

CHAPTER 144

[House Bill No. 1175]

SETTLEMENT OF TORT CLAIMS AGAINST THE STATE

AN ACT Relating to claims against the state; amending section 8, chapter 159, Laws of 1963 as amended by section 4, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.140; amending section 9, chapter 159, Laws of 1963 as amended by section 5, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.150; and amending section 10, chapter 159, Laws of 1963 as last amended by section 6, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.160.

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

Section 1. Section 8, chapter 159, Laws of 1963 as amended by section 4, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.140 are each amended to read as follows:

The head or governing body of any agency or department of state government or the designee of any such agency, with the approval of the attorney general, may consider, ascertain, adjust, determine, compromise, and settle any claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. for which the state of Washington or any of its officers or employees would be liable in law for money damages of (~~twenty-five hundred~~) ten thousand dollars or less. The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant; and upon the state of Washington, unless procured by fraud, and shall constitute a complete release of any claim against the state of Washington or its affected officer or employee. A request for administrative settlement shall not preclude a claimant from filing a court action pending administrative determination, limit the amount recoverable in such a suit, or constitute an admission against interest of either the claimant or the state.

Sec. 2. Section 9, chapter 159, Laws of 1963 as amended by section 5, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.150 are each amended to read as follows:

After commencement of an action in a court of competent jurisdiction upon a claim against the state, or any of its officers or employees arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq., or upon petition by the state, the attorney general, with the approval of the court, following such testimony as the court may require, may compromise and settle the same and stipulate for judgment against the state, the affected officer or employee.

Sec. 3. Section 10, chapter 159, Laws of 1963 as last amended by section 6, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.160 are each amended to read as follows:

Payment of claims and judgments arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency or department of state government with the exception of the ((budget)) director of financial management, and he shall authorize and direct the payment of moneys only from the tort claims revolving fund whenever:

(1) The head or governing body of any agency or department of state or the designee of any such agency certifies to him that a claim has been settled under authority of RCW 4.92.140 as herein or hereafter amended; or

(2) The clerk of court has made and forwarded a certified copy of a final judgment in a court of competent jurisdiction and the attorney general certifies that the judgment is final and was entered in an action on a claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. Payment of a judgment shall be made to the clerk of the court for the benefit of the judgment creditors. Upon receipt of payment, the clerk shall satisfy the judgment against the state.

Passed the House April 10, 1979.

Passed the Senate April 25, 1979.

Approved by the Governor May 8, 1979.

Filed in Office of Secretary of State May 8, 1979.

CHAPTER 145

[Substitute House Bill No. 1347]

COMMUNITY MENTAL HEALTH PROGRAM SERVICES—PUBLIC SCHOOL CHILDREN—FEE PAYMENT EXEMPTION

AN ACT Relating to mental health; and amending section 21, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.210.

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

Section 1. Section 21, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.210 are each amended to read as follows:

Community mental health programs shall require that patients make payment for community mental health services in accordance with their ability to pay, rendered pursuant to a plan submitted to the ((director)) secretary, but not in excess of actual cost: PROVIDED, That the secretary may exempt from the fee payment requirement services rendered to children with behavioral or emotional disabilities when these services are provided as part of a cooperative program with a public school district in accordance with chapter 28A.13 RCW.

Passed the House March 28, 1979.

Passed the Senate April 25, 1979.

Approved by the Governor May 8, 1979.

Filed in Office of Secretary of State May 8, 1979.