

waste reduction and recycling to public and private refuse haulers. The educational material shall be distributed to households receiving refuse collection service by local governments or the refuse hauler providing service. The refuse hauler may distribute the educational material by any means that assures timely delivery.

Reasonable expenses incurred in the distribution of this material shall be considered, for rate-making purposes, as legitimate operating expenses of garbage and refuse haulers regulated under chapter 81.77 RCW.

NEW SECTION. Sec. 4. This act shall take effect July 1, 1988.

Passed the Senate March 7, 1988.

Passed the House March 5, 1988.

Approved by the Governor March 22, 1988.

Filed in Office of Secretary of State March 22, 1988.

CHAPTER 176

[Engrossed Substitute House Bill No. 1618]
DEVELOPMENTAL DISABILITIES

AN ACT Relating to reorganization and clarification of the laws governing developmental disabilities; amending RCW 13.34.030, 43.20B.410, 43.20B.420, 43.20B.425, 43.20B.430, 43.20B.440, 43.20B.445, 43.20B.455, 43.51.055, 71.20.110, 71.28.010, 74.15.020, 74.20A.030, 77.32.230, and 82.04.385; adding a new title to the Revised Code of Washington; creating new sections; and repealing RCW 71.20.010, 71.20.016, 71.20.020, 71.20.030, 71.20.040, 71.20.050, 71.20.060, 71.20.070, 71.20.075, 71.20.080, 71.20.090, 71.30.010, 71.30.020, 71.30.030, 72.30.010, 72.30.020, 72.30.030, 72.30.040, 72.30.050, 72.33.010, 72.33.020, 72.33.030, 72.33.040, 72.33.050, 72.33.070, 72.33.080, 72.33.090, 72.33.100, 72.33.110, 72.33.125, 72.33.130, 72.33.140, 72.33.150, 72.33.161, 72.33.165, 72.33.170, 72.33.180, 72.33.190, 72.33.200, 72.33.210, 72.33.220, 72.33.230, 72.33.240, 72.33.260, 72.33.500, 72.33.510, 72.33.520, 72.33.530, 72.33.540, 72.33.550, 72.33.560, 72.33.570, 72.33.580, 72.33.590, 72.33.800, 72.33.805, 72.33.810, 72.33.815, 72.33.820, 72.33.830, 72.33.840, 72.33.850, 72.33.860, and 72.33.900.

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

NEW SECTION. Sec. 1. The legislature finds that the statutory authority for the programs, policies, and services of the department of social and health services for persons with developmental disabilities often lack clarity and contain internal inconsistencies. In addition, existing authority is in several chapters of the code and frequently contains obsolete language not reflecting current use. The legislature declares that it is in the public interest to unify and update statutes for programs, policies, and services provided to persons with developmental disabilities.

The legislature intends to recodify the authority for the programs, policies, and services for persons with developmental disabilities. This recodification is not intended to affect existing programs, policies, and services, nor to establish any new program, policies, or services not otherwise authorized before the effective date of this act. The legislature intends to provide only those services authorized under state law before the effective date of this act and only to the extent funds are provided by the legislature.

Part 1
GENERAL PROVISIONS

NEW SECTION. Sec. 101. DECLARATION OF POLICY. The legislature recognizes the capacity of all persons, including those with developmental disabilities, to be personally and socially productive. The legislature further recognizes the state's obligation to provide aid to persons with developmental disabilities through a uniform, coordinated system of services to enable them to achieve a greater measure of independence and fulfillment and to enjoy all rights and privileges under the constitution and laws of the United States and the state of Washington.

NEW SECTION. Sec. 102. DEFINITIONS. As used in this title, the following terms have the meanings indicated unless the context clearly requires otherwise.

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

(2) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual. By January 1, 1989, the department shall promulgate rules which define neurological or other conditions in a way that is not limited to intelligence quotient scores as the sole determinate of these conditions, and notify the legislature of this action.

(3) "Eligible person" means a person who has been found by the secretary under section 404 of this act to be eligible for services.

(4) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and to raise their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(5) "Legal representative" means a parent of a person who is under eighteen years of age, a person's legal guardian, a person's limited guardian when the subject matter is within the scope of the limited guardianship, a person's attorney at law, a person's attorney in fact, or any other person who is authorized by law to act for another person.

(6) "Notice" or "notification" of an action of the secretary means notice in compliance with section 106 of this act.

(7) "Residential habilitation center" means a state-operated facility for persons with developmental disabilities governed by sections 701 through 716 of this act.

(8) "Secretary" means the secretary of social and health services or the secretary's designee.

(9) "Service" or "services" means services provided by state or local government to carry out this title.

NEW SECTION. Sec. 103. CIVIL AND PARENTAL RIGHTS NOT AFFECTED. (1) The existence of developmental disabilities does not affect the civil rights of the person with the developmental disability except as otherwise provided by law.

(2) The secretary's determination under section 404 of this act that a person is eligible for services under this title shall not deprive the person of any civil rights or privileges. The secretary's determination alone shall not constitute cause to declare the person to be legally incompetent.

(3) This title shall not be construed to deprive the parent or parents of any parental rights with relation to a child residing in a residential habilitation center, except as provided in this title for the orderly operation of such residential habilitation centers.

NEW SECTION. Sec. 104. PROTECTION OF PERSONS WITH DEVELOPMENTAL DISABILITY FROM DISCRIMINATION. Persons are protected from discrimination because of a developmental disability as well as other mental or physical handicaps by the law against discrimination, chapter 49.60 RCW, by other state and federal statutes, rules, and regulations, and by local ordinances, when the persons qualify as handicapped under those statutes, rules, regulations, and ordinances.

NEW SECTION. Sec. 105. HEARINGS. An applicant or recipient or former recipient of a developmental disabilities service under this title from the department of social and health services has the right to appeal the following adverse decisions:

- (1) A denial of an application for eligibility;
 - (2) An unreasonable delay in acting on an application for eligibility, for a service, or for an alternative service under section 604 of this act;
 - (3) A denial, reduction, or termination of a service; and
 - (4) A claim that the person owes a debt to the state for an overpayment.
- (5) A disagreement with an action of the secretary under section 106 of this act.

The hearing is governed by the administrative procedure act, chapter 34.04 RCW.

NEW SECTION. Sec. 106. MANNER OF GIVING NOTICE OF ACTION BY SECRETARY. (1) Whenever this title requires the secretary to give notice, the secretary shall give notice to the person with a developmental disability and, except as provided in subsection (3) of this section, to at least one other person. The other person shall be the first person known to the secretary in the following order of priority:

- (a) A legal representative of the person with a developmental disability;

(b) A parent of a person with a developmental disability who is eighteen years of age or older;

(c) Other kin of the person with a developmental disability, with preference to persons with the closest kinship;

(d) The Washington protection and advocacy system for the rights of persons with developmental disabilities, appointed in compliance with 42 U.S.C. Sec. 6042; or

(e) A person who is not an employee of the department or of a person who contracts with the department under this title who, in the opinion of the secretary, will be concerned with the welfare of the person.

(2) Notice to a person with a developmental disability shall be given in a way that the person is best able to understand. This can include reading or explaining the materials to the person.

(3) A person with a developmental disability may in writing request the secretary to give notice only to that person. The secretary shall comply with that direction unless the secretary denies the request because the person may be at risk of losing rights if the secretary complies with the request. The secretary shall give notice as provided in subsections (1) and (2) of this section. On filing a request with the secretary within thirty days of receipt of the notice, the person who made the request may have a hearing under section 105 of this act on the secretary's decision.

(4) The giving of notice to a person under this title does not empower the person who is given notice to take any action or give any consent.

NEW SECTION. Sec. 107. PROCEDURE WHEN SECRETARY HAS DUTY TO CONSULT. (1) Whenever this title places on the secretary the duty to consult, the secretary shall carry out that duty by consulting with the person with a developmental disability and, except as provided in subsection (2) of this section, with at least one other person. The other person shall be in order of priority:

(a) A legal representative of the person with a developmental disability;

(b) A parent of a person with a developmental disability who is eighteen years of age or older;

(c) Other kin of the person with a developmental disability, with preference to persons with the closest kinship;

(d) The Washington protection and advocacy system for the rights of persons with developmental disabilities, appointed in compliance with 42 U.S.C. Sec. 6042; or

(e) Any other person who is not an employee of the department or of a person who contracts with the department under this title who, in the opinion of the secretary, will be concerned with the welfare of the person.

(2) A person with a developmental disability may in writing request the secretary to consult only with that person. The secretary shall comply

with that direction unless the secretary denies the request because the person may be at risk of losing rights if the secretary complies with the request. The secretary shall give notice as provided in section 106 of this act when a request is denied. On filing a request with the secretary within thirty days of receipt of the notice, the person who made the request shall have the right to a hearing under section 105 of this act on the secretary's decision.

(3) Consultation with a person under this section does not authorize the person who is consulted to take any action or give any consent.

Part 2

POWERS AND DUTIES OF STATE AGENCIES

NEW SECTION. Sec. 201. COMPREHENSIVE STATE AND LOCAL PROGRAM. It is declared to be the policy of the state to authorize the secretary to develop and coordinate state services for persons with developmental disabilities; to encourage research and staff training for state and local personnel working with persons with developmental disabilities; and to cooperate with communities to encourage the establishment and development of services to persons with developmental disabilities through locally administered and locally controlled programs.

The complexities of developmental disabilities require the services of many state departments as well as those of the community. Services should be planned and provided as a part of a continuum. A pattern of facilities and services should be established, within appropriations designated for this purpose, which is sufficiently complete to meet the needs of each person with a developmental disability regardless of age or degree of handicap, and at each stage of the person's development.

NEW SECTION. Sec. 202. OBJECTIVES OF PROGRAM. (1) To the extent that state, federal, or other funds designated for services to persons with developmental disabilities are available, the secretary shall provide every eligible person with habilitative services suited to the person's needs, regardless of age or degree of developmental disability.

(2) The secretary shall provide persons who receive services with the opportunity for integration with nonhandicapped and less handicapped persons to the greatest extent possible.

(3) The secretary shall establish minimum standards for habilitative services. Consumers, advocates, service providers, appropriate professionals, and local government agencies shall be involved in the development of the standards.

NEW SECTION. Sec. 203. GENERAL AUTHORITY OF SECRETARY. The secretary is authorized to provide, or arrange with others to provide, all services and facilities that are necessary or appropriate to accomplish the purposes of this title, and to take all actions that are necessary or appropriate to accomplish the purposes of this title. The secretary shall

adopt rules under the administrative procedure act, chapter 34.04 RCW, as are appropriate to carry out this title.

NEW SECTION. Sec. 204. **EXAMPLES OF AUTHORIZED SERVICES.** Services that the secretary may provide or arrange with others to provide under this title include, but are not limited to:

- (1) Architectural services;
- (2) Case management services;
- (3) Early childhood intervention;
- (4) Employment services;
- (5) Family counseling;
- (6) Family support;
- (7) Information and referral;
- (8) Health services and equipment;
- (9) Legal services;
- (10) Residential services and support;
- (11) Respite care;
- (12) Therapy services and equipment;
- (13) Transportation services; and
- (14) Vocational services.

NEW SECTION. Sec. 205. **PAYMENTS FOR NONRESIDENTIAL SERVICES.** The secretary may make payments for nonresidential services which exceed the cost of caring for an average individual at home, and which are reasonably necessary for the care, treatment, maintenance, support, and training of persons with developmental disabilities, upon application pursuant to section 604 of this act. The secretary shall adopt rules determining the extent and type of care and training for which the department will pay all or a portion of the costs.

NEW SECTION. Sec. 206. **PAYMENT AUTHORIZED.** The secretary is authorized to pay for all or a portion of the costs of care, support, and training of residents of a residential habilitation center who are placed in community residential programs under this section and sections 207 and 208 of this act.

NEW SECTION. Sec. 207. **PAYMENTS BY DEPARTMENT ARE SUPPLEMENTAL TO PAYMENTS FROM ESTATE OR OTHER RESOURCES OF RESIDENT—DIRECT PAYMENTS AUTHORIZED.** All payments made by the secretary under section 206 of this act shall, insofar as reasonably possible, be supplementary to payments to be made for the costs of care, support, and training in a community residential program by the estate of such resident of the residential habilitation center, or from any resource which such resident may have, or become entitled to, from any public, federal, or state agency. Payments by the secretary under this title may, in the secretary's discretion, be paid directly to community residential

programs, or to counties having created developmental disability boards under sections 301 through 310 of this act.

NEW SECTION. Sec. 208. **SECRETARY TO ADOPT RULES.** (1) The secretary shall adopt rules concerning the eligibility of residents of residential habilitation centers for placement in community residential programs under this title; 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 community residential programs for placement under this title; and procedures for the payment of costs of care, maintenance, and training in community residential programs. The rules shall include standards for care, maintenance, and training to be met by such community residential programs.

(2) The secretary shall coordinate state activities and resources relating to placement in community residential programs to help efficiently expend state and local resources and, to the extent designated funds are available, create an effective community residential program.

NEW SECTION. Sec. 209. **SERVICES TO PARENT.** If a person with developmental disabilities is the parent of a child who is about to be placed for adoption or foster care by the secretary, the parent shall be eligible to receive services in order to promote the integrity of the family unit.

NEW SECTION. Sec. 210. **SECRETARY MAY PROVIDE ANCILLARY SERVICES.** Consistent with the general powers of the secretary and whether or not a particular person with a developmental disability is involved, the secretary may:

(1) Provide information to the public on developmental disabilities and available services;

(2) Engage in research concerning developmental disabilities and the habilitation of persons with developmental disabilities, and cooperate with others who do such research;

(3) Provide consultant services to public and private agencies to promote and coordinate services to persons with developmental disabilities;

(4) Provide training for persons in state or local governmental agencies or with private entities who come in contact with persons with developmental disabilities or who have a role in the care or habilitation of persons with developmental disabilities.

NEW SECTION. Sec. 211. **AUTHORITY TO CONTRACT FOR SERVICES.** (1) The secretary may enter into agreements with any person, corporation, or governmental entity to pay the contracting party to perform services that the secretary is authorized to provide under this title, except for operation of residential habilitation centers under sections 701 through 716 of this act.

(2) The secretary by contract or by rule may impose standards for services contracted for by the secretary.

NEW SECTION. Sec. 212. **AUTHORITY TO PARTICIPATE IN FEDERAL PROGRAMS.** (1) The governor may take whatever action is necessary to enable the state to participate in the manner set forth in this title in any programs provided by any federal law and to designate state agencies authorized to administer within this state the several federal acts providing federal moneys to assist in providing services and training at the state or local level for persons with developmental disabilities and for persons who work with persons with developmental disabilities.

(2) Designated state agencies may apply for and accept and disburse federal grants, matching funds, or other funds or gifts or donations from any source available for use by the state or by local government to provide more adequate services for and habilitation of persons with developmental disabilities.

NEW SECTION. Sec. 213. **GIFTS—ACCEPTANCE, USE, RECORD.** The secretary may receive and accept from any person, organization, or estate gifts of money or personal property on behalf of a residential habilitation center, or the residents therein, or on behalf of the entire program for persons with developmental disabilities, or any part of the program, and to use the gifts for the purposes specified by the donor where such use is consistent with law. In the absence of a specified purpose, the secretary shall use such money or personal property for the general benefit of persons with developmental disabilities. The secretary shall keep an accurate record of the amount or kind of gift, the date received, manner expended, and the name and address of the donor. Any increase resulting from such gift may be used for the same purpose as the original gift.

NEW SECTION. Sec. 214. **DUTIES OF STATE AGENCIES GENERALLY.** Each state agency that administers federal or state funds for services to persons with developmental disabilities, or for research or staff training in the field of developmental disabilities, shall:

(1) Investigate and determine the nature and extent of services within its legal authority that are presently available to persons with developmental disabilities in this state;

(2) Develop and prepare any state plan or application which may be necessary to establish the eligibility of the state or any community to participate in any program established by the federal government relating to persons with developmental disabilities;

(3) Cooperate with other state agencies providing services to persons with developmental disabilities to determine the availability of services and facilities within the state, and to coordinate state and local services in order to maximize services to persons with developmental disabilities and their families;

(4) Review and approve any proposed plans that local governments are required to submit for the expenditure of funds by local governments for services to persons with developmental disabilities; and

(5) Provide consultant and staff training for state and local personnel working in the field of developmental disability.

NEW SECTION. Sec. 215. **CONTRACTS WITH UNITED STATES AND OTHER STATES FOR SERVICES TO PERSONS.** The secretary shall have the authority, in the name of the state, to enter into contracts with any duly authorized representative of the United States of America, or its territories, or other states for the provision of services under this title at the expense of the United States, its territories, or other states. The contracts may provide for the separate or joint maintenance, care, treatment, training, or education of persons. The contracts shall provide that all payments due to the state of Washington from the United States, its territories, or other states for services rendered under the contracts shall be paid to the department and transmitted to the state treasurer for deposit in the general fund.

Part 3

POWERS AND DUTIES OF LOCAL GOVERNMENT

NEW SECTION. Sec. 301. **COORDINATED AND COMPREHENSIVE STATE AND LOCAL PROGRAM.** The legislative policy to provide a coordinated and comprehensive state and local program of services for persons with developmental disability is expressed in section 201 of this act.

NEW SECTION. Sec. 302. **DEVELOPMENTAL DISABILITY BOARDS AUTHORIZED—COMPOSITION—EXPENSES.** (1) The county governing authority of any county may appoint a developmental disability board to plan services for persons with developmental disabilities, to provide directly or indirectly a continuum of care and services to persons with developmental disabilities within the county or counties served by the community board. The governing authorities of more than one county by joint action may appoint a single developmental disability board. Nothing in this section shall prohibit a county or counties from combining the developmental disability board with another county board, such as a mental health board.

(2) Members appointed to the board shall include but not be limited to representatives of public, private, or voluntary agencies, representatives of local governmental units, and citizens knowledgeable about developmental disabilities or interested in services to persons with developmental disabilities in the community.

(3) The board shall consist of not less than nine nor more than fifteen members.

(4) Members shall be appointed for terms of three years and until their successors are appointed and qualified.

(5) The members of the developmental disability board shall not be compensated for the performance of their duties as members of the board, but may be paid subsistence rates and mileage in the amounts prescribed by RCW 42.24.090.

NEW SECTION. Sec. 303. COUNTY AUTHORITIES—ELIGIBILITY, APPLICATION FOR STATE FUNDS. Pursuant to section 304 of this act the secretary shall work with the county governing authorities and developmental disability boards who apply for state funds to coordinate and provide local services for persons with developmental disabilities and their families. The secretary is authorized to promulgate rules establishing the eligibility of each county and the developmental disability board for state funds to be used for the work of the board in coordinating and providing services to persons with developmental disabilities and their families. An application for state funds shall be made by the board with the approval of the county governing authority, or by the county governing authority on behalf of the board.

NEW SECTION. Sec. 304. CONSIDERATION OF APPLICATIONS FOR STATE FUNDS—RULES. The secretary shall review the applications from the county governing authority made under section 303 of this act. The secretary may approve an application if it meets the requirements of this chapter and the rules promulgated by the secretary. The secretary shall promulgate rules to assist in determining the amount of the grant. In promulgating the rules, the secretary shall consider the population of the area served, the needs of the area, and the ability of the community to provide funds for the developmental disability program provided in this title.

NEW SECTION. Sec. 305. SERVICES TO COMMUNITY. The department may require by rule that in order to be eligible for state funds, the county and the developmental disability board shall provide the following indirect services to the community:

(1) Serve as an informational and referral agency within the community for persons with developmental disabilities and their families;

(2) Coordinate all local services for persons with developmental disabilities and their families to insure the maximum utilization of all available services;

(3) Prepare comprehensive plans for present and future development of services and for reasonable progress toward the coordination of all local services to persons with developmental disabilities.

NEW SECTION. Sec. 306. AUTHORITY TO PROVIDE SERVICES. The secretary by rule may authorize the county and the developmental disability board to provide any service for persons with

developmental disabilities that the department is authorized to provide, except for operating residential habilitation centers under sections 701 through 716 of this act.

NEW SECTION. Sec. 307. CONFIDENTIALITY OF INFORMATION. In order for the developmental disability board to plan, coordinate, and provide required services for persons with developmental disabilities, the county governing authority and the board shall be eligible to obtain such confidential information from public or private schools and the department as is necessary to accomplish the purposes of this chapter (sections 301 through 311 of this act). Such information shall be kept in accordance with state law and rules promulgated by the secretary under chapter 34.04 RCW to permit the use of the information to coordinate and plan services. All persons permitted to have access to or to use such information shall sign an oath of confidentiality, substantially as follows:

"As a condition of obtaining information from (fill in facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of using such confidential information, where release of such information may possibly make the person who received such services identifiable. I recognize that unauthorized release of confidential information may subject me to civil liability under state law."

NEW SECTION. Sec. 308. AUTHORITY TO RECEIVE AND SPEND GRANTS AND DONATIONS. The county governing authority and the developmental disability board created under section 302 of this act are authorized to receive and spend funds received from the state under this chapter (sections 301 through 311 of this act), or any federal funds received through any state agency, or any gifts or donations received by it for the benefit of persons with developmental disabilities.

NEW SECTION. Sec. 309. AUTHORITY TO PARTICIPATE IN FEDERAL PROGRAMS. Section 212 of this act authorizes local governments to participate in federal programs for persons with developmental disabilities.

NEW SECTION. Sec. 310. FUNDS FROM TAX LEVY. Counties are authorized by RCW 71.20.110 to fund county activities under this chapter (sections 301 through 311 of this act). Expenditures of county funds under this chapter (sections 301 through 311 of this act) shall be subject to the provisions of chapter 36.40 RCW and other statutes relating to expenditures by counties.

NEW SECTION. Sec. 311. CONTRACTS BY BOUNDARY COUNTIES OR CITIES IN BOUNDARY COUNTIES. Any county or city within a county either of which is situated on the state boundaries is authorized to contract for developmental disability services with a county

situated in either the states of Oregon or Idaho, which county is located on boundaries with the state of Washington.

Part 4

ELIGIBILITY FOR SERVICES

NEW SECTION. Sec. 401. SINGLE POINT OF REFERRAL. It is the intention of the legislature in this chapter (sections 401 through 405 of this act) to establish a single point of referral for persons with developmental disabilities and their families so that they may have a place of entry and continuing contact for services authorized under this title to persons with developmental disabilities.

NEW SECTION. Sec. 402. WHO IS ELIGIBLE FOR SERVICES.

(1) A person is eligible for services under this title if the secretary finds that the person has a developmental disability as defined in section 102(2) of this act.

(2) The secretary may adopt rules further defining and implementing the criteria in the definition of "developmental disability" under section 102(2) of this act.

NEW SECTION. Sec. 403. HOW TO APPLY FOR A DETERMINATION OF ELIGIBILITY. (1) The secretary shall establish a single procedure for persons to apply for a determination of eligibility for services provided to persons with developmental disabilities.

(2) An application may be submitted by a person with a developmental disability, by the legal representative of a person with a developmental disability, or by any other person who is authorized by rule of the secretary to submit an application.

NEW SECTION. Sec. 404. DETERMINATION OF ELIGIBILITY.

(1) On receipt of an application submitted under section 403 of this act, the secretary in a timely manner shall make a written determination as to whether the applicant is eligible for services provided under this title for persons with developmental disabilities.

(2) The secretary shall give notice of the secretary's determination on eligibility to the person who submitted the application, and to the applicant, if the applicant is a person other than the person who submitted the application. The notice shall also include notice of the right to hearing provided by section 105 of this act and notice of the right to judicial review of the secretary's final decision.

(3) The secretary may establish rules for redetermination of eligibility for services under this title.

NEW SECTION. Sec. 405. EFFECT OF DETERMINATION OF ELIGIBILITY. The determination made under this chapter (sections 401 through 405 of this act) is only as to whether a person is eligible for services. After the secretary has determined under this chapter (sections 401

through 405 of this act) that a person is eligible for services, the secretary shall make a determination as to what services are appropriate for the person.

Part 5

INDIVIDUAL SERVICE PLANS

NEW SECTION. Sec. 501. INDIVIDUAL SERVICE PLANS AUTHORIZED. The secretary may produce and maintain an individual service plan for each eligible person. An individual service plan is a plan that identifies the needs of a person for services and determines what services will be in the best interests of the person and will meet the person's needs.

Part 6

DELIVERY OF SERVICES TO ELIGIBLE PERSONS

NEW SECTION. Sec. 601. WHEN SERVICES ARE DELIVERED. The secretary may provide a service to a person eligible under this title if funds are available. If there is an individual service plan, the secretary shall consider the need for services as provided in that plan.

NEW SECTION. Sec. 602. REJECTION OF SERVICE. An eligible person or the person's legal representative may reject an authorized service. Rejection of an authorized service shall not affect the person's eligibility for services and shall not eliminate the person from consideration for other services or for the same service at a different time or under different circumstances.

NEW SECTION. Sec. 603. APPLICATION FOR ALTERNATIVE SERVICE. (1) A person who is receiving a service under this title or the person's legal representative may request the secretary to authorize a service that is available under this title in place of a service that the person is presently receiving.

(2) The secretary upon receiving a request for change of service shall consult in the manner provided in section 107 of this act and within ninety days shall determine whether the following criteria are met:

(a) The alternative plan proposes a less dependent program than the person is participating in under current service;

(b) The alternative service is appropriate under the goals and objectives of the person's individual service plan;

(c) The alternative service is not in violation of applicable state and federal law; and

(d) The service can reasonably be made available.

(3) If the requested alternative service meets all of the criteria of subsection (2) of this section, the service shall be authorized as soon as reasonable, but not later than one hundred twenty days after completion of the determination process, unless the secretary determines that:

- (a) The alternative plan is more costly than the current plan;
- (b) Current appropriations are not sufficient to implement the alternative service without reducing services to existing clients; or
- (c) Providing alternative service would take precedence over other priorities for delivery of service.

(4) The secretary shall give notice as provided in section 106 of this act of the grant of a request for a change of service. The secretary shall give notice as provided in section 106 of this act of denial of a request for change of service and of the right to a hearing.

(5) When the secretary has changed service from a residential habilitation center to a setting other than a residential habilitation center, the secretary shall reauthorize service at the residential habilitation center if the secretary in reevaluating the needs of the person finds that the person needs service in a residential habilitation center.

(6) If the secretary determines that current appropriations are sufficient to deliver additional services without reducing services to persons who are presently receiving services, the secretary is authorized to give persons notice under section 106 of this act that they may request the services as new services or as changes of services under this section.

NEW SECTION. Sec. 604. DISCONTINUANCE OF A SERVICE.

(1) When considering the discontinuance of a service that is being provided to a person, the secretary shall consult as required in section 107 of this act.

(2) The discontinuance of a service under this section does not affect the person's eligibility for services. Other services may be provided or the same service may be restored when it is again available or when it is again needed.

(3) Except when the service is discontinued at the request of the person receiving the service or that person's legal representative, the secretary shall give notice as required in section 106 of this act.

Part 7

RESIDENTIAL HABILITATION CENTERS

NEW SECTION. Sec. 701. SCOPE OF CHAPTER. This chapter covers the operation of residential habilitation centers. The selection of persons to be served at the centers is governed by parts 4 and 6 of this act. The purposes of this chapter are: To provide for those children and adults who are exceptional in their needs for care, treatment, and education by reason of developmental disabilities, residential care designed to develop their individual capacities to their optimum; to provide for admittance, withdrawal and discharge from state residential habilitation centers upon application; and to insure a comprehensive program for the education, guidance, care, treatment, and rehabilitation of all persons admitted to residential habilitation centers.

NEW SECTION. Sec. 702. RESIDENTIAL HABILITATION CENTERS. The following residential habilitation centers are permanently established to provide services to persons with developmental disabilities: Interlake School, located at Medical Lake, Spokane county; Lakeland Village, located at Medical Lake, Spokane county; Rainier School, located at Buckley, Pierce county; Yakima Valley School, located at Selah, Yakima county; Fircrest School, located at Seattle, King county; and Frances Had-don Morgan Children's Center, located at Bremerton, Kitsap county.

NEW SECTION. Sec. 703. FACILITIES FOR INTERLAKE SCHOOL. (1) The secretary may use surplus physical facilities at Eastern State Hospital as a residential habilitation center, which shall be known as the "Interlake School."

(2) The secretary may designate and select such buildings and facilities and tracts of land at Eastern State Hospital that are surplus to the needs of the department for mentally ill persons and that are reasonably necessary and adequate for services for persons with developmental disabilities. The secretary shall also designate those buildings, equipment, and facilities which are to be used jointly and mutually by both Eastern State Hospital and Interlake School.

NEW SECTION. Sec. 704. AUTHORITY TO USE HARRISON MEMORIAL HOSPITAL PROPERTY. The secretary may under RCW 72.29.010 use the Harrison Memorial Hospital property at Bremerton, Kitsap county, for services to persons with developmental disabilities.

NEW SECTION. Sec. 705. SUPERINTENDENTS. (1) The secretary shall appoint a superintendent for each residential habilitation center. The superintendent of a residential habilitation center shall have a demonstrated history of knowledge, understanding, and compassion for the needs, treatment, and training of persons with developmental disabilities.

(2) The secretary shall have custody of all residents of the residential habilitation centers and control of the medical, educational, therapeutic, and dietetic treatment of all residents, except that the school district that conducts the program of education provided pursuant to RCW 28A.58.772 through 28A.58.776 shall have control of and joint custody of residents while they are participating in the program. The secretary shall cause surgery to be performed on any resident only upon gaining the consent of a parent, guardian, or limited guardian as authorized, except, if after reasonable effort to locate the parents, guardian, or limited guardian as authorized, and the health of the resident is certified by the attending physician to be jeopardized unless such surgery is performed, the required consent shall not be necessary.

NEW SECTION. Sec. 706. WORK PROGRAMS FOR RESIDENTS. The secretary shall have authority to engage the residents of a residential habilitation center in beneficial work programs, but the secretary

shall not engage residents in excessive hours of work or work for disciplinary purposes.

NEW SECTION. Sec. 707. EDUCATIONAL PROGRAMS. (1) An educational program shall be created and maintained for each residential habilitation center pursuant to RCW 28A.58.772 through 28A.58.776. The educational program shall provide a comprehensive program of academic, vocational, recreational, and other educational services best adapted to meet the needs and capabilities of each resident.

(2) The superintendent of public instruction shall assist the secretary in all feasible ways, including financial aid, so that the educational programs maintained within the residential habilitation centers are comparable to the programs advocated by the superintendent of public instruction for children with similar aptitudes in local school districts.

(3) Within available resources, the secretary shall, upon request from a local school district, provide such clinical, counseling, and evaluating services as may assist the local district lacking such professional resources in determining the needs of its exceptional children.

NEW SECTION. Sec. 708. RETURN OF RESIDENT TO COMMUNITY—PLACEMENT—HEARING—INITIAL DECISION—REVIEW BY SECRETARY—JUDICIAL REVIEW—EFFECT OF APPEAL ON IMPLEMENTATION OF PLACEMENT DECISION. Whenever in the judgment of the secretary, the treatment and training of any resident of a residential habilitation center has progressed to the point that it is deemed advisable to return such resident to the community, the secretary may grant placement on such terms and conditions as the secretary may deem advisable after notice to and consultation with the resident, and with any available parent, guardian, or other court-appointed personal representative of such person.

If the resident, parent of a resident who is a minor, or guardian or other court-appointed personal representative of the resident believes that the specific placement decision is not in the best interests of the resident, he or she may request a hearing before an administrative law judge appointed under chapter 34.12 RCW. A hearing before an administrative law judge under this section shall be conducted as a contested case under chapter 34.04 RCW. At the hearing, the administrative law judge shall make an initial decision determining whether the specific placement decision is in the best interests of the resident and was otherwise proper. The burden of proof shall be on the department to show that the specific placement decision is in the best interests of the resident. Any review of the administrative law judge's initial decision by the secretary when he or she makes the final decision shall be done on the same basis as specified under RCW 34.04.130 (5) and (6) for superior court review of an administrative decision and in addition findings and inferences to be sustained must be supported by substantial

evidence. The secretary cannot delegate the authority to make the final decision. Any person aggrieved by the final administrative decision is entitled to judicial review in accordance with the provisions of chapter 34.04 RCW governing judicial review in a contested case except that if substantial rights have been prejudiced, administrative findings, inferences, conclusions, or decisions may be reversed, modified, or remanded if not supported by substantial evidence rather than requiring them to be arbitrary or capricious.

A placement decision shall not be implemented at any level during any period during which an appeal can be taken or while an appeal is pending and undecided, unless authorized by court order so long as the appeal is being diligently pursued.

The department of social and health services shall periodically evaluate at reasonable intervals the adjustment of the resident to the specific placement to determine whether the resident should be continued in the placement or returned to the institution or given a different placement.

NEW SECTION. Sec. 709. SECRETARY TO DETERMINE CAPACITY OF RESIDENTIAL QUARTERS. The secretary shall determine by the application of proper criteria the maximum number of persons to reside in the residential quarters of each residential habilitation center. The secretary in authorizing service at a residential habilitation center shall not exceed the maximum population for the residential habilitation center unless the secretary makes a written finding of reasons for exceeding the rated capacity.

NEW SECTION. Sec. 710. PERSONAL PROPERTY OF RESIDENT—SECRETARY AS CUSTODIAN—LIMITATIONS—JUDICIAL PROCEEDINGS TO RECOVER. The secretary shall serve as custodian without compensation of personal property of a resident of a residential habilitation center that is located at the residential habilitation center, including moneys deposited with the secretary for the benefit of the resident. As custodian, the secretary shall have authority to disburse moneys from the resident's fund for the following purposes and subject to the following limitations:

(1) Subject to specific instructions by a donor of money to the secretary for the benefit of a resident, the secretary may disburse any of the funds belonging to a resident for such personal needs of the resident as the secretary may deem proper and necessary.

(2) The secretary may pay to the department as reimbursement for the costs of care, support, maintenance, treatment, hospitalization, medical care, and habilitation of a resident from the resident's fund when such fund exceeds a sum as established by rule of the department, to the extent of any notice and finding of financial responsibility served upon the secretary after such findings shall have become final. If the resident does not have a guardian, parent, spouse, or other person acting in a representative capacity, upon whom notice and findings of financial responsibility have been served,

then the secretary shall not make payments to the department as provided in this subsection, until a guardian has been appointed by the court, and the time for the appeal of findings of financial responsibility as provided in RCW 43.20B.430 shall not commence to run until the appointment of such guardian and the service upon the guardian of notice and findings of financial responsibility.

(3) When services to a person are changed from a residential center to another setting, the secretary shall deliver to the person, or to the parent, guardian, or agency legally responsible for the person, all or such portion of the funds of which the secretary is custodian as defined in this section, or other property belonging to the person, as the secretary may deem necessary to the person's welfare, and the secretary may deliver to the person such additional property or funds belonging to the person as the secretary may from time to time deem proper, so long as the person continues to receive service under this title. When the resident no longer receives any services under this title, the secretary shall deliver to the person, or to the parent, person, or agency legally responsible for the person, all funds or other property belonging to the person remaining in the secretary's possession as custodian.

(4) All funds held by the secretary as custodian may be deposited in a single fund, the receipts and expenditures from the fund to be accurately accounted for by the secretary. All interest accruing from, or as a result of the deposit of such moneys in a single fund shall be credited to the personal accounts of the residents. All expenditures under this section shall be subject to the duty of accounting provided for in this section.

(5) The appointment of a guardian for the estate of a resident shall terminate the secretary's authority as custodian of any funds of the resident which may be subject to the control of the guardianship, upon receipt by the secretary of a certified copy of letters of guardianship. Upon the guardian's request, the secretary shall immediately forward to the guardian any funds subject to the control of the guardianship or other property of the resident remaining in the secretary's possession, together with a full and final accounting of all receipts and expenditures made.

(6) Upon receipt of a written request from the secretary stating that a designated individual is a resident of the residential habilitation center and that such resident has no legally appointed guardian of his or her estate, any person, bank, corporation, or agency having possession of any money, bank accounts, or choses in action owned by such resident, shall, if the amount does not exceed two hundred dollars, deliver the same to the secretary as custodian and mail written notice of the delivery to such resident at the residential habilitation center. The receipt by the secretary shall constitute full and complete acquittance for such payment and the person, bank, corporation, or agency making such payment shall not be liable to the resident or his or her legal representative. All funds so received by the secretary

shall be duly deposited by the secretary as custodian in the resident's fund to the personal account of the resident. If any proceeding is brought in any court to recover property so delivered, the attorney general shall defend the lawsuit without cost to the person, bank, corporation, or agency that delivered the property to the secretary, and the state shall indemnify such person, bank, corporation, or agency against any judgment rendered as a result of such proceeding.

NEW SECTION. Sec. 711. RESIDENT TO BE PROVIDED WITH CLOTHING—COST. When clothing for a resident of a residential habilitation center is not otherwise provided, the secretary shall provide a resident with suitable clothing, the actual cost of which shall be a charge against the parents, guardian, or estate of the resident. If such parent or guardian is unable to provide or pay for the clothing, or the estate of the resident is insufficient to provide or pay for the clothing, the clothing shall be provided by the state.

NEW SECTION. Sec. 712. FINANCIAL RESPONSIBILITY. The subject of financial responsibility for the provision of services to persons in residential habilitation centers is covered by RCW 43.20B.410 through 43.20B.455.

NEW SECTION. Sec. 713. DEATH OF RESIDENT, PAYMENT OF FUNERAL EXPENSES—LIMITATION. Upon the death of a resident of a residential habilitation center, the secretary may supplement such funds as were in the resident's account at the time of the person's death to provide funeral and burial expense for the deceased resident. These expenses shall not exceed funeral and burial expenses allowed under RCW 74.08.120.

NEW SECTION. Sec. 714. LIMITED AUTHORITY TO HOLD RESIDENT WHILE CONTACTING AN INTERESTED PERSON. (1) If a resident of a residential habilitation center desires to leave the center and the secretary believes that departures may be harmful to the resident, the secretary may hold the resident at the residential habilitation center for a period not to exceed forty-eight hours in order to consult with the person's legal representative as provided in section 107 of this act as to the best interests of the resident.

(2) The secretary shall adopt rules to provide for the application of subsection (1) of this section in a manner that protects the constitutional rights of the resident.

(3) Neither the secretary nor any person taking action under this section shall be civilly or criminally liable for performing duties under this section if such duties were performed in good faith and without gross negligence.

NEW SECTION. Sec. 715. ADMISSION TO RESIDENTIAL HABILITATION CENTER FOR DIAGNOSTIC PURPOSES. Without committing the department to continued provision of service, the secretary

may admit a person eligible for services under this chapter to a residential habilitation center for a period not to exceed thirty days for observation prior to determination of needed services, where such observation is necessary to determine the extent and necessity of services to be provided.

NEW SECTION. Sec. 716. CHAPTER TO BE LIBERALLY CONSTRUED. The provisions of this chapter (sections 701 through 715 of this act) shall be liberally construed to accomplish its purposes.

Part 8

DAY TRAINING CENTERS AND GROUP TRAINING HOMES

NEW SECTION. Sec. 801. CONTRACTS AUTHORIZED. The secretary may enter into agreements with any person or with any person, corporation, or association operating a day training center or group training home or a combination day training center and group training home approved by the department, for the payment of all, or a portion, of the cost of the care, treatment, maintenance, support, and training of persons with developmental disabilities.

NEW SECTION. Sec. 802. DEFINITIONS. As used in this chapter (sections 801 through 806 of this act):

(1) "Day training center" means a facility equipped, supervised, managed, and operated at least three days per week by any person, association, or corporation on a nonprofit basis for the day-care, treatment, training, and maintenance of persons with developmental disabilities, and approved under this chapter (sections 801 through 806 of this act) and the standards under rules adopted by the secretary.

(2) "Group training home" means a facility equipped, supervised, managed, and operated on a full-time basis by any person, association, or corporation on a nonprofit basis for the full-time care, treatment, training, and maintenance of persons with developmental disabilities, and approved under this chapter (sections 801 through 806 of this act) and the standards under the rules adopted by the secretary.

NEW SECTION. Sec. 803. PAYMENTS BY SECRETARY ARE SUPPLEMENTAL TO PAYMENTS MADE BY PERSONS WITH DEVELOPMENTAL DISABILITIES—LIMITATION ON AMOUNT. All payments made by the secretary under this chapter (sections 801 through 806 of this act), shall be, insofar as possible, supplementary to payments to be made to a day training center or group training home, or a combination of both, by the persons with developmental disabilities resident in the home or center. Payments made by the secretary under this chapter (sections 801 through 806 of this act) shall not exceed actual costs for the care, treatment, support, maintenance, and training of any person with a developmental disability whether at a day training center or group training home or combination of both.

NEW SECTION. Sec. 804. CERTIFICATION OF FACILITIES.

Any person, corporation, or association may apply to the secretary for approval and certification of the applicant's facility as a day training center or a group training home for persons with developmental disabilities, or a combination of both. The secretary may either grant or deny certification or revoke certification previously granted after investigation of the applicant's facilities, to ascertain whether or not such facilities are adequate for the health, safety, care, treatment, maintenance, training, and support of persons with developmental disabilities, under standards in rules adopted by the secretary.

NEW SECTION. Sec. 805. APPLICATION FOR PAYMENT. (1)

Except as otherwise provided in this section, the provisions of this title govern applications for payment by the state for services in a day training center or group training home approved by the secretary under this chapter (sections 801 through 806 of this act).

(2) In determining eligibility and the amount of payment, the secretary shall make special provision for group training homes where parents are actively involved as a member of the administrative board of the group training home and who may provide for some of the services required by a resident therein. The special provisions shall include establishing eligibility requirements for a person placed in such a group training home to have a parent able and willing to attend administrative board meetings and participate insofar as possible in carrying out special activities deemed by the board to contribute to the well being of the residents.

(3) If the secretary determines that a person is eligible for services in a day training center or group training home, the secretary shall determine the extent and type of services to be provided and the amount that the department will pay, based upon the needs of the person and the ability of the parent or the guardian to pay or contribute to the payment of the monthly cost of the services.

(4) The secretary may, upon application of the person who is receiving services or the person's legal representative, after investigation of the ability or inability of such persons to pay, or without application being made, modify the amount of the monthly payments to be paid by the secretary for services at a day training center or group training home or combination of both.

NEW SECTION. Sec. 806. FACILITIES TO BE NONSECTARIAN.

A day training center and a group training home under this chapter (sections 801 through 806 of this act) shall be a nonsectarian training center and a nonsectarian group training home.

Part 9
AMENDATORY SECTIONS

Sec. 901. Section 31, chapter 291, Laws of 1977 ex. sess. as last amended by section 3, chapter 524, Laws of 1987 and RCW 13.34.030 are each amended to read as follows:

DEFINITIONS—"CHILD," "JUVENILE," "DEPENDENT CHILD." For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years;

(2) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Who ~~((is developmentally disabled))~~ has a developmental disability, as defined in ((RCW 71.20.016)) section 102 of this 1988 act and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist.

Sec. 902. Section 1, chapter 141, Laws of 1967 as last amended by section 23, chapter 75, Laws of 1987 and RCW 43.20B.410 are each amended to read as follows:

RESIDENTIAL HABILITATION CENTERS—LIABILITY FOR COSTS OF SERVICES—DECLARATION OF PURPOSE. The purpose of RCW 43.20B.410 through 43.20B.455 is to place financial responsibility for cost of care, support and treatment upon those residents of ~~((state)) residential ((schools))~~ habilitation centers operated under sections 701 through 716 of this act 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 secretary of social and health services and the courts by any person deemed aggrieved thereby.

Sec. 903. Section 3, chapter 141, Laws of 1967 as last amended by section 24, chapter 75, Laws of 1987 and RCW 43.20B.420 are each amended to read as follows:

RESIDENTIAL HABILITATION CENTERS—DETERMINATION OF COSTS OF SERVICES—ESTABLISHMENT OF RATES—COLLECTION. The charges for ~~((care, support and treatment))~~ services as provided in RCW 43.20B.425 shall be based on the rates established for the purpose of receiving federal reimbursement for the same services. For those services for which there is no applicable federal reimbursement-related rate, charges shall be based on the average per capita costs, adjusted for inflation, of operating each of the ~~((state))~~ residential ~~((schools))~~ habilitation centers for the previous reporting 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 for persons under the age of twenty-two years shall be excluded from the computation of the average per capita cost. The department shall establish rates on a per capita basis and promulgate those rates or the methodology used in computing costs and establishing rates as rules of the department in accordance with chapter 34.04 RCW. The department shall be charged with the duty of collection of charges incurred under RCW 43.20B.410 through 43.20B.455, which may be enforced by civil action instituted by the attorney general within or without the state.

Sec. 904. Section 4, chapter 141, Laws of 1967 as last amended by section 25, chapter 75, Laws of 1987 and RCW 43.20B.425 are each amended to read as follows:

RESIDENTIAL HABILITATION CENTERS—COSTS OF SERVICES—INVESTIGATION AND DETERMINATION OF ABILITY TO PAY—EXEMPTIONS. The department shall investigate and determine the assets of the estates of each resident of a ~~((state))~~ residential ~~((school))~~ habilitation center and the ability of each such estate to pay all, or any portion of, the average monthly charge for care, support and treatment at a ~~((state))~~ residential ~~((school))~~ habilitation center as determined by the procedure set forth in RCW 43.20B.420: PROVIDED, That the sum as set forth in ~~((RCW 72.33.180))~~ section 710 of this 1988 act shall be retained by the estate of the resident at all times for such personal needs as may arise: PROVIDED FURTHER, That where any person other than a resident or the guardian of ~~((his))~~ the resident's estate deposits funds so that the depositor and a resident become joint tenants with the right of survivorship, such funds shall not be considered part of the resident's estate so long as the resident is not the sole survivor among such joint tenants.

Sec. 905. Section 5, chapter 141, Laws of 1967 as last amended by section 26, chapter 75, Laws of 1987 and RCW 43.20B.430 are each amended to read as follows:

RESIDENTIAL HABILITATION CENTERS—COSTS OF SERVICES—NOTICE AND FINDING OF RESPONSIBILITY—

SERVICE—APPEAL—HEARING. In all cases where a determination is made that the estate of a resident of a ~~((state school))~~ residential habilitation center is able to pay all or any portion of the charges, a notice and finding of responsibility shall be served on the guardian of the resident's estate, or if no guardian has been appointed then to the resident, the resident's spouse, or other person acting in a representative capacity and having property in his or her possession belonging to a resident ~~((of a state school and the superintendent of the state school))~~. The notice shall set forth the amount the department has determined that such estate is able to pay, not to exceed the charge as fixed in accordance with RCW 43.20B.420, and the responsibility for payment to the department shall commence thirty days after personal service of such notice and finding of responsibility. Service shall be in the manner prescribed for the service of a summons in a civil action or may be served by certified mail, return receipt requested. The return receipt signed by addressee only is prima facie evidence of service. An appeal from the determination of responsibility may be made to the secretary by the guardian of the resident's estate, or if no guardian has been appointed then by the resident, the resident's spouse, or other person acting in a representative capacity and having property in his or her possession belonging to a resident of a state school, within such thirty day period upon written notice of appeal being served upon the 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 an administrative law judge appointed under chapter 34.12 RCW 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 43.20B.410 through 43.20B.455, the rules and regulations of the department, and the Administrative Procedure Act, chapter 34.04 RCW.

Sec. 906. Section 8, chapter 141, Laws of 1967 as last amended by section 27, chapter 75, Laws of 1987 and RCW 43.20B.440 are each amended to read as follows:

RESIDENTIAL HABILITATION CENTERS—COSTS OF SERVICES—CHARGES PAYABLE IN ADVANCE. The charges for care, support, maintenance and treatment of ~~((mentally or physically handicapped))~~ persons at ~~((state))~~ residential ~~((schools))~~ habilitation centers as provided by RCW 43.20B.410 through 43.20B.455 shall be payable in advance on the first day of each and every month to the department.

Sec. 907. Section 9, chapter 141, Laws of 1967 as last amended by section 28, chapter 75, Laws of 1987 and RCW 43.20B.445 are each amended to read as follows:

RESIDENTIAL HABILITATION CENTERS—COSTS OF SERVICES—REIMBURSEMENT FROM PROPERTY SUBSEQUENTLY ACQUIRED—PLACEMENT OUTSIDE SCHOOL—LIABILITY AFTER DEATH OF RESIDENT. The provisions of RCW 43.20B.410 through 43.20B.455 shall not be construed to prohibit or prevent the department of social and health services from obtaining reimbursement from any person liable under RCW 43.20B.410 through 43.20B.455 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 43.20B.430: **PROVIDED,** That the estate of any resident of a ~~((state)) residential ((school)) habilitation center~~ shall not be liable for such reimbursement subsequent to ~~((the placement of)) termination of services for that resident ((out of the state)) at the residential ((school)) habilitation center:~~ **PROVIDED FURTHER,** That upon the death of any person while a resident in a ~~((state)) residential ((school his)) habilitation center,~~ the person's estate shall become liable to the same extent as the resident's liability on the date of death.

Sec. 908. Section 12, chapter 141, Laws of 1967 as last amended by section 30, chapter 75, Laws of 1987 and RCW 43.20B.455 are each amended to read as follows:

RESIDENTIAL HABILITATION CENTERS—COSTS OF SERVICES—DISCRETIONARY ALLOWANCE IN RESIDENT'S FUND. Notwithstanding any other provision of RCW 43.20B.410 through 43.20B.455, the secretary may, if in ~~((his)) the secretary's~~ discretion any resident of a ~~((state)) residential ((school)) habilitation center~~ can be ~~((discharged)) terminated from receiving services at the habilitation center~~ 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 43.20B.415.

Sec. 909. Section 1, chapter 330, Laws of 1977 ex. sess. as last amended by section 1, chapter 6, Laws of 1986 and RCW 43.51.055 are each amended to read as follows:

SENIOR CITIZEN'S PASS—DISABILITY PASS—VETERAN'S DISABILITY PASS—ELIGIBILITY. (1) The commission shall grant to any person who meets the eligibility requirements specified in this section a senior citizen's pass which shall (a) entitle such person, and members of his camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission, and (b) entitle such person to free admission to any state park.

(2) The commission shall grant a senior citizen's pass to any person who applies for the same and who meets the following requirements:

(a) The person is at least sixty-two years of age; and

(b) The person is a domiciliary of the state of Washington and meets reasonable residency requirements prescribed by the commission; and

(c) The person and his or her spouse have a combined income which would qualify the person for a property tax exemption pursuant to RCW 84.36.381, as now law or hereafter amended. The financial eligibility requirements of this subparagraph (c) shall apply regardless of whether the applicant for a senior citizen's pass owns taxable property or has obtained or applied for such property tax exemption.

(3) Each senior citizen's pass granted pursuant to this section shall, unless renewed, expire on January 1 of the next year following the year in which it was issued. Any application for renewal of a senior citizen's pass shall, for purposes of the financial eligibility requirements of this section, be treated as an original application.

(4) Any resident of Washington who is disabled as defined by the social security administration and who receives social security benefits for that disability, or any other benefits for that disability from any other governmental or nongovernmental source, or who is entitled to benefits for permanent disability under (~~RCW 71.20.016 and 72.33.020~~) section 102(2) of this 1988 act due to unemployability full time at the minimum wage, or who is legally blind or profoundly deaf, or who has been issued a card, decal, or special license plate for a permanent disability under RCW 46.16.381 shall be entitled to receive, regardless of age and upon making application therefor, a disability pass at no cost to the holder. The pass shall (a) entitle such person, and members of his camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission, and (b) entitle such person to free admission to any state park.

(5) A card, decal, or special license plate issued for a permanent disability under RCW 46.16.381 may serve as a pass for the holder to entitle that person and members of the person's camping unit to a fifty percent reduction in the campsite rental fee prescribed by the commission, and to allow the holder free admission to state parks.

(6) Any resident of Washington who is a veteran and has a service-connected disability of at least thirty percent shall be entitled to receive a lifetime veteran's disability pass at no cost to the holder. The pass shall (a) entitle such person, and members of his camping unit, to free use of any campsite within any state park, and (b) entitle such person to free admission to any state park.

(7) All passes issued pursuant to this section shall be valid at all parks any time during the year: PROVIDED, That the pass shall not be valid for admission to concessionaire operated facilities.

(8) This section shall not affect or otherwise impair the power of the commission to continue or discontinue any other programs it has adopted for senior citizens.

(9) The commission shall adopt such rules and regulations as it finds appropriate for the administration of this section. Among other things, such rules and regulations shall prescribe a definition of "camping unit" which will authorize a reasonable number of persons traveling with the person having a pass to stay at the campsite rented by such person, a minimum Washington residency requirement for applicants for a senior citizen's pass and an application form to be completed by applicants for a senior citizen's pass.

Sec. 910. Section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 183, chapter 3, Laws of 1983 and RCW 71.20.110 are each amended to read as follows:

TAX LEVY DIRECTED—ALLOCATION OF FUNDS FOR FEDERAL MATCHING FUNDS PURPOSES. In order to provide additional funds for the coordination and provision of community ~~((mental retardation and other developmental disability services and to provide community mental retardation, other developmental disability,))~~ services for persons with developmental disabilities or mental health services, the ~~((board of county commissioners))~~ county governing authority of each county in the state shall budget and levy annually a tax in a sum equal to the amount which would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property in the county to be used for such purposes: **PROVIDED**, That all or part of the funds collected from the tax levied for the purposes of this section may be transferred to the state of Washington, department of social and health services, for the purpose of obtaining federal matching funds to provide and coordinate community ~~((mental retardation, other developmental disability,))~~ services for persons with developmental disabilities and mental health services. In the event a county elects to transfer such tax funds to the state for this purpose, the state shall grant these moneys and the additional funds received as matching funds to service-providing community agencies or community boards in the county which has made such transfer, pursuant to the plan approved by the county, as provided by chapters ~~((71.20,))~~ 71.24(;) and 71.28 RCW and by sections 301 through 311 of this 1988 act, all as now or hereafter amended.

The amount of a levy allocated to the purposes specified in this section may be reduced in the same proportion as the regular property tax levy of the county is reduced by chapter 84.55 RCW.

Sec. 911. Section 1, chapter 84, Laws of 1967 as amended by section 44, chapter 80, Laws of 1977 ex. sess. and RCW 71.28.010 are each amended to read as follows:

CONTRACTS BY BOUNDARY COUNTIES OR CITIES THEREIN. Any county, or city within a county which is situated on the state boundaries is authorized to contract for mental health ~~((and/or developmental disabilities))~~ services with a county situated in either the states of

Oregon or Idaho, located on the boundaries of such states with the state of Washington.

Sec. 912. Section 2, chapter 172, Laws of 1967 as last amended by section 12, chapter 170, Laws of 1987 and RCW 74.15.020 are each amended to read as follows:

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

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

(2) "Secretary" means the secretary of social and health services;

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

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

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

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

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

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or (~~developmentally disabled~~) persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or (~~developmentally disabled~~) person with a developmental disability is placed;

(f) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036.

(4) "Agency" shall not include the following:

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

(b) Persons who are legal guardians of the child, expectant mother, or ~~((developmentally disabled))~~ persons with developmental disabilities;

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

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

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

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

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

(h) Licensed physicians or lawyers;

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

(j) Facilities approved and certified under ~~((RCW 72.33.810))~~ sections 801 through 806 of this 1988 act;

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

(l) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a preplacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(m) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

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

Sec. 913. Section 3, chapter 164, Laws of 1971 ex. sess. as last amended by section 31, chapter 435, Laws of 1987 and RCW 74.20A.030 are each amended to read as follows:

DEPARTMENT SUBROGATED TO RIGHTS FOR SUPPORT—NO COLLECTION FROM PARENTS ON PUBLIC ASSISTANCE OR THOSE WITH CHILDREN WITH DEVELOPMENTAL DISABILITIES—ENFORCEMENT ACTIONS. The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child, 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 expended, based on the support obligation of the responsible parent established by a superior court order or RCW 74.20A.055. Distribution of any support moneys shall be made in accordance with 42 U.S.C. Sec. 657.

Public assistance moneys shall be exempt from collection action under this chapter except as provided in RCW 74.20A.270.

No collection action shall be taken against parents of children eligible for admission to, or children who have been ~~((released))~~ discharged from~~(;))~~ a ~~((state school for the developmentally disabled))~~ residential habilitation center as defined by ~~((chapter 72.33 RCW))~~ section 102(7) of this 1988 act.

The department may initiate, continue, maintain, or execute action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common law of this state, for a period not to exceed three months from the month following the month in which the family or any member thereof ceases to receive public assistance and thereafter if a non-assistance request for support enforcement services has been made under RCW 74.20.040.

Sec. 914. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 85, chapter 506, Laws of 1987 and RCW 77.32.230 are each amended to read as follows:

FREE LICENSES—CERTAIN VETERANS, BLIND OR OLD PERSONS, PERSONS WITH DEVELOPMENTAL DISABILITIES,

PHYSICALLY HANDICAPPED PERSONS CONFINED TO WHEELCHAIR—USE OF PERMANENT DISABILITY CARD—EXEMPTION FOR YOUTHS—PURCHASE OF TAGS, PERMITS, STAMPS, AND PUNCHCARDS REQUIRED. (1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for five years may receive upon application a state hunting and fishing license free of charge.

(2) A person seventy years of age or older who has been a resident for ten years may receive, upon application, a fishing license free of charge.

(3) A blind person, or a person with a developmental disability as defined in ~~((RCW 71.20.016))~~ section 102 of this 1988 act with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

(4) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless tags, permits, stamps, or punchcards are required by this chapter.

(5) A fishing license is not required for persons under the age of fifteen.

(6) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

Sec. 915. Section 3, chapter 81, Laws of 1970 ex. sess. as amended by section 1, chapter 134, Laws of 1972 ex. sess. and RCW 82.04.385 are each amended to read as follows:

EXEMPTIONS—OPERATION OF SHELTERED WORKSHOPS. This chapter shall not apply to income received from the department of social and health services for the cost of care, maintenance, support, and training of ~~((mentally retarded))~~ persons with developmental disabilities at nonprofit group training homes as defined by ~~((RCW 72.33.800(2)))~~ sections 801 through 806 of this 1988 act or to the gross sales or gross income received by nonprofit organizations from the operation of "sheltered workshops". For the purposes of this section, "sheltered workshops" means rehabilitation facilities, or that part of rehabilitation facilities, where any manufacture or handiwork is carried on and which is operated for the primary purpose of (1) providing gainful employment or rehabilitation services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist; or (2) providing evaluation and work adjustment services for handicapped individuals.

Part 10
CONSTRUCTION

NEW SECTION. Sec. 1001. CONTINUATION OF EXISTING LAW. Insofar as provisions of this title are substantially the same as provisions of the statutes repealed by sections 1005, 1006, and 1007 of this act, the provisions of this title shall be construed as restatements and continuations of the prior law, and not as new enactments.

NEW SECTION. Sec. 1002. HEADINGS NOT PART OF LAW. Title headings, chapter headings, and section headings used in this title do not constitute any part of the law.

NEW SECTION. Sec. 1003. INVALIDITY OF PART OF TITLE NOT TO AFFECT REMAINDER. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1004. SAVING. The repeals made by sections 1005 through 1007 of this act shall not be construed as affecting any existing right, status, or eligibility for services acquired under the provisions of the statutes repealed, nor as affecting the validity of any rule or order promulgated under the prior statutes, nor as affecting the status of any person appointed or employed under the prior statutes.

NEW SECTION. Sec. 1005. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 110, Laws of 1967 ex. sess. and RCW 71.20-.010;
- (2) Section 6, chapter 224, Laws of 1982, section 19, chapter 41, Laws of 1983 1st ex. sess. and RCW 71.20.016;
- (3) Section 2, chapter 110, Laws of 1967 ex. sess. and RCW 71.20-.020;
- (4) Section 3, chapter 110, Laws of 1967 ex. sess., section 181, chapter 3, Laws of 1983 and RCW 71.20.030;
- (5) Section 4, chapter 110, Laws of 1967 ex. sess., section 3, chapter 71, Laws of 1974 ex. sess., section 182, chapter 3, Laws of 1983 and RCW 71.20.040;
- (6) Section 5, chapter 110, Laws of 1967 ex. sess., section 4, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.050;
- (7) Section 6, chapter 110, Laws of 1967 ex. sess., section 5, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.060;
- (8) Section 7, chapter 110, Laws of 1967 ex. sess., section 6, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.070;
- (9) Section 1, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.075;
- (10) Section 8, chapter 110, Laws of 1967 ex. sess. and RCW 71.20-.080; and

(11) Section 9, chapter 110, Laws of 1967 ex. sess., section 7, chapter 71, Laws of 1974 ex. sess. and RCW 71.20.090.

NEW SECTION. Sec. 1006. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 145, Laws of 1983 and RCW 71.30.010;
- (2) Section 2, chapter 145, Laws of 1983 and RCW 71.30.020;
- (3) Section 3, chapter 145, Laws of 1983 and RCW 71.30.030;
- (4) Section 1, chapter 18, Laws of 1967 ex. sess., section 53, chapter 80, Laws of 1977 ex. sess. and RCW 72.30.010;
- (5) Section 2, chapter 18, Laws of 1967 ex. sess., section 54, chapter 80, Laws of 1977 ex. sess. and RCW 72.30.020;
- (6) Section 3, chapter 18, Laws of 1967 ex. sess., section 55, chapter 80, Laws of 1977 ex. sess., section 29, chapter 41, Laws of 1983 1st ex. sess. and RCW 72.30.030;
- (7) Section 4, chapter 18, Laws of 1967 ex. sess., section 235, chapter 141, Laws of 1979, section 11, chapter 217, Laws of 1979 ex. sess. and RCW 72.30.040; and
- (8) Section 5, chapter 18, Laws of 1967 ex. sess., section 236, chapter 141, Laws of 1979 and RCW 72.30.050.

NEW SECTION. Sec. 1007. The following acts or parts of acts are each repealed:

- (1) Section 72.33.010, chapter 28, Laws of 1959 and RCW 72.33.010;
- (2) Section 72.33.020, chapter 28, Laws of 1959, section 101, chapter 154, Laws of 1973 1st ex. sess., section 1, chapter 246, Laws of 1975 1st ex. sess., section 56, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.020;
- (3) Section 72.33.030, chapter 28, Laws of 1959, section 1, chapter 31, Laws of 1959, section 1, chapter 89, Laws of 1982 and RCW 72.33.030;
- (4) Section 72.33.040, chapter 28, Laws of 1959, section 3, chapter 56, Laws of 1969, section 62, chapter 80, Laws of 1977 ex. sess., section 12, chapter 217, Laws of 1979 ex. sess., section 30, chapter 41, Laws of 1983 1st ex. sess. and RCW 72.33.040;
- (5) Section 72.33.050, chapter 28, Laws of 1959, section 13, chapter 217, Laws of 1979 ex. sess. and RCW 72.33.050;
- (6) Section 72.33.070, chapter 28, Laws of 1959, section 63, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.070;
- (7) Section 72.33.080, chapter 28, Laws of 1959, section 64, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.080;
- (8) Section 72.33.090, chapter 28, Laws of 1959 and RCW 72.33.090;
- (9) Section 72.33.100, chapter 28, Laws of 1959 and RCW 72.33.100;
- (10) Section 72.33.110, chapter 28, Laws of 1959 and RCW 72.33-.110;
- (11) Section 2, chapter 246, Laws of 1975 1st ex. sess., section 57, chapter 80, Laws of 1977 ex. sess., section 1, chapter 60, Laws of 1983,

section 1, chapter 146, Laws of 1986, section 68, chapter 505, Laws of 1987 and RCW 72.33.125;

(12) Section 72.33.130, chapter 28, Laws of 1959, section 3, chapter 246, Laws of 1975 1st ex. sess., section 58, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.130;

(13) Section 72.33.140, chapter 28, Laws of 1959, section 4, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.140;

(14) Section 72.33.150, chapter 28, Laws of 1959, section 5, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.150;

(15) Section 2, chapter 166, Laws of 1981, section 1, chapter 50, Laws of 1983 and RCW 72.33.161;

(16) Section 11, chapter 246, Laws of 1975 1st ex. sess., section 59, chapter 80, Laws of 1977 ex. sess., section 2, chapter 60, Laws of 1983 and RCW 72.33.165;

(17) Section 72.33.170, chapter 28, Laws of 1959, section 7, chapter 246, Laws of 1975 1st ex. sess., section 60, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.170;

(18) Section 72.33.180, chapter 28, Laws of 1959, section 1, chapter 61, Laws of 1959, section 10, chapter 141, Laws of 1967 section 2, chapter 75, Laws of 1970 ex. sess., section 1, chapter 118, Laws of 1971 ex. sess., section 5, chapter 245, Laws of 1985, section 22, chapter 75, Laws of 1987 and RCW 72.33.180;

(19) Section 72.33.190, chapter 28, Laws of 1959 and RCW 72.33-.190;

(20) Section 72.33.200, chapter 28, Laws of 1959, section 8, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.200;

(21) Section 72.33.210, chapter 28, Laws of 1959 and RCW 72.33-.210;

(22) Section 72.33.220, chapter 28, Laws of 1959, section 9, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.220;

(23) Section 72.33.230, chapter 28, Laws of 1959 and RCW 72.33-.230;

(24) Section 72.33.240, chapter 28, Laws of 1959, section 135, chapter 81, Laws of 1971, section 10, chapter 246, Laws of 1975 1st ex. sess., section 61, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.240;

(25) Section 20, chapter 198, Laws of 1949, section 1, chapter 225, Laws of 1957, section 72.33.260, chapter 28, Laws of 1959 and RCW 72-.33.260;

(26) Section 1, chapter 126, Laws of 1959 and RCW 72.33.500;

(27) Section 2, chapter 126, Laws of 1959 and RCW 72.33.510;

(28) Section 3, chapter 126, Laws of 1959 and RCW 72.33.520;

(29) Section 4, chapter 126, Laws of 1959 and RCW 72.33.530;

(30) Section 5, chapter 126, Laws of 1959 and RCW 72.33.540;

(31) Section 6, chapter 126, Laws of 1959 and RCW 72.33.550;

- (32) Section 7, chapter 126, Laws of 1959 and RCW 72.33.560;
- (33) Section 8, chapter 126, Laws of 1959 and RCW 72.33.570;
- (34) Section 9, chapter 126, Laws of 1959 and RCW 72.33.580;
- (35) Section 10, chapter 126, Laws of 1959 and RCW 72.33.590;
- (36) Section 1, chapter 251, Laws of 1961, section 1, chapter 34, Laws of 1965, section 9, chapter 71, Laws of 1974 ex. sess., section 65, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.800;
- (37) Section 2, chapter 251, Laws of 1961, section 2, chapter 34, Laws of 1965, section 10, chapter 71, Laws of 1974 ex. sess., section 66, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.805;
- (38) Section 3, chapter 251, Laws of 1961, section 11, chapter 71, Laws of 1974 ex. sess., section 67, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.810;
- (39) Section 4, chapter 251, Laws of 1961, section 3, chapter 34, Laws of 1965, section 12, chapter 71, Laws of 1974 ex. sess., section 1, chapter 310, Laws of 1983 and RCW 72.33.815;
- (40) Section 5, chapter 251, Laws of 1961 and RCW 72.33.820;
- (41) Section 1, chapter 166, Laws of 1969 ex. sess., section 244, chapter 141, Laws of 1979 and RCW 72.33.830;
- (42) Section 2, chapter 166, Laws of 1969 ex. sess., section 245, chapter 141, Laws of 1979 and RCW 72.33.840;
- (43) Section 3, chapter 166, Laws of 1969 ex. sess., section 246, chapter 141, Laws of 1979 and RCW 72.33.850;
- (44) Section 4, chapter 118, Laws of 1971 ex. sess. and RCW 72.33-.860; and
- (45) Section 72.33.900, chapter 28, Laws of 1959 and RCW 72.33-.900.

NEW SECTION. Sec. 1008. APPLICATION TO PENDING MATTERS. Except as provided in section 1004 of this act, this title shall govern:

(1) The continued provision of services to persons with developmental disabilities who are receiving services on the effective date of this act.

(2) The disposition of hearings, lawsuits, or appeals that are pending on the effective date of this act.

(3) All other questions or matters covered by this title, from the effective date of this act.

NEW SECTION. Sec. 1009. Sections 101 through 806 of this act shall constitute a new title in the Revised Code of Washington.

Passed the House March 5, 1988.

Passed the Senate February 29, 1988.

Approved by the Governor March 22, 1988.

Filed in Office of Secretary of State March 22, 1988.