
SENATE BILL 5971

State of Washington 58th Legislature 2003 Regular Session

By Senators Fairley, Zarelli, Poulsen, Rossi, Hargrove, Deccio,
Rasmussen and Winsley

Read first time 02/26/2003. Referred to Committee on Ways & Means.

1 AN ACT Relating to residential habilitation centers; amending RCW
2 28A.190.020, 71A.20.020, 71A.20.050, 71A.20.080, and 72.05.010;
3 reenacting and amending RCW 43.84.092; adding a new section to chapter
4 43.79 RCW; creating a new section; and repealing RCW 71A.20.030.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that throughout
7 the entire history of the state of Washington, the staff and volunteers
8 at residential habilitation centers and their predecessor institutions
9 have provided compassionate care to persons with developmental
10 disabilities. This dedication and care has continued even while
11 changing social attitudes and family preferences have shifted the
12 demand for services from state institutions to community living.
13 Today, most individuals with developmental disabilities and their
14 families expect to live, learn, and work within their communities. The
15 Americans with disabilities act of 1990 bolstered those expectations.
16 Because of these changing expectations, the number of persons served in
17 residential habilitation centers continues to decline. This decline
18 results in increased costs to serve the remaining residents due to

1 significant fixed costs at the institutions. The result is fewer
2 resources available to support individuals with developmental
3 disabilities and their families in the community.

4 (2) The legislature intends to honor the legacy of compassionate
5 care at residential habilitation centers, by ensuring that state
6 funding and the value of state assets previously devoted to
7 institutional care is retained for services for individuals with
8 developmental disabilities living in the community. In order to
9 improve the cost-efficiency of care at residential habilitation centers
10 and begin to shift resources to expand community services, Fircrest
11 School shall be closed during the 2003-2005 biennium. The secretary of
12 social and health services shall develop and implement a transition
13 plan that ensures that residents of Fircrest School shall be offered
14 the choice of services at another residential habilitation center,
15 community services, or, if appropriate, services in a skilled nursing
16 facility. The proceeds from the eventual disposal of Fircrest property
17 shall be deposited in the Fircrest legacy trust account established in
18 section 2 of this act.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.79 RCW
20 to read as follows:

21 The Fircrest legacy trust account is created in the state treasury.
22 All proceeds from the disposal of surplus property at Fircrest School
23 must be deposited into the account. "Proceeds" include the net
24 receipts from the sale of all or a portion of the property or the lease
25 payments for all or a portion of the property. Moneys in the account
26 may be spent only after appropriation. Expenditures from the account
27 may be used only for services to individuals with developmental
28 disabilities and their families.

29 **Sec. 3.** RCW 28A.190.020 and 1990 c 33 s 171 are each amended to
30 read as follows:

31 The term "residential school" as used in RCW 28A.190.020 through
32 28A.190.060, 72.01.200, 72.05.010 and 72.05.130, each as now or
33 hereafter amended, shall mean Green Hill school, Maple Lane school,
34 Naselle Youth Camp, Cedar Creek Youth Camp, Mission Creek Youth Camp,
35 Echo Glen, Lakeland Village, Rainier school, Yakima Valley school,
36 Interlake school, (~~Fircrest school,~~) Francis Haddon Morgan Center,

1 the Child Study and Treatment Center and Secondary School of Western
2 State Hospital, and such other schools, camps, and centers as are now
3 or hereafter established by the department of social and health
4 services for the diagnosis, confinement and rehabilitation of juveniles
5 committed by the courts or for the care and treatment of persons who
6 are exceptional in their needs by reason of mental and/or physical
7 deficiency: PROVIDED, That the term shall not include the state
8 schools for the deaf and blind or adult correctional institutions.

9 **Sec. 4.** RCW 71A.20.020 and 1994 c 215 s 1 are each amended to read
10 as follows:

11 The following residential habilitation centers are permanently
12 established to provide services to persons with developmental
13 disabilities: Lakeland Village, located at Medical Lake, Spokane
14 county; Rainier School, located at Buckley, Pierce county; Yakima
15 Valley School, located at Selah, Yakima county; (~~Firerest School,~~
16 ~~located at Seattle, King county;~~) and Frances Haddon Morgan
17 (~~Children's~~) Center, located at Bremerton, Kitsap county.

18 **Sec. 5.** RCW 71A.20.050 and 1990 c 33 s 589 are each amended to
19 read as follows:

20 (1) The secretary shall appoint a superintendent for each
21 residential habilitation center. The superintendent of a residential
22 habilitation center shall have a demonstrated history of knowledge,
23 understanding, and compassion for the needs, treatment, and training of
24 persons with developmental disabilities.

25 (2) The secretary shall have custody of all residents of the
26 residential habilitation centers and control of the medical,
27 educational, therapeutic, and dietetic treatment of all residents,
28 except that the school district that conducts the program of education
29 provided pursuant to RCW 28A.190.030 through 28A.190.050 shall have
30 control of and joint custody of residents while they are participating
31 in the program. The secretary shall cause surgery to be performed on
32 any resident only upon gaining the consent of a parent, guardian, or
33 limited guardian as authorized, except, if after reasonable effort to
34 locate the parents, guardian, or limited guardian as authorized, and
35 the health of the resident is certified by the attending physician to

1 be jeopardized unless such surgery is performed, the required consent
2 shall not be necessary.

3 (3) In the event that a resident must be transferred from one
4 residential habilitation center to another due to a reduction in
5 capacity or closure of the facility, the secretary shall consult with
6 the resident's family or guardian in the manner provided in RCW
7 71A.10.070. When more than one resident must be transferred, the
8 secretary shall consider the proximity and level of family involvement
9 when prioritizing transfers to the closest appropriate residential
10 habilitation center with available capacity. A transfer under this
11 section may not be delayed by proceedings under RCW 71A.20.080.

12 **Sec. 6.** RCW 71A.20.080 and 1989 c 175 s 143 are each amended to
13 read as follows:

14 Whenever in the judgment of the secretary, the treatment and
15 training of any resident of a residential habilitation center has
16 progressed to the point that it is deemed advisable to return such
17 resident to the community, the secretary may grant placement on such
18 terms and conditions as the secretary may deem advisable after
19 consultation in the manner provided in RCW 71A.10.070. The secretary
20 shall give written notice of the decision to return a resident to the
21 community as provided in RCW 71A.10.060. The notice must include a
22 statement advising the recipient of the right to an adjudicative
23 proceeding under RCW 71A.10.050 and the time limits for filing an
24 application for an adjudicative proceeding. The notice must also
25 include a statement advising the recipient of the right to judicial
26 review of an adverse adjudicative order as provided in chapter 34.05
27 RCW.

28 Except under RCW 71A.20.050(3), a placement decision shall not be
29 implemented at any level during any period during which an appeal can
30 be taken or while an appeal is pending and undecided, unless authorized
31 by court order so long as the appeal is being diligently pursued.

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

1 **Sec. 7.** RCW 72.05.010 and 1985 c 378 s 9 are each amended to read
2 as follows:

3 The purposes of RCW 72.05.010 through 72.05.210 are: To provide
4 for every child with behavior problems, mentally and physically
5 handicapped persons, and hearing and visually impaired children, within
6 the purview of RCW 72.05.010 through 72.05.210, (~~as now or hereafter~~
7 ~~amended,~~) such care, guidance and instruction, control and treatment
8 as will best serve the welfare of the child or person and society; to
9 insure nonpolitical and qualified operation, supervision, management,
10 and control of the Green Hill school, the Maple Lane school, the
11 Naselle Youth Camp, the Mission Creek Youth Camp, Echo Glen, the
12 Cascadia Diagnostic Center, Lakeland Village, Rainier school, the
13 Yakima Valley school, Interlake school, (~~Firecrest school,~~) the
14 Francis Haddon Morgan Center, the Child Study and Treatment Center and
15 Secondary School of Western State Hospital, and like residential state
16 schools, camps and centers hereafter established, and to place them
17 under the department of social and health services except where
18 specified otherwise; and to provide for the persons committed or
19 admitted to those schools that type of care, instruction, and treatment
20 most likely to accomplish their rehabilitation and restoration to
21 normal citizenship.

22 **Sec. 8.** RCW 43.84.092 and 2002 c 242 s 2, 2002 c 114 s 24, and
23 2002 c 56 s 402 are each reenacted and amended to read as follows:

24 (1) All earnings of investments of surplus balances in the state
25 treasury shall be deposited to the treasury income account, which
26 account is hereby established in the state treasury.

27 (2) The treasury income account shall be utilized to pay or receive
28 funds associated with federal programs as required by the federal cash
29 management improvement act of 1990. The treasury income account is
30 subject in all respects to chapter 43.88 RCW, but no appropriation is
31 required for refunds or allocations of interest earnings required by
32 the cash management improvement act. Refunds of interest to the
33 federal treasury required under the cash management improvement act
34 fall under RCW 43.88.180 and shall not require appropriation. The
35 office of financial management shall determine the amounts due to or
36 from the federal government pursuant to the cash management improvement
37 act. The office of financial management may direct transfers of funds

1 between accounts as deemed necessary to implement the provisions of the
2 cash management improvement act, and this subsection. Refunds or
3 allocations shall occur prior to the distributions of earnings set
4 forth in subsection (4) of this section.

5 (3) Except for the provisions of RCW 43.84.160, the treasury income
6 account may be utilized for the payment of purchased banking services
7 on behalf of treasury funds including, but not limited to, depository,
8 safekeeping, and disbursement functions for the state treasury and
9 affected state agencies. The treasury income account is subject in all
10 respects to chapter 43.88 RCW, but no appropriation is required for
11 payments to financial institutions. Payments shall occur prior to
12 distribution of earnings set forth in subsection (4) of this section.

13 (4) Monthly, the state treasurer shall distribute the earnings
14 credited to the treasury income account. The state treasurer shall
15 credit the general fund with all the earnings credited to the treasury
16 income account except:

17 (a) The following accounts and funds shall receive their
18 proportionate share of earnings based upon each account's and fund's
19 average daily balance for the period: The capitol building
20 construction account, the Cedar River channel construction and
21 operation account, the Central Washington University capital projects
22 account, the charitable, educational, penal and reformatory
23 institutions account, the common school construction fund, the county
24 criminal justice assistance account, the county sales and use tax
25 equalization account, the data processing building construction
26 account, the deferred compensation administrative account, the deferred
27 compensation principal account, the department of retirement systems
28 expense account, the drinking water assistance account, the drinking
29 water assistance administrative account, the drinking water assistance
30 repayment account, the Eastern Washington University capital projects
31 account, the education construction fund, the emergency reserve fund,
32 the federal forest revolving account, the Fircrest legacy trust
33 account, the health services account, the public health services
34 account, the health system capacity account, the personal health
35 services account, the state higher education construction account, the
36 higher education construction account, the highway infrastructure
37 account, the industrial insurance premium refund account, the judges'
38 retirement account, the judicial retirement administrative account, the

1 judicial retirement principal account, the local leasehold excise tax
2 account, the local real estate excise tax account, the local sales and
3 use tax account, the medical aid account, the mobile home park
4 relocation fund, the multimodal transportation account, the municipal
5 criminal justice assistance account, the municipal sales and use tax
6 equalization account, the natural resources deposit account, the oyster
7 reserve land account, the perpetual surveillance and maintenance
8 account, the public employees' retirement system plan 1 account, the
9 public employees' retirement system combined plan 2 and plan 3 account,
10 the public facilities construction loan revolving account beginning
11 July 1, 2004, the public health supplemental account, the Puyallup
12 tribal settlement account, the regional transportation investment
13 district account, the resource management cost account, the site
14 closure account, the special wildlife account, the state employees'
15 insurance account, the state employees' insurance reserve account, the
16 state investment board expense account, the state investment board
17 commingled trust fund accounts, the supplemental pension account, the
18 Tacoma Narrows toll bridge account, the teachers' retirement system
19 plan 1 account, the teachers' retirement system combined plan 2 and
20 plan 3 account, the tobacco prevention and control account, the tobacco
21 settlement account, the transportation infrastructure account, the
22 tuition recovery trust fund, the University of Washington bond
23 retirement fund, the University of Washington building account, the
24 volunteer fire fighters' and reserve officers' relief and pension
25 principal fund, the volunteer fire fighters' and reserve officers'
26 administrative fund, the Washington fruit express account, the
27 Washington judicial retirement system account, the Washington law
28 enforcement officers' and fire fighters' system plan 1 retirement
29 account, the Washington law enforcement officers' and fire fighters'
30 system plan 2 retirement account, the Washington school employees'
31 retirement system combined plan 2 and 3 account, the Washington state
32 health insurance pool account, the Washington state patrol retirement
33 account, the Washington State University building account, the
34 Washington State University bond retirement fund, the water pollution
35 control revolving fund, and the Western Washington University capital
36 projects account. Earnings derived from investing balances of the
37 agricultural permanent fund, the normal school permanent fund, the
38 permanent common school fund, the scientific permanent fund, and the

1 state university permanent fund shall be allocated to their respective
2 beneficiary accounts. All earnings to be distributed under this
3 subsection (4)(a) shall first be reduced by the allocation to the state
4 treasurer's service fund pursuant to RCW 43.08.190.

5 (b) The following accounts and funds shall receive eighty percent
6 of their proportionate share of earnings based upon each account's or
7 fund's average daily balance for the period: The aeronautics account,
8 the aircraft search and rescue account, the county arterial
9 preservation account, the department of licensing services account, the
10 essential rail assistance account, the ferry bond retirement fund, the
11 grade crossing protective fund, the high capacity transportation
12 account, the highway bond retirement fund, the highway safety account,
13 the motor vehicle fund, the motorcycle safety education account, the
14 pilotage account, the public transportation systems account, the Puget
15 Sound capital construction account, the Puget Sound ferry operations
16 account, the recreational vehicle account, the rural arterial trust
17 account, the safety and education account, the special category C
18 account, the state patrol highway account, the transportation equipment
19 fund, the transportation fund, the transportation improvement account,
20 the transportation improvement board bond retirement account, and the
21 urban arterial trust account.

22 (5) In conformance with Article II, section 37 of the state
23 Constitution, no treasury accounts or funds shall be allocated earnings
24 without the specific affirmative directive of this section.

25 NEW SECTION. **Sec. 9.** RCW 71A.20.030 (Facilities for Interlake
26 School) and 1988 c 176 s 703 are each repealed.

27 NEW SECTION. **Sec. 10.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

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