regulating the deposits of public funds. Such security shall be required of the depository in connection with the fund as the state treasurer may prescribe. Moneys remaining in the fund shall be returned to the general fund at the end of the biennium, or an accounting of proper expenditures from the fund shall be made to the state auditor. All expenditures from such central operating fund shall be reimbursed out of and charged to the proper program appropriated by the use of such forms and vouchers as are approved by the ~~((director))~~ secretary of the department and the state auditor. Expenditures from such fund shall be audited by the director of ~~((the budget))~~ financial management and the state auditor from time to time and a report shall be made by the state auditor and the ~~((director))~~ secretary as are required by law.

Sec. 328. Section 74.08.280, chapter 26, Laws of 1959 and RCW 74-08.280 are each amended to read as follows:

If any person receiving public assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, the ((director)) secretary may direct the payment of the installments of public assistance to any responsible person or corporation or to a legally appointed guardian for his benefit: PROVIDED, That if the state requires the appointment of a guardian for this purpose the department shall pay all costs and reasonable fees as fixed by the court.

Sec. 329. Section 1, chapter 34, Laws of 1965 ex. sess. and RCW 74-08.331 are each amended to read as follows:

Any person who by means of a wilfully false statement, or representation, or impersonation, or a wilful failure to reveal any material fact, condition or circumstance affecting eligibility of need for assistance, including medical care, surplus commodities and food stamps, as required by law, or a wilful failure to promptly notify the county office in writing as required by law or any change in status in respect to resources, or income, or need, or family composition, money contribution and other support, from whatever source derived, or any other change in circumstances affecting his eligibility or need for assistance, or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain any public assistance to which he is not entitled or greater public assistance than that to which he is justly entitled shall be guilty of grand larceny and upon conviction thereof shall be punished by imprisonment in the state penitentiary for not more than fifteen years.

Any person who by means of a wilfully false statement or representation or by impersonation or other fraudulent device aids or abets in buying, selling, or in any other way disposing of the real property of a recipient of public assistance without the consent of the ((director)) secretary shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one year in the county jail or a fine of not to exceed one thousand dollars or by both.

Sec. 330. Section 74.08.335, chapter 26, Laws of 1959 and RCW 74-08.335 are each amended to read as follows:

Public assistance shall not be granted under this title to any person who has made an assignment or transfer of property for the purpose of rendering himself eligible for assistance under this title. Any person who shall have transferred or shall transfer any real or personal property or any interest in property within two years of the date of application for public assistance without receiving adequate monetary consideration therefor, or any person who after becoming a recipient transfers any property or any interest in property without the consent of the ((director)) secretary, shall be ineligible for public assistance for a period of time during which the reasonable value of the property so transferred would have been adequate to meet his needs

under normal conditions of living: PROVIDED, That the ((~~director~~)) secretary is hereby authorized to allow exceptions in cases where undue hardship would result from a denial of assistance.

Sec. 331. Section 74.08.338, chapter 26, Laws of 1959 and RCW 74.08.338 are each amended to read as follows:

When the consideration for a deed executed and delivered by a recipient is not paid, or when the consideration does not approximate the fair cash market value of the property, such deed shall be prima facie fraudulent as to the state. The attorney general upon request of the ((~~director~~)) secretary shall file suit to rescind such transaction except as to subsequent bona fide purchasers for value. In the event that it be established by judicial proceedings that a fraudulent conveyance occurred, the value of any public assistance which may have been furnished may be recovered in any proceedings from the recipient or his estate.

Sec. 332. Section 17, chapter 228, Laws of 1963 as amended by section 7, chapter 173, Laws of 1969 ex. sess. and RCW 74.08.390 are each amended to read as follows:

The department of ((~~public assistance~~)) social and health services may conduct research studies, pilot projects, demonstration projects, surveys and investigations for the purpose of determining methods to achieve savings in public assistance programs by means of restoring individuals to maximum self-support and personal independence and preventing social and physical disablement, and for the accomplishment of any of such purposes may employ consultants or enter into contracts with any agency of the federal, state or local governments, nonprofit corporations, universities or foundations.

Pursuant to this authority the department may waive the enforcement of specific statutory requirements, regulations, and standards in one or more counties or on a state-wide basis by formal order of the ((~~director~~)) secretary. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, shall not be general in scope but shall apply only for the duration of such a project and shall not take effect unless the secretary of health, education and welfare of the United States has agreed, for the same project, to waive the public assistance plan requirements relative to state-wide uniformity.

Sec. 333. Section 74.09.010, chapter 26, Laws of 1959 and RCW 74.09.010 are each amended to read as follows:

As used in this chapter:

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

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

(3) (~~"Division" or "division of medical care" means the division of medical care of the department of public assistance.~~

(4) ~~"Assistant director" means the supervisor of the division of medical care of the department of public assistance.~~

(5)) "Internal management" means the administration of medical and related services to recipients of public assistance and medical indigent persons.

((6)) (4) "Medical indigents" are persons without income or resources sufficient to secure necessary medical services.

((7) ~~"Chapter" means chapter 74.09 RCW.~~

(8)) (5) "Nursing home" means nursing home as defined in RCW 18.51.010.

Sec. 334. Section 74.09.030, chapter 26, Laws of 1959 and RCW 74.09.030 are each amended to read as follows:

Administrative responsibility for providing for needed medical, dental and allied services to recipients of public assistance and medical indigents shall be the responsibility of the (~~(division of medical care))~~ department.

Sec. 335. Section 74.09.050, chapter 26, Laws of 1959 and RCW 74.09.050 are each amended to read as follows:

The (~~(assistant director shall be directly responsible to the director and shall have charge and supervision of the division of medical care. With the approval of the director, he))~~ secretary shall appoint such professional personnel and other assistants and employees, including professional medical screeners, as may be reasonably necessary to carry out the provisions of this chapter. The medical screeners shall be supervised by one or more physicians who shall be appointed by the (~~(assistant director))~~ secretary or his designee.

Sec. 336. Section 74.09.070, chapter 26, Laws of 1959 and RCW 74.09.070 are each amended to read as follows:

The determination of eligibility of recipients for public assistance shall be the responsibility of the department.

Recipients of public assistance shall be entitled to such medical services as are defined by the (~~(assistant director, who shall consider the recommendations thereon of the welfare medical care committee))~~ secretary.

The determination of eligibility of medical indigents shall be the responsibility of the (~~(division of medical care with consideration to the standards recommended by the welfare medical care committee))~~ department. The (~~(division of medical care))~~ department is empowered to employ the necessary personnel to carry out the standards established.

Sec. 337. Section 2, chapter 30, Laws of 1967 ex. sess. and RCW 74.09.075 are each amended to read as follows:

The (~~(division of medical care)~~) department shall provide (a) for evaluation of employability when a person is applying for public assistance representing a medical condition as a basis for need, and (b) for medical reports to be used in the evaluation of total and permanent disability. It shall further provide for medical consultation and assistance in determining the need for special diets, housekeeper and attendant services, and other requirements as found necessary because of the medical condition under the rules promulgated by the (~~(director after considering the recommendation thereon by the medical care advisory committee)~~) secretary.

Sec. 338. Section 74.09.080, chapter 26, Laws of 1959 and RCW 74.09.080 are each amended to read as follows:

In carrying out the administrative responsibility of this chapter, the (~~(division of medical care)~~) department may contract with an individual or a group, may utilize existing local state public assistance offices, or establish separate welfare medical care offices on a county or multicounty unit basis as found necessary.

Sec. 339. Section 74.09.110, chapter 26, Laws of 1959 and RCW 74.09.110 are each amended to read as follows:

The (~~(division of medical care)~~) department shall employ administrative personnel in both state and local offices and employ the services of professional screeners and consultants as found necessary to carry out the proper administration of the program.

Sec. 340. Section 74.09.170, chapter 26, Laws of 1959 and RCW 74.09.170 are each amended to read as follows:

All of the records and reports of the department of (~~(public assistance)~~) social and health services relative to the administration of the program covered by this chapter shall be available to the (~~(state welfare medical care committee)~~) governor's advisory committee on vendor rates, subject to all restrictions of confidentiality of RCW 74.04.060.

Sec. 341. Section 9, chapter 173, Laws of 1969 ex. sess. and RCW 74.09.182 are each amended to read as follows:

The form of the lien in RCW 74.09.180 shall be substantially as follows:

STATEMENT OF LIEN

Notice is hereby given that the State of Washington, Department of (~~(Public Assistance)~~) Social and Health Services, has rendered assistance to, a person who was injured on or about the day of in the county of state of, and the said department hereby asserts a lien, to the extent provided in RCW 74.09.180, for the amount of such assistance, upon any sum due and owing (name of injured person) from, alleged to have caused the injury, and/or his insurer and from any other person or insurer

liable for the injury or obligated to compensate the injured person on account of such injuries by contract or otherwise.

STATE OF WASHINGTON, DEPARTMENT OF ((PUBLIC ASSISTANCE)) SOCIAL AND HEALTH SERVICES

By: (Title)

STATE OF WASHINGTON }
COUNTY OF } ss.

I,, being first duly sworn, on oath state: That I am (title); that I have read the foregoing Statement of Lien, know the contents thereof, and believe the same to be true.

Subscribed and sworn to before me this day of, 19...

.....
Notary Public in and for the State of Washington, residing at

Sec. 342. Section 74.09.190, chapter 26, Laws of 1959 and RCW 74.09.190 are each amended to read as follows:

Nothing in this chapter shall be construed as empowering the ((director)) secretary to compel any recipient of public assistance and a medical indigent person to undergo any physical examination, surgical operation, or accept any form of medical treatment contrary to the wishes of said person who relies on or is treated by prayer or spiritual means in accordance with the creed and tenets of any well recognized church or religious denomination.

Sec. 343. Section 3, chapter 30, Laws of 1967 ex. sess. and RCW 74.09.500 are each amended to read as follows:

There is hereby established a new program of federal-aid assistance to be known as medical assistance to be administered by the state department of ((public assistance)) social and health services. The department of ((public assistance)) social and health services is authorized to comply with the federal requirements for the medical assistance program provided in the Social Security Act and particularly Title XIX of Public Law (89-97) in order to secure federal matching funds for such program.

Sec. 344. Section 5, chapter 30, Laws of 1967 ex. sess. as amended by section 11, chapter 173, Laws of 1969 ex. sess. and RCW 74.09.520 are each amended to read as follows:

The term "medical assistance" may include the following care and services: (1) Inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and x-ray services; (4) skilled nursing home services; (5)

physicians' services, which shall include prescribed medication and instruction on birth control devices; (6) medical care, or any other type of remedial care as may be established by the ~~((director))~~ secretary; (7) home health care services; (8) private duty nursing services; (9) dental services; (10) physical therapy and related services; (11) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (12) other diagnostic, screening, preventive, and rehabilitative services.

Sec. 345. Section 6, chapter 30, Laws of 1967 ex. sess. and RCW 74-.09.530 are each amended to read as follows:

The amount and nature of medical assistance and the determination of eligibility of recipients for medical assistance shall be the responsibility of the department of ~~((public assistance))~~ social and health services. The department shall establish reasonable standards of assistance and resource and income exemptions which shall be consistent with the provisions of the Social Security Act and with the regulations of the secretary of health, education and welfare for determining eligibility of individuals for medical assistance and the extent of such assistance to the extent that funds are available from the state and federal government.

Sec. 346. Section 74.10.010, chapter 26, Laws of 1959 and RCW 74-.10.010 are each amended to read as follows:

There is hereby created a new category of federal aid assistance to be known as disability assistance to be administered on a uniform state-wide basis by the state department of ~~((public assistance))~~ social and health services. The legislature hereby expresses its intention to comply with the federal requirements under the provisions of public law 734 (64 Statutes at Large 548) creating a new category of assistance in order to secure federal matching funds for such a program.

Sec. 347. Section 74.10.030, chapter 26, Laws of 1959 and RCW 74-.10.030 are each amended to read as follows:

In determining the amount of assistance to which an eligible applicant or recipient shall be entitled, the department of ~~((public assistance))~~ social and health services is authorized to include the needs of such applicant's or recipient's legal dependents if they are not concurrently receiving another type of public assistance.

Sec. 348. Section 74.10.070, chapter 26, Laws of 1959 and RCW 74-.10.070 are each amended to read as follows:

The department is authorized to provide through employment of properly qualified personnel such social and related services as are found necessary for proper administration of this chapter and to the end that applicants for or recipients of disability assistance are helped to attain self-care and/or self-support by effective use of all resources for rehabilitation and restoration to health and independence. The department of ~~((public assistance))~~

social and health services shall refer recipients who can be benefited thereby to the appropriate public and private resources for rehabilitation through retraining, restorative services, treatment and therapy.

Sec. 349. Section 1, chapter 60, Laws of 1967 ex. sess. and RCW 74-10.090 are each amended to read as follows:

The department of (~~public assistance~~) social and health services is authorized to disregard as income of every eligible recipient of disability assistance under the provisions of this chapter an amount not exceeding fifty dollars of the first eighty dollars earned in any single month by such recipient as follows:

(1) The first twenty dollars earned by any eligible recipient is wholly exempt, and shall not be considered as a resource within the definition and application of this title;

(2) Fifty percent of any amount earned by such eligible recipient in excess of twenty dollars but not exceeding eighty dollars, is exempt to such eligible recipient and shall not be considered as a resource within the definition and application of this title;

(3) Every earned amount in excess of eighty dollars shall be considered a resource within the meaning of this title.

Sec. 350. Section 74.12.010, chapter 26, Laws of 1959 as last amended by section 1, chapter 31, Laws of 1973 2nd ex. sess. and RCW 74.12.010 are each amended to read as follows:

For the purposes of the administration of aid to families with dependent children assistance, the term "dependent child" means any child in need under the age of eighteen years who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who is with his father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their homes. The term a "dependent child" shall, notwithstanding the foregoing, also include a child who would meet such requirements except for his removal (~~(after April 30, 1961,)~~) from the home of a relative specified above as a result of a judicial determination that continuation therein would be contrary to the welfare of such child, for whose placement and care the state department of social and health services or the county office is responsible, and who has been placed in a licensed or approved child care institution or foster home as a result of such determination and who: (1) Was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated; or (2) would have received aid to families with dependent children for such month if application had been made therefor; or (3) in the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have received aid to families with

dependent children for such month if in such month he had been living with such a relative and application had been made therefor, as authorized by the Social Security Act: PROVIDED, That the ((~~director~~)) secretary shall have discretion to provide that aid to families with dependent children assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent or stepparent liable under this chapter for the support of such child, to the extent that matching funds are available from the federal government.

"Aid to families with dependent children" means money payments, services, and remedial care with respect to a dependent child or dependent children and the needy parent or relative with whom the child lives and may include the spouse of such relative if living with him and if such relative is the child's parent and the child is a dependent child by reason of the physical or mental incapacity or unemployment of a parent or stepparent liable under this chapter for the support of such child.

Sec. 351. Section 22, chapter 228, Laws of 1963 and RCW 74.12.260 are each amended to read as follows:

Aid to families with dependent children grants shall be made to persons specified in RCW 74.12.010 as amended or such others as the federal department of health, education and welfare shall recognize for the sole purposes of giving benefits to the children whose needs are included in the grant paid to such persons. The recipient of each aid to families with dependent children's grant shall be and hereby is required to present reasonable proof to the department of ((~~public assistance~~)) social and health services as often as may be required by the department that all funds received in the form of an aid to families with dependent children grant for the children represented in the grant are being spent for the benefit of the children.

Sec. 352. Section 25, chapter 228, Laws of 1963 and RCW 74.12.290 are each amended to read as follows:

The department of ((~~public assistance~~)) social and health services shall, during the initial and any subsequent determination of eligibility, evaluate the suitability of the home in which the dependent child lives, consideration to be given to physical care and supervision provided in the home; social, educational, and the moral atmosphere of the home as compared with the standards of the community; the child's physical and mental health and emotional security, special needs occasioned by the child's physical handicaps or illnesses, if any; the extent to which desirable factors outweigh the undesirable in the home; and the apparent possibility for improving undesirable conditions in the home.

Sec. 353. Section 26, chapter 228, Laws of 1963 and RCW 74.12.300 are each amended to read as follows:

If the home in which the child lives is found to be unsuitable, but there is reason to believe that elimination of the undesirable conditions can be effected, and the child is otherwise eligible for aid, a grant shall be initiated or continued for such time as the state department of ~~((public assistance))~~ social and health services and the family require to remedy the conditions.

Sec. 354. Section 1, chapter 226, Laws of 1963 and RCW 74.12.350 are each amended to read as follows:

The department of ~~((public assistance))~~ social and health services is hereby authorized to promulgate rules and regulations in conformity with the provisions of Public Law 87-543 to allow all or any portion of a dependent child's earned or other income to be set aside for the identifiable future needs of the dependent child which will make possible the realization of the child's maximum potential as an independent and useful citizen.

Sec. 355. Section 3, chapter 172, Laws of 1967 as amended by section 72, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.030 are each amended to read as follows:

The ~~((director))~~ secretary 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 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 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 RCW 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 RCW 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 RCW 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 RCW 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 developmentally disabled persons.

Sec. 356. Section 4, chapter 172, Laws of 1967 and RCW 74.15.040 are each amended to read as follows:

Licenses for foster-family homes under the supervision of a licensed agency shall be issued by the department of ~~((public assistance))~~ social and health services upon certification to the department by the licensed agency that such homes meet the requirements for foster homes as adopted pursuant to chapter 74.15 RCW(~~(, RCW 74.32.040 through 74.32.055)~~) and RCW 74.13.031.

Sec. 357. Section 5, chapter 172, Laws of 1967 and RCW 74.15.050 are each amended to read as follows:

The state fire marshal 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 adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW(~~(, RCW 74.32.040 through 74.32.055)~~) and RCW 74.13.031, except foster-family homes and child-placing agencies, necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he deems necessary;

(3) To make a periodic review of requirements under RCW 74.15.030(6) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department of ~~((public assistance))~~ social and health services before a license shall be issued, except that a provisional license may be issued as provided in RCW 74.15.120.

Sec. 358. Section 7, chapter 172, Laws of 1967 and RCW 74.15.070 are each amended to read as follows:

A copy of the articles of incorporation of any agency or amendments to the articles of existing corporation agencies shall be sent by the secretary of state to the department of ~~((public assistance))~~ social and health services at the time such articles or amendments are filed.

Sec. 359. Section 8, chapter 172, Laws of 1967 and RCW 74.15.080 are each amended to read as follows:

All agencies subject to chapter 74.15 RCW ~~((, RCW 74.32.040 through 74.32.055))~~ and RCW 74.13.031 shall accord the department of ~~((public assistance, the department of health,))~~ social and health services and the state fire marshal, or their designees, the right of entrance and the privilege of access to and inspection of records for the purpose of determining whether or not there is compliance with the provisions of chapter 74.15 RCW ~~((, RCW 74.32.040 through 74.32.055))~~ and RCW 74.13.031 and the requirements adopted thereunder.

Sec. 360. Section 10, chapter 172, Laws of 1967 and RCW 74.15.100 are each amended to read as follows:

Each agency shall make application for a license or renewal of license to the department of ~~((public assistance))~~ social and health services on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Upon receipt of such application, the department shall either grant or deny a license within ninety days. A license shall be granted if the agency meets the minimum requirements set forth in chapter 74.15 RCW ~~((, RCW 74.32.040 through 74.32.055))~~ and RCW 74.13.031 and the departmental requirements consistent herewith, except that a provisional license may be issued as provided in RCW 74.15.120. Licenses provided for in chapter 74.15 RCW ~~((, RCW 74.32.040 through 74.32.055))~~ and RCW 74.13.031 shall be issued for a period of two years. The licensee, however, shall advise the ~~((director))~~ secretary of any material change in

circumstances which might constitute grounds for reclassification of license as to category.

Sec. 361. Section 12, chapter 172, Laws of 1967 and RCW 74.15.120 are each amended to read as follows:

The (~~(director of public assistance)~~) secretary of social and health services may, at his discretion, issue a provisional license to an agency or facility for a period not to exceed six months, renewable for a period not to exceed two years, to allow such agency or facility reasonable time to become eligible for full license, except that a provisional license shall not be granted to any foster-family home.

Sec. 362. Section 13, chapter 172, Laws of 1967 and RCW 74.15.130 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to chapter 74.15 RCW(~~(, RCW 74.32.040 through 74.32.055)~~) and RCW 74.13.031 may be suspended, revoked or not renewed by the (~~(director)~~) secretary upon proof (a) that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW(~~(, RCW 74.32.040 through 74.32.055)~~) and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW(~~(, RCW 74.32.040 through 74.32.055)~~) and RCW 74.13.031; or (b) that the conditions required for the issuance of a license under chapter 74.15 RCW(~~(, RCW 74.32.040 through 74.32.055)~~) and RCW 74.13.031 have ceased to exist with respect to such licenses;

(2) Whenever the (~~(director)~~) secretary shall have reasonable cause to believe that grounds for denial, suspension or revocation of a license exist or that a licensee has failed to qualify for renewal of a license he shall notify the licensee in writing by certified mail, stating the grounds upon which it is proposed that the license be denied, suspended, revoked or not renewed.

Within thirty days from the receipt of notice of the grounds for denial, suspension, revocation or lack of renewal, the licensee may serve upon the (~~(director)~~) secretary a written request for hearing. Service of a request for hearing shall be made by certified mail. Upon receiving a request for hearing, the (~~(director)~~) secretary shall fix a date upon which the matter may be heard, which date shall be not less than thirty-five days from the receipt of the request for such hearing and he shall also notify the child welfare and day care advisory committee not less than twenty-five days before the hearing date. If no request for hearing is made within the time specified, the license shall be deemed denied, suspended or revoked. It shall be the duty of the (~~(director)~~) secretary within thirty days after the date of the hearing to notify the appellant of his decision. The (~~(director)~~) secretary shall promulgate and publish rules governing the conduct of hearings.

Except as specifically provided above, the rules adopted and the hearings conducted shall be in accordance with Title 34 RCW (Administrative Procedure Act).

Sec. 363. Section 14, chapter 172, Laws of 1967 and RCW 74.15.140 are each amended to read as follows:

Notwithstanding the existence or pursuit of any other remedy, the ~~((director))~~ secretary may, in the manner provided by law, upon the advice of the attorney general, who shall represent the department in the proceeding, maintain an action in the name of the state for injunction or such other relief as he may deem advisable against any agency subject to licensing under the provisions of chapter 74.15 RCW ~~((, RCW 74.32.040 through 74.32.055))~~ and RCW 74.13.031 or against any such agency not having a license as heretofore provided in chapter 74.15 RCW ~~((, RCW 74.32.040 through 74.32.055))~~ and RCW 74.13.031.

Sec. 364. Section 2, chapter 322, Laws of 1959 as amended by section 1, chapter 206, Laws of 1963 and RCW 74.20.010 are each amended to read as follows:

It is the responsibility of the state of Washington through the state department of ~~((public assistance))~~ social and health services to conserve the expenditure of public assistance funds, whenever possible, in order that such funds shall not be expended if there are private funds available or which can be made available by judicial process or otherwise to partially or completely meet the financial needs of the children of this state. The failure of parents to provide adequate financial support and care for their children is a major cause of financial dependency and a contributing cause of social delinquency.

The purpose of this chapter is to provide the state of Washington, through the department of ~~((public assistance))~~ social and health services, a more effective and efficient way to effect the support of dependent children by the person or persons who, under the law, are primarily responsible for such support and to lighten the heavy burden of the taxpayer, who in many instances is paying toward the support of dependent children while those persons primarily responsible are avoiding their obligations. It is the intention of the legislature that the powers delegated to the said department in this chapter be liberally construed to the end that persons legally responsible for the care and support of children within the state be required to assume their legal obligations in order to reduce the financial cost to the state of Washington in providing public assistance funds for the care of children.

Sec. 365. Section 7, chapter 322, Laws of 1959 and RCW 74.20.060 are each amended to read as follows:

Any person having the care, custody or control of any dependent child or children who shall fail or refuse to cooperate with the department of ~~((public assistance))~~ social and health services, any prosecuting attorney or the attorney general in the course of administration of provisions of this chapter shall be guilty of a misdemeanor.

Sec. 366. Section 17, chapter 322, Laws of 1959 as amended by section 5, chapter 206, Laws of 1963 and RCW 74.20.160 are each amended to read as follows:

Notwithstanding the provisions of RCW 74.04.060, upon approval of the department of health, education and welfare of the federal government, the department of ~~((public assistance))~~ social and health services may disclose to and keep the internal revenue department of the treasury of the United States advised of the names of all persons who are under legal obligation to support any dependent child or children and who are not doing so, to the end that the internal revenue department may have available to it the names of such persons for review in connection with income tax returns and claims of dependencies made by persons filing income tax returns.

Sec. 367. Section 7, chapter 206, Laws of 1963 as last amended by section 112, chapter 154, Laws of 1973 1st ex. sess. and RCW 74.20.220 are each amended to read as follows:

In order to carry out its responsibilities imposed under this chapter, the state department of ~~((public assistance))~~ social and health services, through the attorney general, is hereby authorized to:

(1) Represent a dependent child or dependent children on whose behalf public assistance is being provided in obtaining any support order necessary to provide for his or their needs or to enforce any such order previously entered.

(2) Appear as a friend of the court in divorce and separate maintenance suits, or proceedings supplemental thereto, when either or both of the parties thereto are receiving public assistance, for the purpose of advising the court as to the financial interest of the state of Washington therein.

(3) Appear on behalf of the custodial parent of a dependent child or children on whose behalf public assistance is being provided, when so requested by such parent, for the purpose of assisting such parent in securing a modification of a divorce or separate maintenance decree wherein no support, or inadequate support, was given for such child or children: PROVIDED, That the attorney general shall be authorized to so appear only where it appears to the satisfaction of the court that the parent is without funds to employ private counsel. If the parent does not request such assistance, or refuses it when offered, the attorney general may nevertheless appear as a friend of the court at any supplemental proceeding, and may advise the court of such facts as will show the financial interest of the state of Washington therein; but the attorney general shall not otherwise participate in the proceeding.

(4) If public assistance has been applied for or granted on behalf of a child of parents who are divorced or legally separated, the attorney general may apply to the superior court in such action for an order directing either parent or both to show cause:

(a) Why an order of support for the child should not be entered, or

(b) Why the amount of support previously ordered should not be increased, or

(c) Why the parent should not be held in contempt for his failure to comply with any order of support previously entered.

(5) Initiate any civil proceedings deemed necessary by the department to secure reimbursement from the parent or parents of minor dependent children for all moneys expended by the state in providing assistance or services to said children.

Sec. 368. Section 11, chapter 206, Laws of 1963 and RCW 74.20.260 are each amended to read as follows:

Any parent in the state whose absence is the basis upon which an application is filed for public assistance on behalf of a child shall be required to complete a statement, under oath, of his current monthly income, his total income over the past twelve months, the number of dependents for whom he is providing support, the amount he is contributing regularly toward the support of all children for whom application for such assistance is made, his current monthly living expenses and such other information as is pertinent to determining his ability to support his children. Such statement shall be provided upon demand made by the state department of (~~public assistance~~) social and health services or attorney general, and if assistance based upon such application is granted on behalf of such child, additional statements shall be filed annually thereafter with the state department of (~~public assistance~~) social and health services until such time as the child is no longer receiving such assistance. Failure to comply with this section shall constitute a misdemeanor.

Sec. 369. Section 12, chapter 206, Laws of 1963 and RCW 74.20.270 are each amended to read as follows:

The state department of (~~public assistance~~) social and health services shall establish a scale of suggested minimum contributions to assist counties and courts in determining the amount that a parent should be expected to contribute toward the support of his child under this chapter. The scale shall include consideration of gross income, shall authorize an expense deduction for determining net income, shall designate other available resources to be considered, and shall specify the circumstances which should be considered in reducing such contributions on the basis of hardship.

The state department of (~~public assistance~~) social and health services shall accept and compile any pertinent and reliable information from any available source in order to establish such minimum scale of suggested contributions, and copies of the scale shall be made available to courts, county offices, prosecuting attorneys and, upon request, to any other state or county officer or agency engaged in the administration or enforcement of this chapter in any manner and attorneys admitted to practice in the state of Washington.

It is intended that the use of the scale formulated pursuant to this section be optional, and that no county, court, officer or agency be required to use said scale unless they so desire.

Sec. 370. Section 13, chapter 206, Laws of 1963 and RCW 74.20.280 are each amended to read as follows:

The department is authorized and directed to establish a central unit to serve as a registry for the receipt of information, for answering interstate inquiries concerning deserting parents, to coordinate and supervise departmental activities in relation to deserting parents and to assure effective cooperation with law enforcement agencies.

To effectuate the purposes of this section, the ((director)) secretary may request from state, county and local agencies all information and assistance as authorized by this chapter. All state, county and city agencies, officers and employees shall cooperate in the location of parents who have abandoned or deserted, or are failing to support, children receiving public assistance and shall on request supply the state department of ((public assistance)) social and health services with all information on hand relative to the location, income and property of such parents, notwithstanding any provision of law making such information confidential.

Any records established pursuant to the provisions of this section shall be available only to the attorney general, prosecuting attorneys, and courts having jurisdiction in support and/or abandonment proceedings or actions, or agencies in other states engaged in the enforcement of support of minor children as authorized by the rules and regulations of the department and by the provisions of the federal social security act.

Sec. 371. Section 3, chapter 164, Laws of 1971 ex. sess. as amended by section 4, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.030 are each amended to read as follows:

Except as provided in this section (~~((and in section 27 of this 1973 amendatory act))~~), any payment of public assistance money made to or for the benefit of any dependent child or children creates a debt due and owing to the department by the natural or adoptive parent or parents who are responsible for support of such children in an amount equal to the amount of public assistance money so paid: PROVIDED, That where there has been a superior court order, the debt shall be limited to the amount provided for by said order. The department shall have the right to petition the appropriate superior court for modification of a superior court order on the same grounds as a party to said cause. Where a child has been placed in foster care, and a written agreement for payment of support has been entered into by the responsible parent or parents and the department, the debt shall be limited to the amount provided for in said agreement: PROVIDED, That if a court order for support is or has been entered, the provisions of said order shall prevail over the agreement. The department shall adopt rules and regulations, based on ability to pay, with respect to the level of support to be

provided for in such agreements, or modifications of such agreements based on changed circumstances.

The department shall be subrogated to the right of said child or children or person having the care, custody, and control of said child or children to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys thus expended. If a superior court order enters judgment for an amount of support to be paid by an obligor parent, the department shall be subrogated to the debt created by such order, and said money judgment shall be deemed to be in favor of the department. This subrogation shall specifically be applicable to temporary spouse support orders, family maintenance orders and alimony orders up to the amount paid by the department in public assistance moneys to or for the benefit of a dependent child or children but allocated to the benefit of said children on the basis of providing necessities for the caretaker of said children.

Debt under this section shall not be incurred by nor at any time be collected from a parent or other person who is the recipient of public assistance moneys for the benefit of minor dependent children for the period such person or persons are in such status.

Sec. 372. Section 2, chapter 14, Laws of 1969 and RCW 74.22.020 are each amended to read as follows:

The department of (~~public assistance~~) social and health services shall seek to promptly refer to the department of employment security all employable recipients and such others as are selected as being appropriate for referral in accordance with the criteria and standards established by the department of (~~public assistance~~) social and health services under the employment program set forth in this chapter.

Sec. 373. Section 5, chapter 14, Laws of 1969 and RCW 74.22.050 are each amended to read as follows:

With respect to those individuals who are participating in a special work project established under the employment program, set forth in this chapter, the department of (~~public assistance~~) social and health services is authorized to pay the employment security department the amount of assistance the participant would otherwise be eligible to receive under his particular category of assistance or eighty percent of the participant's earnings under the project, whichever is lesser. These payments will be used by the employment security department under the special works contracts as wages to the individual participant. The department of (~~public assistance~~) social and health services will supplement any earnings so received by payments to the extent that such payments, when added to the earnings, will equal the amount of assistance he would otherwise qualify for under his particular category of assistance had he not participated in the project, plus twenty percent of his earnings from the project.

Sec. 374. Section 7, chapter 14, Laws of 1969 and RCW 74.22.070 are each amended to read as follows:

The department of (~~(public assistance)~~) social and health services is authorized to pay or consider expenses for costs incidental to participation in any program under this chapter including necessary child care.

Sec. 375. Section 10, chapter 14, Laws of 1969 and RCW 74.22.100 are each amended to read as follows:

The employment security department shall notify the department of (~~(public assistance)~~) social and health services whenever any person referred under the employment program provided for in this chapter refuses to accept employment or participate in training or a special work project. If the department of (~~(public assistance)~~) social and health services determines that any such person has refused employment or participation in the program without good cause, assistance shall be denied to such person.

Sec. 376. Section 11, chapter 14, Laws of 1969 and RCW 74.22.110 are each amended to read as follows:

The employment security department and the department of (~~(public assistance)~~) social and health services are authorized to transfer funds between the two departments and to adopt rules and regulations necessary to carry out the purpose and provisions of this chapter.

Sec. 377. Section 3, chapter 15, Laws of 1969 and RCW 74.23.020 are each amended to read as follows:

The employment security department and the department of (~~(public assistance)~~) social and health services are hereby authorized to participate in and administer the work incentive program for recipients of public assistance consistent with the provisions of the federal social security act, as amended.

Sec. 378. Section 5, chapter 15, Laws of 1969 and RCW 74.23.040 are each amended to read as follows:

The department of (~~(public assistance)~~) social and health services shall promptly seek to refer individuals who are selected as being appropriate for referral to the employment security department or other appropriate agencies for participation under the work incentive program in accordance with criteria and standards established by the department of (~~(public assistance)~~) social and health services.

Sec. 379. Section 8, chapter 15, Laws of 1969 and RCW 74.23.070 are each amended to read as follows:

With respect to those individuals who are participating in a special work project established under the work incentive program, the department of (~~(public assistance)~~) social and health services is authorized to pay the employment security department the amount of assistance the participant would otherwise be eligible to receive under aid to families with dependent children or eighty percent of a participant's earnings under the project,

whichever is lesser. These payments will be used by the employment security department under the special work contracts as wages to the individual participant. The department of (~~public assistance~~) social and health services will supplement any earnings so received by payments to the extent that such payments, when added to the earnings, will equal the amount of assistance he would otherwise qualify for under aid to families with dependent children had he not participated in the project, plus twenty percent of his earnings from the project.

Sec. 380. Section 12, chapter 15, Laws of 1969 and RCW 74.23.110 are each amended to read as follows:

Upon notification by the employment security department to the department of (~~public assistance~~) social and health services that there has been a final determination that a person referred under this work incentive program has refused without good cause to accept employment or to participate in training or participate in a special work project, the department of (~~public assistance~~) social and health services, in accordance with the federal social security act, as amended, shall discontinue the assistance payment to such person or, if counseling is accepted, may continue such assistance payments for a period of not more than sixty days: PROVIDED, HOWEVER, That protective payments contemplated by and authorized under the provisions of the federal social security act, as amended, shall be made in accordance therewith.

Sec. 381. Section 13, chapter 15, Laws of 1969 and RCW 74.23.120 are each amended to read as follows:

The employment security department and the department of (~~public assistance~~) social and health services are authorized to do all things necessary to effectuate the work incentive program on the state level in accordance with federal requirements contained in the federal social security act, as amended, and to that extent are authorized to transfer funds between the two departments and to adopt rules and regulations necessary to carry out the purpose and provisions of this chapter.

Sec. 382. Section 75.12.130, chapter 12, Laws of 1955 as last amended by section 2, chapter 16, Laws of 1969 ex. sess. and RCW 75.12.130 are each amended to read as follows:

The director may, for the purpose of carrying out his duties, take or remove or cause to be taken or removed in any manner, at any time, any fish or shellfish of any kind, character, or description from any waters or beaches of the state.

The director is authorized to sell food fish or shellfish caught or taken during test fishing operations conducted by the department for the purpose of food fish or shellfish resource evaluation studies.

The director is prohibited from selling spawned-out salmon carcasses or salmon in spawning condition for human consumption: PROVIDED, That

such salmon and carcasses may be given to state institutions or schools or to economically depressed people, unless such salmon are found to be unfit for human consumption by the department of social and health services. That which is not fit for human consumption may be sold by the director for animal food, fish food, or for industrial purposes.

Sec. 383. Section 5, chapter 221, Laws of 1963 and RCW 87.84.061 are each amended to read as follows:

The water in any natural or impounded lake, wholly or partially within the boundaries of an irrigation and rehabilitation district, together with all use of said water and the bottom and shore lines to the line established by the highest level where water has been or shall be stored in said lake, shall be regulated, controlled and used by the irrigation and rehabilitation district in order to further the health, safety, recreation and welfare of the residents in the district and the citizens and guests of the state of Washington, subject to rights of the United States bureau of reclamation and any irrigation districts organized under the laws of the state of Washington.

In addition to the powers expressly or impliedly enumerated above, the directors of an irrigation and rehabilitation district shall have the power and authority to:

(1) Control and regulate the use of boats, skiers, skin divers, aircraft, ice skating, ice boats, swimmers or any other use of said lake, by means of appropriate rules and regulations not inconsistent with state fish, game or aeronautics laws.

(2) Expend district funds for the control of mosquitoes or other harmful insects which may affect the use of any lake located in the district: **PROVIDED**, That the state department of social and health services gives its approval in writing to any district program instituted under the authority of this item. District funds may be expended for mosquito and insect control or other district projects or activities even though it may be necessary to place chemicals or carry on activities on areas located outside of an irrigation and rehabilitation district's boundaries. These funds may be transferred to the jurisdictional health department for the purpose of carrying out the provisions of this item.

(3) Except for state highways, control, regulate or prohibit by means of rules and regulations, the building, construction, placing or allowing to be placed from adjoining land, sand, gravel, dirt, rock, tires, lumber, logs, bottles, cans, garbage and trash, or any loathsome, noxious substances or materials of any kind, and any piling, causeways, fill, roads, culverts, wharfs, bulkheads, buildings, structures, floats, or markers, in, on or above the line established by the highest level where water has been or shall be stored in said lake, located in the district, in order to further the interests of the citizens of the state of Washington, and residents of the district.

(4) Except for state highways, control, regulate and require the placing, maintenance and use of culverts and boat accesses under and through existing fills constructed over and/or across any lake located within the district to facilitate water circulation, navigation and the reduction of flood danger.

(5) Control the taking of carp or other rough fish located in the district and including the right to grant or sell an exclusive or concurrent franchise for the taking of carp or other rough fish, providing the state fisheries department give their approval in writing to any district project regarding the capture, or sale of fish.

(6) Control and regulate by means of rules and regulations the direct or indirect introduction into any lake within the district of any human, animal or industrial waste products, sewage, effluent or byproducts, treated or untreated: PROVIDED, That the state (~~(pollution control commission)~~) department of ecology gives its approval in writing to any district program instituted under this section, and nothing herein shall be deemed to amend, repeal, supersede, or otherwise modify any laws or regulations relating to public health or to the pollution control commission.

(7) Except for state highways, construct, maintain, place, and/or restore roads, buildings, docks, dams, canals, locks, mechanical lifts or any other type of transportation facility; dredge, purchase land, or lease land, or enter into agreements with other agencies or conduct any other activity within or without the district boundaries in order to carry out district projects or activities to further the recreational potential of the area.

NEW SECTION, Sec. 384. The following sections are each decodified and shall be recodified in chapter 43.20A RCW: RCW 43.20.010, 43.20.015, 43.20.040, 43.20.060, 43.20.070, 43.20.080, 43.20.090, 43.20.130, 43.20.150, 43.20.160, 43.20.170, 43.20.180, 43.20.190, and 43.20.210.

NEW SECTION, Sec. 385. The following sections are each decodified: RCW 43.20.005, 43.20A.120, 43.20A.180, 43.20A.190, 43.20A.200, 43.20A.210, 43.20A.220, 43.20A.500, 43.20A.505, 43.20A.510, 43.20A.515, 43.20A.520, 43.20A.525, 43.20A.900, 43.20A.910, 43.20A.920, 72.01.005, 72.02.005, 72.04A.060, 72.04A.065, 72.04A.100, 72.04A.110, 72.05.045, 72.06.015, 72.13.020, 72.13.030, 72.18.020, 72.18.030, 72.56.010, 72.56.020, 72.56.030, 74.04.003, 74.04.013, 74.09.041, and 74.16.430.

NEW SECTION, Sec. 386. The following acts or parts of acts are each repealed:

- (1) Section 43.20.120, chapter 8, Laws of 1965 and RCW 43.20.120;
- (2) Section 1, chapter 75, Laws of 1965 and RCW 71.16.010;
- (3) Section 2, chapter 75, Laws of 1965 and RCW 71.16.020;
- (4) Section 3, chapter 75, Laws of 1965 and RCW 71.16.030;
- (5) Section 4, chapter 75, Laws of 1965 and RCW 71.16.040;
- (6) Section 72.01.170, chapter 28, Laws of 1959 and RCW 72.01.170;
- (7) Section 74.09.040, chapter 26, Laws of 1959 and RCW 74.09.040;

- (8) Section 74.09.060, chapter 26, Laws of 1959 and RCW 74.09.060;
 (9) Section 74.09.130, chapter 26, Laws of 1959 and RCW 74.09.130;
 and
 (10) Section 74.09.170, chapter 26, Laws of 1959 and RCW 74.09.170.

NEW SECTION. Sec. 387. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 21, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 142

[House Bill No. 875]

BANKS AND TRUST COMPANIES—REAL ESTATE INVESTMENTS

AN ACT Relating to banks and trust companies; and amending section 30.04.210, chapter 33, Laws of 1955 as amended by section 2, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.04.210.

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

Section 1. Section 30.04.210, chapter 33, Laws of 1955 as amended by section 2, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.04.210 are each amended to read as follows:

A bank or trust company may purchase, hold and convey real estate for the following purposes and no other:

(1) Such as shall be necessary for the convenient transaction of its business, including with its banking offices other apartments in the same building to rent as a source of income: **PROVIDED**, That any bank or trust company shall not invest for such purposes more than the greater of: (a) (~~Thirty~~) Fifty percent of its capital, surplus, and undivided profits; or (b) one hundred twenty-five percent of its capital stock without the approval of the supervisor.

(2) Such as shall be purchased or conveyed to it in satisfaction, or on account of, debts previously contracted in the course of its business.

(3) Such as it shall purchase at sale under judgments, decrees, liens or mortgage foreclosures, against securities held by it.

(4) Such as a trust company receives in trust or acquires pursuant to the terms or authority of any trust.

(5) Such as it may take title to or for the purpose of investing in real estate conditional sales contracts.