

1977  
SESSION LAWS  
OF THE  
STATE OF WASHINGTON

---

REGULAR SESSION  
FORTY-FIFTH LEGISLATURE  
Convened January 10, 1977. Adjourned March 10, 1977.

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1st EXTRAORDINARY SESSION  
FORTY-FIFTH LEGISLATURE  
Convened March 11, 1977. Adjourned June 22, 1977.



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RICHARD O. WHITE  
Code Reviser



**PERTINENT FACTS CONCERNING THE WASHINGTON  
SESSION LAWS**

**1. EDITIONS AVAILABLE**

- (a) *General information.* The session laws are printed successively in two editions;
  - (i) a temporary pamphlet edition consisting of a series of one or more paper bound pamphlets, which are published as soon as possible following the session, at random dates as accumulated; followed by
  - (ii) a bound volume edition containing the accumulation of all laws adopted in the legislative session. Both editions contain a subject index and tables indicating code sections affected.
- (b) *Temporary pamphlet edition—where and how obtained—price.* The temporary session laws may be ordered from the Statute Law Committee, Legislative Building, Olympia, Washington 98504 at one dollar per set, remittance to accompany order. (No sales tax required.)
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**2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER**  
Both editions of the session laws present the laws in the form in which they were adopted by the legislature. This style quickly and graphically portrays the current changes to existing law as follows:

- (a) In amendatory sections—
  - (i) underlined matter is new matter
  - (ii) ~~deleted matter is ((lined out and bracketed between double parentheses))~~
- (b) Complete new sections are prefaced by the words NEW SECTION.

**3. PARTIAL VETOES**

- (a) Vetoed matter is *printed in italics.*
- (b) Pertinent excerpts of the governor's explanation of partial veto are printed at the end of the chapter concerned.

**4. EDITORIAL CORRECTIONS.** Words and clauses inserted herein pursuant to the authority of RCW 44.20.060 are enclosed in brackets [ ].

**5. EFFECTIVE DATE OF LAWS**

- (a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the pertinent date for the Laws of the 1977 regular session to be June 9, 1977 (midnight June 8). The pertinent date for the laws of the 1977 1st Extraordinary session is September 21, 1977 (midnight September 20).
- (b) Laws which carry an emergency clause take effect immediately upon approval by the Governor.
- (c) Laws which prescribe an effective date, take effect upon that date.

**6. INDEX AND TABLES**

An index of all laws published herein, and pertinent tables, may be found at the back of the book.



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CHAPTER 1

[Substitute House Bill No. 169]  
SUPPLEMENTAL BUDGET

AN ACT Relating to state agencies; adopting a supplemental budget; making supplemental appropriations and authorizing expenditures; making other appropriations; amending section 61, chapter 269, Laws of 1975 1st ex. sess. (uncodified); amending section 62A, chapter 269, Laws of 1975 1st ex. sess. (uncodified); and declaring an emergency.

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

NEW SECTION. Section 1. That a supplemental budget as set forth in sections 2 through 19 of this 1977 amendatory act is hereby adopted and subject to the provisions set forth in sections 2 through 19 of this 1977 amendatory act, the several amounts specified in sections 2 through 19 of this 1977 amendatory act, or so much thereof as shall be sufficient to accomplish the purposes designated are hereby appropriated and authorized to be disbursed for salaries, wages and other expenses of the designated agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1975 and ending June 30, 1977, except as otherwise provided, out of the several funds of the state hereinafter named, and making other appropriations.

NEW SECTION. Sec. 2. FOR THE SUPREME COURT

General Fund Appropriation .....	\$	44,000
Total Appropriation .....	\$	44,000

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for indigent appeals, and the average amount paid to attorneys for indigent appeals shall not exceed \$500.

NEW SECTION. Sec. 3. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation .....	\$	100,000
Total Appropriation .....	\$	100,000

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated herein and shall be subject to the following conditions and limitations:

(1) Not more than \$75,000 shall be expended for the payment of criminal cost bills for the remainder of the 1975-77 biennium;

(2) Not more than \$25,000 shall be expended for the additional superior court judge in Lewis County provided for in chapter 79, Laws of 1975-'76 2nd ex. sess.

NEW SECTION. Sec. 4. FOR THE SECRETARY OF STATE

General Fund Appropriation .....	\$	684,000
Total Appropriation .....	\$	684,000

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the initiative and referendum program.

NEW SECTION. Sec. 5. FOR THE DATA PROCESSING AUTHORITY

Highway Safety Fund Appropriation .....	\$	45,000
Motor Vehicle Fund Appropriation .....	\$	100,000
Total Appropriation .....	\$	145,000

The appropriations contained in this section, or so much thereof as may be necessary, shall be expended exclusively for conversion costs at data processing service center number 3.

NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation .....	\$	100,000
Total Appropriation .....	\$	100,000

The appropriation contained in this section shall be expended for the cost associated with the reclassification of revenue auditors granted by the State Personnel Board effective December 10, 1976.

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation .....	\$	79,000
Facilities and Services Revolving Fund Appropriation .....	\$	344,000
Total Appropriation .....	\$	423,000

(1) \$65,000 of the general fund appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the maintenance and upkeep of Northern State Hospital for the period beginning January 1, 1977, and ending June 30, 1977.

(2) \$14,000 of the general fund appropriation contained in this section, or so much thereof as may be necessary, shall be expended in the form of a grant to the Skagit Regional Planning Council. No funds shall be expended for this purpose until such time as a \$55,000 grant from the Economic Development Administration has been secured.

(3) The \$344,000 facilities and services revolving fund appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for cost overruns caused by unanticipated inflationary increases in electricity, natural gas, and

fuel oil used in the Capitol Campus Buildings for the remainder of the 1975-77 biennium.

**NEW SECTION. Sec. 8. FOR THE INSURANCE COMMISSIONER**

General Fund Appropriation .....	\$	39,000
Total Appropriation .....	\$	39,000

The appropriation contained in this section shall be used exclusively for unanticipated legal costs attributable to litigation in State V. Herrmann, Thurston County #54529: PROVIDED, That in the event the Insurance Commissioner should receive an allocation from the Governor's Emergency Fund in an amount needed to pay these unanticipated legal expenses, this appropriation shall be null and void: PROVIDED FURTHER, That the funds hereby appropriated shall be expended only as actually needed to pay such unanticipated legal expenses, and that any unexpended portion of this appropriation shall be reverted to the state general fund.

**NEW SECTION. Sec. 9. FOR THE BOARD OF ACCOUNTANCY**

General Fund Appropriation .....	\$	20,000
Total Appropriation .....	\$	20,000

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the conduct of certified public accountant examinations and inflationary costs.

**NEW SECTION. Sec. 10. FOR THE ENERGY FACILITIES SITE EVALUATION COUNCIL**

General Fund Appropriation .....	\$	46,000
Total Appropriation .....	\$	46,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$10,000 of the appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the costs of preparing and certifying records for court purposes and for Attorney General services in defense of the state in the Satsop national pollutant discharge elimination system permit and Skagit lawsuits;

(2) \$18,500, or so much thereof as may be necessary, shall be expended exclusively for costs related to the Northern Tier Pipeline Company application;

(3) \$11,000, or so much thereof as may be necessary, shall be expended exclusively for costs related to

the anticipated Transmountain Pipeline Company application;

(4) \$6,500, or so much thereof as may be necessary, shall be expended exclusively for additional Attorney General services of the Assistant Attorney General permanently assigned to the council.

**NEW SECTION. Sec. 11. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Motor Vehicle Fund Appropriation .....	\$	1,500
Total Appropriation .....	\$	1,500

The appropriation contained in this section shall be expended exclusively for Attorney General services, to the county road administration board, should the Day Labor case, Board of County Commissioners of Snohomish County vs. Ronkin, cause # 44310, Superior Court for Snohomish County, be appealed to an appellate court.

**NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation .....	\$	288,000
Total Appropriation .....	\$	288,000

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for payments to victims of crime.

**NEW SECTION. Sec. 13. FOR THE MEXICAN-AMERICAN AFFAIRS COMMISSION**

General Fund Appropriation .....	\$	6,500
Total Appropriation .....	\$	6,500

The appropriation contained in this section shall be subject to the following condition and limitation: \$6,500, or so much as may be necessary, shall be expended exclusively for travel and per diem expenses connected with the regular meetings of the commission.

**NEW SECTION. Sec. 14. FOR THE STATE BOARD OF COMMUNITY COLLEGE EDUCATION**

Community College Capital Projects Account Appropriation .....	\$	200,000
Total Appropriation .....	\$	200,000

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively to complete the construction and equipping of the physical education facility at Walla Walla Community College.

**NEW SECTION. Sec. 15. FOR THE STATE BOARD OF COMMUNITY COLLEGE EDUCATION**

Community College Capital Projects Account Appropriation . . . . .	\$	625,000
Total Appropriation . . . . .	\$	625,000

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively to design, construct, and equip the third floor auditorium for drama at Seattle Central Community College.

**NEW SECTION. Sec. 16. FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Fund Appropriation . . . . .	\$	700,000
Total Appropriation . . . . .	\$	700,000

The appropriation contained in this section shall be transferred to the Tort claims revolving fund to be expended exclusively for payment of claims on behalf of the Department of Highways during the period July 1, 1975, through June 30, 1977.

**NEW SECTION. Sec. 17. FOR THE STATE TREASURER—TRANSFERS**

Community College Bond Retirement Fund Appropriation . . . . .	\$	825,000
Total Appropriation . . . . .	\$	825,000

The appropriation contained in this section shall be transferred to the General Fund—Community College Capital Projects Account on or before June 30, 1977.

Sec. 18. Section 61, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

**(1) GENERAL ADMINISTRATION.**

General Fund Appropriation—State . . . . .	\$	5,082,245
General Fund Appropriation—Federal . . . . .	\$	3,181,567
Total Appropriation . . . . .	\$	8,263,812

The appropriations contained in this subsection shall be subject to the following conditions or limitations:

(a) The department shall expend not more than 335.0 FTE staff years within the general administration category during the 1975–77 biennium;

(b) \$313,762 of the General Fund Appropriation—State contained in this subsection shall be expended exclusively for conversion costs at data processing service center number 3.

(2) PERSONNEL.

General Fund Appropriation—State . . . . .	\$	1,868,179
General Fund Appropriation—Federal . . . . .	\$	1,169,509
Total Appropriation . . . . .	\$	3,037,688

The appropriations contained in this section shall be subject to the following condition or limitations: The department shall expend not more than 150.0 FTE staff years within the personnel category during the 1975-77 biennium.

(3) INFORMATION SYSTEMS.

General Fund Appropriation—State . . . . .	\$	6,713,530
General Fund Appropriation—Federal . . . . .	\$	4,179,205
Total Appropriation . . . . .	\$	10,892,735

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 570.0 FTE staff years within the information systems category during the 1975-77 biennium.
- (b) \$562,073 (including \$224,829 from federal funds) and a staffing level not to exceed 30.0 FTE's shall be expended to upgrade information systems.
- (c) \$343,774 (including \$137,510 from federal funds) and a staffing level not to exceed 30.0 FTE staff years shall be expended for workload increases,
- (d) \$413,530 (including \$165,413 from federal funds) shall be expended for twice-monthly payments.

(4) COLLECTIONS AND DISBURSEMENTS.

General Fund Appropriation—State . . . . .	\$	4,855,873
General Fund Appropriation—Federal . . . . .	\$	3,257,739
Total Appropriation . . . . .	\$	8,113,612

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 569.1 FTE staff years within the collections and disbursements category during the 1975-77 biennium.
- (b) \$672,151 (including \$268,861 from federal funds) and a staffing level not to exceed 52.6 FTE's shall be expended for increased workload.



- (c) \$358,673 (including \$143,470 from federal funds) and 28.5 FTE's shall be utilized for increased non-assistance support collection.

(5) OPERATING AND FISCAL AUDIT SERVICES.

General Fund Appropriation—State . . . . .	\$	4,444,599
General Fund Appropriation—Federal . . . . .	\$	2,772,214
Total Appropriation . . . . .	\$	7,216,813

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 386.0 FTE staff years within the operating and fiscal audit services category during the 1975-77 biennium.
- (b) \$678,362 (including \$261,169 from federal funds) and a staffing level not to exceed 36.0 FTE's shall be expended for increased nursing home auditors.
- (c) \$705,478 (including \$271,609 from federal funds) and a staffing level not to exceed 28.0 FTE's shall be expended for increased performance and fiscal audit teams.
- (d) \$272,466 (including \$108,987 from federal funds) and a staffing level not to exceed 18.0 FTE's shall be expended for increased fraud investigators.
- (e) \$205,980 (including \$82,392 from federal funds) and 12.0 FTE's shall be utilized for increased operational review.
- (f) \$349,805 (including \$139,922 from federal funds) and 18.0 FTE's shall be expended for increased audit staff.

(6) FISCAL SERVICES.

General Fund Appropriation—State . . . . .	\$	4,341,996
General Fund Appropriation—Federal . . . . .	\$	2,711,199
Total Appropriation . . . . .	\$	7,053,195

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 479.8 FTE staff years within the fiscal services category during the 1975-77 biennium.
- (b) \$429,650 and 28.0 FTE staff years (including \$171,860 from federal funds) shall be expended for increased accounting workload.

(7) SPECIAL PROJECTS.

General Fund Appropriation—Federal . . . . .	\$	6,611,187
Total Appropriation . . . . .	\$	6,611,187

The appropriation contained in this subsection shall be subject to the following condition or limitation: The department shall expend not more than 65.0 FTE staff

years within the special projects category during the 1975-77 biennium.

(8) PROGRAM SUPPORT.

General Fund Appropriation—State .....	\$	5,586,473
General Fund Appropriation—Federal .....	\$	3,701,822
Total Appropriation .....	\$	9,288,295

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

- (a) The department shall expend not more than 455.8 FTE staff years within the program support category during the 1975-77 biennium.
- (b) \$424,975 (including \$163,615 from federal funds) and a staffing level not to exceed 16.0 FTE's shall be expended for industrial engineers.
- (c) \$315,577 (including \$126,231 from federal funds) and 19.0 FTE's shall be expended for increased quality control in SSI and Title XIX and for standard setting and program analysis.
- (d) \$764,940 (including \$430,211 from federal funds) and 48.8 FTE's shall be expended for augmenting productivity efforts.
- (e) \$171,176 (including \$68,470 from federal funds) shall be expended for twice-monthly payment support.

Sec. 19. Section 62A, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

DEPARTMENT OF SOCIAL AND HEALTH SERVICES—  
REAPPROPRIATIONS

General Fund Reappropriation—State .....	\$	<del>((6,989,000))</del> 7,368,036
General Fund Reappropriation—Federal .....	\$	350,952
Total Reappropriation .....	\$	<del>((7,339,952))</del> 7,718,988

The reappropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$6,477,000 shall be for medical services and supplies not in excess of the unexpended balance of the 1973-75 appropriations or allotments for this purpose. Within this amount, the following programs shall be included:

- (a) Mental health, \$175,000;
- (b) Income Maintenance, \$2,000;
- (c) Community social services, \$300,000; and
- (d) Medical assistance, \$6,000,000.

(2) \$512,000 shall be for grants to communities for mental retardation construction grants from the developmental disabilities program not in excess of the unexpended balance of the 1973-75 appropriations or allotments for this purpose.

(3) \$350,952 from federal funds shall be for innovation and expansion projects in the vocational rehabilitation program not in excess of the unexpended balance of the 1973-75 appropriation or allotments for this purpose.

(4) \$147,300 shall be for payment of 1973-75 vendor billings for the Washington state penitentiary not in excess of the unexpended balance of the 1973-75 appropriations or allotments for this purpose.

(5) \$231,736 shall be for payment of 1973-75 O.A.S.D.I. payroll taxes within the administration and supporting services program not in excess of the unexpended balance of the 1973-75 appropriations or allotments for this purpose.

**NEW SECTION. Sec. 20. FOR THE HOUSE OF REPRESENTATIVES**

General Fund Appropriation .....	\$ 5,365,000
Total Appropriation .....	\$ 5,365,000

**NEW SECTION. Sec. 21. FOR THE SENATE**

General Fund Appropriation .....	\$ 4,439,000
Total Appropriation .....	\$ 4,439,000

**NEW SECTION. Sec. 22.** This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House January 31, 1977.  
Passed the Senate January 31, 1977.  
Approved by the Governor January 31, 1977.  
Filed in Office of Secretary of State January 31, 1977.

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**CHAPTER 2**

[Engrossed Senate Bill No. 2088]

**HIGHWAYS—SUPPLEMENTAL APPROPRIATIONS**

AN ACT Relating to highways; amending section 1, chapter 227, Laws of 1975 1st ex. sess. (uncodified); amending section 3, chapter 279, Laws of 1975 1st ex. sess. (uncodified); making supplemental appropriations; and declaring an emergency.

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

**NEW SECTION. Section 1.** There is hereby appropriated from the motor vehicle fund to the state treasurer for transfer to the tort claims revolving fund for claims paid on behalf of the department of highways and the Washington state patrol for the biennium ending June 30, 1977, the sum of \$833,000 or so much thereof as may be necessary.

**NEW SECTION. Sec. 2.** There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1977, the sum of \$6,400 or so much thereof as may be necessary to continue the agreement, in accordance with the provisions of RCW 47.56.720, between

Wahkiakum county and the state highway commission for the operation and maintenance of the Puget Island ferry.

Sec. 3. Section 1, chapter 227, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated to the Washington state highway commission from the motor vehicle fund for the biennium ending June 30, 1977 ..... ~~\$(68,259,972)~~ 70,259,972 consisting of \$50,680,000 from federal funds and ~~\$(17,579,972)~~ 19,579,972 from local funds or so much thereof as shall be necessary for reimbursable expenditures for the location, design, right of way, and construction on city streets and county roads, and other nonstate highways, including the unexpended balances of the funds from the sale of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951, chapter 311, Laws of 1955, and in chapter 121, Laws of 1965; for reimbursable expenditures on cooperative projects authorized by state and/or federal law; for expenditures to be reimbursed through federal emergency relief acts, reimbursable expenditures for maintenance on city streets, county roads and other nonstate highways, reimbursable expenditures for miscellaneous sales and services to others, reimbursement for all of the above expenditures to be substantially contemporaneous with the expenditures: PROVIDED, That the Washington state highway commission may expend from this appropriation, if necessary, not to exceed \$100,000 for each of the fiscal years of 1976 and 1977 to meet obligations arising from the Vernita toll bridge bond covenants and RCW 47.56.702 and any payments made pursuant to this proviso shall constitute a loan and shall be repaid from tolls on the bridge which shall be continued until such loan is fully repaid: PROVIDED FURTHER, That the Washington state highway commission may expend from this appropriation such sums as may be required to enable the cities of Pasco and Kennewick to obtain federal-aid matching funds for the continuing construction of the Pasco-Kennewick intercity bridge through June 30, 1977 and any payments made pursuant to this proviso shall constitute a loan which may be repaid in the 1975-77 biennium or in subsequent biennia ((PROVIDED FURTHER, That the Washington state highway commission shall conduct a feasibility study of an appropriate overhead charge for reimbursable activities and shall report such study findings and recommendations to the house and senate transportation and utilities committees by January 15, 1976)).

Sec. 4. Section 3, chapter 279, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated to the Washington toll bridge authority for the biennium ending June 30, 1977, from the Puget Sound reserve account in the motor vehicle fund ..... \$4,031,801 or so much thereof as may be necessary to carry out the provisions of RCW 47.60.420, and from the Puget Sound capital construction account in the motor vehicle fund ..... \$12,122,737 or so much thereof as may be necessary to design and construct new, or modify existing ferry vessels and terminals including \$260,000 to pay a judgment entered against the state in King County cause no. 781791, incident to the construction of the ferries Walla Walla and Spokane, and to plan and improve transportation facilities for the crossing of Puget Sound and any of its tributary waters, and from the Puget Sound ferry operations account in the motor vehicle fund ..... \$11,155,989 or so much thereof as

may be necessary for the operation and maintenance of the ferry system to supplement tolls: PROVIDED, That if SSB 2159 is not enacted into law during the 1975 1st extraordinary session and signed by the governor the appropriation from the Puget Sound ferry operations account shall be \$3,352,829, or so much thereof as may be necessary for operation and maintenance of the ferry system to supplement tolls, and from the motor vehicle fund ..... \$7,803,160 or so much thereof as may be necessary to supplement the appropriation from the Puget Sound ferry operations account contained in this section: PROVIDED FURTHER, That if chapter ... (SSB 2159), Laws of 1975 1st ex. sess. is enacted into law during the 1975 1st extraordinary session and signed by the governor no funds appropriated in this section from the motor vehicle fund to supplement the appropriation from the Puget Sound ferry operations account shall be available for expenditure.

NEW SECTION. Sec. 5. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 7, 1977.

Passed the House February 4, 1977.

Approved by the Governor February 10, 1977.

Filed in Office of Secretary of State February 10, 1977.

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### CHAPTER 3

[Engrossed Senate Bill No. 2561]

#### CLOUD SEEDING—EMERGENCY PROGRAM

AN ACT Relating to weather modification and control; creating new sections and providing for the expiration thereof; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature hereby finds and declares that the lack of precipitation in the state is causing severe hardships affecting the health, safety, and welfare of the people of the state. An increase in precipitation is urgently needed to alleviate hardships created by the shortage of water for agricultural irrigation, the threat of forest fires, the shortage of water for generation of hydroelectric power, and for domestic consumption.

The department of natural resources shall immediately commence a program of emergency cloud seeding in cooperation with the University of Washington for the purposes specified in this section. The department is empowered to enter into appropriate contracts to accomplish the purposes of this act. The department may cooperate with any other state or federal agencies to accomplish these purposes.

NEW SECTION. Sec. 2. Notwithstanding any other provision of law to the contrary, this act shall supersede all existing statutes inconsistent herewith including, but not limited to, chapter 43.21C RCW. In addition, chapter 43.21C RCW shall not apply to weather modification activities undertaken by private persons under authority of a permit issued pursuant to chapter 43.37 RCW.

NEW SECTION. Sec. 3. Notwithstanding any other provision of law to the contrary, neither the state nor its agents will be liable for any injury or damages

caused by any person as a result of the emergency cloud seeding program required by this act and this act shall supersede all existing statutes inconsistent herewith including, but not limited to RCW 4.92.090.

**NEW SECTION.** Sec. 4. There is hereby appropriated to the department of natural resources from the general fund the sum of one hundred twenty-five thousand dollars, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this act.

**NEW SECTION.** Sec. 5. The provisions of this act shall expire on June 30, 1977, and thereafter be null and void and of no further force and effect whatsoever.

**NEW SECTION.** Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 18, 1977.

Passed the House February 18, 1977.

Approved by the Governor February 21, 1977.

Filed in Office of Secretary of State February 21, 1977.

## CHAPTER 4

### [Engrossed Substitute Senate Bill No. 2056] EXCESS SCHOOL LEVIES—ELECTIONS

AN ACT Relating to revenue and taxation for the common schools; amending section 84.52.052, chapter 15, Laws of 1961 as last amended by section 102, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.052; amending section 84.52.054, chapter 15, Laws of 1961 as amended by section 103, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.054; amending section 29.27.060, chapter 9, Laws of 1965 as amended by section 1, chapter 118, Laws of 1973 1st ex. sess. and RCW 29.27.060; creating new sections; and declaring an emergency.

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

Section 1. Section 84.52.052, chapter 15, Laws of 1961 as last amended by section 102, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.052 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and RCW 84.52.043, or RCW 84.55.010 through 84.55.050, when authorized so to do by the electors of such county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended, at a special or general election to be held in the year in which

the levy is made or, in the case of a proposition authorizing levies for support of a school district for a two year period, at a special or general election to be held in the year in which the first annual levy is made: PROVIDED, That once additional tax levies have been authorized for the support of a school district for a two year period, no further additional tax levies for the support of the district for that period may be authorized except for expenditures attributable to an unanticipated increase in student enrollment and for the acquisition of motor vehicles for student transportation.

A special election may be called and the time therefor fixed by the board of county commissioners or other county legislative authority, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

Sec. 2. Section 84.52.054, chapter 15, Laws of 1961 as amended by section 103, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.054 are each amended to read as follows:

The additional tax provided for in subparagraph (a) of the seventeenth amendment to the state Constitution as amended by Amendment 59 and as thereafter amended, and specifically authorized by RCW 84.52.052, as now or hereafter amended, shall be set forth in terms of dollars on the ballot of the proposition to be submitted to the voters, together with an estimate of the dollar rate of tax levy that will be required to produce the dollar amount; and the county assessor, in spreading this tax upon the rolls, shall determine the eventual dollar rate required to produce the amount of dollars so voted upon, regardless of the estimate of dollar rate of tax levy carried in said proposition. In the case of a school district proposition for a two year period, the dollar amount and the corresponding estimate of the dollar rate of tax levy shall be set forth for each of the two years. The dollar amount for each of the two annual levies may be equal or in different amounts.

Sec. 3. Section 29.27.060, chapter 9, Laws of 1965 as amended by section 1, chapter 118, Laws of 1973 1st ex. sess. and RCW 29.27.060 are each amended to read as follows:

When a proposed constitution or constitutional amendment or other question is to be submitted to the people of the state for state-wide popular vote, the attorney general shall prepare a concise statement posed as a question and not exceeding twenty words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon.

Questions to be submitted to the people of a county or municipality shall also be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a concise statement posed as a question and not exceeding twenty words, or seventy-five words in the case of a school district tax proposition, containing the essential features thereof expressed in such a manner as to clearly

identify the proposition to be voted upon, which statement shall be prepared by the city attorney for the city, and by the prosecuting attorney for the county or any other political subdivision of the state, other than cities, situated in the county.

Such concise statement shall constitute the ballot title. The secretary of state shall certify to the county auditors the ballot title for a proposed constitution, constitutional amendment or other state-wide question at the same time and in the same manner as the ballot titles to initiatives and referendums.

NEW SECTION. Sec. 4. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 18, 1977.

Passed the House February 18, 1977.

Approved by the Governor February 24, 1977.

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

## CHAPTER 5

[House Bill No. 172]

### HIGHER EDUCATION—CODE CORRECTION

AN ACT Relating to education; repealing section 13, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.080; repealing section 14, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.100; repealing section 15, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65-.120; repealing section 16, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.150; repealing section 9, chapter 263, Laws of 1969 ex. sess., section 11, chapter 132, Laws of 1975 1st ex. sess., section 78, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.81.090; and declaring an emergency.

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

NEW SECTION. Section 1. The following acts or parts of acts are each repealed:

(1) Section 13, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.080;

(2) Section 14, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.100;

(3) Section 15, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.120;

(4) Section 16, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65-.150; and

(5) Section 9, chapter 263, Laws of 1969 ex. sess., section 11, chapter 132, Laws of 1975 1st ex. sess., section 78, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.81.090.

NEW SECTION. Sec. 2. This 1977 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.



## EXPLANATORY NOTE

(a) RCW 28A.65.080, 28A.65.100, 28A.65.120 and 28A.65.150 were both reenacted and repealed during the 1975-'76 second extraordinary session of the legislature, each without reference to the other.

1975-'76 2nd ex.s. c 15 §§ 13, 14, 15 and 16 reenacted the sections to correct previous double amendments to said RCW sections by 1975 c 43 and 1975 1st ex.s. c 275. 1975-'76 2nd ex.s. c 118 § 34 repealed the same sections in a comprehensive bill setting out new provisions relating to school district budgeting and the dates therefor.

(b) RCW 28B.81.090 was repealed during the 1975 first extraordinary session of the legislature, and amended during the 1975-'76 second extraordinary session, each without reference to the other.

1975 1st ex.s. c 132 § 11 repealed all of chapter 28B.81 RCW, "Commission on Higher Education", as part of an act which created the "Council on Postsecondary Education". 1975-'76 2nd ex.s. c 34 § 78 amended the section, without cognizance of its prior repeal, as part of an act affecting travel expenses and per diem for all state agencies, commissions, committees, etc.

The repeals above thus reflect the purpose of this 1977 act, to bring the RCW code into conformity with apparent legislative intent.

Passed the House January 28, 1977.

Passed the Senate March 1, 1977.

Approved by the Governor March 7, 1977.

Filed in Office of Secretary of State March 7, 1977.

## CHAPTER 6

[House Bill No. 173]

EMPLOYEES' INSURANCE BOARD,  
PERSONNEL BOARD—CODE CORRECTION

AN ACT Relating to state government; reenacting section 2, chapter 39, Laws of 1970 ex. sess. as last amended by section 85, chapter 34, Laws of 1975-'76 2nd ex. sess. and by section 3, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.020; reenacting section 11, chapter 1, Laws of 1961 as amended by section 86, chapter 34, Laws of 1975-'76 2nd ex. sess. and by section 1, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.110; and declaring an emergency.

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

Section 1. Section 2, chapter 39, Laws of 1970 ex. sess. as last amended by section 85, chapter 34, Laws of 1975-'76 2nd ex. sess. and by section 3, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.020 are each reenacted to read as follows:

(1) There is hereby created a state employees' insurance board to be composed as follows: The governor or his designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The senate and house members of the board shall serve in ex officio capacity only. All appointments shall be made effective immediately. The terms of office of the administrative officer representing

higher education, the two higher education faculty members, the representative of an employee association, and the representative of an employee union shall be for four years: **PROVIDED**, That the first term of one faculty member and one employee association or union representative member shall be for three years. The first meeting of the board shall be held as soon as possible thereafter at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman at its first meeting and annually thereafter. Members of the board shall receive no compensation for their services, but shall be paid for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for state employees, employees of county, municipal, or other political subdivisions of the state, and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: **PROVIDED**, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: **PROVIDED**, That all contracts for insurance, health care plans, or protection applying to employees covered by RCW 28B.10.660 and 48.24.010 and chapters 41.04 and 41.05 RCW shall provide that the beneficiaries of such insurance, health care plans, or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: **PROVIDED FURTHER**, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide employee health care benefit plans; at least one plan will provide major medical benefits as its primary feature, at least one plan will provide basic first-dollar benefits as its primary feature plus major medical, either or all of which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and another plan to be provided by a panel medicine plan in its service area only when approved by the board. Except for panel medicine plans, no more than one insurance carrier or health care service contractor shall be contracted with to provide the same plan of benefits: **PROVIDED**, That employees may choose participation in only one of the health care benefit plans sponsored by the board: **PROVIDED FURTHER**, That employees of the institutions of higher education shall be retained as a separate actuarial and experience group and the board shall report its recommendation on such retention to the legislative budget committee by November 1, 1974.

Sec. 2. Section 11, chapter 1, Laws of 1961 as amended by section 86, chapter 34, Laws of 1975-'76 2nd ex. sess. and by section 1, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.110 are each reenacted to read as follows:

(1) There is hereby created a state personnel board composed of three members appointed by the governor, subject to confirmation by the senate: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his appointment shall have been approved by the senate. The first such board shall be appointed within thirty days after December 8, 1960 for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be paid fifty dollars for each day in which he has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board, actually attended: PROVIDED, That after July 1, 1962, no one board member shall receive more than one thousand five hundred dollars in any fiscal year for this purpose: PROVIDED, FURTHER, That such limitation shall not apply to daily payments for the hearing of employee appeals. Members of the board shall also be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director of personnel shall serve as secretary.

(4) The board may appoint and compensate hearing officers to hear and conduct appeals. Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

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#### EXPLANATORY NOTE

Section 1. RCW 41.05.020 was amended twice during the 1975-'76 second extraordinary session of the legislature, each without reference to the other.

(1) 1975-'76 2nd ex.s. c 34 § 85 was part of a comprehensive act changing "necessary and actual expenses" to "travel expenses...in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended".

(2) (a) 1975-'76 2nd ex.s. c 106 § 3 added in subsection (2) of RCW 41.05.020, the duty of the state employees' insurance board to study insurance and health plans of "employees of county, municipal, or other political subdivisions of the state," as well as those of state employees.

(b) The term "this 1973 amendatory act" was also translated to "RCW 28B.10.660 and chapters 41.04 and 41.05 RCW" in accordance with RCW code style.

Sec. 2. RCW 41.06.110 was amended twice during the 1975-'76 second extraordinary session of the legislature, each without reference to the other.

(1) 1975-'76 2nd ex.s. c 34 § 86(2) was part of a comprehensive act changing "necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally" to "travel expenses incurred...in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended".

(2) 1975-'76 2nd ex.s. c 43 § 1 added a new subsection (4) relating to the appointment and compensation of hearing officers.

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the sections with all amendments included therein.

Passed the House January 28, 1977.

Passed the Senate March 1, 1977.

Approved by the Governor March 7, 1977.

Filed in Office of Secretary of State March 7, 1977.

## CHAPTER 7

[House Bill No. 174]

### STATE DEPARTMENTS—CODE CORRECTION

AN ACT Relating to state government; amending and reenacting section 1, chapter 11, Laws of 1971 as amended by section 24, chapter 105, Laws of 1975-'76 2nd ex. sess. and by section 19, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.17.010; amending and reenacting section 2, chapter 11, Laws of 1971 as amended by section 25, chapter 105, Laws of 1975-'76 2nd ex. sess. and by section 20, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.17.020; and declaring an emergency.

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

Section 1. Section 1, chapter 11, Laws of 1971 as amended by section 24, chapter 105, Laws of 1975-'76 2nd ex. sess. and by section 19, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.17.010 are each amended and reenacted to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of highways, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and economic development, (11) the department of veterans affairs, (12) the department of revenue, and ~~((+2))~~ (13) the department of retirement systems, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 2. Section 2, chapter 11, Laws of 1971 as amended by section 25, chapter 105, Laws of 1975-'76 2nd ex. sess. and by section 20, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.17.020 are each amended and reenacted to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the director of highways, (8) the director of

motor vehicles, (9) the director of general administration, (10) the director of commerce and economic development, (11) the director of veterans affairs, (12) the director of revenue, and ~~((+2))~~ (13) the director of retirement systems.

Such officers, except the director of highways and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director of highways shall be appointed by the state highway commission, and the director of game shall be appointed by the game commission.

NEW SECTION. Sec. 3. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

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#### EXPLANATORY NOTE

Section 1. RCW 43.17.010 was amended twice during the 1975-'76 second extraordinary session of the legislature, each without reference to the other.

(1) 1975-'76 2nd ex.s. c 105 § 24 deleted "and" preceding subdivision "(11)" and added a new subdivision "and (12) the department of retirement systems,".

(2) 1975-'76 2nd ex.s. c 115 § 19 added a new subdivision "(11) the department of veterans affairs," thus changing the former subdivision "(11)" to subdivision "(12)".

Sec. 2. RCW 43.17.020 was amended twice during the 1975-'76 2nd extraordinary session of the legislature, each without reference to the other.

(1) 1975-'76 2nd ex.s. c 105 § 25 deleted "and" preceding subdivision "(11)" and added a new subdivision "and (12) the director of retirement systems".

(2) 1975-'76 2nd ex.s. c 115 § 20 added a new subdivision "(11) the director of veterans affairs," and changed the former subdivision "(11)" to subdivision "(12)".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by amending and reenacting the sections with each amendment included therein.

Passed the House January 28, 1977.

Passed the Senate March 1, 1977.

Approved by the Governor March 7, 1977.

Filed in Office of Secretary of State March 7, 1977.

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## CHAPTER 8

[House Bill No. 175]

### MOTOR VEHICLE LICENSES—CODE CORRECTION

AN ACT Relating to motor vehicles; reenacting section 46.16.210, chapter 12, Laws of 1961 as last amended by section 8, chapter 118, Laws of 1975 1st ex. sess. and by section 6, chapter 169, Laws of 1975 1st ex. sess. and RCW 46.16.210; and declaring an emergency.

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

Section 1. Section 46.16.210, chapter 12, Laws of 1961 as last amended by section 8, chapter 118, Laws of 1975 1st ex. sess. and by section 6, chapter 169, Laws of 1975 1st ex. sess. and RCW 46.16.210 are each reenacted to read as follows:

(1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county auditor or other agent

to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington unless the applicant submits a preprinted application mailed from Olympia, and the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned.

(3) Persons expecting to be out of the state during the normal forty-five day renewal period of a vehicle license may secure renewal of such vehicle license for a period of thirty days prior thereto and have license plates or tabs preissued by making application to the director or his agents upon forms prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington and be accompanied by such license fees, including a special handling fee of two dollars; one dollar to be retained by the issuing agency, and one dollar to be deposited in the highway safety fund, and excise tax as may be required by law.

(4) Application for the annual renewal of a vehicle license number plate to the director or his agents shall not be required for those vehicles owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

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#### EXPLANATORY NOTE

RCW 46.16.210 was amended twice during the 1975 first extraordinary session of the legislature, each without reference to the other.

(1) 1975 1st ex.s. c 118 § 8 revised the first sentence of subsection (3) relating to persons expecting to be out of the state during the vehicle license renewal period. In the second sentence of subsection (3), the special handling fee of "one dollar; fifty cents to be retained by the issuing agency, and fifty cents to be deposited in the highway safety fund..." was changed to "two dollars; one dollar to be retained by the issuing agency, and one dollar to be deposited in the highway safety fund..."

(2) 1975 1st ex.s. c 169 § 6 added a new subsection (4) relating to renewal of licenses for vehicles owned by the state, political subdivisions, etc.

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with each amendment included therein.

Passed the House January 28, 1977.

Passed the Senate March 1, 1977.

Approved by the Governor March 7, 1977.

Filed in Office of Secretary of State March 7, 1977.

## CHAPTER 9

[House Bill No. 176]

## STATE ATHLETIC COMMISSION—CODE CORRECTION

AN ACT Relating to the state athletic commission; reenacting section 2, chapter 184, Laws of 1933 as last amended by section 153, chapter 34, Laws of 1975-'76 2nd ex. sess. and by section 1, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.003; reenacting section 2, chapter 48, Laws of 1951 as last amended by section 1, chapter 1, Laws of 1975 and by section 3, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.015; and declaring an emergency.

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

Section 1. Section 2, chapter 184, Laws of 1933 as last amended by section 153, chapter 34, Laws of 1975-'76 2nd ex. sess. and by section 1, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.003 are each reenacted to read as follows:

Before entering upon the duties of his office, each commissioner shall enter into a surety bond, executed by a surety company authorized to do business in this state, payable to the state, and approved by the attorney general, in the penal sum of two thousand dollars conditioned upon the faithful performance of his duties, which bond shall be filed with the secretary of state. Each member of the commission shall be reimbursed for the cost of his bond and receive forty dollars per day and travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended while in the performance of his duties.

Sec. 2. Section 2, chapter 48, Laws of 1951 as last amended by section 1, chapter 1, Laws of 1975 and by section 3, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.015 are each reenacted to read as follows:

The commission shall have power and it shall be its duty to direct, supervise, and control all boxing contests or sparring and wrestling matches or exhibitions conducted within the state and no such boxing contest, sparring or wrestling match or exhibition shall be held or given within this state except in accordance with the provisions of this chapter. The commission may, in its discretion, issue and for cause revoke a license to conduct, hold or give boxing, sparring and/or wrestling contests, matches, and exhibitions where an admission fee is charged by any club, corporation, organization, association, or fraternal society: **PROVIDED, HOWEVER,** That all boxing contests, sparring or wrestling matches or exhibitions which:

(1) Are conducted by any common school, college, or university, whether public or private, or by the official student association thereof, whether on or off the school, college, or university grounds, where all the participating contestants are bona fide students enrolled in any common school, college, or university, within or without this state; or

(2) Are entirely amateur events promoted on a nonprofit basis or for charitable purposes;

shall not be subject to the provisions of this chapter: **PROVIDED, FURTHER,** That every contestant in any boxing contest, sparring or wrestling match not conducted under the provisions of this chapter, prior to engaging in any such contest or match, shall be examined by a practicing physician at least once in each calendar

year or, where such contest is conducted by a common school, college or university as further described in this section, once in each academic year in which instance such physician shall also designate the maximum and minimum weights at which such contestant shall be medically certified to participate: **PROVIDED FURTHER**, That no contestant shall be permitted to participate in any such boxing contest, sparring or wrestling match or exhibition in any weight classification other than that or those for which he is certificated: **PROVIDED FURTHER**, That the organizations exempted by this section from the provisions of this chapter shall be governed by RCW 67.08.080 as said section applies to boxing contests, sparring or wrestling matches or exhibitions conducted by organizations exempted by this section from the general provisions of this chapter. No boxing contest or sparring or wrestling match or exhibition shall be conducted within the state except pursuant to a license issued in accordance with the provisions of this chapter and the rules and regulations of the commission except as hereinabove provided.

**NEW SECTION.** Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

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#### EXPLANATORY NOTE

Section 1. RCW 67.08.003 was amended twice during the 1975-'76 2nd extraordinary session of the legislature, each without reference to the other.

(1) 1975-'76 2nd ex.s. c 34 § 153 deleted "reimbursable" preceding "travel expenses" in the last sentence and added "in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended" following the phrase.

(2) 1975-'76 2nd ex.s. c 48 § 1 changed the amount of "twenty-five dollars" per day and reimbursable travel expenses to "forty dollars" per day...

Sec. 2. RCW 67.08.015 was amended twice during the 1975 regular session and the 1975-'76 2nd extraordinary session, each without reference to the other.

(1) 1975 c 1 § 1 changed subsection (1) by changing the phrase "high school" to read "common school". In the last paragraph of the section the language referring to examinations of contestants by physicians ", prior to engaging in any such contest or match," was added and the language "within eight hours prior to the contest" was deleted. Also added to the last paragraph was the language "at least once in each calendar year or, where such contest is conducted by a common school, college or university as further described in this section, once in each academic year in which instance such physician shall also designate the maximum and minimum weights at which such contestant shall be medically certified to participate: **PROVIDED FURTHER**, That no contestant shall be permitted to participate in any such boxing contest, sparring or wrestling match or exhibition in any weight classification other than that or those for which he is certificated: **PROVIDED FURTHER**, That".

(2) 1975-'76 2nd ex. sess. c 48 § 3 deleted from subsection (2) the language "and where the gross admissions receipts are five hundred dollars or less".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Passed the House January 28, 1977.

Passed the Senate March 1, 1977.

Approved by the Governor March 7, 1977.

Filed in Office of Secretary of State March 7, 1977.



## CHAPTER 10

[House Bill No. 177]

SOLID WASTE ADVISORY  
COMMITTEE—CODE CORRECTION

AN ACT Relating to state government; reenacting section 4, chapter 134, Laws of 1969 ex. sess. as amended by section 160, chapter 34, Laws of 1975-'76 2nd ex. sess. and by section 9, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.95.040; and declaring an emergency.

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

Section 1. Section 4, chapter 134, Laws of 1969 ex. sess. as amended by section 160, chapter 34, Laws of 1975-'76 2nd ex. sess. and by section 9, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.95.040 are each reenacted to read as follows:

There is created a solid waste advisory committee to provide consultation to the department of ecology concerning matters covered by this chapter. The committee shall advise on the development of programs and regulations for solid waste handling and solid waste recovery and/or recycling, and shall supply recommendations concerning methods by which existing solid waste handling and solid waste recovery and/or recycling practices and the laws authorizing them may be supplemented and improved.

The committee shall consist of nine members, including the assistant director for the division of solid waste management within the department. The remaining eight members shall be appointed by the director with due regard to the interests of the public, local government, agriculture, industry, public health, and the refuse removal and resource recovery industries. The term of appointment shall be determined by the director. The committee shall elect its own chairman and meet at least four times a year, in accordance with such rules of procedure as it shall establish. Members shall receive no compensation for their services but shall be reimbursed their travel expenses while engaged in business of the committee in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

## EXPLANATORY NOTE

Section 1. RCW 70.95.040 was amended twice during the 1975-'76 second extraordinary session of the legislature, each without reference to the other.

(1) 1975-'76 2nd ex.s. c 34 § 160, as part of a comprehensive bill, changed the last sentence providing that members "shall be reimbursed twenty-five dollars per diem for each day or portion thereof spent serving as members of the committee and shall be paid their necessary traveling expenses while engaged in business of the committee as prescribed in chapter 43.03 RCW, as now or hereafter amended" to read "shall be reimbursed their travel expenses while engaged in business of the committee in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended".

(2) 1975-'76 2nd ex.s. c 41 § 9 changed "department of environmental quality" to "department of ecology" in the first sentence. The second sentence changed solid waste "management" to solid waste "handling and solid waste recovery and/or recycling" in two instances. In the second paragraph the number of committee members was increased from seven to nine, and the

second sentence of the paragraph provided for eight members to be appointed by the director instead of six. The same sentence changed "refuse removal industry" to "refuse removal and resource recovery industries".

As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with each amendment included therein.

Passed the House January 28, 1977.

Passed the Senate March 1, 1977.

Approved by the Governor March 7, 1977.

Filed in Office of Secretary of State March 7, 1977.

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## CHAPTER 11

[Engrossed Senate Bill No. 2021]

### PUGET ISLAND FERRY— STATE ROUTE 4 ALTERNATE

AN ACT Relating to the Puget Island ferry; and amending section 1, chapter 254, Laws of 1971 ex. sess. as amended by section 1, chapter 26, Laws of 1973 2nd ex. sess. and RCW 47.56.720.

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

Section 1. Section 1, chapter 254, Laws of 1971 ex. sess. as amended by section 1, chapter 26, Laws of 1973 2nd ex. sess. and RCW 47.56.720 are each amended to read as follows:

(1) The legislature finds that the ferry operated by Wahkiakum county between Puget Island and Westport on the Columbia river provides service which is primarily local in nature with secondary benefits to the state highway system in providing a bypass for state route 4 and providing the only crossing of the Columbia river between the Astoria-Megler bridge and the Longview bridge.

(2) The Washington state highway commission is hereby authorized to enter into a continuing agreement with Wahkiakum county pursuant to which the state highway commission shall pay to Wahkiakum county from moneys appropriated for such purpose the sum of one thousand dollars per month to be used in the operation and maintenance of the Puget Island ferry, commencing July 1, 1971(~~PROVIDED, That from October 1, 1973 through June 30, 1975 the state highway commission shall pay Wahkiakum county one thousand one hundred forty-two dollars and eighty-six cents per month~~)).

~~((Additionally))~~ Subject to the provisions of subsection (4) of this section, the Washington state highway commission is authorized to include in the continuing agreement a provision to reimburse Wahkiakum county for sixty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry, commencing with the fiscal year ending June 30, 1972. The state's sixty percent share of the annual operating and maintenance deficit shall include the one thousand dollars per month authorized in this subsection ~~((and the one thousand one hundred forty-two dollars and eighty-six cents per month authorized to be paid from October 1, 1973 through June 30, 1975))~~.

(3) The annual deficit, if any, incurred in the operation and maintenance of the ferry shall be determined by Wahkiakum county subject to the approval of the Washington state highway commission. If sixty percent of the deficit for the preceding fiscal year exceeds the total amount paid to the county for that year, the additional amount shall be paid to the county by the Washington state highway

commission upon the receipt of a properly executed voucher: PROVIDED, That the total of all payments to the county in any biennium shall not exceed the amount appropriated for that biennium.

(4) Whenever, subsequent to the effective date of this act, state route 4 between Cathlamet and Longview is closed to traffic pursuant to chapter 47.48 RCW due to actual or potential slide conditions and there is no suitable, reasonably short alternate state route provided, Wahkiakum county is authorized to operate the Puget Island ferry on a toll free basis during the entire period of such closure. The state's share of the ferry operations and maintenance deficit during such period shall be one hundred percent.

(5) Whenever state route 4 between Cathlamet and Longview is closed to traffic, as mentioned in subsection (4) hereof, the state of Washington shall provide temporary rest room facilities at the Washington ferry landing terminal.

Passed the Senate March 3, 1977

Passed the House March 2, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

## CHAPTER 12

[Senate Bill No. 2060]

### CAREY ACT RECLAMATION—REPEALED

AN ACT Relating to reclamation; repealing section 1, chapter 166, Laws of 1895 and RCW 79.48.010; repealing sections 1 through 11, chapter 152, Laws of 1903 and RCW 79.48.020 through 79.48.120; repealing section 12, chapter 152, Laws of 1903, section 55, chapter 292, Laws of 1971 ex. sess., section 115, chapter 154, Laws of 1973 1st ex. sess. and RCW 79.48.130; and repealing sections 13 through 23, chapter 152, Laws of 1903 and RCW 79.48.140 through 79.48.240.

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

NEW SECTION. Section 1. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 166, Laws of 1895 and RCW 79.48.010;

(2) Sections 1 through 11, chapter 152, Laws of 1903 and RCW 79.48.020 through 79.48.120;

(3) Section 12, chapter 152, Laws of 1903, section 55, chapter 292, Laws of 1971 ex. sess., section 115, chapter 154, Laws of 1973 1st ex. sess. and RCW 79.48.130; and

(4) Sections 13 through 23, chapter 152, Laws of 1903 and RCW 79.48.140 through 79.48.240.

Passed the Senate February 8, 1977.

Passed the House March 2, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

CHAPTER 13

[Senate Bill No. 2065]

COUNTY HOMESITE LANDS—REPEALED

AN ACT Relating to county homesite lands; repealing section 36.59.300, chapter 4, Laws of 1963 and RCW 36.59.300; repealing section 36.59.310, chapter 4, Laws of 1963, section 39, chapter 292, Laws of 1971 ex. sess. and RCW 36.59.310; and repealing sections 36.59.320 through 36.59.430, chapter 4, Laws of 1963 and RCW 36.59.320 through 36.59.430.

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

NEW SECTION. Section 1. The following acts or parts of acts are each repealed:

- (1) Section 36.59.300, chapter 4, Laws of 1963 and RCW 36.59.300;
- (2) Section 36.59.310, chapter 4, Laws of 1963, section 39, chapter 292, Laws of 1971 ex. sess. and RCW 36.59.310; and
- (3) Sections 36.59.320 through 36.59.430, chapter 4, Laws of 1963 and RCW 36.59.320 through 36.59.430.

Passed the Senate February 3, 1977.

Passed the House March 3, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

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CHAPTER 14

[Senate Bill No. 2066]

TOWNSHIP GUIDEPOSTS—REPEALED

AN ACT Relating to guideposts; and repealing sections 105 through 109, chapter 175, Laws of 1895 and RCW 45.68.010 through 45.68.050.

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

NEW SECTION. Section 1. Sections 105 through 109, chapter 175, Laws of 1895 and RCW 45.68.010 through 45.68.050 are each repealed.

Passed the Senate February 3, 1977.

Passed the House March 3, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

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CHAPTER 15

[Senate Bill No. 2068]

TOWNSHIP SUPERVISORS—POWERS AND DUTIES

AN ACT Relating to town supervisors; amending section 48, chapter 175, Laws of 1895 as last amended by section 2, chapter 108, Laws of 1919 and RCW 45.24.010; and repealing section 50, chapter 175, Laws of 1895 and RCW 45.24.030.

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

Section 1. Section 48, chapter 175, Laws of 1895 as last amended by section 2, chapter 108, Laws of 1919 and RCW 45.24.010 are each amended to read as follows:

The supervisors shall have charge of such affairs of the town as are not by law committed to other town officers (~~(; and they shall have power to designate the justice of the peace, or other suitable person, as police judge in and for such township; and such police judge shall have the same powers and duties as are conferred by law upon the police judge in cities of the fourth class; and)~~). They shall have power to draw orders on the town treasurer for the disbursement of such sums as may be necessary for the purpose of defraying the incidental expenses of the town, and for all moneys raised by the town to be disbursed for any other purpose. (~~(They shall have charge of all highways and bridges in their respective townships, and the care and supervision thereof; and shall have power to divide their respective townships into road districts and to appoint one resident elector of each road district as overseer thereof for the first year of township organization; to establish new highways and bridges and to vacate or alter all highways and bridges wholly within the township in the same manner as now provided by law for the establishing of new highways and bridges and the vacation or alteration of the same by the county commissioners in the case of county roads and bridges, except that the duties therein provided to be performed by the county commissioners shall be performed by the township board of supervisors except that all notices therein provided shall be given by the county engineer and all meetings therein provided shall be held at his office in the county court house and all records and files maintained therein, and all expenses for the condemnation and procuring of right of ways therein provided shall be met and paid by the township treasurer on order of the board of township supervisors, and it shall be unlawful for any township funds to be expended upon any roads not established in accordance with said law: PROVIDED, Nothing in this act contained shall be construed as prohibiting any county from or denying to any county the power to build, repair, alter and maintain, at the county's expense, such highways and bridges as the county generally is interested in or such as may be of so large cost that a single township could not undertake the construction of, or such as are located in sparsely settled townships as are unable to construct the same. Whenever the electors of any township shall have voted to establish a river improvement fund, such fund shall be expended by the board of township supervisors to acquire by condemnation or otherwise, any land bordering upon or in the vicinity of the banks of any river or stream to be improved, which in their judgment it is advisable to acquire, to strengthen and preserve the banks of any river or stream and prevent overflow thereof, and confine such river or stream within its proper channel, or to straighten the channel by dredging or construction of a new channel; to construct any levee, embankment, channel or other construction at such point where such land is acquired, as in their judgment they may deem necessary or advisable; to protect and render more secure the banks of any river by constructing therein stone or masonry work, contrivance or piling or such other construction as in their judgment is best adapted to accomplish such purpose; to remove log jams or obstructions that may be or hereafter form in such river, and to do any other act to prevent the formation of any obstruction in such river or stream; to employ such persons as they deem necessary and fix their compensation~~

~~to patrol such rivers and streams and remove such log jams or obstructions now existing or which may hereafter form, and for the purpose of preventing the formation thereof, and who shall perform such other duties as are contemplated by this act and directed by said board of township supervisors. And such))~~ The board of township supervisors shall be authorized(~~(, in the expenditure of such funds for any of the purposes aforesaid,))~~ to cooperate with the board of county commissioners of the county acting under the provisions of RCW 86.12.010 through 86.12.030 in making new flood control improvements and to enter into contracts with the county to pay a certain portion of the cost of ~~((any))~~ such improvements made by the county.

NEW SECTION. Sec. 2. Section 50, chapter 175, Laws of 1895 and RCW 45.24.030 are each repealed.

Passed the Senate February 8, 1977.

Passed the House March 3, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

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## CHAPTER 16

[Engrossed Senate Bill No. 2095]

### STATE TREASURER—RECEIPT PROCEDURES

AN ACT Relating to the state treasurer's office; and amending section 43.08.060, chapter 8, Laws of 1965 and RCW 43.08.060.

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

Section 1. Section 43.08.060, chapter 8, Laws of 1965 and RCW 43.08.060 are each amended to read as follows:

All persons required by law to pay any moneys into the state treasury, or to transmit any public funds to the state treasurer on state accounts, shall, at the time of making such payments or transmissions(~~(, notify the budget director thereof, specifying))~~ specify the amount and date of such payment, and for what particular fund or account.

For all sums of money so paid the state treasurer shall forthwith give duplicate receipts ~~((under his seal of office, one of which he shall deposit with the budget director, who shall credit the payor accordingly, and charge the treasurer with the amount. The other receipt the treasurer shall transmit to the payor))~~ in accordance with the rules and regulations promulgated by the office of program planning and fiscal management as authorized by RCW 43.88.160(1).

Passed the Senate January 26, 1977.

Passed the House March 2, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

## CHAPTER 17

[Senate Bill No. 2096]

## STATE TREASURER—DEPOSITS—LOANS—INTEREST

AN ACT Relating to the state treasury; amending section 2, chapter 72, Laws of 1971 ex. sess. as amended by section 1, chapter 27, Laws of 1973 and RCW 43.85.241; and amending section 43.84.110, chapter 8, Laws of 1965 as amended by section 2, chapter 95, Laws of 1973 and RCW 43.84.110.

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

Section 1. Section 2, chapter 72, Laws of 1971 ex. sess. as amended by section 1, chapter 27, Laws of 1973 and RCW 43.85.241 are each amended to read as follows:

On or before July 20 of each year, the state treasurer shall distribute all interest credited to the deposit interest ~~((fund))~~ account as of June 30, which ~~((fund))~~ account is hereby ~~((reestablished))~~ established within the state general fund. Said ~~((fund))~~ account shall be divided among the various funds from which such investments and investment deposits are made, in proportion to the respective amounts thereof. Interest so distributed shall be credited to the proper fund in the fiscal year in which it was collected: PROVIDED, That interest earned on the balances of the forest reserve fund, the liquor excise tax fund, the tort claims revolving fund, the deposit interest ~~((fund))~~ account, the suspense fund, the undistributed receipts fund, the state payroll revolving fund, the agency payroll revolving fund, the agency vendor payment revolving fund, and the local sales and use tax revolving fund shall be credited to the state treasurer's service fund.

Sec. 2. Section 43.84.110, chapter 8, Laws of 1965 as amended by section 2, chapter 95, Laws of 1973 and RCW 43.84.110 are each amended to read as follows:

When any such loan is made, the state treasurer shall charge the receiving fund with the loan and with interest thereon at the depositary interest rate as fixed by the state finance committee and shall repay such loan to the fund from which it was borrowed, at such times and in such amounts as there shall be moneys in the borrowing fund not required to meet the current expenditures payable therefrom, sufficient to repay the loan or a part thereof ~~((, and shall credit the loaning fund with the deposit interest, as required by law, the same as if no loan had been made.~~

~~The state treasurer shall transfer from the borrowing fund to the credit of the deposit interest fund for the account of the loaning fund the amount of unearned deposit interest, at the then prevailing depositary interest rate, occasioned by the withdrawal of the moneys from deposit because of the loan).~~

Passed the Senate January 27, 1977.

Passed the House March 2, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

## CHAPTER 18

[Senate Bill No. 2098]

## JUDGES' RETIREMENT FUND—ADMINISTRATION

AN ACT Relating to the retirement of judges; and amending section 5, chapter 229, Laws of 1937 as last amended by section 1, chapter 28, Laws of 1967 and RCW 2.12.050.

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

Section 1. Section 5, chapter 229, Laws of 1937 as last amended by section 1, chapter 28, Laws of 1967 and RCW 2.12.050 are each amended to read as follows:

There is hereby created a fund in the state treasury to be known as "The Judges' Retirement Fund" which shall consist of the moneys appropriated from the general fund in the state treasury, as hereinafter provided; the deductions from salaries of judges, as hereinafter provided, all gifts, donations, bequests and devises made for the benefit of said fund, and the rents, issues and profits thereof, or proceeds of sales of assets thereof. The treasurer shall be custodian of the moneys in said judges' retirement fund. ~~((He))~~ The department of retirement systems shall receive all moneys payable into said fund and make disbursements therefrom as provided in this chapter. ~~((He))~~ The department shall keep written permanent records showing all receipts and disbursements of said fund and shall make an annual written report showing receipts and disbursements and the status of said fund as of June 30th of each year, and shall, on or before the first day of August of each year, file one copy thereof with the governor, and one copy with the president-judge of the association of the superior court judges of the state of Washington. ~~((The treasurer's account shall be audited at convenient times by the state auditor. The treasurer shall receive no compensation for his services hereunder other than his salary as state treasurer, but he shall be allowed from said fund his actual expenses in connection with his duties hereunder. The moneys in said fund shall be deposited by the treasurer in the name of said fund in such bank or banks as may be directed by the state finance committee. The treasurer shall require from all banks holding deposits of moneys belonging to said fund, deposits of securities or surety company bonds to indemnify said fund against loss, the same as are required of depositaries of state funds, which deposit of securities or surety company bonds shall at all times be ample and sufficient to cover all deposits from said fund.))~~

Passed the Senate January 26, 1977.

Passed the House March 3, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

## CHAPTER 19

[Substitute Senate Bill No. 2130]

AGENCY RULES—DRAFTING  
STYLE, STATUTORY REFERENCE

AN ACT Relating to state government; and adding new sections to chapter 34.04 RCW.

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



NEW SECTION. Section 1. There is added to chapter 34.04 RCW a new section to read as follows:

(1) Rules promulgated by an agency pursuant to RCW 34.04.025 or 34.04.030 which amend existing sections of the administrative code shall have the words which are amendatory to such existing sections underlined. Any matter to be deleted from an existing section shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hypens. In the case of a new section, such shall be designated "NEW SECTION" in upper case type and such designation shall be underlined, but the complete text of the section shall not be underlined. No rule shall be forwarded by any agency to the code reviser, nor shall the code reviser accept for filing any rule unless the format of such rule is in compliance with the provisions of this section.

(2) Once the rule has been formally adopted by the agency the code reviser need not, except with regard to the bulletin published pursuant to RCW 34.04.050(2), include the items enumerated in subsection (1) of this section in the official code.

(3) Any addition to or deletion from an existing code section not filed by the agency in the style prescribed by subsection (1) of this section shall in all respects be ineffectual, and shall not be shown in subsequent publications or codifications of that section.

NEW SECTION. Sec. 2. There is added to chapter 34.04 RCW a new section to read as follows:

(1) In addition to the provisions of RCW 34.04.025(1)(a)(i), every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW ..... and is intended to administratively implement that statute."

(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW ..... which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation)."

(c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule-making authority—either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW ....."

(2) The code reviser is directed to develop a format for placing such specific language in each rule, and agencies shall then comply with the code reviser's direction, and shall include the same in the final rule.

(3) During the promulgation hearings process the public may question whether such rule should have a more specific reference, and the agency shall, pursuant to RCW 34.04.025(1)(b), give consideration to such requests.

Passed the Senate February 9, 1977.  
Passed the House March 2, 1977.  
Approved by the Governor March 17, 1977.  
Filed in Office of Secretary of State March 17, 1977.

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CHAPTER 20

[Engrossed Senate Bill No. 2164]

PUBLIC LANDS—SHARE CROPS,  
DISPOSITION—ANIMAL TRESPASS

AN ACT Relating to publicly owned land; amending section 5, chapter 203, Laws of 1949 and RCW 79.12.610; repealing section 1, chapter 165, Laws of 1937, section 47, chapter 257, Laws of 1959 and RCW 79.40.050; and repealing section 2, chapter 165, Laws of 1937 and RCW 79.40.060.

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

Section 1. Section 5, chapter 203, Laws of 1949 and RCW 79.12.610 are each amended to read as follows:

The commissioner shall sell the ~~((grain or peas))~~ crops covered by the warehouse receipt ~~((within sixty days after receiving such receipt, or))~~ and may comply with the provisions of any federal act or the regulation of any federal agency with relation to the storage or disposition of said grain or peas.

NEW SECTION. Sec. 2. The following acts and parts of acts are each repealed:

- (1) Section 1, chapter 165, Laws of 1937, section 47, chapter 257, Laws of 1959 and RCW 79.40.050; and
- (2) Section 2, chapter 165, Laws of 1937 and RCW 79.40.060.

Passed the Senate February 10, 1977.  
Passed the House March 2, 1977.  
Approved by the Governor March 17, 1977.  
Filed in Office of Secretary of State March 17, 1977.

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CHAPTER 21

[House Bill No. 45]

LIEN FOR FURNISHING FERTILIZERS,  
PESTICIDES, WEED KILLERS—CLAIM OF LIEN

AN ACT Relating to liens; and amending section 2, chapter 264, Laws of 1961 and RCW 60.22.020.

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

Section 1. Section 2, chapter 264, Laws of 1961 and RCW 60.22.020 are each amended to read as follows:

Such lien claimant must ~~((within thirty days))~~, after the commencement of delivery of such materials and products but before commencement of the harvest of the crops, file for recording with the auditor of the county in which the crops or part thereof are raised, a claim of lien which shall be in substance in accordance

with the provisions governing mechanics' liens in chapter 60.04 RCW, and foreclosed in the same manner as such liens, and such lien shall attach as of the date of such filing.

Passed the House February 17, 1977.

Passed the Senate March 3, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

## CHAPTER 22

[House Bill No. 55]

### STREAM PATROLMEN—REGULATION AND SUPPORT

AN ACT Relating to stream patrolmen; amending section 1, chapter 162, Laws of 1925 ex. sess. and RCW 90.08.040; amending section 2, chapter 162, Laws of 1925 ex. sess. as last amended by section 180, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 90.08.050; amending section 3, chapter 162, Laws of 1925 ex. sess. and RCW 90.08.060; and amending section 4, chapter 162, Laws of 1925 ex. sess. and RCW 90.08.070.

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

Section 1. Section 1, chapter 162, Laws of 1925 ex. sess. and RCW 90.08.040 are each amended to read as follows:

Where water rights of a stream have been adjudicated a stream patrolman shall be appointed by the ~~((supervisor of water resources))~~ director of the department of ecology upon application ~~((by interested parties))~~ of water users having adjudicated water rights in each particular water resource making a reasonable showing of the necessity therefor, which application shall have been approved by the district water master if one has been appointed, at such time, for such stream, and for such periods of service as local conditions may indicate to be necessary to provide the most practical supervision and to secure to water users and owners the best protection in their rights.

The stream patrolman shall have the same powers as a water master appointed under RCW 90.03.060, but his district shall be confined to the regulation of waters of a designated stream or streams. Such patrolman shall be under the supervision of the ~~((supervisor of water resources, deputy supervisor, or the district water master appointed for the district in which said stream is located))~~ director or his designated representative. He shall also enforce such special rules and regulations as the ~~((supervisor))~~ director may prescribe from time to time.

Sec. 2. Section 2, chapter 162, Laws of 1925 ex. sess. as last amended by section 180, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 90.08.050 are each amended to read as follows:

Each stream patrolman shall receive a wage per day for each day actually employed in the duties of his office, or if employed by the month, he shall receive a salary per month, which wage or salary shall be fixed in the manner provided by law for the fixing of the salaries or compensation of other state officers or employees, plus travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, to be paid by the county in which the work is performed. In case the service extends over more than one county, each county shall pay its equitable part of such wage to be apportioned by the director. He shall be

reimbursed for actual necessary expenses when absent from his designated headquarters in the performance of his duties, such expense to be paid by the county in which he renders the service. The accounts of the stream patrolman shall be audited and certified by the director and the county auditor shall issue a warrant therefor upon the current expense fund.

Sec. 3. Section 3, chapter 162, Laws of 1925 ex. sess. and RCW 90.08.060 are each amended to read as follows:

The salary of the stream patrolman shall be borne by the water users receiving the benefits and shall be paid ~~((monthly))~~ to the county or counties in the following manner:

The county or counties may assess each water user ~~((shall pay))~~ for his proportionate share of the total stream patrolman expense in the same ratio that the amount of water diverted by him bears to the total amount diverted from the stream during each ~~((monthly period))~~ season, on an annual basis, to recover all such county expenses. The stream patrolman shall keep an accurate record of the amount of water diverted by each water user coming under his supervision. On the first of each month the stream patrolman shall present ~~((to each water user a statement of his proportionate share of the expense of maintaining such services))~~ his record of water diversion to the county or counties for the preceding month. Where the water users are organized into an irrigation district or water users' association, ~~((the statement shall be presented to the proper officers of such organization for payment))~~ such organization may enter into an agreement with the county or counties for direct payment to the stream patrolman in order to minimize administrative costs.

Sec. 4. Section 4, chapter 162, Laws of 1925 ex. sess. and RCW 90.08.070 are each amended to read as follows:

Upon failure of any water user to pay his proportionate share of the expense referred to in RCW 90.08.050 and 90.08.060, the ~~((stream patrolman thus appointed))~~ county or counties shall be entitled ~~((in his own name))~~ to sue for and recover any such unpaid portion in any court of competent jurisdiction.

Passed the House January 26, 1977.

Passed the Senate March 2, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

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## CHAPTER 23

[House Bill No. 69]

### STATE BOARDS, COMMISSIONS, COUNCILS, AND COMMITTEES—LISTING—COST DATA

AN ACT Relating to state government; adding new sections to chapter 43.88 RCW; and creating new sections.

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

NEW SECTION. Section 1. The legislature finds that members of boards, commissions, councils, and committees in state government make a valuable contribution to the public welfare.

Nevertheless, the legislature also finds that the continued proliferation of both statutory and nonstatutory groups of this nature without effective, periodic review of existing groups can result in wasteful duplication of effort, fragmentation of administrative authority, lack of accountability, plus an excessive and frequently hidden financial burden on the state.

The legislature further finds that effective legislative oversight and review of boards, commissions, councils, and committees is frustrated by a lack of current and reliable information on the status and activities of such groups.

The legislature declares that legislative oversight and overall accountability in state government can be significantly improved by creating in the office of program planning and fiscal management a central clearinghouse for information on boards, commissions, councils, and committees.

NEW SECTION. Sec. 2. There is added to chapter 43.88 RCW a new section to read as follows:

(1) The director of program planning and fiscal management shall compile, and revise within ninety days after the beginning of each biennium, a current list of all permanent and temporary, statutory and nonstatutory boards, commissions, councils, committees, and other groups of similar nomenclature that are established by the executive, legislative, or judicial branches of state government and whose members are eligible to receive travel expenses for their meetings in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) Such list shall include but not be limited to any such group which:

(a) Functions primarily in an advisory, planning, or coordinating capacity;

(b) Performs advertising, research, promotional, or marketing services for a specific business, industry, or occupation; or

(c) Performs licensing, regulatory, or quasi-judicial functions, adopts rules, or has responsibility for the administration or policy direction of a state agency or program.

(3) Such list shall contain the following information for each board, commission, council, committee, or other group of similar nomenclature:

(a) The legal authorization for the creation of the group;

(b) The number of members on the group, the appointing authority, and the agency to which the group reports;

(c) The number of meetings held during the preceding biennium;

(d) A brief summary of the primary responsibilities of the group;

(e) The total estimated cost of operating the group during the preceding biennium and the estimated cost of the group during the ensuing biennium. Such cost data shall include the estimated administrative expenses of the group as well as the estimated cost to an agency of providing full time equivalent or part time supporting staff to the group; and

(f) The source of funding for the group.

NEW SECTION. Sec. 3. There is added to chapter 43.88 RCW a new section to read as follows:

Not later than ninety days after the beginning of each biennium, the director of program planning and fiscal management shall submit the compiled list of boards, commissions, councils, and committees, together with the information on each such group, that is required by section 2 of this act to:

- (1) The speaker of the house and the president of the senate for distribution to the appropriate standing committees; and
- (2) The legislative budget committee.

NEW SECTION. Sec. 4. There is added to chapter 43.88 RCW a new section to read as follows:

(1) In order to facilitate the compilation of data required by section 2 of this act, each agency of the executive, legislative, and judicial branches of state government shall submit to the director of program planning and fiscal management a current list of the permanent and temporary, statutory and nonstatutory boards, commissions, councils, committees, and other groups of similar nomenclature that report to, or are involved in the operation of, the agency and whose members are eligible to receive travel expenses for their meetings in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) Such list shall contain the administrative and cost information for each group that is prescribed in section 2(3) of this act.

(3) The director of program planning and fiscal management shall establish guidelines and a format for agencies to follow in submitting information on boards, commissions, councils, and committees.

NEW SECTION. Sec. 5. 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.

Passed the House February 4, 1977.  
 Passed the Senate March 4, 1977.  
 Approved by the Governor March 17, 1977.  
 Filed in Office of Secretary of State March 17, 1977.

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CHAPTER 24  
 [House Bill No. 95]  
 ROADWAY—REDEFINED—TRANSIT STOPS

AN ACT Relating to motor vehicles; amending section 46.04.500, chapter 12, Laws of 1961 and RCW 46.04.500; amending section 64, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.560; and declaring an emergency.

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

Section 1. Section 46.04.500, chapter 12, Laws of 1961 and RCW 46.04.500 are each amended to read as follows:

"Roadway" means ~~((the paved, improved, or proper driving portion of a public))~~ that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder even though such sidewalk or shoulder is used by persons riding bicycles. In the event a highway includes two or more separated roadways, the term "roadway" shall refer to any such roadway separately but shall not refer to all such roadways collectively.

Sec. 2. Section 64, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.560 are each amended to read as follows:

(1) (~~Upon any highway~~) Outside of incorporated cities and towns no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the ((main-traveled part of the highway)) roadway.

(2) Subsection (1) of this section, RCW 46.61.570, and RCW 46.61.575 shall not apply to the driver of any vehicle which is disabled ((while on the main-traveled portion of a highway)) in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving ((such disabled)) the vehicle in such position.

(3) Subsection (1) of this section shall not apply to the driver of a public transit vehicle who shall temporarily stop his vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state highway commission or a county upon highways under their respective jurisdictions.

NEW SECTION. Sec. 3. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 4, 1977.

Passed the Senate March 2, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

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## CHAPTER 25

[House Bill No. 106]

### MOTOR VEHICLE LICENSES—FARM USE— TEMPORARY USE IN SPECIAL COMMUNITY ACTIVITY

AN ACT Relating to vehicle licenses; amending section 46.16.090, chapter 12, Laws of 1961 as amended by section 1, chapter 169, Laws of 1969 ex. sess. and RCW 46.16.090; and adding a new section to chapter 46.16 RCW.

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

Section 1. Section 46.16.090, chapter 12, Laws of 1961 as amended by section 1, chapter 169, Laws of 1969 ex. sess. and RCW 46.16.090 are each amended to read as follows:

Motor trucks or trailers may be specially licensed based on the maximum gross weight thereof for fifty percent of the various amounts set forth in the schedule provided in RCW 46.16.070, when such trucks or trailers are owned and operated by farmers, but only if the following condition or conditions exist:

(1) When such trucks or trailers are to be used for the transportation of such farmer's own farm, orchard or dairy products from point of production to market or warehouse, and of supplies to be used on his farm: PROVIDED, That fish and forestry products shall not be considered as farm products; and/or

(2) When such trucks or trailers are to be used for the infrequent or seasonal transportation by one such farmer for another farmer in his neighborhood of products of the farm, orchard or dairy owned by such other farmer from point of production to market or warehouse, or supplies to be used on such other farm, but only if such transportation for another farmer is for compensation other than money:

PROVIDED, HOWEVER, That farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on motor trucks or trailers, when used in the transportation of such farmer's own farm machinery between his own farm or farms and for a distance of not more than thirty-five miles from his farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement (~~(to be signed by the farmer)~~) to the effect that the vehicle or trailer concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles or trailers to indicate that the vehicle or trailer is specially licensed, or may, in its discretion, substitute a special license plate for such vehicles or trailers for such designation.

Any person who operates such a specially licensed vehicle or trailer in transportation upon public highways in violation of the limitations of this section shall be guilty of a misdemeanor.

NEW SECTION. Sec. 2. There is added to chapter 46.16 RCW a new section to read as follows:

The department in its discretion may issue a temporary letter of authority authorizing the movement of an unlicensed vehicle or the temporary usage of a special plate for the purpose of promoting or participating in an event such as a parade, pageant, fair, convention, or other special community activity. The letter of authority may not be issued to or used by anyone for personal gain, but public identification of the sponsor or owner of the donated vehicle shall not be considered to be personal gain.

Passed the House February 7, 1977.

Passed the Senate March 2, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

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## CHAPTER 26

[House Bill No. 108]

### SPECIAL FUEL TAX—LICENSE, BOND—VIOLATIONS—PENALTIES

AN ACT Relating to the taxation of fuel utilized for propulsion of motor vehicles; amending section 12, chapter 175, Laws of 1971 ex. sess. as amended by section 4, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.110; amending section 14, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.130; amending section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 7, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.170; and amending section 28, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.270.

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

Section 1. Section 12, chapter 175, Laws of 1971 ex. sess. as amended by section 4, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.110 are each amended to read as follows:

Application for a special fuel dealer's license, special fuel supplier's license or a special fuel user's license, shall be made to the department. The application shall be



filed upon a form prepared and furnished by the department and shall contain such information as the department deems necessary.

No special fuel dealer's license or special fuel user's license shall be issued to any person or continued in force unless such person has furnished bond, as defined in RCW 82.38.020, in such form as the department may require, to secure his compliance with this chapter, and the payment of any and all taxes, interest and penalties due and to become due hereunder. The requirement of furnishing a bond shall be waived provided all acquisitions of special fuel by the licensee are on a tax paid or a tax exempt basis.

The total amount of the bond or bonds required of any special fuel dealer or special fuel user shall be equivalent to twice ~~((his))~~ the estimated monthly ~~((license))~~ fuel tax, determined in such manner as the department may deem proper: PROVIDED, That the total amount of the bond or bonds shall never be less than five hundred dollars nor more than fifty thousand dollars: PROVIDED FURTHER, That special fuel dealers or special fuel users whose license is suspended or revoked for cause, shall be required to furnish bond coverage equivalent to three times the estimated monthly fuel tax.

Any person who has filed with the department a bond as a motor vehicle fuel distributor under the terms and conditions provided for in RCW 82.36.060, may extend the terms and conditions of said distributor's bond, by an approved rider or bond form, to include coverage of all liabilities and conditions imposed by this chapter upon the special fuel dealer or to the special fuel user to whom said extension is made applicable. The amount of any new bond that may be required of a dealer or user shall not exceed the maximum amount provided by RCW 82.36.060 for a motor vehicle fuel distributor's license.

Sec. 2. Section 14, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.130 are each amended to read as follows:

The department may revoke the license of any special fuel dealer, special fuel supplier, or special fuel user for reasonable cause. Before revoking such license the department shall notify the licensee to show cause within ~~((ten))~~ twenty days of the date of the notice why the license should not be revoked: PROVIDED, That at any time prior to and pending such hearing the department may, in the exercise of reasonable discretion, suspend such license.

The department shall cancel any license to act as a special fuel dealer, a special fuel supplier, or a special fuel user immediately upon surrender thereof by the holder.

It shall be presumed that a special fuel dealer's bond is in effect until such time as the department notifies all licensed special fuel suppliers to the contrary by mailing to their current address of record.

Any surety on a bond furnished by a special fuel dealer or special fuel user as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of forty-five days from the date which such surety shall have lodged with the department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the forty-five day period. The department shall promptly, upon receiving any such request, notify the special fuel dealer or special fuel user who

furnished the bond, and unless the special fuel dealer or special fuel user shall, on or before the expiration of the forty-five day period, file a new bond, in accordance with the requirements of this section, or make a deposit in lieu thereof as provided in subsection (12) of RCW 82.38.020, the department forthwith shall cancel the special fuel dealer's or special fuel user's license.

The department may require a special fuel dealer or special fuel user to give a new or additional surety bond or to deposit additional securities of the character specified in subsection (12) of RCW 82.38.020 if, in its opinion, the security of the surety bond therefor filed by such special fuel dealer or special fuel user, or the market value of the properties deposited as security by such special fuel dealer or special fuel user, shall become impaired or inadequate. Upon failure of the special fuel dealer or special fuel user to give such new or additional surety bond or to deposit additional securities within forty-five days after being requested to do so by the department, or after he shall fail or refuse to file reports and remit or pay taxes at the intervals fixed by the department, the department forthwith shall cancel his license.

Sec. 3. Section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 7, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.170 are each amended to read as follows:

(1) If any special fuel dealer or special fuel user fails to pay any taxes collected or due the state of Washington by said dealer or user within the time prescribed by RCW 82.38.150, said dealer or user shall pay in addition to such tax a penalty of ten percent of the amount thereof plus interest at the rate of one percent per month, or fraction thereof, from the date such tax was due until paid.

(2) If it be determined by the department that the tax reported by any special fuel dealer or special fuel user is deficient it shall proceed to assess the deficiency on the basis of information available to it and there shall be added to this deficiency a penalty of ten percent of the amount of the deficiency together with interest at the rate of one percent per month, or fraction thereof, from the date the report was due until paid: PROVIDED, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars: AND PROVIDED FURTHER, That the department may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the department of motor vehicles determines that the cost of processing the collection of the interest exceeds the amount of interest due.

(3) If any special fuel dealer or special fuel user, whether or not he is licensed as such, fails, neglects, or refuses to file a special fuel tax report, the department shall, on the basis of information available to it, determine the tax liability of the special fuel dealer or the special fuel user for the period during which no report was filed, and to the tax as thus determined, the department shall add the penalty and interest provided in subsection (2) of this section. An assessment made by the department pursuant to this subsection or to subsection (2) of this section shall be presumed to be correct, and in any case where the validity of the assessment is drawn in question, the burden shall be on the person who challenges the assessment to establish by a fair preponderance of the evidence that it is erroneous or excessive as the case may be.

(4) If any special fuel dealer or special fuel user shall establish by a fair preponderance of evidence that his failure to file a report or pay the proper amount of tax within the time prescribed was due to reasonable cause and was not intentional or wilful, the department may waive the penalty prescribed in subsections (1), (2), and (3) of this section.

(5) If any special fuel dealer or special fuel user shall file a false or fraudulent report with intent to evade the tax imposed by this chapter, there shall be added to the amount of deficiency determined by the department a penalty equal to twenty-five percent of the deficiency together with interest at one percent per month, or fraction thereof, on such deficiency from the date such tax was due to the date of payment, in addition to the penalty provided in subsection (2) of this section and all other penalties prescribed by law: PROVIDED, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars: AND PROVIDED FURTHER, That the director may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the department of motor vehicles determines that the cost of processing the collection of the interest exceeds the amount of interest due.

(6) Except in the case of a fraudulent report or of neglect or refusal to make a report, every deficiency shall be assessed under subsection (2) of this section within three years from the twenty-fifth day of the next succeeding calendar month following the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later.

(7) Any special fuel dealer or special fuel user against whom an assessment is made under the provisions of subsections (2) or (3) of this section may petition for a reassessment thereof within thirty days after service upon the special fuel dealer or special fuel user of notice thereof. If such petition is not filed within such thirty day period, the amount of the assessment becomes final at the expiration thereof.

If a petition for reassessment is filed within the thirty day period, the department shall reconsider the assessment and, if the special fuel dealer or special fuel user has so requested in his petition, shall grant such special fuel dealer or special fuel user an oral hearing and give the special fuel dealer or special fuel user ten days' notice of the time and place thereof. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment shall become final thirty days after service upon the special fuel dealer or special fuel user of notice thereof.

Every assessment made by the department shall become due and payable at the time it becomes final and if not paid to the department when due and payable, there shall be added thereto a penalty of ten percent of the amount of the tax.

(8) Any notice of assessment required by this section shall be served personally or by mail; if by mail, service shall be made by depositing such notice in the United States mail, postage prepaid addressed to the special fuel dealer or special fuel user at his address as the same appears in the records of the department.

(9) Any licensee who has had their special fuel user, special fuel dealer, special fuel supplier, or combination thereof revoked shall pay a one hundred dollar penalty prior to the issuance of a new license.

Sec. 4. Section 28, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.270 are each amended to read as follows:

It shall be unlawful for any person to:

- (1) Refuse, or knowingly and intentionally fail to make and file any statement required by this chapter in the manner or within the time required;
- (2) Knowingly and with intent to evade or to aid in the evasion of the tax imposed herein to make any false statement or conceal any material fact in any record, return, or affidavit provided for in this chapter;
- (3) Conduct any activities requiring a license under this chapter without a license or after a license has been suspended, surrendered, canceled, or revoked;
- (4) Fail to keep and maintain the books and records required by this chapter.

Except as otherwise provided by law, any person violating any of the provisions of this chapter shall be guilty of a gross misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and costs of prosecution, or imprisonment for not more than one year, or both.

The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provision of this chapter.

Passed the House February 21, 1977.

Passed the Senate March 4, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

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## CHAPTER 27

[House Bill No. 110]

### DRIVER'S LICENSE AND

### INSTRUCTION PERMIT FEES—DISTRIBUTION

AN ACT Relating to driver's license fees; and amending section 4, chapter 25, Laws of 1965 as last amended by section 20, chapter 293, Laws of 1975 1st ex. sess. and RCW 46.68.041.

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

Section 1. Section 4, chapter 25, Laws of 1965 as last amended by section 20, chapter 293, Laws of 1975 1st ex. sess. and RCW 46.68.041 are each amended to read as follows:

(1) The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund except as otherwise provided in this section.

(2) One dollar of each fee collected for a temporary instruction permit shall be deposited in the ((~~driver~~)) traffic safety education account in the general fund.

(3) Out of each fee of ((~~five~~)) six dollars collected for a driver's license, the sum of ((~~three~~)) four dollars and ten cents shall be deposited in the highway safety fund, and one dollar and ninety cents shall be deposited in the general fund.

Passed the House February 22, 1977.

Passed the Senate March 4, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

## CHAPTER 28

[House Bill No. 111]

MOTOR VEHICLE FUEL TAX—  
WAIVER OF INTEREST—REFUND PERMITS

AN ACT Relating to the taxation of fuel utilized for the propulsion of motor vehicles; amending section 82.36.040, chapter 15, Laws of 1961 and RCW 82.36.040; and amending section 82.36.270, chapter 15, Laws of 1961 as last amended by section 3, chapter 96, Laws of 1973 and RCW 82.36.270.

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

Section 1. Section 82.36.040, chapter 15, Laws of 1961 and RCW 82.36.040 are each amended to read as follows:

The amount of excise tax for each month shall be paid to the director on or before the twenty-fifth day of the next month thereafter, and if not paid prior thereto, shall become delinquent at the close of business on that day, and a penalty of one percent of such excise tax must be added thereto for delinquency: **PROVIDED**, That in no case shall the penalty be more than five hundred dollars. If such tax and penalty is not received on or before the close of business on the last day of the month in which the payment is due an additional penalty of ten percent must be added thereto in addition to penalty above provided for.

Any motor vehicle fuel tax, penalties, and interest payable under the provisions of this chapter shall bear interest at the rate of one-half of one percent per month, or fraction thereof, from the first day of the calendar month after the close of the monthly period for which the amount or any portion thereof should have been paid until the date of payment: **PROVIDED**, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars: **AND PROVIDED FURTHER**, That the department may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the department determines that the cost of processing the collection of the interest exceeds the amount of interest due.

In any suit brought to enforce the rights of the state hereunder, the certificate of the director showing the amount of taxes, penalties, interest and cost unpaid by any distributor and that the same are due and unpaid to the state shall be prima facie evidence of the facts as shown.

Sec. 2. Section 82.36.270, chapter 15, Laws of 1961 as last amended by section 3, chapter 96, Laws of 1973 and RCW 82.36.270 are each amended to read as follows:

Any person desiring to claim a refund shall obtain a permit from the department by application therefor on such form as the department shall prescribe, which application shall contain, among other things, the name and address of the applicant, the nature of the business and a sufficient description for identification of the machines or equipment in which the motor vehicle fuel is to be used, for which refund may be claimed under the permit. The permit shall bear a permit number and all applications for refund shall bear the number of the permit under which it is claimed. The department shall keep a ((permanent)) record of all permits issued and a cumulative record of the amount of refund claimed and paid thereunder. Such permit shall be obtained before or at the time that the first application for

refund is made under the provisions of this chapter. (~~All permits shall expire on the thirtieth day of November of every even-numbered year.~~)

Passed the House February 7, 1977.

Passed the Senate March 4, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

## CHAPTER 29

[House Bill No. 122]

### STATE FERRIES—RATE REVIEWS—COUNTY PARTICIPATION

AN ACT Relating to ferry advisory committees; and amending section 47.60.310, chapter 13, Laws of 1961 and RCW 47.60.310.

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

Section 1. Section 47.60.310, chapter 13, Laws of 1961 and RCW 47.60.310 are each amended to read as follows:

The authority is further directed to conduct such review by soliciting and obtaining expressions from local community groups in order to be properly informed as to problems being experienced within the area served by the Washington state ferries. In order that local representation may be established, the authority (~~is hereby directed to advise~~) shall give prior notice of the review to the board of county commissioners of each county wherein a terminal of the Washington state ferries is located ((prior to the time that the review is to be commenced, and each)) and the board of county commissioners of any other county adjacent to Puget Sound or the Strait of Juan de Fuca which by resolution has notified the authority of its intent to participate in the reviews. Each such board of county commissioners is hereby directed to appoint a committee to consist of no more than five members to serve as an advisory committee to the authority or its designated representative in such review. The committees to be appointed by the boards of county commissioners shall serve without fee or compensation. It is not the intent of RCW 47.60.290 through 47.60.320 that any powers or duties now prescribed and delegated to the authority shall be assumed by any other board or committee.

Passed the House February 9, 1977.

Passed the Senate March 2, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

## CHAPTER 30

[House Bill No. 136]

### AGRICULTURAL CONSERVATION PLANS—REPEALED

AN ACT Relating to agricultural conservation; repealing sections 15.67.010 through 15.67.070, chapter 11, Laws of 1961 and RCW 15.67.010 through 15.67.070; repealing sections 15.68.010 through

15.68.130, chapter 11, Laws of 1961 and RCW 15.68.010 through 15.68.130; repealing section 15.68.140, chapter 11, Laws of 1961, section 13, chapter 292, Laws of 1971 ex. sess. and RCW 15.68.140; and repealing sections 15.68.150 through 15.68.900, chapter 11, Laws of 1961 and RCW 15.68.150 through 15.68.900.

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

NEW SECTION. Section 1. The following acts or parts of acts are each repealed:

(1) Sections 15.67.010 through 15.67.070, chapter 11, Laws of 1961 and RCW 15.67.010 through 15.67.070;

(2) Sections 15.68.010 through 15.68.130, chapter 11, Laws of 1961 and RCW 15.68.010 through 15.68.130;

(3) Section 15.68.140, chapter 11, Laws of 1961, section 13, chapter 292, Laws of 1971 ex. sess. and RCW 15.68.140; and

(4) Sections 15.68.150 through 15.68.900, chapter 11, Laws of 1961 and RCW 15.68.150 through 15.68.900.

Passed the House February 9, 1977.

Passed the Senate March 3, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

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## CHAPTER 31

[Engrossed Senate Bill No. 2190]

### VETERANS—ESTATES AND BURIAL RIGHTS— STATE HOMES—ARMS TO SONS OF VETERANS

AN ACT Relating to state government; amending section 72.01.050, chapter 28, Laws of 1959 and RCW 72.01.050; amending section 72.36.020, chapter 28, Laws of 1959 and RCW 72.36.020; amending section 1, chapter 4, Laws of 1972 ex. sess. as amended by section 1, chapter 63, Laws of 1974 ex. sess. and RCW 73.04.130; amending section 2, chapter 36, Laws of 1937 and RCW 73.24.030; adding a new section to chapter 115, Laws of 1975-'76 2nd ex. sess. and to chapter 43.60A RCW; repealing section 1, chapter 108, Laws of 1899 and RCW 73.24.040; and repealing sections 1 through 4, pages 481 and 482, Laws of 1890 and RCW 73.28.010 through 73.28.040.

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

Section 1. Section 72.01.050, chapter 28, Laws of 1959 and RCW 72.01.050 are each amended to read as follows:

The director shall have full power to manage and govern the following public institutions.

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

Sec. 2. Section 72.36.020, chapter 28, Laws of 1959 and RCW 72.36.020 are each amended to read as follows:

The director of the department of veterans affairs shall appoint a superintendent for the state soldiers' home and colony, and a superintendent for the Washington veterans' home, who, with the consent of the director, may be styled, respectively, "commandant of the home". The superintendent shall ~~((have entire))~~ exercise management and control of the institution ~~((under the rules and regulations adopted by the department))~~ in accordance with policies and/or procedures promulgated by the director of the department of veterans affairs and rules and regulations of the department.

Sec. 3. Section 1, chapter 4, Laws of 1972 ex. sess. as amended by section 1, chapter 63, Laws of 1974 ex. sess. and RCW 73.04.130 are each amended to read as follows:

The ~~((secretary of the department of social and health services))~~ director of the department of veterans affairs or his designee is authorized to act as executor under the last will, or as administrator of the estate of any deceased veteran, or as the guardian or duly appointed federal fiduciary of the estate of any insane or incompetent veteran, or as guardian or duly appointed federal fiduciary of the estate of any person who is a bona fide resident of the state of Washington and who is certified by the veterans' administration as having money due from the veterans' administration, the payment of which is dependent upon the appointment of a guardian or other type fiduciary. No fee shall be allowed or paid to the ~~((secretary))~~ director or his designee for acting as executor, administrator, guardian or fiduciary, or to any attorney for the ~~((secretary))~~ director or his designee.

The ~~((secretary))~~ director or his designee, or any other interested person may petition the appropriate court for the appointment of the ~~((secretary))~~ director or his designee. Any such petition by the ~~((secretary))~~ director or his designee shall be without cost and without fee. If appointed, the ~~((secretary))~~ director or his designee may serve without bond. This section shall not affect the prior right to act as administrator of a veterans' estate of such persons as are denominated in RCW 11.28.120(1) and (2), nor shall this section affect the appointment of executor made in the last will of any veteran, nor shall this section apply to estates larger than seventy-five hundred dollars.

Sec. 4. Section 2, chapter 36, Laws of 1937 and RCW 73.24.030 are each amended to read as follows:

The said plot shall be available, to the extent such space is available, without charge or cost for the burial of persons who have served in the army, navy, or marine corps in the United States, in the Spanish-American war, Philippine insurrection, or the Chinese Relief Expedition, or who served in any said branches of said service at any time between April 21, 1898 and July 4, 1902 and any veteran as defined in RCW 41.04.005.

NEW SECTION. Sec. 5. There is added to chapter 115, Laws of 1975-'76 2nd ex. sess. and to chapter 43.60A RCW a new section to read as follows:

The director of the department of veterans affairs shall have full power to manage and govern the state soldiers' home and colony and the Washington veterans' home.

NEW SECTION. Sec. 6. The following acts or parts of acts are each hereby repealed:



- (1) Section 1, chapter 108, Laws of 1899 and RCW 73.24.040; and  
 (2) Sections 1 through 4, pages 481 and 482, Laws of 1890 and RCW 73.28-.010 through 73.28.040.

Passed the Senate February 16, 1977.

Passed the House March 3, 1977.

Approved by the Governor March 21, 1977.

Filed in Office of Secretary of State March 21, 1977.

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## CHAPTER 32

[Senate Bill No. 2225]

### WASHINGTON STATE UNIVERSITY TREE FRUIT RESEARCH CENTER—FINANCING

AN ACT Relating to Washington State University; amending section 1, chapter 109, Laws of 1974 ex. sess. as amended by section 1, chapter 109, Laws of 1975 1st ex. sess. and RCW 28B.30.600; amending section 5, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.608; amending section 8, chapter 109, Laws of 1974 ex. sess. as amended by section 5, chapter 109, Laws of 1975 1st ex. sess. and RCW 28B.30.614; adding a new section to chapter 109, Laws of 1974 ex. sess. and to chapter 28B.30 RCW; and declaring an emergency.

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

Section 1. Section 1, chapter 109, Laws of 1974 ex. sess. as amended by section 1, chapter 109, Laws of 1975 1st ex. sess. and RCW 28B.30.600 are each amended to read as follows:

For the purpose of funding and providing the planning, construction, furnishing and equipping, together with all improvements thereon, of an office-laboratory facility at Washington State University Tree Fruit Research Center, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million nine hundred fifty thousand dollars, or so much thereof as may be required, to finance the project defined in RCW 28B.30.600 through 28B.30.619 as now or hereafter amended and all costs incidental thereto, but only if the state finance committee determines that the interest on the bonds will be exempt from federal income tax. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 2. Section 5, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.608 are each amended to read as follows:

Bonds issued under the provisions of RCW 28B.30.600 through 28B.30.619 as now or hereafter amended shall state that they are a general obligation of the state of Washington, (~~additionally secured by rental payments received from the federal government or any other funds which may be legally pledged for such purpose;~~) shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due.

Sec. 3. Section 8, chapter 109, Laws of 1974 ex. sess. as amended by section 5, chapter 109, Laws of 1975 1st ex. sess. and RCW 28B.30.614 are each amended to read as follows:

None of the bonds authorized in RCW 28B.30.600 through 28B.30.619 as now or hereafter amended shall be sold unless a long-term lease agreement shall be entered into between Washington State University and the general services administration of the federal government providing for the ~~((joint))~~ occupancy of this facility by the United States Department of Agriculture and ~~((Washington State University))~~ the National Weather Service for tree fruit research similar to the research performed at the Washington State University Tree Fruit Center. The lease payments by the federal government ~~((or any other funds which may be legally pledged for such purpose;))~~ shall be in an amount at least equal to the amount required to provide for the amortization of the principal of and interest on the bonds authorized by RCW 28B.30.600 through 28B.30.619 as now or hereafter amended as certified by the state finance committee, in addition to custodial, maintenance and utility services costs. ~~((AH))~~ A portion of the annual lease payments received by the university equal to the amount required for payment of the principal and interest on the bonds shall be forthwith remitted by the university and deposited in the state treasury to the credit of the ~~((office-laboratory facilities bond redemption))~~ state general fund.

**NEW SECTION. Sec. 4.** There is added to chapter 109, Laws of 1974 ex. sess. and to chapter 28B.30 RCW a new section to read as follows:

In the event the state finance committee determines that interest on the bonds authorized in RCW 28B.30.600 through 28B.30.619 as now or hereafter amended will not be exempt from federal income tax, Washington State University may issue its revenue bonds as provided in RCW 28B.10.300 through 28B.10.325 to pay the cost of the facilities authorized by RCW 28B.30.600 as now or hereafter amended, and the lease rental received from the federal government shall be retained by the university instead of being deposited in the state treasury as provided by RCW 28B.30.614 as now or hereafter amended.

In addition to the authority granted to the state treasurer by RCW 43.84.100, with the consent of the state finance committee the state treasurer may make a loan from funds in the state treasury in the manner generally prescribed by RCW 43.84.100 to the local construction fund established by Washington State University for the office-laboratory building authorized by RCW 28B.30.600 through 28B.30.619 as now or hereafter amended, should a determination be made for Washington State University to issue revenue bonds.

**NEW SECTION. Sec. 5.** This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 10, 1977.

Passed the House March 2, 1977.

Approved by the Governor March 21, 1977.

Filed in Office of Secretary of State March 21, 1977.

## CHAPTER 33

[Senate Bill No. 2005]

## COUNTY BOARDS OF EQUALIZATION—COMPENSATION

AN ACT Relating to counties; and amending section 84.48.010, chapter 15, Laws of 1961 as amended by section 2, chapter 55, Laws of 1970 ex. sess. and RCW 84.48.010.

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

Section 1. Section 84.48.010, chapter 15, Laws of 1961 as amended by section 2, chapter 55, Laws of 1970 ex. sess. and RCW 84.48.010 are each amended to read as follows:

Prior to July 1st, the county (~~(commissioners)~~) legislative authority shall form a board for the equalization of the assessment of the property of the county. The members of said board may receive (~~(twenty-five)~~) up to fifty dollars per day for each day of actual attendance of the meeting of the board of equalization to be paid out of the current expense fund of the county: PROVIDED, That when the county (~~(commissioners)~~) legislative authority constitute the board they shall not receive the per diem allowance. The board of equalization shall meet in open session for this purpose annually on the first Monday in July and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county and proceed to equalize the same, so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, according to the measure of value used by the county assessor in such assessment year, and subject to the following rules:

First. They shall raise the valuation of each tract or lot or item of real property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, after at least five days' notice shall have been given in writing to the owner or agent.

Second. They shall reduce the valuation of each tract or lot or item which in their opinion is returned above its true and fair value to such price or sum as they believe to be the true and fair value thereof.

Third. They shall raise the valuation of each class of personal property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever they believe that such aggregate value is less than the true valuation of the taxable personal property possessed by such individual, to such sum or amount as they believe to be the true value thereof, after at least five days' notice shall have been given in writing to the owner or agent thereof.

Fourth. They shall, upon complaint in writing of any party aggrieved, reduce the valuation of each class of personal property enumerated on the detail and assessment list of the current year, which in their opinion is returned above its true and fair value, to such price or sum as they believe to be the true and fair value thereof; and, upon like complaint, they shall reduce the aggregate valuation of the personal property of such individual who, in their opinion, has been assessed at too

large a sum, to such sum or amount as they believe was the true and fair value of his personal property.

Fifth. The board may review all claims for either real or personal property tax exemption, and shall consider any taxpayer appeals from the decision of the assessor thereon to determine (1) if the taxpayer is entitled to an exemption, and (2) if so, the amount thereof.

The clerk of the board shall keep an accurate journal or record of the proceedings and orders of said board in a book kept for that purpose, showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county ~~((commissioners))~~ legislative authority, and shall make a true record of the changes of the descriptions and assessed values ordered by the county board of equalization. The assessor shall correct the real and personal assessment rolls in accordance with the changes made by the said county board of equalization, and he shall make duplicate abstracts of such corrected values, one copy of which shall be retained in his office, and one copy forwarded to the state board of equalization on or before the fifth day of August next following the meeting of the county board of equalization.

The county board of equalization shall meet on the first Monday in July and may continue in session and adjourn from time to time during a period not to exceed four weeks, but shall remain in session not less than three days: PROVIDED, That, in addition to the several times fixed by statute, any county board of equalization may be reconvened for special or general purposes, but not later than three years after the date of adjournment of its regularly convened session by order of the department of revenue.

No taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the state board of equalization for the purpose of raising the state revenue.

~~((Boards of county commissioners))~~ County legislative authorities as such shall at no time have any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person.

Passed the Senate March 7, 1977.

Passed the House March 4, 1977.

Approved by the Governor March 21, 1977.

Filed in Office of Secretary of State March 21, 1977.

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## CHAPTER 34

[Engrossed Substitute Senate Bill No. 2019]

LEGAL PUBLICATIONS—

OFFICIAL NEWSPAPER—SELECTION—

RATES—PUBLICATION REQUIREMENTS

AN ACT Relating to legal publications; adding new sections to chapter 36.72 RCW; adding new sections to chapter 65.16 RCW; repealing section 36.72.010, chapter 4, Laws of 1963 and RCW 36.72.010; repealing section 36.72.020, chapter 4, Laws of 1963 and RCW 36.72.020; repealing section 36.72.030, chapter 4, Laws of 1963 and RCW 36.72.030; repealing section 36.72.040, chapter 4, Laws of 1963 and RCW 36.72.040; repealing section 36.72.050, chapter 4, Laws of 1963, section 1, chapter 43, Laws of 1969 ex. sess., section 1, chapter 28, Laws of 1973 1st ex. sess. and RCW 36.72.050; repealing section 36.72.060, chapter 4, Laws of 1963 and RCW 36.72.060;

repealing section 36.72.070, chapter 4, Laws of 1963 and RCW 36.72.070; and repealing section 4, chapter 99, Laws of 1921, section 1, chapter 140, Laws of 1947, section 1, chapter 186, Laws of 1955, section 1, chapter 57, Laws of 1967 ex. sess., section 2, chapter 28, Laws of 1973 1st ex. sess. and RCW 65.16.090.

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

NEW SECTION. Section 1. There is added to chapter 36.72 RCW a new section to read as follows:

All county officers shall cause all legal notices and delinquent tax lists to be advertised in the official county newspaper designated by the county legislative authority.

NEW SECTION. Sec. 2. There is added to chapter 36.72 RCW a new section to read as follows:

At its first April meeting, the county legislative authority shall let a contract to a legal newspaper qualified under this section to serve as the official county newspaper for the term of one year beginning on the first day of July following. If there be at least one legal newspaper published in the county, the contract shall be let to a legal newspaper published in the county. If there be no legal newspaper published in the county, the county legislative authority shall let the contract to a legal newspaper published in an adjacent county and having general circulation in the county.

When two or more legal newspapers are qualified under the provisions of this section to be the official county newspaper, the county auditor shall advertise, at least five weeks before the meeting at which the county legislative authority shall let the contract for the official county newspaper, for bid proposals to be submitted by interested qualified legal newspapers. Advertisement of the opportunity to bid shall be mailed to all qualified legal newspapers and shall be published once in the official county newspaper. The advertisement may designate the form which notices shall take, and may require that the successful bidder provide a bond for the correct and faithful performance of the contract.

The county legislative authority shall let the contract to the best and lowest responsible bidder, giving consideration to the question of circulation in awarding the contract, with a view to giving publication of notices the widest publicity.

NEW SECTION. Sec. 3. There is added to chapter 65.16 RCW a new section to read as follows:

The rate charged by a newspaper for legal notices shall not exceed the national advertising rate extended by the newspaper to all general advertisers and advertising agencies in its published rate card.

NEW SECTION. Sec. 4. There is added to chapter 65.16 RCW a new section to read as follows:

(1) Whenever any county, city, or town is required by law to publish legal notices containing the full text of any proposed or adopted ordinance in a newspaper, the county, city, or town may publish a summary of the ordinance which summary shall be approved by the governing body and which shall include:

- (a) The name of the county, city, or town;
- (b) The formal identification or citation number of the ordinance;
- (c) A descriptive title;
- (d) A section-by-section summary;

(e) Any other information which the county, city, or town finds is necessary to provide a complete summary; and

(f) A statement that the full text will be mailed upon request.

(2) Subsection (1) of this section notwithstanding, whenever any publication is made under this section and the proposed or adopted ordinance contains provisions regarding taxation or penalties or contains legal descriptions of real property, then the sections containing this matter shall be published in full and shall not be summarized. When a legal description of real property is involved, the notice shall also include the street address or addresses of the property described, if any. In the case of descriptions covering more than one street address, the street addresses of the four corners of the area described shall meet this requirement.

(3) The full text of any ordinance which is summarized by publication under this section shall be mailed without charge to any person who requests the text from the adopting county, city, or town.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

- (1) Section 36.72.010, chapter 4, Laws of 1963 and RCW 36.72.010;
- (2) Section 36.72.020, chapter 4, Laws of 1963 and RCW 36.72.020;
- (3) Section 36.72.030, chapter 4, Laws of 1963 and RCW 36.72.030;
- (4) Section 36.72.040, chapter 4, Laws of 1963 and RCW 36.72.040;
- (5) Section 36.72.050, chapter 4, Laws of 1963, section 1, chapter 43, Laws of 1969 ex. sess., section 1, chapter 28, Laws of 1973 1st ex. sess. and RCW 36.72.050;
- (6) Section 36.72.060, chapter 4, Laws of 1963 and RCW 36.72.060;
- (7) Section 36.72.070, chapter 4, Laws of 1963 and RCW 36.72.070; and
- (8) Section 4, chapter 99, Laws of 1921, section 1, chapter 140, Laws of 1947, section 1, chapter 186, Laws of 1955, section 1, chapter 57, Laws of 1967 ex. sess., section 2, chapter 28, Laws of 1973 1st ex. sess. and RCW 65.16.090.

Passed the Senate March 7, 1977.

Passed the House March 4, 1977.

Approved by the Governor March 21, 1977.

Filed in Office of Secretary of State March 21, 1977.

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CHAPTER 35

[Senate Bill No. 2074]

HOSPITAL COMMISSION—ADMINISTRATION

AN ACT Relating to hospitals; and amending section 7, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.060.

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

Section 1. Section 7, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.060 are each amended to read as follows:

The commission shall appoint a full time executive director and a deputy director and confidential secretary who shall be exempt from the civil service law, chapter 41.06 RCW and who shall perform the duties delegated by the commission. The executive director shall be the chief administrative officer of the commission and shall be subject to its direction.

The (~~secretary of the department of social and health services~~) commission shall employ (~~and furnish~~) such other staff as are necessary to fulfill the responsibilities and duties of the commission, such staff to be subject to the civil service law, chapter 41.06 RCW, and under the supervision of the (~~commission and its~~) executive director. In addition, the commission may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise.

Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility, without specific permission of the commission.

The commission may apply for and receive and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to hospital health care costs.

Passed the Senate February 1, 1977.

Passed the House March 4, 1977.

Approved by the Governor March 21, 1977.

Filed in Office of Secretary of State March 21, 1977.

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## CHAPTER 36

[Senate Bill No. 2091]

### HOSPITAL COMMISSION—TERMS

AN ACT Relating to the hospital commission; and amending section 5, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.040.

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

Section 1. Section 5, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.040 are each amended to read as follows:

Members of the commission shall serve for four-year terms (~~and~~): PROVIDED, That upon the expiration of the initial four-year terms, two persons shall be appointed for three-year terms and three persons for four-year terms and thereafter all members of the commission shall serve for four-year terms. Appointments shall require senate confirmation. No member shall serve on the commission for more than two consecutive terms. A vacancy shall be filled by appointment for the remainder of the unexpired term and the initial appointments and vacancies shall not require senate confirmation until the legislature next convenes.

Passed the Senate February 8, 1977.

Passed the House March 4, 1977.

Approved by the Governor March 21, 1977.

Filed in Office of Secretary of State March 21, 1977.

CHAPTER 37

[House Bill No. 148]

PUGET ISLAND FERRY—APPROPRIATION

AN ACT Relating to highways; providing for the operation and maintenance of the Puget Island ferry; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. To continue the agreement in accordance with the provisions of RCW 47.56.720 between Wahkiakum county and the state highway commission for the operation and maintenance of the Puget Island ferry there is appropriated to the state highway commission from the motor vehicle fund for the biennium ending June 30, 1979, the sum of fifty-five thousand dollars, or so much thereof as shall be necessary.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 21, 1977.

Passed the Senate March 3, 1977.

Approved by the Governor March 21, 1977.

Filed in Office of Secretary of State March 21, 1977.

CHAPTER 38

[House Bill No. 167]

BANKS—REPORTS—FILING—PENALTY

AN ACT Relating to banks and trust companies; amending section 30.08.190, chapter 33, Laws of 1955 and RCW 30.08.190; and prescribing a penalty.

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

Section 1. Section 30.08.190, chapter 33, Laws of 1955 and RCW 30.08.190 are each amended to read as follows:

Every regular report shall be filed with the supervisor within ~~((twelve))~~ thirty days from the date of issuance of the notice therefor and proof of publication of such report shall be filed with the supervisor within ~~((twenty))~~ forty days from such date. Every special report shall be filed with the supervisor within such time as shall be specified by him in the notice therefor.

Every bank and trust company which fails to file any report, required to be filed as aforesaid, or to file proof of publication of any report required to be published, within the time herein specified, shall be subject to a penalty of ~~((ten))~~ fifty dollars per day for each day's delay. A civil action for the recovery of any such penalty may be brought by the attorney general in the name of the state.

Passed the House February 15, 1977.

Passed the Senate March 4, 1977.

Approved by the Governor March 21, 1977.

Filed in Office of Secretary of State March 21, 1977.



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CHAPTER 39  
[House Bill No. 180]  
JURISDICTION OF COURTS—  
LONG-ARM STATUTE—LIVING IN  
MARITAL RELATIONSHIP WITHIN THIS STATE

AN ACT Relating to civil procedure; and amending section 2, chapter 131, Laws of 1959 as amended by section 22, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 4.28.185.

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

Section 1. Section 2, chapter 131, Laws of 1959 as amended by section 22, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 4.28.185 are each amended to read as follows:

(1) Any person, whether or not a citizen or resident of this state, who in person or through an agent does any of the acts in this section enumerated, thereby submits said person, and, if an individual, his personal representative, to the jurisdiction of the courts of this state as to any cause of action arising from the doing of any of said acts:

- (a) The transaction of any business within this state;
- (b) The commission of a tortious act within this state;
- (c) The ownership, use, or possession of any property whether real or personal situated in this state;
- (d) Contracting to insure any person, property or risk located within this state at the time of contracting;
- (e) The act of sexual intercourse within this state with respect to which a child may have been conceived;
- (f) Living in a marital relationship within this state notwithstanding subsequent departure from this state, as to all proceedings authorized by chapter 26.09 RCW, so long as the petitioning party has continued to reside in this state or has continued to be a member of the armed forces stationed in this state.

(2) Service of process upon any person who is subject to the jurisdiction of the courts of this state, as provided in this section, may be made by personally serving the defendant outside this state, as provided in RCW 4.28.180, with the same force and effect as though personally served within this state.

(3) Only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over him is based upon this section.

(4) Personal service outside the state shall be valid only when an affidavit is made and filed to the effect that service cannot be made within the state.

(5) In the event the defendant is personally served outside the state on causes of action enumerated in this section, and prevails in the action, there may be taxed and allowed to the defendant as part of the costs of defending the action a reasonable amount to be fixed by the court as attorneys' fees.

(6) Nothing herein contained limits or affects the right to serve any process in any other manner now or hereafter provided by law.

Passed the House January 31, 1977.

Passed the Senate March 3, 1977.

Approved by the Governor March 21, 1977.

Filed in Office of Secretary of State March 21, 1977.

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CHAPTER 40

[Substitute House Bill No. 200]

STATE AGENCIES—PETTY CASH ACCOUNTS

AN ACT Relating to public officers and agencies; and amending section 4, chapter 60, Laws of 1969 ex. sess. and RCW 42.26.040.

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

Section 1. Section 4, chapter 60, Laws of 1969 ex. sess. and RCW 42.26.040 are each amended to read as follows:

The state treasurer is authorized to advance moneys from treasury funds to state agencies for the purpose of establishing petty cash accounts (~~((not to exceed fifteen thousand dollars for any agency))~~). Any agency may petition the office of program planning and fiscal management for the establishment of a petty cash account. The maximum amount of such accounts shall be based on the special needs of the petitioning agency and shall be subject to approval by the office of program planning and fiscal management. The amount so advanced shall be reflected in the state treasurer's accounts as an amount due from the agency to the fund or account from which the advance was made.

Passed the House February 17, 1977.

Passed the Senate March 2, 1977.

Approved by the Governor March 21, 1977.

Filed in Office of Secretary of State March 21, 1977.

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CHAPTER 41

[House Bill No. 1]

PORT DISTRICTS—RENT SECURITY

AN ACT Relating to lease of port district property; amending section 2, chapter 87, Laws of 1973 and RCW 53.08.085; and declaring an emergency.

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

Section 1. Section 2, chapter 87, Laws of 1973 and RCW 53.08.085 are each amended to read as follows:

Every lease of all lands, wharves, docks, and real and personal property of a port district for a term of more than one year shall have the rent secured by rental insurance, bond, or other security satisfactory to the port commission, in an amount equal to one-sixth the total rent, but in no case shall such security be less than an amount equal to one year's rent or more than an amount equal to three years' rent. ~~((Such security shall be for))~~ Evidence of the existence of such insurance, bonds, or security shall be on file with the commission at all times during the term of the

lease: PROVIDED, That nothing in this section shall prevent the port commission from requiring additional security on leases or provisions thereof, or on other agreements to use port facilities: PROVIDED FURTHER, That any security agreement may provide for termination on the anniversary date of such agreement on not less than one year's written notice to the port if said lease is not in default at the time of said notice: PROVIDED FURTHER, That if the security as required herein is not maintained throughout the full term of the lease, said lease shall be considered in default: PROVIDED, HOWEVER, That the port commission may in its discretion waive the rent security requirement or lower the amount of such requirement on the lease of real and/or personal port property to organizations which are organized and/or function under the provisions of chapter 24.03 RCW, the Washington Nonprofit Corporation Act, as now existing or hereafter amended and which organization has received a declaration of tax-exempt status from the department of internal revenue of the United States government pursuant to section 501 of the internal revenue code of 1954, as amended.

**NEW SECTION.** Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 4, 1977.

Passed the Senate March 3, 1977.

Approved by the Governor March 21, 1977.

Filed in Office of Secretary of State March 21, 1977.

## CHAPTER 42

[House Bill No. 245]

### COUNTIES—BIWEEKLY PAY PERIOD

AN ACT Relating to counties; and adding a new section to chapter 36.17 RCW.

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

**NEW SECTION.** Section 1. There is added to chapter 36.17 RCW a new section to read as follows:

In addition to the pay periods permitted under RCW 36.17.040, the legislative authority of any county may establish a biweekly pay period where county officers and employees receive their compensation not later than seven days following the end of each two week pay period for services rendered during that pay period.

Passed the House February 21, 1977.

Passed the Senate March 3, 1977.

Approved by the Governor March 21, 1977.

Filed in Office of Secretary of State March 21, 1977.

## CHAPTER 43

[House Bill No. 274]

### TRAPPING LICENSE—INSTRUCTION—EXAMINATION

AN ACT Relating to trapping; and adding a new section to chapter 77.32 RCW.

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

**NEW SECTION.** Section 1. There is added to chapter 77.32 RCW a new section to read as follows:

Before granting a trapping license to any person who is purchasing a license for the first time or who is under eighteen years of age the commission shall require that the person either present a certificate showing that the holder has satisfactorily completed a course of instruction in safe, humane, and proper trapping techniques or pass an examination given by the commission to establish that the applicant has the requisite knowledge concerning humane, safe, and proper trapping techniques.

The commission shall establish a program to properly train persons in safe, humane, and proper trapping techniques including the use of trapping devices designed to painlessly capture or instantly kill. For this purpose the commission shall cooperate with national and state animal, humane, firearm safety, and trapping organizations in the development of a curriculum. Upon successful completion of the course every trainee shall be furnished a trapper's training certificate signed by the authorized instructor which shall satisfy the certification requirement of this section for obtaining a trapping license.

Passed the House February 9, 1977.

Passed the Senate March 4, 1977.

Approved by the Governor March 21, 1977.

Filed in Office of Secretary of State March 21, 1977.

## CHAPTER 44

[Substitute House Bill No. 277]

### GAME AND GAME FISH—PROHIBITED ACTS AND PENALTIES—BEAR, COUGAR

AN ACT Relating to game and game fish; amending section 77.16.020, chapter 36, Laws of 1955 and RCW 77.16.020; amending section 77.16.030, chapter 36, Laws of 1955 and RCW 77.16.030; and prescribing penalties.

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

Section 1. Section 77.16.020, chapter 36, Laws of 1955 and RCW 77.16.020 are each amended to read as follows:

It shall be unlawful for any person to hunt, trap, or fish for any game birds, game animals, fur-bearing animals or game fish during the respective closed seasons therefor. It shall also be unlawful for any person to kill, take, or catch any species of game birds, game animals, fur-bearing animals, or game fish in excess of the number fixed as the bag limit. It shall also be unlawful for any person to hunt or trap for any game birds, game animals, or fur-bearing animals within the boundaries of any game reserve or closed area, and it shall likewise be unlawful for any person to fish for any game fish within any closed waters or within the boundaries of any game fish reserve.

Any person who hunts or traps any elk, moose, antelope, mountain goat, mountain sheep, caribou, bear, cougar, or deer in violation of this section is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in

the county jail for not less than thirty days and not more than one year or by both such fine and imprisonment.

Any person who hunts or traps any game bird in violation of this section is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars and not more than one hundred dollars or by imprisonment in the county jail for not less than ten days and not more than thirty days or by both such fine and imprisonment.

Sec. 2. Section 77.16.030, chapter 36, Laws of 1955 and RCW 77.16.030 are each amended to read as follows:

It shall be unlawful for any person to have in his possession or under his control any game bird, nongame bird, game animal, fur-bearing animal, or game fish, or part thereof, during the closed season or in excess of the bag limit.

Any person who has in his possession or under his control any elk, moose, antelope, mountain goat, mountain sheep, caribou, bear, cougar, deer, or part thereof in violation of the foregoing portion of this section is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both such fine and imprisonment.

Any person who has in his possession or under his control any game bird or part thereof in violation of the foregoing portion of this section is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars and not more than one hundred dollars or by imprisonment in the county jail for not less than ten days and not more than thirty days or by both such fine and imprisonment.

PROVIDED, That any person who has lawfully acquired possession of any game bird, game animal, or game fish, or part thereof, and who desires to retain it for human consumption or ornamental purposes, or desires to sell the skin, hide, horns, head, or plumage thereof, after the close of the season may do so in accordance with the rules and regulations of the commission.

PROVIDED, FURTHER, That the owner of any game bird, nongame bird, game animal, fur-bearing animal, or game fish, who has lawfully propagated it or purchased from one who has so propagated it, may possess, ship, sell or otherwise dispose of such bird, animal, or fish, when properly tagged or sealed.

Passed the House February 4, 1977.

Passed the Senate March 2, 1977.

Approved by the Governor March 21, 1977.

Filed in Office of Secretary of State March 21, 1977.

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## CHAPTER 45

[House Bill No. 12]

### SCHOOL BUSES—WARNING LIGHTS

AN ACT Relating to bus warning lights; and amending section 46.37.290, chapter 12, Laws of 1961 as amended by section 6, chapter 100, Laws of 1970 ex. sess. and RCW 46.37.290.

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

Section 1. Section 46.37.290, chapter 12, Laws of 1961 as amended by section 6, chapter 100, Laws of 1970 ex. sess. and RCW 46.37.290 are each amended to read as follows:

~~((+))~~ The state commission on equipment is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses and private carrier buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

~~((2))~~ It shall be unlawful to operate any flashing warning signal light on any school bus or private carrier bus except when any said bus is stopped on a highway for the purpose of permitting passengers to board or alight from said bus. The term flashing signal as used herein shall not include an electric turn signal.)

Passed the House February 15, 1977.

Passed the Senate March 4, 1977.

Approved by the Governor March 22, 1977.

Filed in Office of Secretary of State March 22, 1977.

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## CHAPTER 46

[House Bill No. 146]

### INTERLOCAL COOPERATIVE BUS SERVICE—CONTIGUOUS STATES OR PROVINCES

AN ACT Relating to the interlocal cooperation act; amending section 1, chapter 139, Laws of 1969 ex. sess. and RCW 39.34.085; and declaring an emergency.

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

Section 1. Section 1, chapter 139, Laws of 1969 ex. sess. and RCW 39.34.085 are each amended to read as follows:

In addition to the other powers granted by chapter 39.34 RCW, one or more cities or towns or a county, or any combination thereof, may enter into agreements with each other or with a public transportation agency of a contiguous state, or contiguous Canadian province, to allow a city or such other transportation agency to operate bus service for the transportation of the general public within the territorial boundaries of ~~((each))~~ such city and/or county or to allow such city and/or county to operate such bus service within the jurisdiction of such other public agency when no such existing bus certificate of public convenience and necessity has been authorized by the Washington utilities and transportation commission: PROVIDED, HOWEVER, That such transportation may extend beyond the territorial boundaries of either party to the agreement if the agreement so provides, and if such service is not in conflict with existing bus service authorized by the Washington utilities and transportation commission. The provisions of this section shall be cumulative and nonexclusive and shall not affect any other right granted by this chapter or any other provision of law.

NEW SECTION. Sec. 2. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the

state government and its existing public institutions, and shall take effect immediately.

Passed the House February 17, 1977.  
 Passed the Senate March 4, 1977.  
 Approved by the Governor March 22, 1977.  
 Filed in Office of Secretary of State March 22, 1977.

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CHAPTER 47

[Engrossed Senate Bill No. 2078]

CREMATION AND CREMATED

REMAINS—DEFINITIONS—POSSESSORY RIGHTS

AN ACT Relating to cremation; amending section 2, chapter 247, Laws of 1943 and RCW 68.04.020; amending section 3, chapter 247, Laws of 1943 and RCW 68.04.030; amending section 11, chapter 247, Laws of 1943 and RCW 68.04.110; and adding a new section to chapter 68.08 RCW.

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

Section 1. Section 2, chapter 247, Laws of 1943 and RCW 68.04.020 are each amended to read as follows:

"Human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition (~~(and)~~) except cremated remains.

Sec. 2. Section 3, chapter 247, Laws of 1943 and RCW 68.04.030 are each amended to read as follows:

"Cremated remains" means (~~(human remains)~~) a human body after cremation in a crematory.

Sec. 3. Section 11, chapter 247, Laws of 1943 and RCW 68.04.110 are each amended to read as follows:

"Cremation" means the reduction of the body of a deceased person to cremated remains in a crematory in such a manner that the largest dimension of any remaining particle does not exceed five millimeters: PROVIDED, That if a person entitled to possession of such remains under the provisions of section 4 of this 1977 amendatory act is going to place the cremated remains in a cemetery, mausoleum, columbarium, or building devoted exclusively to religious purposes, the five millimeter dimension requirement shall not apply.

NEW SECTION. Sec. 4. There is added to chapter 68.08 RCW a new section to read as follows:

The person or persons determined under RCW 68.08.160 as having authority to order cremation shall be entitled to possession of the cremated remains without further intervention by the state or its political subdivisions.

Passed the Senate February 9, 1977.  
 Passed the House March 7, 1977.  
 Approved by the Governor March 22, 1977.  
 Filed in Office of Secretary of State March 22, 1977.

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CHAPTER 48

[Engrossed Senate Bill No. 2075]

NURSING HOMES—RELIGIOUS ORDER MEMBERS

AN ACT Relating to nursing homes and institutions; and amending section 21, chapter 117, Laws of 1951 and RCW 18.51.170.

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

Section 1. Section 21, chapter 117, Laws of 1951 and RCW 18.51.170 are each amended to read as follows:

Nothing in this chapter or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any nursing home or institution conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination, or for any nursing home or institution operated for the exclusive care of members of a convent as defined in RCW 84.36.800 or rectory, monastery, or other institution operated for the care of members of the clergy.

Passed the Senate February 4, 1977.

Passed the House March 7, 1977.

Approved by the Governor March 22, 1977.

Filed in Office of Secretary of State March 22, 1977.

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CHAPTER 49

[Senate Bill No. 2079]

UNFAIR BUSINESS PRACTICES—  
DISPOSITION OF HUMAN REMAINS

AN ACT Relating to unfair business practices; and amending section 17, chapter 216, Laws of 1961 as last amended by section 1, chapter 158, Laws of 1974 ex. sess. and RCW 19.86.170.

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

Section 1. Section 17, chapter 216, Laws of 1961 as last amended by section 1, chapter 158, Laws of 1974 ex. sess. and RCW 19.86.170 are each amended to read as follows:

Nothing in this chapter shall apply to actions or transactions otherwise permitted, prohibited or regulated under laws administered by the insurance commissioner of this state, the Washington utilities and transportation commission, the federal power commission or actions or transactions permitted by any other regulatory body or officer acting under statutory authority of this state or the United States: PROVIDED, HOWEVER, That actions and transactions prohibited or regulated under the laws administered by the insurance commissioner shall be subject to the provisions of RCW 19.86.020 and all sections of chapter 216, Laws of 1961 and chapter 19.86 RCW which provide for the implementation and enforcement of RCW 19.86.020 except that nothing required or permitted to be done pursuant to Title 48 RCW shall be construed to be a violation of RCW 19.86.020: PROVIDED, FURTHER, That actions or transactions specifically permitted within the



statutory authority granted to any regulatory board or commission established within Title 18 RCW shall not be construed to be a violation of chapter 19.86 RCW; PROVIDED, FURTHER, That this chapter shall apply to actions and transactions in connection with the disposition of human remains.

RCW ((9-01-090)) 9A.20.010(2) shall not be applicable to the terms of this chapter and no penalty or remedy shall result from a violation of this chapter except as expressly provided herein.

Passed the Senate February 4, 1977.

Passed the House March 7, 1977.

Approved by the Governor March 22, 1977.

Filed in Office of Secretary of State March 22, 1977.

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## CHAPTER 50

[Substitute House Bill No. 291]

### COMMON SCHOOLS—INTERDISTRICT STUDENT TRANSFERS

AN ACT Relating to student transfers within the common schools; and amending section 1, chapter 66, Laws of 1975 1st ex. sess. and RCW 28A.58.242.

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

Section 1. Section 1, chapter 66, Laws of 1975 1st ex. sess. and RCW 28A.58-.242 are each amended to read as follows:

The decision of a school district within which a student under the age of twenty-one years resides or of a school district within which such a student under the age of twenty-one years was last enrolled and is considered to be a resident for attendance purposes by operation of law, to deny such student's request for release to a nonresident school district by an agreement pursuant to RCW 28A.58.240 may be appealed to the ~~((state board of education))~~ superintendent of public instruction or his or her designee; PROVIDED, That the school district of proposed transfer is willing to accept the student.

The ~~((state board of education or its designee))~~ superintendent of public instruction or his or her designee shall hear the appeal and examine the evidence. The ~~((state board of education))~~ superintendent of public instruction may order the resident district to release such a student who is under the age of twenty-one years in the event ~~((it))~~ he or she or his or her designee finds that a special hardship or detrimental condition of a financial, educational, safety or health nature affecting the student or the student's immediate family or custodian may likely be significantly alleviated as a result of the transfer. The decision of the ~~((state board of education))~~ superintendent of public instruction may be appealed to superior court pursuant to chapter 34.04 RCW, the administrative procedure act, as now or hereafter amended.

Passed the House February 25, 1977.

Passed the Senate March 4, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

## CHAPTER 51

[Substitute House Bill No. 427]

## COUNTY OPERATED FERRIES—FISCAL SUPPORT

AN ACT Relating to county operated ferries; amending section 46.68.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 57, Laws of 1975-'76 2nd ex. sess. and RCW 46.68.100; amending section 1, chapter 21, Laws of 1975 1st ex. sess. as amended by section 2, chapter 57, Laws of 1975-'76 2nd ex. sess. and RCW 47.56.725; declaring an emergency; and providing an effective date.

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

Section 1. Section 46.68.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 57, Laws of 1975-'76 2nd ex. sess. and RCW 46.68.100 are each amended to read as follows:

From the net tax amount in the motor vehicle fund there shall be paid sums as follows:

(1) There shall be paid to the cities and towns of the state sums equal to ten and forty-four hundredths percent of the net tax amount to be paid monthly as the same accrues;

(2) To the counties of the state there shall be paid sums equal to thirty-two and sixty-one hundredths percent of the net tax amount out of which there shall be ~~((paid to the state highway commission those sums as may be appropriated for assistance to county operated ferries, as provided in RCW 47.56.725, at such times as shall be determined by the commission))~~ distributed from time to time, as directed by the highway commission, those sums as may be necessary to carry out the provisions of RCW 47.56.725 as now or hereafter amended, with the balance of such county share to be ((paid)) distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(3) To the state there shall be paid to be expended as provided by RCW 46.68.130, sums equal to fifty-five and five-tenths percent of the net tax amount to be paid monthly as the same accrues.

(4) There shall be paid to the Puget Sound ferry operations account sums equal to one and forty-five hundredths percent of the net tax amount to be paid monthly as the same accrues.

Nothing in this section or in RCW 46.68.090 or 46.68.130 shall be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuels.

Sec. 2. Section 1, chapter 21, Laws of 1975 1st ex. sess. as amended by section 2, chapter 57, Laws of 1975-'76 2nd ex. sess. and RCW 47.56.725 are each amended to read as follows:

(1) The Washington state highway commission is hereby authorized to enter into a continuing agreement with Pierce, Skagit, and Whatcom counties pursuant to which the state highway commission shall ~~((pay)), from time to time, direct the distribution to each of the counties ((from moneys appropriated for such purpose))~~ the amounts authorized in subsection (2) of this section in accordance with RCW 46.68.100 as now or hereafter amended.

(2) The Washington state highway commission is authorized to include in each such continuing agreement a provision for the distribution to each such county funds to reimburse the county for fifty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry system owned and operated by such county, commencing with the fiscal year ending June 30, 1976: PROVIDED, That the total amount to be reimbursed to Pierce, Skagit, and Whatcom counties collectively shall not exceed five hundred thousand dollars in any biennium: PROVIDED FURTHER, That each county agreement shall contain a requirement that the county shall maintain tolls on its ferries at levels sufficient to produce aggregate annual revenues at least equal to the annual revenue of the county's ferry system in calendar year 1975.

(3) The annual fiscal year deficit, if any, shall be determined by Pierce, Skagit, and Whatcom counties subject to review and approval of the Washington state highway commission. The annual fiscal year deficit is defined as the total of operations and maintenance expenditures less the sum of ferry toll revenues and that portion of fuel tax revenue distributions which are attributable to the county ferry as determined by the Washington state highway commission. ~~((Payments))~~ Distribution of the amounts authorized by subsection (2) of this section by the state treasurer shall be ~~((made))~~ directed by the Washington state highway commission upon the receipt of properly executed vouchers from each county.

NEW SECTION. Sec. 3. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1977.

Passed the House February 22, 1977.

Passed the Senate March 2, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

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## CHAPTER 52

[House Bill No. 585]

### STATE COLLEGES—TREASURER, APPOINTMENT, BOND

AN ACT Relating to the state colleges; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.40 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.40 RCW a new section to read as follows:

Each board of state college trustees shall appoint a treasurer who shall be the financial officer of the board and who shall hold office during the pleasure of the board. Each treasurer shall render a true and faithful account of all moneys received and paid out by him, and shall give bond for the faithful performance of the

duties of his office in such amount as the trustees require: PROVIDED, That the respective colleges shall pay the fees for any such bonds.

- Passed the House February 22, 1977.
- Passed the Senate March 3, 1977.
- Approved by the Governor March 25, 1977.
- Filed in Office of Secretary of State March 25, 1977.

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CHAPTER 53  
[House Bill No. 35]  
PUBLIC UTILITY DISTRICTS—ELECTIONS

AN ACT Relating to elections; amending section 3, chapter 1, Laws of 1931 and RCW 54.08.010; amending section 4, chapter 1, Laws of 1931 as last amended by section 1, chapter 106, Laws of 1969 and RCW 54.12.010; and amending section 29.21.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.010.

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

Section 1. Section 3, chapter 1, Laws of 1931 and RCW 54.08.010 are each amended to read as follows:

At any general election held in an even-numbered year the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of any county in this state may, or on petition of ten percent of the qualified electors of such county, based on the total vote cast in the last general county election, shall, by resolution, submit to the voters of such county the proposition of creating a public utility district which shall be co-extensive with the limits of such county as now or hereafter established. Such petition shall be filed with the county auditor, who shall within fifteen days examine the signatures thereof and certify to the sufficiency or insufficiency thereof, and for such purpose the county auditor shall have access to all registration books in the possession of election officers within such county. If such petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the ~~((board of))~~ county ~~((commissioners, who))~~ legislative authority, which shall thereupon immediately transmit such proposition to the election board of such county, and it shall be the duty of such county election board to submit such proposition to the voters at the next general election. The notice of the election shall state the boundaries of the proposed public utility district and the object of such election, and shall in other respects conform to the requirements of the general laws of the state of Washington, governing the time and manner of holding elections. In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot substantially in the following terms:

- Public Utility District No. .... YES
- Public Utility District No. .... NO

Any petition for the formation of a public utility district may describe a less area than the entire county in which the petition is filed, the boundaries of which shall follow the then existing precinct boundaries and not divide any voting precinct; and in the event that such a petition is filed the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall fix a date for a hearing on such petition, and shall publish the petition, without the signatures thereto appended, for two weeks prior to the date of the hearing, together with a notice stating the time of the meeting when such petition will be heard. Such publication, and all other publications required by this act, shall be in a newspaper published in the proposed or established public utility district, or, if there be no such newspaper, then in a newspaper published in the county in which such district is situated, and of general circulation in such county. The hearing on such petition may be adjourned from time to time, not exceeding four weeks in all. If upon the final hearing the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall find that any lands have been unjustly or improperly included within the proposed public utility district and will not be benefited by inclusion therein, ~~((the said board))~~ it shall change and fix the boundary lines in such manner as it shall deem reasonable and just and conducive to the public welfare and convenience, and make and enter an order establishing and defining the boundary lines of the proposed public utility district: PROVIDED, That no lands shall be included within the boundaries so fixed lying outside the boundaries described in the petition, except upon the written request of the owners of such lands. Thereafter the same procedure shall be followed as prescribed in this ~~((act))~~ chapter for the formation of a public utility district including an entire county, except that the petition and election shall be confined solely to the lesser public utility district.

Section 2. Section 4, chapter 1, Laws of 1931 as last amended by section 1, chapter 106, Laws of 1969 and RCW 54.12.010 are each amended to read as follows:

Within ten days after such election, the election board of the county shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the election board shall so declare in its canvass of the returns of such election, and such public utility district shall then be and become a municipal corporation of the state of Washington, and the name of such public utility district shall be Public Utility District No. . . . . of . . . . . County. The powers of the public utility district shall be exercised through a commission consisting of three members in districts of the second class, and five members in districts of the first class. When the public utility district is coextensive with the limits of such county, then, at the first election of commissioners and until any change shall have been made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county commissioner districts of the county in which the public utility district is located. When the public utility district comprises only a portion of the county, with boundaries established in accordance with chapter 54.08 RCW, three public utility district commissioner districts, numbered consecutively, having approximately equal population and boundaries, following ward and precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, which shall be subject to

appropriate change by the county commissioners if and when they change the boundaries of the proposed public utility district, and one commissioner shall be elected from each of said public utility district commissioner districts. In all districts of the first class an additional commissioner at large shall be chosen from each of the two at large districts. No person shall be eligible to be elected to the office of public utility district commissioner for a particular district commissioner district unless he is a ~~((freeholder within the boundaries of such public utility district, and a qualified))~~ registered voter of the public utility district commissioner district or at large district from which he is elected.

Except as otherwise provided, the term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed from the first day of December following the commissioner's election. One commissioner at large and one commissioner from a commissioner district shall be elected at each ~~((biennial))~~ general election held in an even-numbered year for the term of four years and six years respectively. All candidates shall be voted upon by the entire public utility district.

When a public utility district is formed, three public utility district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such public utility district shall be formed. The commissioner residing in commissioner district number one shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two years. The commissioners first to be elected as above provided shall hold office from the first day of the month following the commissioners' election. Each term shall be computed from the first day of December following the commissioners' election.

All public utility district commissioners shall hold office until their successors shall have been elected and have qualified. A filing for nomination for public utility district commissioner shall be accompanied by a petition signed by one hundred ~~((qualified electors))~~ registered voters of the public utility district ~~((to be filed in the office of the county auditor not more than sixty days, and not less than forty-six days prior to the day of such election))~~, which shall be certified by the county auditor to contain the required number of registered voters, and shall otherwise be filed in accord with the requirements of RCW 29.21.060. At the time of filing such nominating petition, the person so nominated shall execute and file a declaration of candidacy subject to the provisions of RCW 29.21.060, as now or hereafter amended. The petition and each page of the petition shall state whether the nomination is for a commissioner from a particular commissioner district or for a commissioner at large and shall state the districts; otherwise it shall be void. A vacancy in the office of public utility district commissioner shall occur by death, resignation, removal, conviction of a felony, nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty. In the event of a vacancy in said office, such vacancy shall be filled at the next general election held in an even-

numbered year, the vacancy in the interim to be filled by appointment by the remaining commissioners. If more than one vacancy exists at the same time in a district of the second class, or more than two in a district of the first class, a special election shall be called by the county election board upon the request of the remainder, or, that failing, by the county election board, such election to be held not more than forty days after the occurring of such vacancies.

A majority of the persons holding the office of public utility district commissioner at any time shall constitute a quorum of the commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted, except in usual and ordinary course, unless there are in office at least a majority of the full number of commissioners fixed by law.

The boundaries of the public utility district commissioners' district may be changed only by the public utility district commission, and shall be examined every ten years to determine substantial equality of population, but said boundaries shall not be changed oftener than once in four years, and only when all members of the commission are present. The proposed change of the boundaries of the public utility district commissioners' district must be made by resolution and after public hearing. Notice of the time of a public hearing thereon shall be published for two weeks prior thereto. Upon a referendum petition signed by ten percent of the qualified voters of the public utility district being filed with the county auditor, the board of county commissioners shall submit such proposed change of boundaries to the voters of the public utility district for their approval or rejection. Such petition must be filed within ninety days after the adoption of resolution of the proposed action. The validity of said petition shall be governed by the provisions of chapter 54.08 RCW.

Sec. 3. Section 29.21.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.010 are each amended to read as follows:

All cities and towns shall hold primary elections irrespective of type or form of government which shall be nonpartisan and held as provided in RCW 29.13.070, as now or hereafter amended. All districts, except ~~((public utility districts and))~~ those districts which require ownership of property within said districts as a prerequisite to voting, shall hold primary elections which shall be nonpartisan and held as provided in RCW 29.13.070 as now or hereafter amended.

All names of candidates to be voted upon at city, town, and such district primary elections shall be printed upon the official primary ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear in that order on the city, town, or district general election ballot concerned under the designation for each respective office. In the event there are two or more offices to be filled for the same position, then names of candidates receiving the highest number of votes equal in number to twice the offices to be filled shall appear on the city, town, or district general election ballot so that the voter shall have a choice of two candidates for each position: PROVIDED, That no name of any

candidate shall appear on the city, town, or district general election ballot unless said candidate shall receive at least five percent of the total votes cast for that office. The sequence of names of candidates printed on the city, town, or district general election ballot shall be in relation to the number of votes each candidate received at the primary. Names of candidates printed upon the city, town, or district primary and general election ballot need not be rotated.

The purpose of this section is to establish the holding of a primary election, subject to the exemptions as contained in RCW 29.21.015 as now or hereafter amended, as a uniform procedural requirement to the holding of city, town, and district elections and such provisions shall supersede any and all other statutes, whether general or special in nature, having different election requirements.

Passed the House February 22, 1977.

Passed the Senate March 7, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

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## CHAPTER 54

[House Bill No. 57]

### ENVIRONMENTAL COORDINATION PROCEDURES

AN ACT Relating to the environmental coordination procedures act; amending section 1, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.010; amending section 2, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.020; amending section 4, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.040; amending section 5, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.050; amending section 6, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.060; amending section 8, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.080; amending section 9, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.090; amending section 10, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.100; adding a new section to chapter 90.62 RCW; and creating a new section.

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

Section 1. Section 1, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62-.010 are each amended to read as follows:

(1) It is the sense of the legislature that the heavy burdens placed upon persons proposing to undertake certain types of projects in this state through requirements to obtain numerous permits and related documents from various state and local agencies are undesirable and should be alleviated. The legislature further finds that present methods for obtaining public views in relation to applications to state and local agencies pertaining to these projects are cumbersome and place undue hardships on members of the public thereby thwarting the public's ability to present such views.

(2) The purposes of this chapter are to:

(a) Provide for an optional procedure to assist those who, in the course of satisfying the requirements of state and local government prior to undertaking a project which contemplates the use of the state's air, land, or water resources, must obtain a number of permits, (~~from the department of ecology and one or more state or local agencies~~) by establishing a mechanism in state government which will coordinate administrative decision-making procedures, and related quasi judicial and judicial review, pertaining to such documents.



(b) Provide to members of the public a better and easier opportunity to present their views comprehensively on proposed uses of natural resource and related environmental matters prior to the making of decisions on such uses by state or local agencies.

(c) Provide to members of the public who desire to carry out the aforementioned projects within the state of Washington a greater degree of certainty in terms of permit requirements of state and local government.

(d) Provide better coordination and understanding between state and local agencies in the administration of the various programs relating to air, water, and land resources.

(e) Establish the opportunity for members of the public to obtain information pertaining to requirements of federal and state law which must be satisfied prior to undertaking a project in the state.

Sec. 2. Section 2, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.020 are each amended to read as follows:

For purposes of this chapter the following words mean, unless the context clearly dictates otherwise:

(1) "Board" means the pollution control hearings board.

(2) "Department" means the department of ecology.

(3) "Local government" means a county, city or town.

(4) "Permit" means any license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to any regulatory or management program related to the protection, conservation, or use of, or interference with, the natural resources of land, air or water in the state, which is required to be obtained from a state agency prior to constructing or operating a project in the state of Washington. Permit shall also mean a substantial development permit under RCW 90.58.140 and any permit, required by a local government for a project, that the local government has chosen to process pursuant to RCW 90.62.100(2) as now or hereafter amended. Nothing in this chapter shall relate to a permit issued by the department of labor and industries or by the utilities and transportation commission; nor to the granting of proprietary interests in publicly owned property such as sales, leases, easements, use permits and licenses.

(5) "Person" means any individual, municipal, public, or private corporation, or other entity however denominated, including a state agency and county.

(6) "Processing" and "processing of applications" mean the entire process to be followed in relation to the making of decisions on an application for a permit and review thereof as provided in RCW 90.62.040 through 90.62.080.

(7) "Project" means any new activity or any expansion of or addition to an existing activity, fixed in location, for which permits are required prior to construction or operation from ((the department of ecology and one or more other state agencies prior to construction or operation, including, but not)) (a) two or more state agencies as defined in subsection (8) of this section, or (b) one or more state agencies and a local government, if the local government is processing permits or requests for variances or rezones pursuant to the procedure established by the provisions of this chapter, as provided by RCW 90.62.100(2) as now or hereafter amended. Such construction or operation may include, but need not be limited to, industrial and

commercial operations and developments. For the purpose of part (a) of this subsection, the submission of plans and specifications for a hydraulic project or other work to the departments of fisheries and game pursuant to RCW 75.20.100 shall be considered to be an application for a permit required by one state agency.

(8) "State agency" means any state department, commission, board or other agency of the state however titled. For the limited purposes of this chapter only "state agency" shall also mean (a) any local or regional air pollution control authority established under chapter 70.94 RCW and (b) any local government when said government is acting in its capacity as a decision maker on an application for a permit pursuant to RCW 90.58.140.

Sec. 3. Section 4, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.040 are each amended to read as follows:

(1) Any person proposing a project may submit a master application to the department requesting the issuance of all permits necessary prior to the construction and operation of the project in the state of Washington. The master application shall be on a form furnished by the department and shall contain precise information as to the location of the project, and shall describe the nature of the project including any discharges of wastes proposed therefrom and any uses of, or interferences with, natural resources contemplated. ~~((No master application shall be accepted for processing by the department of ecology pursuant to this chapter unless it is accompanied by the certification of local government provided for in RCW 90.62.100.))~~

(2) Upon receipt of a properly completed master application, the department shall immediately notify in writing each state agency having a possible interest in the master application arising from requirements pertaining to a permit program under its jurisdiction. The notification from the department shall be accompanied by a copy of the master application together with the date by which the agency shall respond to the notice. Each notified agency shall respond in writing to the department within the specified date, not exceeding fifteen days from receipt, as determined by the department, advising (a)(i) whether the agency does or does not have an interest in the master application, and (a)(ii) if the response to (a)(i) of this subsection is affirmative, the permit program or programs under the agency's jurisdiction to which the project described in the master application is pertinent, and whether, in relation to the master application, a public hearing as provided in RCW 90.62.050 and 90.62.060 would or would not be of value taking into consideration the overall public interest. Each notified state agency which (b)(i) responds within the specified date that it does not have an interest in the master application or (b)(ii) does not respond as required above within the specified date, shall not subsequently require a permit of the applicant for the project described in the master application; provided the bar to requiring a permit subsequently shall not be applicable if the master application provided the notified agency contained false, misleading, or deceptive information, or other information, or lack thereof, which would reasonably lead an agency to misjudge its interest in a master application.

(3) The department shall ~~((submit))~~ send application forms relating to permit programs identified in affirmative responses under subsection (2) of this section to

the applicant within five working days of the date specified by the department pursuant to subsection (2) of this section with a direction to complete and return them to the department within a reasonable time as specified by the department.

(4) When such applications, properly completed, have been returned to the department, each of the applications shall be transmitted to the appropriate state agency for the performance of its responsibilities of decision making in accordance with the procedures of this chapter. No such completed applications shall be accepted by the department for transmittal unless they are accompanied by (a) the certification of local government provided for in RCW 90.62.100 as now or hereafter amended, or (b) a statement of the local government indicating that such certification would require rezoning, the granting of a variance or issuance of a conditional use permit and the local government has chosen to utilize the procedures provided by this chapter to process the request for the rezoning or variance or the application for the conditional use permit as provided by RCW 90.62.100(2) as now or hereafter amended.

(5) For the purpose of establishing priority dates upon water right permits and certificates issued pursuant to rulings on applications under chapters 90.03 and 90.44 RCW and processed under this chapter, the priority date shall be the date of submitting the master application to the department or the county office as provided in RCW 90.62.120(2).

Sec. 4. Section 5, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.050 are each amended to read as follows:

(1) The department, within a reasonable time after transmittal under RCW 90.62.040(4), shall cause a notice to be published at the applicant's expense once each week on the same day of the week for ~~((three))~~ two consecutive weeks in a newspaper of general circulation within each county in which the project is proposed to be constructed or operated. The notice shall describe the nature of the master application including, with reasonable specificity, the project proposed, its location, the various permits applied for, and the ~~((state))~~ agency having jurisdiction over each such permit. Except as provided in RCW 90.62.050(2), the notice shall also state the time and place of the public hearing (to be held not less than ~~((twenty))~~ fifteen days after the date of last publication of the notice). It shall further state that a copy of the master application and a copy of all permit applications for the project are available for public inspection in the office for environmental permit applications of each county in which the project is proposed to be constructed or operated, as well as at the Olympia office and appropriate regional office of the department, together with such other locations as the department may designate.

(2) If the responses received by the department from state agencies under RCW 90.62.040(2) unanimously state the position that a public hearing in relation to a master application would not be of value taking into consideration the overall public interest, and the department, after a careful evaluation, taking into consideration all interests involved, including the opportunities for members of the public to present views, concludes likewise, the provisions of subsection (1) of this section pertaining to the time and place of a public hearing shall not be included in the notice. In place thereof the notice shall state that members of the public may

present relevant views and supporting materials in writing to the department in relation to any of the permits applied for within ((thirty)) twenty days after the last date of publication of the notice in a newspaper.

Sec. 5. Section 6, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.060 are each amended to read as follows:

(1) Except as provided in RCW 90.62.050(2), prior to any final decision on any permit applications relating to a project subject to the procedures of this chapter, a public hearing shall be held in the county in which all or a major part of the proposed project is to be constructed or operated, such hearing to be held pursuant to notice made under RCW 90.62.050(1). At any such hearing the applicant may submit any relevant information and material in support of his applications, and members of the public may present relevant views and supporting materials in relation to any or all of the applications being considered.

(2) Each ((state)) agency having an application for a permit before it as described in the notice in RCW 90.62.050(1) shall be represented at the public hearing by its chief administrative officer or his designee. The director of the department, or a hearing officer duly appointed by him, shall chair the hearing; however, the representative of any ((state)) agency (other than the department) within whose jurisdiction a specific application lies shall conduct the portion of the hearing pertaining to submission of information, views, and supporting materials which are relevant to that application. The chairman may, when appropriate, continue a hearing from time to time and place to place. The hearing shall be recorded in any manner suitable for transcription as determined by the department.

(3) No provisions of chapter 34.04 RCW shall apply to the hearing provided for by this section. Said hearing shall be conducted for the purpose of obtaining information for the assistance of ((state)) the agencies but shall not be considered a trial or adversary proceeding.

(4) Upon completion of the public hearing the chairman, after consultation with the ((state)) agency representatives, shall establish the date by which all ((state)) agencies shall forward their final decisions on applications before them to the department: PROVIDED, That this date may be extended by the chairman for reasonable cause. Every final decision shall set forth the basis for the conclusion reached together with a final order denying the application for a permit or granting it, subject to such conditions of approval as the deciding agency may have power to impose.

(5) In situations where a notice is provided pursuant to RCW 90.62.050(2) and no public hearing is conducted, the department shall, after ((thirty)) twenty days after the last notice publication in the newspaper, submit a copy of all views and supporting material received by it to each agency having an application for a permit before it as described in the notice. Concurrently therewith, the department shall notify each ((state)) agency, in writing, of the date by which final decisions on applications shall be forwarded to the department: PROVIDED, That this date may be extended by the department for reasonable cause. Each such final decision shall consist of the same contents as provided for final decisions in RCW 90.62.060(4).

(6) As soon as all final decisions are received by the department from the various participating ((state)) agencies, as provided in RCW 90.62.060(4) and (5), the

department shall incorporate them, without modification, into one document and transmit the same to the applicant either personally or by registered mail.

(7) Each ~~((state))~~ agency having jurisdiction to approve or deny an application for a permit shall have continuing power as vested in it prior to enactment of this chapter to make such determinations. Nothing in RCW 90.62.030 through 90.62.060 shall lessen or reduce such powers, and such sections shall modify only the procedures to be followed in the carrying out of such powers.

(8) ~~((A state))~~ An agency may in the performance of its responsibilities of decision making under this chapter, request or receive additional information from an applicant and others prior or subsequent to a public hearing as necessary to the performance thereof.

Sec. 6. Section 8, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.080 are each amended to read as follows:

(1) Any person aggrieved by any final decision of a state agency, as defined in RCW 90.62.020(8) as now or hereafter amended, contained in the document issued by the department pursuant to RCW 90.62.060(6) may obtain review thereof by filing a request, with the board, within thirty days of the transmittal under RCW 90.62.060(6) by the department of ecology of the document, for all final decisions other than a final decision relating to the granting or denial of a substantial development permit pursuant to RCW 90.58.140 in which case the filing of such request shall be with the shorelines hearings board. The board shall review all final decisions other than a final decision on a substantial development permit which shall be reviewed by the shorelines hearings board. In the event a request for review includes a final decision involving a substantial development permit and other permits, there shall be single staged hearing of the permits by the boards. The board shall be authorized to adopt rules and regulations implementing such staged hearings and the filing of requests so as to eliminate all unnecessary duplication. ~~((The scope of review by the boards and the standards of reviews used by the boards for determining the validity of any final decision shall be those contained in RCW 34.04.130.))~~

(2) Any hearing held pursuant to this section by the pollution control hearings board or the shorelines hearings board or by the boards jointly shall be a de novo quasi judicial hearing and shall be conducted pursuant to the procedures provided in chapter 34.04 RCW.

(3) The board or boards shall make written findings of fact based upon a preponderance of the evidence and shall prepare written conclusions of law and an order, which order may affirm with or without condition, remand for further proceedings, or reverse the appealed decision in accordance with the findings and conclusions.

(4) Judicial review of decisions of the ~~((actions of))~~ boards shall be controlled by RCW 43.21B.180 through 43.21B.200 except as they relate to decisions pertaining to substantial development permits under RCW 90.58.140 which shall be controlled by RCW 90.58.180.

(5) (a) Any person aggrieved by and desiring to appeal any final decision of a local government contained in the document issued by the department pursuant to RCW 90.62.060(6) as now or hereafter amended shall obtain review thereof in the

same manner as would apply had the local government not utilized the procedures provided by this chapter.

(b) The provisions of subsection (5)(a) of this section shall not apply to a decision concerning any permit required by a "state agency" as that term is defined in RCW 90.62.020(8) as now or hereafter amended.

Sec. 7. Section 9, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.090 are each amended to read as follows:

(1) Notwithstanding any other statutes relating to the processing of application for permits, the procedures, including timing requirements and approval requirements related thereto, set forth in this chapter shall be exclusive in relation to applications for permits filed pursuant to RCW 90.62.040. The procedures of this chapter shall be in lieu of any procedures otherwise provided by statute, existing or hereafter enacted, to be followed by ~~((a state))~~ an agency in ruling upon an application for a permit for a project under this chapter.

(2) The procedures of this chapter are applicable only to projects as defined in RCW 90.62.020(7) and only through the completion of final decisions under RCW 90.62.060 and of review proceedings of RCW 90.62.080 and any ancillary proceedings. This chapter shall have no applicability to any applications for permit renewals, amendments, extensions, or other similar documents, or for replacing permits which are required subsequent to the completion of the decisions and proceedings under RCW 90.62.060 and 90.62.080 and any ancillary proceedings. For purposes of this section "ancillary proceedings" shall mean all proceedings, quasi judicial and judicial, held pursuant to any order of remand or similar order by the board or a court in relation to a final decision of ~~((a state))~~ an agency made hereunder and held in response to the order of remand or similar order.

(3) Fee schedules previously and expressly established or authorized by statute in relation to any application for a permit shall continue to be applicable even though processed under this chapter. The department shall collect such fees and forward them to the appropriate ~~((state))~~ agency.

Sec. 8. Section 10, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.100 are each amended to read as follows:

(1) No ~~((master application pertaining to a project filed under RCW 90.62.040 shall be processed under this chapter))~~ completed applications returned to the department of ecology pursuant to RCW 90.62.040(3) as now or as hereafter amended shall be accepted by the department for transmittal pursuant to RCW 90.62.040 as now or hereafter amended unless ~~((it is))~~ they are accompanied by a certification from the pertinent local government that the project is in compliance with all zoning ordinances, and associated comprehensive plans, administered by said local government relating to the location of the project or are accompanied by the statement described in RCW 90.62.040(4)(b) as now or hereafter amended: PROVIDED, That if the local government has no such ordinances or plans the certification from local government shall so state and issue. For purposes of this section master programs of chapter 90.58 RCW are not zoning ordinances administered by local government. Local governments are authorized to accept applications for certifications as provided in this section and are directed to rule upon the same expeditiously to insure the purposes of this chapter are accomplished fully. Upon certification, the local government may not change such zoning ordinances so

as to affect the proposed project until the procedures of this chapter, including any board or court reviews, are completed. The provisions of the state environmental policy act relating to the preparation of detailed impact statements shall not be applicable to the action approving or denying certifications authorized in this section.

(2) (a) Upon receiving an application for certification for a project pursuant to subsection (1) of this section, the local government may, at its discretion, choose to process, pursuant to the procedures provided by this chapter, requests for variances or rezones or applications for conditional use permits or any other permits or any combination thereof that may be required by the local government for the project described on a master application. The procedures established by this chapter shall satisfy the procedural requirements for any requests or applications so processed.

(b) The provisions of subsection (2)(a) of this section shall not apply to any permit required by a "state agency" as that term is defined in RCW 90.62.020(8) as now or hereafter amended.

(3) Nothing in this chapter shall modify in any manner whatsoever the applicability or inapplicability of any land use regulation statutes or local zoning ordinances to lands of any state agency.

~~((3))~~ (4) Approval of an application for certification as provided in this section shall not eliminate any requirements of the Shoreline Management Act of 1971 or any other statutes administered by a local government. A ruling by local government denying an application for certification shall not be appealable under this chapter: PROVIDED, That the denial of an application for certification pursuant to subsection (1) of this section shall not preclude the applicant from filing a permit application under any other available statute or procedure.

NEW SECTION. Sec. 9. There is added to chapter 90.62 RCW a new section to read as follows:

It is anticipated that in processing permits as provided by this chapter the participating agencies may identify modifications to the project described in a master application, and subsequently completed individual applications submitted pursuant to RCW 90.62.040 as now or hereafter amended, which modifications would be necessary to satisfy the permit requirements of all of the participating agencies. The department of ecology shall, by rules and regulations adopted pursuant to chapter 34.04 RCW, establish guidelines for determining the extent to which such modifications can be approved under the original application without the applicant's having to resubmit a master application. Such guidelines shall require, among other provisions, that an applicant resubmit a master application if the modifications proposed by the participating agencies to the applicant's proposed project would have required one or more of the participating agencies to require the applicant to submit a new application reflecting such modifications if the application for the permit had not been submitted under this chapter.

NEW SECTION. Sec. 10. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 8, 1977.

Passed the Senate March 4, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

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## CHAPTER 55

[Substitute House Bill No. 181]

### PHYSICIAN'S TRAINED EMERGENCY PERSONNEL—DEFINITIONS— CERTIFICATION AND RECERTIFICATION—LIABILITY FOR ACTS OR OMISSIONS

AN ACT Relating to physicians; amending section 14, chapter 192, Laws of 1909 as last amended by section 3, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.020; amending section 2, chapter 305, Laws of 1971 ex. sess. as amended by section 1, chapter 52, Laws of 1973 1st ex. sess. and RCW 18.71.200; amending section 3, chapter 305, Laws of 1971 ex. sess. and RCW 18.71.210; and adding a new section to chapter 18.71 RCW.

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

Section 1. Section 14, chapter 192, Laws of 1909 as last amended by section 3, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.020 are each amended to read as follows:

Any person who shall practice or attempt to practice or hold himself out as practicing medicine in this state, without having, at the time of so doing, a valid, unrevoked license as provided in this chapter, shall be guilty of a gross misdemeanor: PROVIDED, That nothing in this section shall be so construed as to prohibit or penalize emergency lifesaving service rendered by a physician's trained mobile intravenous therapy technician, by a physician's trained mobile airway management technician, or by a physician's trained mobile intensive care paramedic, as defined in RCW 18.71.200 as now or hereafter amended, if such emergency lifesaving service be rendered under the responsible supervision and control of a licensed physician. In each such conviction the fine shall be paid, when collected, to the state treasurer: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. The director is authorized to prosecute all persons guilty of a violation of the provisions of this chapter.

Sec. 2. Section 2, chapter 305, Laws of 1971 ex. sess. as amended by section 1, chapter 52, Laws of 1973 1st ex. sess. and RCW 18.71.200 are each amended to read as follows:

(1) As used in RCW 18.71.020 as now or hereafter amended, a "physician's trained mobile intravenous therapy technician" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained by an approved licensed physician to administer intravenous solutions under written or oral authorization of an approved licensed physician; and



(c) Has been examined and certified as a physician's trained mobile intravenous therapy technician by the University of Washington's school of medicine or the department of social and health services;

(2) As used in RCW 18.71.020 as now or hereafter amended, a "physician's trained mobile airway management technician" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained by an approved licensed physician to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of an approved licensed physician; and

(c) Has been examined and certified as a physician's trained mobile airway management technician by the University of Washington's school of medicine or the department of social and health services; and

(3) As used in RCW 18.71.020 as now or hereafter amended, a "physician's trained mobile intensive care paramedic" means a person who:

~~((1))~~ (a) Has successfully completed an ~~((advanced first aid course equivalent to the advanced industrial first aid course prescribed by the division of industrial safety and health, department of labor and industries))~~ emergency medical technician course as described in chapter 18.73 RCW; ~~((and~~

~~((2))~~ (b) Is trained by an approved licensed physician:

~~((a))~~ (i) To carry out all phases of ~~((cardio-pulmonary resuscitation))~~ advanced cardiac life support;

~~((b))~~ (ii) To administer drugs under written or oral authorization of a licensed physician; and

~~((c))~~ (iii) To administer intravenous solutions under written or oral authorization of an approved licensed physician; and

(iv) To perform endotracheal airway management and other authorized aids to ventilation; and

~~((3))~~ (c) Has been examined and certified as a physician's trained mobile intensive care paramedic by ~~((a county health officer or by))~~ the University of Washington's school of medicine or by ~~((their designated representatives))~~ the department of social and health services.

NEW SECTION. Sec. 3. There is added to chapter 18.71 RCW a new section to read as follows:

(1) The secretary of the department of social and health services, in conjunction with the advice and assistance of the emergency medical and ambulance review committee as prescribed in RCW 18.73.050, and the board of medical examiners, shall prescribe:

(a) Minimum standards and performance requirements for the certification and recertification of physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics; and

(b) Procedures for certification, recertification, and decertification of physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics.

(2) Initial certification shall be for a period of two years.

(3) Recertification shall be granted upon proof of continuing satisfactory performance and education, and shall be for a period of two years.

(4) As used in chapter 18.71 RCW, "approved licensed physician" means a person who:

(a) Is licensed to practice medicine and surgery pursuant to chapter 18.71 RCW or osteopathy and surgery pursuant to chapter 18.57 RCW; and

(b) Is qualified and knowledgeable in the management of emergency care and services; and

(c) Is so certified by the department of social and health services.

Sec. 4. Section 3, chapter 305, Laws of 1971 ex. sess. and RCW 18.71.210 are each amended to read as follows:

No act or omission of any physician's trained mobile intensive care paramedic, intravenous therapy technician, or airway management technician, as defined in RCW 18.71.200 as now or hereafter amended, done or omitted in good faith while rendering emergency (~~lifesaving~~) medical service under the responsible supervision and control of a licensed physician to a person who is in (~~immediate~~) imminent danger of loss of life or has suffered grievous bodily injury shall impose any liability upon:

(1) The trained mobile intensive care paramedic, intravenous therapy technician, or airway management technician;

(2) The supervising physician(;;);

(3) Any hospital, the officers, members of the staff, nurses, or other employees of a hospital (~~or upon~~);

(4) Any training agency or training physician;

(5) Any licensed ambulance service; or

(6) A federal, state, county, city or other local governmental unit or (~~upon other~~) employees of such a governmental unit(~~:-PROVIDED, That~~);

This section shall only apply to an act or omission committed or omitted in the performance of the actual emergency medical procedures and not in the commission or omission of an act which is not within the field of medical expertise of the physician's trained mobile intensive care paramedic, intravenous therapy technician, or airway management technician, as the case may be.

This section shall not relieve a physician or a hospital of any duty otherwise imposed by law upon such physician or hospital for the designation or training of a physician's trained mobile intensive care paramedic, intravenous therapy technician, or airway management technician (~~or~~), nor shall this section relieve any individual or other entity listed in this section of any duty otherwise imposed by law for the provision or maintenance of equipment to be used by the physician's trained mobile intensive care paramedics, intravenous therapy technicians, or airway management technicians.

This section shall not apply to any act or omission which constitutes either gross negligence or wilful or wanton conduct.

Passed the House February 11, 1977.

Passed the Senate March 7, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

## CHAPTER 56

[Substitute House Bill No. 209]

## VOTER'S PAMPHLETS—PARTY NOMINATING PROCEDURES

AN ACT Relating to voter's pamphlets; and adding a new section to chapter 29.81 RCW.

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

NEW SECTION. Section 1. There is added to chapter 29.81 RCW a new section to read as follows:

(1) In each odd-numbered year immediately preceding a year in which a president of the United States is to be nominated and elected, the voter's pamphlet shall contain an insert or a detachable section explaining the precinct caucus and convention process utilized by each major political party to elect delegates to its national presidential candidate nominating convention. The information to be provided shall include, but not be limited to: (a) The dates of precinct caucuses, (b) instructions as to how to ascertain the names of current precinct committeepersons, precinct caucus chairpersons, the locations of precinct caucus meeting places, and the dates of county, district, and state conventions, (c) a description of the rules of procedure which will be used at caucuses and conventions, (d) the formulas utilized to allocate delegates elected at caucuses and conventions, and (e) a description of the other actions which may be taken at the caucuses and conventions in addition to selecting delegates. The content and format of this section of the voter's pamphlet shall be established by the secretary of state after consultation with the chairperson of the state central committee of each major political party, or his or her designated representative.

(2) The voter's pamphlet shall also provide a description of the statutory procedures by which minor political parties are formed and the statutory methods utilized by such parties to nominate candidates for president. The content and format of this description shall be established by the secretary of state.

Passed the House February 9, 1977.

Passed the Senate March 7, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977

## CHAPTER 57

[House Bill No. 230]

## WINTER RECREATIONAL PARKING—FINES—PERMITS

AN ACT Relating to winter recreational parking; amending section 6, chapter 209, Laws of 1975 1st ex. sess. and RCW 46.61.587; and prescribing a penalty.

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

Section 1. Section 6, chapter 209, Laws of 1975 1st ex. sess. and RCW 46.61-.587 are each amended to read as follows:

Any violation of RCW 43.51.320 or 46.61.585 or any rule promulgated by the parks and recreation commission to enforce the provisions thereof shall be (~~a misdemeanor~~) punished by a fine of not more than twenty-five dollars plus court

costs, and said fine shall be deposited in the winter recreational parking account. Upon payment of the fine, a special winter recreational parking permit for the calendar year in which the violation occurs shall be issued by the commission to the owner of the vehicle subject to compliance with the rules and regulations governing the issuance of such permit.

Passed the House February 18, 1977.

Passed the Senate March 9, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

## CHAPTER 58

[House Bill No. 237]

### PSYCHOLOGISTS—CONTINUING EDUCATION

AN ACT Relating to business and professions; and amending section 9, chapter 305, Laws of 1955 as last amended by section 74, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.83.090.

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

Section 1. Section 9, chapter 305, Laws of 1955 as last amended by section 74, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.83.090 are each amended to read as follows:

Each licensed psychologist shall ~~((renew his license by paying))~~ pay to the state treasurer, on or before the tenth day of January of each year, ~~((a))~~ an annual license renewal fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended. ~~((Upon receipt of such payment by the state treasurer the))~~ The board shall establish rules governing mandatory continuing education requirements which shall be met by any psychologist applying for a license renewal. The director shall issue a certificate of renewal in such form as the director shall determine.

Passed the House February 4, 1977.

Passed the Senate March 7, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

## CHAPTER 59

[House Bill No. 321]

### VENEREAL DISEASE CASE INVESTIGATORS—VENIPUNCTURE AUTHORITY

AN ACT Relating to public health; and adding a new section to chapter 70.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 70.24 RCW a new section to read as follows:

Venereal disease case investigators, upon specific authorization from a doctor, are hereby authorized to perform venipuncture or skin puncture on a person for the sole purpose of withdrawing blood for use in venereal disease tests.

The term "venereal disease case investigator" shall mean only those persons who:

- (1) Are employed by public health authorities; and
- (2) Have been trained by a doctor in proper procedures to be employed when withdrawing blood in accordance with training requirements established by the department of social and health services; and
- (3) Possess a statement signed by the instructing doctor that the training required by subsection (2) of this section has been successfully completed.

The term "doctor" means any person licensed under the provisions of chapters 18.57 or 18.71 RCW.

Passed the House February 22, 1977.

Passed the Senate March 7, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

## CHAPTER 60

[Substitute House Bill No. 385]

### LIFE INSURANCE POLICIES—PURCHASE CANCELLATION

AN ACT Relating to life insurance; and adding a new section to chapter 48.23 RCW.

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

NEW SECTION. Section 1. There is added to chapter 48.23 RCW a new section to read as follows:

Every individual life insurance policy issued after September 1, 1977, shall have printed on its face or attached thereto a notice stating in substance that the policy owner shall be permitted to return the policy within ten days after it is received by the policy owner and to have the premium paid refunded if, after examination of the policy, the policy owner is not satisfied with it for any reason. If a policy owner pursuant to such notice, returns the policy to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued.

This section shall not apply to individual life insurance policies issued in connection with a credit transaction or issued under a contractual policy change or conversion privilege provision contained in a policy.

Passed the House February 22, 1977.

Passed the Senate March 4, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

## CHAPTER 61

[House Bill No. 386]

### INSURANCE CONNECTION WITH DEBT OR LOAN

AN ACT Relating to insurance; amending section 20, chapter 193, Laws of 1957 and RCW 48.30.260; and amending section 6, chapter 219, Laws of 1961 as amended by section 1, chapter 82, Laws of 1967 ex. sess. and RCW 48.34.060.

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

Section 1. Section 20, chapter 193, Laws of 1957 and RCW 48.30.260 are each amended to read as follows:

(1) Every debtor or borrower, when property insurance of any kind is required in connection with the debt or loan, shall have reasonable opportunity and choice in the selection of the agent, broker, and insurer through whom such insurance is to be placed; but only if the insurance is properly provided for the protection of the creditor or lender not later than at commencement of risk as to such property as respects such creditor or lender, and in the case of renewal of insurance, only if the renewal policy, or a proper binder therefor containing a brief description of the coverage bound and the identity of the insurer in which the coverage is bound, is delivered to the the creditor or lender not later than thirty days prior to the renewal date.

(2) Every person who lends money or extends credit and who solicits insurance on real and personal property must explain to the borrower in prominently displayed writing that the insurance related to such loan or credit extension may be purchased from an insurer or agent of the borrower's choice, subject only to the lender's right to reject a given insurer or agent as provided in subsection (3)(b) of this section.

(3) No person who lends money or extends credit may:

(a) Solicit insurance for the protection of real property, after a person indicates interest in securing a real estate loan or credit extension, until such person has received a commitment from the lender as to a loan or credit extension;

(b) Unreasonably reject a contract of insurance furnished by the borrower for the protection of the property securing the credit or lien. A rejection shall not be deemed unreasonable if it is based on reasonable standards, uniformly applied, relating to the extent of coverage required and the financial soundness and the services of an insurer. Such standards shall not discriminate against any particular type of insurer, nor shall such standards call for rejection of an insurance contract because the contract contains coverage in addition to that required in the credit transaction;

(c) Require that any borrower, mortgagor, purchaser, insurer, broker, or agent pay a separate charge, in connection with the handling of any contract of insurance required as security for a loan on real estate, or pay a separate charge to substitute the insurance policy of one insurer for that of another. This subsection does not include the interest which may be charged on premium loans or premium advancements in accordance with the terms of the loan or credit document;

(d) Use or disclose, without the prior written consent of the borrower, mortgagor, or purchaser taken at a time other than the making of the loan or extension of credit, information relative to a contract of insurance which is required by the credit transaction, for the purpose of replacing such insurance; or

(e) Require any procedures or conditions of duly licensed agents, brokers, or insurers not customarily required of those agents, brokers, or insurers affiliated or in any way connected with the person who lends money or extends credit.

(4) Nothing contained in this section shall prevent a person who lends money or extends credit from placing insurance on real or personal property in the event the

mortgagor, borrower, or purchaser has failed to provide required insurance in accordance with the terms of the loan or credit document.

(5) Nothing contained in this section shall apply to credit life or credit disability insurance.

Sec. 2. Section 6, chapter 219, Laws of 1961 as amended by section 1, chapter 82, Laws of 1967 ex. sess. and RCW 48.34.060 are each amended to read as follows:

The initial amount of credit life insurance under a group policy shall at no time exceed the amount owed by the debtor which is repayable in installments to the creditor, or ~~((twelve))~~ twenty-five thousand ~~((five hundred))~~ dollars, whichever is less. Nor shall the amount repayable under the contract of indebtedness extend over a period in excess of ~~((seven))~~ ten years, except that in case of long term agricultural real estate mortgages or agricultural short term crop production loans, the amount of insurance on the life of the debtor shall at no time exceed the amount owed by him to the creditor or ~~((twenty-five))~~ fifty thousand dollars, whichever is less.

Passed the House March 8, 1977.

Passed the Senate March 7, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

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## CHAPTER 62

[Engrossed Senate Bill No. 2106]

### LIEN FOR INTERNAL REVENUE TAXES—AUDITOR'S FEES—PAYMENT

AN ACT Relating to liens; and amending section 4, chapter 15, Laws of 1925 as amended by section 1, chapter 250, Laws of 1955 and RCW 60.68.040.

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

Section 1. Section 4, chapter 15, Laws of 1925 as amended by section 1, chapter 250, Laws of 1955 and RCW 60.68.040 are each amended to read as follows:

The auditor shall receive ~~((one))~~ five dollars for filing and indexing each notice of lien, and ~~((fifty cents))~~ three dollars for each certificate of discharge.

The provisions of RCW 36.18.060 requiring advance payment of fees before performance of services shall not apply to the fees and services under this chapter.

Passed the Senate February 1, 1977.

Passed the House March 4, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

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## CHAPTER 63

[Engrossed Senate Bill No. 2110]

### SUPERIOR COURT LITIGANTS' FUNDS—INVESTMENT INCOME—NOTICE

AN ACT Relating to counties; and amending section 36.48.090, chapter 4, Laws of 1963 as amended by section 8, chapter 126, Laws of 1973 and RCW 36.48.090.

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

Section 1. Section 36.48.090, chapter 4, Laws of 1963 as amended by section 8, chapter 126, Laws of 1973 and RCW 36.48.090 are each amended to read as follows:

Whenever any person has in his custody as clerk of the superior court any funds held in trust for any litigant or for any purpose, they shall be deposited in a separate fund designated "clerk's trust fund," and shall not be commingled with any public funds, and in case any interest is paid upon any such "clerk's trust fund" so deposited, it shall be paid to the beneficiary of such trust upon the termination thereof. However, the clerk may invest the funds in any of the investments authorized by RCW 36.29.020. The clerk shall place the income from such investments in the county current expense fund to be used by the county for general county purposes unless (1) the funds being held in trust in a particular matter are two thousand dollars or more, and (2) a litigant in the matter has filed a written request that such investment be made of the funds being held in trust and the income be paid to the beneficiary. In such an event, any income from such investment shall be paid to the beneficiary of such trust upon the termination thereof: PROVIDED, That five percent of the income shall be deducted by the clerk as an investment service fee and placed in the county current expense fund to be used by the county for general county purposes.

Litigants who have appeared in matters where funds being held in trust are two thousand dollars or more shall be entitled to written notice of the provisions of this section from the clerk, if they have made no written request as stated in this section within thirty days of receipt of the funds by the clerk, and if such litigants have not previously received such notice.

Passed the Senate March 7, 1977.

Passed the House March 4, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

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## CHAPTER 64

[Senate Bill No. 2123]

### FIRE COMMISSIONERS—OFFICE VACANCY—FILLING

AN ACT Relating to fire protection district commissioners; and amending section 26, chapter 34, Laws of 1939 as last amended by section 1, chapter 17, Laws of 1974 ex. sess. and RCW 52.12.050.

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

Section 1. Section 26, chapter 34, Laws of 1939 as last amended by section 1, chapter 17, Laws of 1974 ex. sess. and RCW 52.12.050 are each amended to read as follows:

In case of vacancy occurring in the office of fire commissioner, such vacancy shall, within thirty days, be filled by appointment of a resident elector of the district by ~~((the county legislative authority))~~ a vote of the remaining fire commissioners and the person appointed shall serve until his successor has been elected or appointed and has qualified. If there should be at the same time such number of vacancies that there are not in office a majority of the full number of commissioners fixed by law, the county legislative authority shall within thirty days of such



vacancies appoint the required number to create a majority as prescribed by law to fill the vacancies ad interim through the next general election. At the next general election, if there is sufficient time for the nomination of candidates for office of fire commissioner as herein provided, after the filling of any vacancy in such office as aforesaid, there shall be elected a fire commissioner to serve for the remainder of the unexpired term. If a fire commissioner is absent from the district for three consecutive regularly scheduled meetings unless by permission of the board his office shall be declared vacant by the board of county commissioners and such vacancy shall be filled as provided for in this section but provided that no such action shall be taken unless he is notified by mail after two consecutive unexcused absences that his position will be declared vacant if he is absent without being excused from the next regularly scheduled meeting.

Passed the Senate February 7, 1977.

Passed the House March 4, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

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## CHAPTER 65

[Engrossed Senate Bill No. 2124]

### STATE HIGHWAY PROJECTS—CALL FOR BIDS—ADVERTISEMENT—OPENING

AN ACT Relating to highway projects; and amending section 47.28.050, chapter 13, Laws of 1961 as last amended by section 2, chapter 116, Laws of 1973 and RCW 47.28.050.

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

Section 1. Section 47.28.050, chapter 13, Laws of 1961 as last amended by section 2, chapter 116, Laws of 1973 and RCW 47.28.050 are each amended to read as follows:

Except as may be provided by rules and regulations adopted under RCW 47.28.030 as now or hereafter amended the Washington state highway commission shall publish a call for bids for the construction of the highway according to the maps, plans, and specifications, once a week for at least two consecutive weeks, next preceding the day set for receiving and opening the bids, in not less than one trade paper (~~and one other paper, both~~) of general circulation in the state. The call shall state the time, place, and date for receiving and opening the bids, give a brief description of the location and extent of the work, and contain such special provisions or specifications as the commission deems necessary: **PROVIDED**, That when the estimated cost of any contract to be awarded is less than twenty-five thousand dollars, the call for bids need only be published in one paper of general circulation in the county where the major part of the work is to be performed: **PROVIDED FURTHER**, That when the estimated cost of a contract to be awarded is seven thousand five hundred dollars or less, including the cost of materials, supplies, engineering, and equipment, the state highway commission need not publish a call for bids: **PROVIDED FURTHER**, That after a bid call has been

advertised for two consecutive weeks it may be postponed and the bids opened one week later.

Passed the Senate February 10, 1977.

Passed the House March 7, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

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## CHAPTER 66

[Engrossed Senate Bill No. 2181]

### SURFACE MINING—PERFORMANCE BOND OR SECURITY

AN ACT Relating to surface mining; and amending section 13, chapter 64, Laws of 1970 ex. sess. and RCW 78.44.120.

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

Section 1. Section 13, chapter 64, Laws of 1970 ex. sess. and RCW 78.44.120 are each amended to read as follows:

Upon receipt of an operating permit an operator other than a public or governmental agency shall not commence surface mining until the operator has deposited with the department an acceptable performance bond on forms prescribed and furnished by the department. This performance bond shall be a corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under the provisions of chapter 48.28 RCW and approved by the department. The bond shall be filed and maintained in an amount equal to the estimated cost of completing the reclamation plan for the area to be surface mined during the next twelve-month period and any previously surface mined area for which a permit has been issued and on which the reclamation has not been satisfactorily completed and approved. If an operator increases the area to be surface mined during the twelve month period, the department may increase the amount of the bond to compensate for the increase. The department shall have the authority to determine the amount of the bond that shall be required, and for any reason may refuse any bond not deemed adequate. In no case shall the amount of the bond be less than one hundred dollars or more than ~~((one))~~ two thousand five hundred dollars per acre or fraction thereof.

The bond shall be conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules and regulations adopted pursuant thereto.

In lieu of the surety bond required by this section the operator may file with the department a cash deposit, negotiable securities acceptable to the department, or an assignment of a savings account or of a savings certificate in a Washington bank on an assignment form prescribed by the department.

Liability under the bond shall be maintained as long as reclamation is not completed in compliance with the approved reclamation plan unless released prior thereto as hereinafter provided. Liability under the bond may be released only upon written notification from the department. Notification shall be given upon completion of compliance or acceptance by the department of a substitute bond. In no

event shall the liability of the surety exceed the amount of the surety bond required by this section.

A public or governmental agency shall not be required to post a bond under the terms of this chapter.

A blanket performance bond covering two or more surface mining operations may be submitted by an operator in lieu of separate bonds for each separate operation.

Passed the Senate February 28, 1977.

Passed the House March 7, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

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## CHAPTER 67

[Engrossed Senate Bill No. 2024]

### COUNTIES EQUIPMENT RENTAL AND REVOLVING FUND

AN ACT Relating to counties; adding a new chapter to Title 36 RCW; repealing section 17, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.272; repealing section 18, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.274; repealing section 19, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.276; repealing section 20, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.278; repealing section 36.82.220, chapter 4, Laws of 1963 and RCW 36.82.220; and repealing section 1, chapter 25, Laws of 1965 ex. sess. and RCW 36.82.230.

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

NEW SECTION. Section 1. Every county shall establish, by resolution, an "equipment rental and revolving fund", hereinafter referred to as "the fund", in the county treasury to be used as a revolving fund for the purchase, maintenance, and repair of county road department equipment; for the purchase of equipment, materials, supplies, and services required in the administration and operation of the fund; and for the purchase or manufacture of materials and supplies needed by the county road department.

NEW SECTION. Sec. 2. The legislative body of any county may authorize, by resolution, the use of the fund by any other office or department of the county government or any other governmental agency for similar purposes.

NEW SECTION. Sec. 3. With the approval of the county legislative body, the county engineer, or other appointee of the county legislative body, shall administer the fund and shall be responsible for establishing the terms and charges for the sale of any material or supplies which have been purchased, maintained, or manufactured with moneys from the fund. The terms and charges shall be set to cover all costs of purchasing, storing, and distributing the material or supplies, and may be amended as considered necessary.

NEW SECTION. Sec. 4. Rates for the rental of equipment owned by the fund shall be set to cover all costs of maintenance and repair, material and supplies consumed in operating or maintaining the equipment, and the future replacement thereof. The rates shall be determined by the county engineer and shall be subject to annual review by the legislative body.

NEW SECTION. Sec. 5. The legislative authority of the county may, from time to time, place moneys in the fund from any source lawfully available to it and

may transfer equipment, materials, and supplies of any office or department to the equipment rental and revolving fund with or without charge consistent with RCW 43.09.210. Charges for the rental of equipment and for providing materials, supplies, and services to any county office or department shall be paid monthly into the fund. Proceeds received from other governmental agencies for similar charges and from the sale of equipment or other personal property owned by the equipment rental and revolving fund, which is no longer of any value to or needed by the county, shall be placed in the fund as received.

NEW SECTION. Sec. 6. Moneys accumulated in the equipment rental and revolving fund shall be retained therein from year to year; shall be used only for the purposes stated in this chapter; and shall be subject to the budgetary regulations in chapter 36.40 RCW.

NEW SECTION. Sec. 7. Sections 1 through 6 of this 1977 act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

- (1) Section 17, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.272;
- (2) Section 18, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.274;
- (3) Section 19, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.276;
- (4) Section 20, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.278;
- (5) Section 36.82.220, chapter 4, Laws of 1963 and RCW 36.82.220; and
- (6) Section 1, chapter 25, Laws of 1965 ex. sess. and RCW 36.82.230.

Passed the Senate March 8, 1977.

Passed the House March 4, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

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## CHAPTER 68

[Engrossed Senate Bill No. 2071]

### HEALTH CARE PRACTITIONERS—REVIEW PROCEEDINGS—FILING CHARGES OR PRESENTING EVIDENCE—IMMUNITY

AN ACT Relating to civil liability of health practitioners; and amending section 1, chapter 144, Laws of 1971 ex. sess. as amended by section 2, chapter 114, Laws of 1975 1st ex. sess. and RCW 4.24.250.

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

Section 1. Section 1, chapter 144, Laws of 1971 ex. sess. as amended by section 2, chapter 114, Laws of 1975 1st ex. sess. and RCW 4.24.250 are each amended to read as follows:

~~((Physicians licensed under chapter 18.71 RCW or chapter 18.57 RCW, dentists licensed under chapter 18.32 RCW, and pharmacists licensed under chapter 18.64 RCW))~~ Any health care practitioner as defined in RCW 7.70.020 (1) and (2) as now existing or hereafter amended who, in good faith, files charges or presents evidence against another member of their profession based on the claimed incompetency or gross misconduct of such person before a regularly constituted review committee or board of a ~~((medical, dental, or pharmaceutical))~~ professional society or hospital whose duty it is to evaluate the competency and qualifications of

members of the profession, including limiting the extent of practice of such person in a hospital or similar institution, shall be immune from civil action for damages arising out of such activities. The written records of such committees or boards shall not be subject to subpoena or discovery proceedings in any civil action, except actions arising out of the recommendations of such committees.

Passed the Senate March 8, 1977.

Passed the House March 4, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

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## CHAPTER 69

[Engrossed Senate Bill No. 2090]

### LEGEND DRUGS—PERSONS AUTHORIZED TO PRESCRIBE

AN ACT Relating to legend drugs; and amending section 3, chapter 186, Laws of 1973 1st ex. sess. and RCW 69.41.030.

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

Section 1. Section 3, chapter 186, Laws of 1973 1st ex. sess. and RCW 69.41-.030 are each amended to read as follows:

It shall be unlawful for any person to sell, deliver, or possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist under chapter 18.22 RCW, ~~((or))~~ a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces, marine hospital service, or public health service in the discharge of his official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his official duties, a registered nurse under chapter 18.88 RCW when authorized by the board of nursing, or a physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state or province of Canada which shares a common border with the state of Washington: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his license, or to a common or contract carrier or warehouseman, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment.

Passed the Senate March 8, 1977.

Passed the House March 4, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

CHAPTER 70

[Engrossed Senate Bill No. 2126]  
TRAINMEN—HOURS OF SERVICE

AN ACT Relating to the regulation of railroads; and amending section 81.40.040, chapter 14, Laws of 1961 and RCW 81.40.040.

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

Section. 1. Section 81.40.040, chapter 14, Laws of 1961 and RCW 81.40.040 are each amended to read as follows:

It shall be unlawful for any common carrier by railroad or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty more than ~~((sixteen))~~ twelve consecutive hours, except when by casualty occurring after such employee has started on his trip; or, except by accident or unavoidable delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal; or, to require or permit any such employee who has been on duty ~~((sixteen))~~ twelve consecutive hours to go on duty without having had at least ten hours off duty; or, to require or permit any such employee who has been on duty ~~((sixteen))~~ twelve hours in the aggregate in any twenty-four hour period to continue on duty without having had at least eight hours off duty within the twenty-four hour period.

Passed the Senate February 3, 1977.

Passed the House March 7, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

CHAPTER 71

[Engrossed Senate Bill No. 2157]  
MEDICAL DISCIPLINARY BOARD—PUBLIC MEMBER

AN ACT Relating to the medical disciplinary board; amending section 4, chapter 202, Laws of 1955 and RCW 18.72.040; and amending section 5, chapter 202, Laws of 1955 and RCW 18.72.050.

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

Section 1. Section 4, chapter 202, Laws of 1955 and RCW 18.72.040 are each amended to read as follows:

There is hereby created the "Washington state medical disciplinary board," which shall be composed of one holder of a valid license to practice medicine and surgery from each congressional district now existing or hereafter created in the state and one member of the public who meets the qualifications contained in RCW 70.39.020(2) shall be appointed by the governor. The public member's term shall be for two years commencing on October 1st of each odd-numbered year. The board shall be an administrative agency of the state of Washington. The attorney general shall be the advisor of the board and shall represent it in all legal proceedings.

Sec. 2. Section 5, chapter 202, Laws of 1955 and RCW 18.72.050 are each amended to read as follows:

Members of the board, except the public member, shall be elected by secret mail ballot by the holders of licenses to practice medicine and surgery residing in each congressional district and shall hold office until their successors are elected and qualified. Members from even-numbered congressional districts shall be elected in even-numbered years and members from odd-numbered congressional districts shall be elected in odd-numbered years.

Passed the Senate February 9, 1977.

Passed the House March 7, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

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## CHAPTER 72

[Substitute House Bill No. 30]

### WATER AND SEWER FACILITIES—CHARGES—NOTICE—CREDITS

AN ACT Relating to water and sewer facilities; creating a new section; and adding new sections to chapter 65.08 RCW.

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

NEW SECTION. Section 1. There is added to chapter 65.08 RCW a new section to read as follows:

When any municipality as defined in RCW 35.91.020 or any county has levied or intends to levy a charge on property pertaining to:

(1) The amount required by the provisions of a contract pursuant to RCW 35.91.020 under which the water or sewer facilities so tapped into or used were constructed; or

(2) Any connection charges which are in fact reimbursement for the cost of facilities constructed by the sale of revenue bonds; or

(3) The additional connection charge authorized in RCW 35.92.025; such municipality or county shall record in the office in which deeds are recorded of the county or counties in which such facility is located a notice of additional tap or connection charges. Such notice shall contain either the legal description of the land affected by such additional tap or connection charges or a map making appropriate references to the United States government survey showing in outline the land affected or to be affected by such additional tap or connection charges.

NEW SECTION. Sec. 2. There is added to chapter 65.08 RCW a new section to read as follows:

The notice required by section 1 of this act, when duly recorded, shall be effective until there is recorded in the same office in which the notice was recorded a certificate of payment and release executed by the municipality or county. Such certificate shall contain a legal description of the particular parcel of land so released and shall be recorded within thirty days of the date of payment thereof.

NEW SECTION. Sec. 3. Any municipal corporation, quasi municipal corporation, or political subdivision which has the authority to install sewers by establishing local improvement districts, which has charged and collected monthly service

fees for sewers, that have been authorized and approved by the voters and have not been constructed for a period of ten or more years since the voter approval, is hereby authorized and directed to grant a credit against the future assessment to be assessed at the time of actual completion of construction of the sewers for each parcel of real property in an amount equal in dollars to the total amount of service fees charged and collected since voter approval for each such parcel, plus interest at six percent compounded annually: PROVIDED, That if such service fees and interest exceed the future assessment for construction of the sewers, such excess funds shall be used to defray future sewer service charge fees.

It is the intent of the legislature that the provisions of this section are procedural and remedial and shall have retroactive effect.

Passed the House March 8, 1977.

Passed the Senate March 7, 1977.

Approved by the Governor March 30, 1977.

Filed in Office of Secretary of State March 30, 1977.

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### CHAPTER 73

[House Bill No. 216]

#### SCHOOL SUPERINTENDENT CANDIDATES—EMPLOYMENT INTERVIEW EXPENSES

AN ACT Relating to education; and amending section 28A.58.310, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 26, Laws of 1969 ex. sess. and RCW 28A.58.310.

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

Section 1. Section 28A.58.310, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 26, Laws of 1969 ex. sess. and RCW 28A.58.310 are each amended to read as follows:

The actual expenses of school directors in going to, returning from and attending upon directors' meetings or other meetings called or held pursuant to statute shall be paid. Likewise, the expenses of school superintendents and other school representatives chosen by the directors to attend any conferences or meetings or to attend to any urgent business at the behest of the state superintendent of public instruction or the board of directors shall be paid. The board of directors may pay the actual and necessary expenses for travel, lodging and meals a superintendent candidate incurs when he or she attends an employment interview in the school district. The school directors, school superintendents ((or)), other school representatives or superintendent candidates may be advanced sufficient sums to cover their anticipated expenses in accordance with rules and regulations promulgated by the state auditor and which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210.

Passed the House March 8, 1977.

Passed the Senate March 4, 1977.

Approved by the Governor March 30, 1977.

Filed in Office of Secretary of State March 30, 1977.



## CHAPTER 74

[House Bill No. 262]

## GAME AND GAME FISH—PROTECTION

AN ACT Relating to the game commission; amending section 77.12.010, chapter 36, Laws of 1955 and RCW 77.12.010; and declaring an emergency.

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

Section 1. Section 77.12.010, chapter 36, Laws of 1955 and RCW 77.12.010 are each amended to read as follows:

The wild animals and wild birds in the state of Washington and the game fish in the waters thereof are the property of the state. The game animals, fur-bearing animals, game birds, nongame birds, harmless or song birds, and game fish shall be preserved, protected, and perpetuated(~~(, and to that end)~~). Such game animals, fur-bearing animals, game birds, nongame birds, harmless or song birds, and game fish shall ~~((not))~~ only be taken at such times or places, by such means, in such manner, or in such quantities as will in the judgment of the commission maximize public recreational opportunities but not impair the supply thereof; PROVIDED, HOWEVER, That nothing contained herein shall be construed to infringe on the right of a private property owner to control his private property.

NEW SECTION. Sec. 2. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 10, 1977.

Passed the Senate March 4, 1977.

Approved by the Governor March 30, 1977.

Filed in Office of Secretary of State March 30, 1977.

## CHAPTER 75

[Engrossed Senate Bill No. 2133]

## STATE AGENCIES—REPORTING REQUIREMENTS

AN ACT Relating to state government reports and publications; amending section 5, chapter 229, Laws of 1937 as last amended by section 1, chapter ... (SB 2098), Laws of 1977 and RCW 2.12.050; amending section 5, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.050; amending section 11, chapter 159, Laws of 1963 as last amended by section 7, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.170; amending section 9, chapter 218, Laws of 1973 1st ex. sess. as amended by section 4, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.090; amending section 11, chapter 340, Laws of 1955 and RCW 9.95.265; amending section 5, chapter 165, Laws of 1947 and RCW 14.04.050; amending section 15.04.020, chapter 11, Laws of 1961 and RCW 15.04.020; amending section 9, chapter 226, Laws of 1949 and RCW 18.04.100; amending section 14, chapter 3, Laws of 1965 ex. sess. as amended by section 31, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.18.251; amending section 1, chapter 297, Laws of 1959 as amended by section 1, chapter 142, Laws of 1961 and RCW 18.43.035; amending section 12, chapter 239, Laws of 1949 and RCW 18.74.120; amending section 8, chapter 202, Laws of 1949 as last amended by section 50, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.88.080; amending section 10, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.280; amending section 1, chapter 177, Laws of 1903 and RCW 27.28.010; amending section 1, chapter 187, Laws of 1925 ex. sess. as amended by section 1, chapter 35, Laws of 1973 and RCW 27.32.010; amending section 5, chapter 44, Laws of 1941 as amended by section 3, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.050; amending section

28A.03.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 47, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.03.030; amending section 28A.10.025, chapter 223, Laws of 1969 ex. sess. and RCW 28A.10.025; amending section 28A.91.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.91.060; amending section 28B.20.130, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.130; amending section 28B.30.150, chapter 223, Laws of 1969 ex. sess. as amended by section 47, chapter 154, Laws of 1973 1st ex. sess. and RCW 28B.30.150; amending section 28B.30.215, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.215; amending section 28B.30.300, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.300; amending section 28B.30.310, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.310; amending section 28B.40.130, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.130; amending section 28B.50.070, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 62, Laws of 1973 and RCW 28B.50.070; amending section 28B.50.130, chapter 223, Laws of 1969 ex. sess. as amended by section 18, chapter 62, Laws of 1973 and RCW 28B.50.130; amending section 17, chapter 15, Laws of 1970 ex. sess. as amended by section 19, chapter 62, Laws of 1973 and RCW 28B.50.140; amending section 35.21.260, chapter 7, Laws of 1965 and RCW 35.21.260; amending section 1, chapter 27, Laws of 1971 ex. sess. as amended by section 17, chapter 288, Laws of 1971 ex. sess. and RCW 36.21.015; amending section 36.75.260, chapter 4, Laws of 1963 and RCW 36.75.260; amending section 3, chapter 250, Laws of 1957 and RCW 38.12.020; amending section 3, chapter 78, Laws of 1949 and RCW 41.04.060; reenacting and amending section 2, chapter 39, Laws of 1970 ex. sess. as last amended by section 85, chapter 34, Laws of 1975-'76 2nd ex. sess. and section 3, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.020; amending section 43.03.028, chapter 8, Laws of 1965 as last amended by section 2, chapter 43, Laws of 1970 ex. sess. and RCW 43.03.028; amending section 3, chapter 41, Laws of 1967 ex. sess. as amended by section 2, chapter 17, Laws of 1973 2nd ex. sess. and RCW 43.06.140; amending section 43.08.010, chapter 8, Laws of 1965 and RCW 43.08.010; amending section 43.08.150, chapter 8, Laws of 1965 and RCW 43.08.150; amending section 43.09.050, chapter 8, Laws of 1965 as amended by section 1, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.050; amending section 43.09.230, chapter 8, Laws of 1965 and RCW 43.09.230; amending section 43.10.100, chapter 8, Laws of 1965 and RCW 43.10.100; amending section 43.19.090, chapter 8, Laws of 1965 and RCW 43.19.090; amending section 43.20.100, chapter 8, Laws of 1965 and RCW 43.20.100; amending section 2, chapter 189, Laws of 1971 ex. sess. as amended by section 98, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.20A.360; amending section 43.21.130, chapter 8, Laws of 1965 and RCW 43.21.130; amending section 20, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.200; amending section 43.22.270, chapter 8, Laws of 1965 as last amended by section 32, chapter 296, Laws of 1975 1st ex. sess. and RCW 43.22.270; amending section 43.22.330, chapter 8, Laws of 1965 and RCW 43.22.330; amending section 43.23.120, chapter 8, Laws of 1965 and RCW 43.23.120; amending section 43.23.130, chapter 8, Laws of 1965 and RCW 43.23.130; amending section 43.30.200, chapter 8, Laws of 1965 and RCW 43.30.200; amending section 43.31.050, chapter 8, Laws of 1965 and RCW 43.31.050; amending section 43.31.160, chapter 8, Laws of 1965 and RCW 43.31.160; amending section 33, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.330; amending section 43.49.070, chapter 8, Laws of 1965 and RCW 43.49.070; amending section 43.51.040, chapter 8, Laws of 1965 as amended by section 1, chapter 90, Laws of 1967 ex. sess. and RCW 43.51.040; amending section 6, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.800; amending section 43.56.030, chapter 8, Laws of 1965 and RCW 43.56.030; amending section 43.61.040, chapter 8, Laws of 1965 as last amended by section 22, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.61.040; amending section 43.62.030, chapter 8, Laws of 1965 as amended by section 2, chapter 50, Laws of 1969 ex. sess. and RCW 43.62.030; amending section 43.62.050, chapter 8, Laws of 1965 as amended by section 2, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.62.050; amending section 8, chapter 74, Laws of 1967 and RCW 43.63A.080; amending section 1, chapter 53, Laws of 1969 ex. sess. and RCW 43.63A.085; amending section 2, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.020; amending section 29, chapter 21, Laws of 1961 ex. sess. as last amended by section 5, chapter 32, Laws of 1967 and RCW 46.01.290; amending section 46.52.060, chapter 12, Laws of 1961 as amended by section 56, chapter 32, Laws of 1967 and RCW 46.52.060; amending section 1, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.01.141; amending section .02.17, chapter 79, Laws of 1947 and RCW 48.02.170; amending section 1, chapter 225, Laws of 1959 and RCW 48.02.180; amending section .33.11, chapter 79, Laws of 1947 and RCW 48.48.110; amending section 1, chapter 231, Laws of 1941 as last amended by section 143, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 49.04.010; amending section 20, chapter 174, Laws of 1913 and RCW 49.12.180; amending section 7, chapter 270, Laws of 1955 and RCW 49.60.100; amending section 40, chapter 35, Laws of 1945 as last amended by section 1, chapter 286, Laws of 1955 and RCW 50.12.010; amending section 55, chapter 35, Laws of 1945 and RCW 50.12.160; amending section 51.04.020, chapter 23, Laws of 1961 as amended by section 1, chapter 29, Laws of 1963 and RCW 51.04.020; amending section 67, chapter 289, Laws of 1971 ex. sess. as last amended by section 150, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 51.04.110; amending section 72, chapter 62, Laws of 1933 ex. sess. as last amended by section 1,

chapter 182, Laws of 1955 and RCW 66.08.028; amending section 3, chapter 55, Laws of 1933 and RCW 67.16.015; amending section 9, chapter 55, Laws of 1933 as last amended by section 7, chapter 148, Laws of 1965 and RCW 67.16.100; amending section 14, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.130; amending section 4, chapter 197, Laws of 1949 as amended by section 4, chapter 252, Laws of 1959 and RCW 70.40.040; amending section 72.01.320, chapter 28, Laws of 1959 and RCW 72.01.320; amending section 32, chapter 171, Laws of 1961 and RCW 72.01.420; amending section 5, chapter 273, Laws of 1959 as amended by section 12, chapter 189, Laws of 1971 ex. sess. and RCW 72.60.280; amending section 75.08.020, chapter 12, Laws of 1955 and RCW 75.08.020; amending section 4, chapter 125, Laws of 1911 and RCW 76.04.050; amending section 77.04.060, chapter 36, Laws of 1955 as last amended by section 175, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 77.04.060; amending section 1, chapter 293, Laws of 1955 as amended by section 1, chapter 129, Laws of 1965 and RCW 79.24.300; amending section 80.01.090, chapter 14, Laws of 1961 and RCW 80.01.090; amending section 3, chapter 26, Laws of 1967 ex. sess. and RCW 82.01.060; amending section 5, chapter 158, Laws of 1919 as last amended by section 5, chapter 51, Laws of 1972 ex. sess. and RCW 89.16.050; amending section 7, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.070; amending section 10, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.090; adding a new section to chapter 42.04 RCW; repealing section 9, chapter 254, Laws of 1951 and RCW 9.81.130; repealing section 15.32.696, chapter 11, Laws of 1961 and RCW 15.32.696; repealing section 15.60.160, chapter 11, Laws of 1961 and RCW 15.60.160; repealing section 15.64.020, chapter 11, Laws of 1961 and RCW 15.64.020; repealing section 30, chapter 165, Laws of 1927 and RCW 16.44.170; repealing section 10, chapter 226, Laws of 1949 and RCW 18.04.110; repealing section 24, chapter 52, Laws of 1957 and RCW 18.32.060; repealing section 28B.30.320, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.320; repealing section 11, chapter 277, Laws of 1969 ex. sess., section 8, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.100; repealing section 5, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.140; repealing section 43.07.060, chapter 8, Laws of 1965 and RCW 43.07.060; repealing section 43.07.070, chapter 8, Laws of 1965 and RCW 43.07.070; repealing section 43.07.080, chapter 8, Laws of 1965 and RCW 43.07.080; repealing section 43.92.030, chapter 8, Laws of 1965 and RCW 43.92.030; repealing section 15, chapter 96, Laws of 1961 and RCW 47.42.150; repealing section 47.56.350, chapter 13, Laws of 1961 and RCW 47.56.350; repealing section 6, chapter 82, Laws of 1967 and RCW 70.83.060; repealing section 5, chapter 188, Laws of 1961 and RCW 70.94.340; repealing section 72.16.090, chapter 28, Laws of 1959 and RCW 72.16.090; repealing section 74.09.140, chapter 26, Laws of 1959 and RCW 74.09.140; repealing section 8, chapter 154, Laws of 1923 and RCW 76.12.150; repealing section 84.08.090, chapter 15, Laws of 1961, section 153, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.08.090; repealing section 84.08.100, chapter 15, Laws of 1961 and RCW 84.08.100; repealing section 24, chapter 200, Laws of 1907 and RCW 88.04.270; and repealing section 2, chapter 284, Laws of 1969 ex. sess. and RCW 90.48.295.

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

Section 1. Section 5, chapter 229, Laws of 1937 as last amended by section 1, chapter... (SB 2098), Laws of 1977 and RCW 2.12.050 are each amended to read as follows:

There is hereby created a fund in the state treasury to be known as "The Judges' Retirement Fund" which shall consist of the moneys appropriated from the general fund in the state treasury, as hereinafter provided; the deductions from salaries of judges, as hereinafter provided, all gifts, donations, bequests and devises made for the benefit of said fund, and the rents, issues and profits thereof, or proceeds of sales of assets thereof. The treasurer shall be custodian of the moneys in said judges' retirement fund. The department of retirement systems shall receive all moneys payable into said fund and make disbursements therefrom as provided in this chapter. The department shall keep written permanent records showing all receipts and disbursements of said fund (~~and shall make an annual written report showing receipts and disbursements and the status of said fund as of June 30th of each year, and shall, on or before the first day of August of each year, file one copy thereof with the governor, and one copy with the president judge of the association of the superior court judges of the state of Washington~~)).

Sec. 2. Section 5, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.050 are each amended to read as follows:

It shall be the duty of the council:

(1) Continuously to survey and study the operation of the judicial department of the state, the volume and condition of business in the courts, whether of record or not, the methods of procedure therein, the work accomplished, and the character of the results;

(2) To receive and consider suggestions from judges, public officers, members of the bar, and citizens as to remedies for faults in the administration of justice;

(3) To devise ways of simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in the administration of justice;

(4) To submit from time to time to the courts or the judges such suggestions as it may deem advisable for changes in rules, procedure, or methods of administration;

(5) To report ~~((biennially))~~ annually to the governor and the legislature ~~((on the condition of business in the courts, with the council's recommendations))~~ as to needed changes in the organization of the judicial department or the courts or in judicial procedure; and

(6) To assist the judges in giving effect to Art. 4 § 25 of the state Constitution.

Sec. 3. Section 11, chapter 159, Laws of 1963 as last amended by section 7, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.170 are each amended to read as follows:

Liability for and payment of claims arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. is declared to be a proper charge as part of the normal cost of operating the various agencies and departments of state government whose operations and activities give rise to the liability and a lawful charge against moneys appropriated or available to such agencies and departments.

Within any agency or department the charge shall be apportioned among such appropriated and other available moneys in the same proportion that the moneys finance the activity causing liability. Whenever the operations and activities of more than one agency or department combine to give rise to a single liability, the budget director shall determine the comparative responsibility of each agency or department for the liability.

State agencies over which the budget director has authority to revise allotments under chapter 43.88 RCW shall make reimbursement to the tort claims revolving fund for any payment made from it for the benefit of such agencies. The budget director is authorized and directed to transfer or order the transfer to the revolving fund, from moneys available or appropriated to such agencies, that sum of money which is a proper charge against them. Such amounts may be expended for the purposes for which the tort claims revolving fund was created by RCW 4.92.130 as herein or hereafter amended without further or additional appropriation: PROVIDED, That in any case where reimbursement would seriously disrupt or prevent substantial performance of the operations or activities of the state agency, the budget director may relieve the agency of all or a portion of the obligation to make reimbursement.

The budget director shall report on request to the legislature (~~(, for any biennial period,)~~) on the status of the tort claims revolving fund, all payments made therefrom, all reimbursements made thereto, and the identity of agencies and departments of state government whose operations and activities give rise to liability, including those agencies and departments over which he does not have authority to revise allotments under chapter 43.88 RCW.

The budget director may authorize agencies, in accordance with chapter 41.05 RCW to the extent that it is applicable, to purchase insurance to protect and hold personally harmless any officer or employee of the state, or any classes of such officers or employees or for other persons performing services for the state, whether by contract or otherwise, from any action, claim, or proceeding for damages arising out of the performance of duties for, employment with, or the performance of services on behalf of the state and to hold him harmless from any expenses connected with the defense, settlement or monetary judgment from such actions.

The budget director shall adopt rules and regulations governing the procedures to be followed in making payment from the tort claims revolving fund, in reimbursing the revolving fund and in relieving an agency of its obligation to reimburse.

Sec. 4. Section 9, chapter 218, Laws of 1973 1st ex. sess. as amended by section 4, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.090 are each amended to read as follows:

The commission shall, from time to time, make reports to the governor covering such matters in connection with this chapter as he may require, and in addition shall prepare and forward to the governor, to be laid before the legislature, a report for the period ending on the thirty-first day of December of 1973, and a report annually thereafter (~~(on the thirtieth day of June of each year)~~) as soon as possible after the close of the fiscal year, which report shall be a public document (~~(;)~~) and contain (~~(a detailed statement and balance sheet showing in general the fiscal condition of the commission and commission expenditures and receipts for the preceding interval, together with)~~) such general information and remarks as the commission deems pertinent thereto and any information requested by either the governor or members of the legislature: PROVIDED, That the commission appointed pursuant to RCW 9.46.040 shall conduct a thorough study of the types of gambling activity permitted and the types of gambling activity prohibited by this chapter and shall make recommendations to the legislature as to: (1) Gambling activity that ought to be permitted; (2) gambling activity that ought to be prohibited; (3) the types of licenses and permits that ought to be required; (4) the type and amount of tax that ought to be applied to each type of permitted gambling activity; (5) any changes which may be made to the law of this state which further the purposes and policies set forth in RCW 9.46.010 as now law or hereafter amended; and (6) any other matter that the commission may deem appropriate. Members of the commission and its staff may contact the legislature, or any of its members, at any time, to advise it of recommendations of the commission.

The commission shall conduct a thorough study of the effectiveness of the criminal sections of the act, and penalties imposed thereby, and shall make a separate report to the legislature on or before January 1, 1977, outlining its findings and any recommendation for specific amendments to these sections it may have.

Sec. 5. Section 11, chapter 340, Laws of 1955 and RCW 9.95.265 are each amended to read as follows:

The board of prison terms and paroles shall transmit to the governor (~~(for submission)~~) and to the legislature, (~~(biennially, or)~~) as often as the governor may require it, a report of its work, in which shall be given (~~(the number of prisoners whose terms of imprisonment have been fixed by it and the number who have been released on parole, and)~~) such (~~(other)~~) information as may be relevant.

Sec. 6. Section 5, chapter 165, Laws of 1947 and RCW 14.04.050 are each amended to read as follows:

The commission shall, within thirty days after its appointment, organize, adopt a seal, and make such rules and regulations for its administration, not inconsistent herewith, as it may deem expedient and may from time to time amend such rules and regulations. At such organization meeting it shall elect from among its members a chairman, a vice chairman, and a secretary to serve for one year, and annually thereafter shall elect such officers; all to serve until their successors are appointed and qualified. The commission shall at its initial meeting fix a date and place for its regular meeting. Four members shall constitute a quorum, and no action shall be taken by less than a majority of the commission. Special meetings may be called as provided by its rules and regulations. Regular meetings shall be held at the commission's established offices, but, whenever the convenience of the public or of the parties may be promoted, or delay or expense may be prevented, it may hold meetings, hearings or proceedings at any other place designated by it. The commission shall transmit a report in writing to the governor (~~(before December 1st of)~~) each year, which report shall contain a summary of its proceedings during the preceding fiscal year (~~(, a detailed and itemized statement of all revenue and of all expenditures made by or in behalf of the commission, such other information as it may deem necessary or useful,)~~) and any additional information which may be requested by the governor. The fiscal year of the commission shall conform to the fiscal year of the state.

Sec. 7. Section 15.04.020, chapter 11, Laws of 1961 and RCW 15.04.020 are each amended to read as follows:

The director shall:

(1) (~~Arrange for and hold meetings for the discussion and dissemination of information as to horticultural subjects and for demonstration of methods of preventing and eradicating diseases and pests injurious to horticultural plants, fruits, and vegetables;~~

(2) ~~Publish and distribute circulars and reports on horticultural subjects, pests affecting, and diseases of horticultural plants, fruits, vegetables, and nursery stock, and means of controlling, curing, removing, eradicating, and disinfecting such diseases and pests;~~

(3)) Furnish to the board of county commissioners of each county annually, on or before September 1st, an estimate of the expenses for the ensuing year of inspecting and disinfecting the horticultural plants, fruits, vegetables and nursery stock and the places in the county where grown, packed, stored, shipped, held for shipment or delivery, or offered for sale;

~~((4))~~ (2) Appoint inspectors to enforce and carry out the provisions of this title, who may be of two classes: Inspectors-at-large and local inspectors, but no more than twenty inspectors-at-large shall be appointed;

~~((5))~~ (3) Adopt, promulgate and enforce such rules and regulations as are necessary to or will facilitate his carrying out of the horticultural laws he is authorized and directed to administer and enforce; and

~~((6))~~ (4) Adopt, promulgate and enforce rules and regulations:

(a) governing the grading, packing, and size and dimensions of commercial containers of fruits, vegetables, and nursery stock;

(b) fixing commercial grades of fruits, vegetables and nursery stock, and providing for the inspection thereof and issuance of certificates of inspection therefor;

(c) for the inspection, grading and certifying of growing crops of agricultural and vegetable seeds and the fixing and collecting of fees for such services;

(d) covering the collection of native plants and parts thereof, and when the manner of collection is destructive of the plants, prohibiting such collecting;

(e) establishing quarantine measures and methods for the protection of agricultural and horticultural crops and products and the control or eradication of pests and diseases injurious thereto;

(f) he may appoint any officer or member of a local fruit protective association to act as inspector, vested with power only to enter premises and inspect orchards and report to the inspector-at-large. Such inspectors shall receive no compensation for services and need not take the regular examination required of other inspectors.

Sec. 8. Section 9, chapter 226, Laws of 1949 and RCW 18.04.100 are each amended to read as follows:

The board ~~((shall have printed and published for public distribution, in January of each year, an annual))~~ may periodically publish a register ~~((which shall contain the names, arranged alphabetically by classification,))~~ of all persons holding permits to practice the profession of public accounting in this state.

Sec. 9. Section 14, chapter 3, Laws of 1965 ex. sess. as amended by section 31, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.18.251 are each amended to read as follows:

A hearing board is hereby established and shall consist of three members to be appointed by the governor in the following manner: One member qualified by at least six years' experience in the cosmetology industry for a six year term; one member from licensed Washington state cosmetology schools for a four year term; and one member who is unaffiliated with any of the foregoing associations for a two year term. Thereafter the terms of the members shall be for six years and until their successors are appointed and qualified. The governor shall fill any vacancy on the board within ninety days after it occurs by an appointment for the remainder of the unexpired term.

The board shall select one of its members as its chairman. Meetings shall be held as often as shall be necessary for the board to perform its duties. All members shall be present before business may be transacted. The director of licenses shall exercise direct supervision over the board's activities and the board shall file ~~((quarterly))~~ such periodic and special reports with the director outlining its activities ~~((for the preceding period))~~ as the director may require.

Each member of the board shall receive as compensation for his attendance at hearings or other proper meetings thirty-five dollars for each day or part of a day's attendance and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended: PROVIDED, HOWEVER, That all compensation and travel expenses shall come from the license and application fees collected pursuant to this chapter.

Sec. 10. Section 1, chapter 297, Laws of 1959 as amended by section 1, chapter 142, Laws of 1961 and RCW 18.43.035 are each amended to read as follows:

The board may adopt and amend bylaws establishing its organization and method of operation, including but not limited to meetings, maintenance of books and records, publication of reports, code of ethics, and rosters, and adoption and use of a seal. Three members of the board shall constitute a quorum for the conduct of any business of the board. The board may employ such persons as are necessary to carry out its duties under this chapter. It may adopt rules and regulations reasonably necessary to administer the provisions of this chapter. It may conduct investigations concerning alleged violations of the provisions of this chapter. In making such investigations and in all proceedings under RCW 18.43.110, the chairman of the board or any member of the board acting in his place may administer oaths or affirmations to witnesses appearing before the board, subpoena witnesses and compel their attendance, and require the production of books, records, papers and documents. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, records, papers or documents so required to be produced, the board may present its petition to the superior court of the county in which such person resides, setting forth the facts, and thereupon the court shall, in any proper case, enter a suitable order compelling compliance with the provisions of this chapter and imposing such other terms and conditions as the court may deem equitable. ~~The board shall submit to the governor ((an annual)) such periodic reports ((of its transactions of the preceding year, including a complete statement of the receipts and disbursements of the professional engineer's account of the general fund, attested by affidavits of its chairman and secretary)) as may be required.~~ A roster, showing the names and places of business of all registered professional engineers and land surveyors ~~((shall also)) may be ((included in the above mentioned annual report. Copies of this report shall be mailed to all)) published for distribution, upon request, to professional engineers and land surveyors registered under this chapter((;)) and ((furnished)) to the public ((upon request)).~~

Sec. 11. Section 12, chapter 239, Laws of 1949 and RCW 18.74.120 are each amended to read as follows:

The director of ~~((licenses))~~ motor vehicles is authorized to adopt reasonable rules and regulations to carry this chapter into effect and may amend and revoke such rules at his discretion. The director of ~~((licenses))~~ motor vehicles shall keep a record of proceedings under this chapter and a register of all persons registered under it. The register shall show the name of every living registrant, his last known place of business and last known place of residence and the date and number of his registration and certificate as a registered physical therapist. The director of ~~((licenses))~~ motor vehicles shall, during the month of April of every year in which the renewal of registration is required, ~~((compile))~~ publish a list of registered physical



therapists authorized to practice physical therapy in the state and shall ~~((mail))~~, upon request, furnish a copy of that list to the prosecuting attorney of ~~((each))~~ any county, to the superintendent of ~~((each known))~~ any hospital in the state, and ~~((every))~~ to any physician licensed in this state to practice medicine and surgery~~((: Any interested person in the state is entitled to obtain a copy of that list on application to the director of licenses and))~~: PROVIDED, That such lists shall be furnished by the director upon payment of such amount as may be fixed by him, which amount shall not exceed the cost of the list so furnished.

Sec. 12. Section 8, chapter 202, Laws of 1949 as last amended by section 50, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.88.080 are each amended to read as follows:

The board may adopt such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this chapter. The board shall approve curricula and shall establish criteria for minimum standards for schools preparing persons for licensure under this chapter. It shall keep a record of all its proceedings and make ~~((an annual))~~ such reports to the governor as may be required. The board shall define by regulation what constitutes specialized and advanced levels of nursing practice as recognized by the medical and nursing professions. The board may adopt regulations in response to questions put to it by professional health associations, nursing practitioners and consumers in this state concerning the authority of various categories of nursing practitioners to perform particular acts.

The board shall approve such schools of nursing as meet the requirements of this chapter and the board, and the board shall approve establishment of basic nursing education programs and shall establish criteria as to the need for and the size of a program and the type of program and the geographical location. The board shall establish criteria for proof of reasonable currency of knowledge and skill as a basis for safe practice after three years nonpracticing status. The board shall establish criteria for licensure by endorsement. The board shall examine all applications for registration under this chapter, and shall certify to the director for licensing duly qualified applicants.

The department shall furnish to the board such secretarial, clerical and other assistance as may be necessary to effectively administer the provisions of this chapter. Each member of the board shall, in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended while away from home, receive twenty-five dollars compensation for each and every day engaged in the discharge of his or her duties.

Sec. 13. Section 10, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.280 are each amended to read as follows:

The department of social and health services shall be a depository for statistical data concerning adoption. It shall furnish to the clerk of each county a data card which shall be completed and filed with the clerk on behalf of each petitioner. The clerk shall forward the completed cards to the department which ~~((shall))~~ may compile the data and publish ~~((an annual))~~ reports summarizing said data. ~~((The form shall include: Birth date, sex, race, and legal status of the person to be adopted, birth date, race, and relationship, if any, of the adoptive mother and father to the child, date of placement of the minor in the prospective adoptive home,~~

~~whether placement was by natural parent, relative, physician, attorney, hospital personnel, licensed child placing agency, department of social and health services or other, the action taken by the court on the petition and the date of the action. It shall include the cause number, but shall not include the name of the child, natural or adoptive parents:))~~ No birth certificate shall be issued showing petitioner as parent of any child adopted in the state of Washington until said card shall have been completed and filed.

Sec. 14. Section 1, chapter 177, Laws of 1903 and RCW 27.28.010 are each amended to read as follows:

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

It shall be the duty of the said society

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

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

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

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

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

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

(7) To prepare ~~((biennially for publication))~~ periodically a report of ~~((its collections and such other matters relating to))~~ the work of the society as may be useful to the state and the people thereof.

(8) To keep its rooms open at all reasonable hours of business days for the reception of citizens and visitors without charge.

Sec. 15. Section 1, chapter 187, Laws of 1925 ex. sess. as amended by section 1, chapter 35, Laws of 1973 and RCW 27.32.010 are each amended to read as follows:

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

It shall be the duty of the said society

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

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

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

(4) To procure and purchase books, papers and pamphlets for the several departments of its collections, climatic, health and mortuary statistics, and such other

books, maps, charts, papers and materials as will facilitate the investigation of the historical, scientific and literary subjects.

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

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

(7) To prepare (~~((biennially for publication))~~) periodically a report of (~~((its collections and such other matters relating to))~~) the work of the society as may be useful to the state and people thereof.

(8) To keep its rooms open at all reasonable hours of business days for the reception of citizens and visitors, without charge.

(9) To develop, purchase, and acquire through gift, loan, or otherwise, collections of history and art, which through exhibit and exhibition, will promote a better understanding of the cultural development of the state, and to otherwise encourage the application of history and art.

Sec. 16. Section 5, chapter 44, Laws of 1941 as amended by section 3, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.050 are each amended to read as follows:

There shall be appointed by the state capitol historical association, with the consent of the governor, a person to be designated as director of the state capitol museum, whose duties shall be:

(1) To designate arrangements and locations of the various collections and historical material in the state capitol museum;

(2) To administer the affairs of the museum under the policies established by the board of trustees; and

(3) To perform such other duties and functions as may be delegated to him by the board of trustees(;

~~(4) To prepare a biennial report to the state legislature on the progress of development of the state capitol museum)).~~

Sec. 17. Section 28A.03.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 47, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.03-.030 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state.

~~(2) To report ((biennially)) to the governor ((on or before the first day of November preceding the regular session of the legislature, of which report a sufficient number of copies as the superintendent shall deem necessary shall be printed and delivered to the superintendent of public instruction, who shall furnish copies to be deposited with the state library, to each educational service district superintendent and to each school district library in such amount as he shall deem sufficient therefor. Said report shall contain a statement of the general condition of the public schools of the state, with full statistical tables by counties showing the number of schools and the attendance, the state and educational service district funds apportioned, amounts received from special taxes and from other sources, amounts~~

~~expended for salaries of teachers, the salaries paid to the educational service district superintendents and the amount paid for incidentals and expenses, the amount paid for building and providing schoolhouses with furniture and apparatus, the amount of bonded and other school indebtedness, with the rate of interest paid thereon, such reports of state educational institutions, or such portions of them as he may think advisable, together with such other facts as he may deem of general interest. The superintendent may include as a part of such report any information or estimates obtained for the purposes of RCW 43.88.090. He shall also include in his report a statement of plans)) and the legislature such information and data as may be required for the management and improvement of the schools.~~

(3) To prepare and have printed such forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of persons as provided for in RCW 28A.04.120(7), and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents.

(4) To travel, without neglecting his other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting educational service district superintendents or other school officials.

(5) To prepare and from time to time to revise a manual of the Washington state common school code, which shall be sold at actual cost of publication and distribution, said manual to contain Title 28A RCW and such other matter as the state superintendent or the state board of education shall determine.

(6) To act as ex officio president and the chief executive officer of the state board of education.

(7) To hold, annually, a convention of the educational service district superintendents of the state at such time and place as he may deem convenient, for the discussion of questions pertaining to supervision and the administration of the school laws and such other subjects affecting the welfare and interests of the common schools as may be brought before it. Said convention shall continue in session at the option of the superintendent of public instruction. It shall be the duty of every educational service district superintendent in this state to attend said convention during its entire session, and any educational service district superintendent who attends the convention shall be reimbursed for traveling and subsistence expenses as provided in RCW 28A.21.130 in attending said convention.

(8) To file all papers, reports and public documents transmitted to him by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in his office, and his official acts, may, or upon request, shall be certified by him and attested by his official seal, and when so certified shall be evidence of the papers or acts so certified to.

(9) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report of such facts arranged in such manner as he may prescribe, and he shall furnish forms for such reports; and it is hereby made the duty of every president, manager or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct.

(10) To keep in his office a record of all teachers receiving certificates to teach in the common schools of this state.

(11) To issue certificates as provided by law.

(12) To keep in his office at the capital of the state, all books and papers pertaining to the business of his office, and to keep and preserve in his office a complete record of statistics, as well as a record of the meetings of the state board of education.

(13) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to him in writing by any educational service district superintendent, or that may be submitted to him by any other person, upon appeal from the decision of any educational service district superintendent; and he shall publish his rulings and decisions from time to time for the information of school officials and teachers; and his decision shall be final unless set aside by a court of competent jurisdiction.

(14) To administer oaths and affirmations in the discharge of his official duties.

(15) To deliver to his successor, at the expiration of his term of office, all records, books, maps, documents and papers of whatever kind belonging to his office or which may have been received by him for the use of his office.

(16) To perform such other duties as may be required by law.

Sec. 18. Section 28A.10.025, chapter 223, Laws of 1969 ex. sess. and RCW 28A.10.025 are each amended to read as follows:

The state agency shall:

(1) Develop a state-wide vocational rehabilitation program;

(2) Adopt rules, in accord with chapter 34.04 RCW, necessary to carry out the purposes of this chapter; and

(3) Report (~~(annually)~~) to the governor(;) and to the legislature (~~((at least ten days prior to each regular session,))~~) on the administration of this chapter, as requested.

Sec. 19. Section 28A.91.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.91.060 are each amended to read as follows:

The duties of the commission shall be to promote the study and effective development of educational television in the state of Washington, making such recommendations to the superintendent of public instruction and to the legislature (~~((during the month of November of each even-numbered year,))~~) as shall be consistent with the public interest and the rules and regulations promulgated by the United States office of health, education and welfare.

Sec. 20. Section 28B.20.130, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.130 are each amended to read as follows:

General powers and duties of the board of regents are as follows:

(1) To have full control of the university and its property of various kinds.

(2) To employ the president of the university, his assistants, members of the faculty, and employees of the institution, who except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university. Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant at the university's discretion. Evidence of

completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) With the assistance of the faculty of the university, prescribe the course of study in the various colleges, schools and departments of the institution and publish the necessary catalogues thereof.

(6) Grant to students such certificates or degrees as recommended for such students by the faculty. The board, upon recommendation of the faculty, may also confer honorary degrees upon persons other than graduates of this university in recognition of their learning or devotion to literature, art or science: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(7) Accept such gifts, grants, conveyances, bequests and devises, whether real or personal property, or both, in trust or otherwise, for the use or benefit of the university, its colleges, schools, departments, or agencies; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests and devises. The board shall adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises above-mentioned, and shall make full report of the same in the customary biennial report to the governor and members of the legislature, or more frequently if required by law: PROVIDED, HOWEVER, That nothing herein contained shall be construed to repeal, amend or in any way modify any of the provisions of RCW 28B.20.380.

(8) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(9) To ~~((transmit prior to the first day of January, preceding each regular session of the legislature, to the governor and members of the legislature, a printed))~~ submit upon request such reports ~~((giving information of the receipt and expenditure of money subsequent to the last such report, furnishing an estimate of the needs of the institution, and giving such additional information))~~ as will be helpful to the ~~((state authorities))~~ governor and to the legislature in providing for the institution.

Sec. 21. Section 28B.30.150, chapter 223, Laws of 1969 ex. sess. as amended by section 47, chapter 154, Laws of 1973 1st ex. sess. and RCW 28B.30.150 are each amended to read as follows:

The regents of Washington State University, in addition to other duties prescribed by law, shall:

(1) Have full control of the university and its property of various kinds.

(2) Employ the president of the university, his assistants, members of the faculty, and employees of the university, who, except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university. Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant, at the university's discretion. Evidence of

completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) With the assistance of the faculty of the university, prescribe the courses of instruction in the various colleges, schools and departments of the institution and publish the necessary catalogues thereof.

(6) Collect such information as the board deems desirable as to the schemes of technical instruction adopted in other parts of the United States and foreign countries.

(7) Provide for holding agricultural institutes including farm marketing forums.

(8) Provide that instruction given in the university, as far as practicable, be conveyed by means of laboratory work and provide in connection with the university one or more physical, chemical, and biological laboratories, and suitably furnish and equip the same.

(9) Provide training in military tactics for those students electing to participate therein.

(10) Establish a department of elementary science and in connection therewith provide instruction in elementary mathematics, including elementary trigonometry, elementary mechanics, elementary and mechanical drawing and land surveying.

(11) Establish a department of agriculture and in connection therewith provide instruction in physics with special application of its principles to agriculture, chemistry with special application of its principles to agriculture, morphology and physiology of plants with special reference to common grown crops and fungus enemies, morphology and physiology of the lower forms of animal life, with special reference to insect pests, morphology and physiology of the higher forms of animal life and in particular of the horse, cow, sheep and swine, agriculture with special reference to the breeding and feeding of livestock and the best mode of cultivation of farm produce, and mining and metallurgy, appointing demonstrators in each of these subjects to superintend the equipment of a laboratory and to give practical instruction therein.

(12) Establish agricultural experiment stations in connection with the department of agriculture, including at least one in the western portion of the state, and appoint the officers and prescribe regulations for their management.

(13) Grant to students such certificates or degrees, as recommended for such students by the faculty.

(14) Confer honorary degrees upon persons other than graduates of the university in recognition of their learning or devotion to literature, art or science when recommended thereto by the faculty: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(15) Adopt plans and specifications for university buildings and facilities or improvements thereto and employ skilled architects and engineers to prepare such plans and specifications and supervise the construction of buildings or facilities which the board is authorized to erect, and fix the compensation for such services. The board shall enter into contracts with one or more contractors for such suitable buildings, facilities or improvements as the available funds will warrant, upon the

most advantageous terms offered at a public competitive letting, pursuant to public notice under regulations established by the board. The board shall require of all persons with whom they contract for construction and improvements a good and sufficient bond for the faithful performance of the work and full protection against all liens.

(16) Except as otherwise provided by law, direct the disposition of all money appropriated to or belonging to the state university.

(17) Receive and expend the money appropriated under the act of congress approved May 8, 1914, entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and Acts supplemental thereto and the United States Department of Agriculture" and organize and conduct agricultural extension work in connection with the state university in accordance with the terms and conditions expressed in the acts of congress.

(18) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(19) Acquire by lease, gift, or otherwise, lands necessary to further the work of the university or for experimental or demonstrational purposes.

(20) Establish and maintain at least one agricultural experiment station in an irrigation district to conduct investigational work upon the principles and practices of irrigational agriculture including the utilization of water and its relation to soil types, crops, climatic conditions, ditch and drain construction, fertility investigations, plant disease, insect pests, marketing, farm management, utilization of fruit byproducts and general development of agriculture under irrigation conditions.

(21) Supervise and control the agricultural experiment station at Puyallup.

(22) Establish and maintain at Wenatchee an agricultural experiment substation for the purpose of conducting investigational work upon the principles and practices of orchard culture, spraying, fertilization, pollenization, new fruit varieties, fruit diseases and pests, byproducts, marketing, management and general horticultural problems.

(23) Accept such gifts, grants, conveyances, devises and bequests, whether real or personal property, in trust or otherwise, for the use or benefit of the university, its colleges, schools or departments; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests and devises; adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises, and make full report thereof in a biennial report to the governor and members of the legislature.

(24) Construct when the board so determines a new foundry and a mining, physical, technological building and fabrication shop at the university, or add to the present foundry and other buildings, in order that both instruction and research be expanded to include permanent molding and die casting with a section for new fabricating techniques, especially for light metals, including magnesium and aluminum; purchase equipment for the shops and laboratories in mechanical, electrical, and civil engineering; establish a pilot plant for the extraction of alumina from



native clays and other possible light metal research; purchase equipment for a research laboratory for technological research generally; and purchase equipment for research in electronics, instrumentation, energy sources, plastics, food technology, mechanics of materials, hydraulics and similar fields.

(25) Make and transmit to the governor and members of the legislature (~~a printed report prior to the first day of January preceding each regular session of the legislature, including information on all receipts and disbursements of university moneys, an estimate of the needs of the institution, and~~) upon request such (~~additional information~~) reports as will be helpful (~~to the state authorities~~) in providing for the institution.

Sec. 22. Section 28B.30.215, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.215 are each amended to read as follows:

Said annual sum appropriated and granted to the state of Washington in pursuance of said act of congress approved March 16, 1906, shall be paid as therein provided to the treasurer or other officer duly appointed by the board of regents of Washington State University at Pullman, Washington; and the board of regents of such university are hereby required to report (~~to~~) thereon as the secretary of agriculture (~~on or before the first day of September of each year a detailed statement of the amount so received and of its disbursements on schedules prescribed by the secretary of agriculture~~) may prescribe.

Sec. 23. Section 28B.30.300, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.300 are each amended to read as follows:

It shall be the duty of the state treasurer to make a report to the board of regents of Washington State University on or as soon as practicable after the (~~first Monday of April~~) close of each fiscal year, which shall contain a complete detailed statement((:

(1) ~~Of all stocks, bonds or other securities belonging to the agricultural college, the school of science, or other colleges of the university, which may have been deposited with said treasurer during the year next preceding said report, together with all other securities belonging to said university which may be in his custody, setting forth in separate statements those which have been derived from the sale or lease of agricultural college lands and those which have been derived from the sale or lease of the scientific school lands or other university lands.~~

(2) ~~Of all interest received during the year next preceding said report, on all stocks, bonds or other securities belonging to the agricultural college, the school of science, or other colleges of the university which may be or may have been in the custody of said treasurer, and of all premiums which may have been received on securities sold or redeemed during the aforesaid period.~~

(3) ~~Of all stocks, bonds or other securities belonging to the agricultural college, the school of science, or other colleges of the university, which may have been paid, redeemed or sold during the year next preceding such report, together with the principal sum or sums remaining in the hands of said treasurer uninvested)) as to the status of any university assets held in trust by the treasurer and the annual income therefrom.~~

Sec. 24. Section 28B.30.310, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.310 are each amended to read as follows:

It shall be the duty of the state land commissioner to make a report to the board of regents of Washington State University on or as soon as practicable after the ~~((first Monday in April))~~ close of each fiscal year, which shall contain a complete detailed statement(:

~~(1) Of all lands which have been selected under an act of congress approved July 2, 1862, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," and all acts supplementary thereto, and under the act of congress of February 22, 1889, entitled "An act to provide for the division of Dakota into two states to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments and to be admitted to the union on an equal footing with the original states, and to make donations of public lands to institutions," which said selections have been approved by the secretary of the interior, for the use and support of agricultural colleges and for a scientific school, which statement shall set forth the lands set apart for the agricultural college and for the school of science in distinct and separate lists: PROVIDED, That the land commissioner shall not be required to include in such annual report a statement of approved selections and locations made in any previous annual report: AND PROVIDED FURTHER, That when the entire amount of the one hundred and ninety thousand acres of land set apart for the use and support of the agricultural college and school of science shall have been selected, located, and approved by the secretary of the interior, and included in any annual report or reports to the said board of regents, that thereafter the land commissioner shall not be required to make such annual report:~~

~~(2) Of all lands belonging to the agricultural college and likewise to the school of science, or other colleges of the university, sold prior to the first Monday in April during the year next preceding said report, which statement shall accurately describe the lands sold, the price received for the same and all moneys received from the sale or lease of said lands or from the sale of timber, stone, hay or other valuable material from said lands and the disposition thereof: PROVIDED, That the land commissioner shall not be required to include in such annual report a statement of lands sold or moneys received which shall have been included in any previous annual report))~~ of the current status of trust land sale contracts and income for the university from trust lands managed by the commissioner.

Sec. 25. Section 28B.40.130, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.130 are each amended to read as follows:

Each board of state college trustees(~~(, prior to each regular session of the legislature, through its secretary,))~~ shall ~~((make a biennial))~~ report upon request to the governor of the state(~~(, for his use and for the use of))~~ and to the legislature, ~~((which report shall contain))~~ such information as the ~~((board))~~ governor and the legislature may deem advisable for informing ~~((the governor and legislature of their))~~ them of the college's program and needs.

Sec. 26. Section 28B.50.070, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 62, Laws of 1973 and RCW 28B.50.070 are each amended to read as follows:

The governor shall, within thirty days after April 3, 1967, make the appointments to the college board.

The college board shall, within thirty days after its appointment, organize, adopt a seal, and adopt bylaws for its administration, not inconsistent herewith, as it may deem expedient and may from time to time amend such bylaws. At such organizational meeting it shall elect from among its members a chairman and a vice chairman, each to serve for one year, and annually thereafter shall elect such officers; all to serve until their successors are appointed and qualified. The college board shall at its initial meeting fix a date and place for its regular meeting. Four members shall constitute a quorum, and no meeting shall be held with less than a quorum present, and no action shall be taken by less than a majority of the college board.

Special meetings may be called as provided by its rules and regulations. Regular meetings shall be held at the college board's established offices in Olympia, but whenever the convenience of the public or of the parties may be promoted, or delay or expenses may be prevented, it may hold its meetings, hearings or proceedings at any other place designated by it. The college board shall transmit a report in writing to the governor (~~((before December 1st of))~~) each year which report shall contain ~~((a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all revenue and all expenditures made by or on behalf of the college board;))~~ such ~~((other))~~ information as ~~((it may deem necessary or useful and any other additional information which))~~ may be requested by the governor. The fiscal year of the college board shall conform to the fiscal year of the state.

Sec. 27. Section 28B.50.130, chapter 223, Laws of 1969 ex. sess. as amended by section 18, chapter 62, Laws of 1973 and RCW 28B.50.130 are each amended to read as follows:

Within thirty days of their appointment or July 1, 1967, whichever is sooner, the various district boards of trustees shall organize, adopt bylaws for its own government, and make such rules and regulations not inconsistent with this chapter as they deem necessary. At such organizational meeting it shall elect from among its members a chairman and a vice chairman, each to serve for one year, and annually thereafter shall elect such officers to serve until their successors are appointed or qualified. The chief executive officer of the community college district, or his designee, shall serve as secretary of the board. Three trustees shall constitute a quorum, and no action shall be taken by less than a majority of the trustees of the board. The district boards shall transmit ~~((a))~~ such reports ~~((in writing))~~ to the college board ~~((before October 1st of each year which report shall contain a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all revenue and all expenditures made by or on behalf of the district boards, such other information as it may deem necessary or useful, and any other additional information which))~~ as may be requested by the college board. The fiscal year of the district boards shall conform to the fiscal year of the state.

Sec. 28. Section 17, chapter 15, Laws of 1970 ex. sess. as amended by section 19, chapter 62, Laws of 1973 and RCW 28B.50.140 are each amended to read as follows:

Each community college board of trustees:

(1) Shall operate all existing community colleges and vocational-technical institutes in its district;

(2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);

(3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president, if deemed necessary by the board, in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and ~~((notwithstanding any other provision of law;))~~ publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: **PROVIDED**, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community college facilities, and discipline: **PROVIDED, FURTHER**, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; and

(17) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

Sec. 29. Section 35.21.260, chapter 7, Laws of 1965 and RCW 35.21.260 are each amended to read as follows:

The governing authority of each city and town on or before ~~((February 1st))~~ March 31st of each year shall submit such records and reports regarding street operations therein to the director of highways on forms furnished by him as are necessary to enable him to compile an annual report thereon.

Sec. 30. Section 1, chapter 27, Laws of 1971 ex. sess. as amended by section 17, chapter 288, Laws of 1971 ex. sess. and RCW 36.21.015 are each amended to read as follows:

Any person having the responsibility of valuing real property for purposes of taxation including persons acting as assistants or deputies to a county assessor under RCW 36.21.011 as now or hereafter amended, shall have first:

(1) Graduated from an accredited high school or passed a high school equivalency examination;

(2) Had at least one year of experience in transactions involving real property, in appraisal of real property, or in assessment of real property, or at least one year of experience in a combination of the three;

(3) Become knowledgeable in repair and remodeling of buildings and improvement of land, and in the significance of locality and area to the value of real property; and

(4) Become knowledgeable in the standards for appraising property set forth by the department of revenue.

The department of personnel shall prepare with the advice of the department of revenue and administer an examination on the subjects of subsections (3) and (4), and no person shall assess real property for purposes of taxation without having passed said examination. A person passing said examination shall be certified accordingly by the director of the department of personnel: PROVIDED, HOWEVER, That this section shall not apply to any person who (~~prior to the effective date of this act~~) shall have either:

(1) Been certified as a real property appraiser by the department of personnel(~~(:)~~) prior to May 21, 1971; or

(2) Attended and satisfactorily completed the assessor's school operated jointly by the department of revenue and the Washington state assessors association(~~(: PROVIDED FURTHER, That the department of revenue shall be required to report to the 1973 legislature as to the extent of compliance to the provision of this section by each county within this state)~~) prior to August 9, 1971.

Sec. 31. Section 36.75.260, chapter 4, Laws of 1963 and RCW 36.75.260 are each amended to read as follows:

The board of each county shall on or before (~~February 1st~~) March 31st of each year submit such records and reports to the director, on forms furnished by the highway commission, as are necessary to enable the director to compile an annual report on county highway operations.

Sec. 32. Section 3, chapter 250, Laws of 1957 and RCW 38.12.020 are each amended to read as follows:

(1) The adjutant general shall keep rosters of all active, reserve, and retired officers of the militia, and all other records, and papers required to be kept and filed therein, and shall submit to the governor (~~during October of each even-numbered year a biennial~~) such reports of the operations and conditions of the organized militia as the governor may require.

(2) He shall cause the military law, and such other military publications as may be necessary for the military service, to be prepared and distributed at the expense of the state, to the commissioned officers of the organized militia.

(3) He shall keep just and true accounts of all moneys received and disbursed by him.

(4) He shall attest all commissions issued to military officers of this state.

(5) He shall make out and transmit all militia reports, returns, and communications prescribed by acts of congress or by direction of the War Department.

(6) He shall have a seal, and all copies, orders, records, and papers in his office, duly certified and authenticated under the seal, shall be evidence in all cases in like manner as if the originals were produced. The seal now used in the office of the adjutant general shall be the seal of his office and shall be delivered by him to his successor. All orders issued from his office shall be authenticated with the seal.

(7) He shall make such regulations pertaining to the preparation of reports and returns and to the use, maintenance, care, and preservation of property in possession of the state for military purposes, whether belonging to the state or to the United States, as in his opinion the conditions demand.

(8) He shall attend to the care, preservation, safekeeping, and repairing of the arms, ordinance, accoutrements, equipment, and all other military property belonging to the state, or issued to the state by the United States for military purposes, and keep accurate accounts thereof. Any property of the state military department which, after proper inspection, is found unsuitable or no longer needed for use of the state military forces, shall be disposed of in such manner as the governor shall direct and the proceeds thereof used for replacements in kind or by other needed authorized military supplies, and the adjutant general may execute the necessary instruments of conveyance to effect such sale or disposal.

(9) He shall issue the military property as the necessity of service requires and make purchases for that purpose. No military property shall be issued or loaned to persons or organizations other than those belonging to the militia, except in an emergency and then only with the approval of the adjutant general.

(10) He shall keep on file in his office the reports and returns of military units, and all other writings and papers required to be transmitted to and preserved at the general headquarters of the state militia.

(11) He shall keep all records of volunteers commissioned or enlisted for all wars or insurrections, and of individual claims of citizens for service rendered in these wars or insurrections, and he shall also be the custodian of all records, relics, trophies, colors, and histories relating to such wars now in possession of, or which may be acquired by the state.

(12) He shall establish and maintain as part of his office a bureau of records of the services of the organized militia of the state, and upon request furnish a copy thereof or extract therefrom, attested under seal of his office, and such attested copy shall be prima facie proof of service, birthplace, and citizenship.

(13) He shall keep a record of all real property owned or used by the state for military purposes, and in connection therewith he shall have sole power to execute all leases to acquire the use of real property by the state for military purposes, or lease it to other agencies for use for authorized activities. He shall also have full power to execute and grant easements for rights of way for construction, operation, and maintenance of utility service, water, sewage, and drainage for such realty.

Sec. 33. Section 3, chapter 78, Laws of 1949 and RCW 41.04.060 are each amended to read as follows:

Copies of a report of the qualified actuary made to the retirement board after completion of the investigation, together with any recommendations to the board which the actuary may deem appropriate, and a report of the action taken by the board thereon, shall be furnished promptly by the retirement board of the system to the governor ~~((and the insurance commissioner of the state. The insurance commissioner, upon receipt of such reports, shall review them and shall submit his comments thereon, together with any recommendations as to corrective legislation or change in administrative procedures which he may deem appropriate, to the chairman of the appropriations and insurance committees of both houses of the~~

~~legislature within ten days after that body shall convene for its first session following the receipt of said reports)).~~

Sec. 34. Section 2, chapter 39, Laws of 1970 ex. sess. as last amended by section 85, chapter 34, Laws of 1975-'76 2nd ex. sess. and section 3, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.020 are each reenacted and amended to read as follows:

(1) There is hereby created a state employees' insurance board to be composed as follows: The governor or his designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The senate and house members of the board shall serve in ex officio capacity only. All appointments shall be made effective immediately. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, and the representative of an employee union shall be for four years: PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. The first meeting of the board shall be held as soon as possible thereafter at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman at its first meeting and annually thereafter. Members of the board shall receive no compensation for their services, but shall be paid for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for state employees, employees of county, municipal, or other political subdivisions of the state, and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: PROVIDED, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: PROVIDED, That all contracts for insurance, health care plans, or protection applying to employees covered by RCW 28B.10.660 and 48.24.010 and chapters 41.04 and 41.05 RCW shall provide that the beneficiaries of such insurance, health care plans, or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: PROVIDED FURTHER, That the boards of trustees and boards



of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide employee health care benefit plans; at least one plan will provide major medical benefits as its primary feature, at least one plan will provide basic first-dollar benefits as its primary feature plus major medical, either or all of which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and another plan to be provided by a panel medicine plan in its service area only when approved by the board. Except for panel medicine plans, no more than one insurance carrier or health care service contractor shall be contracted with to provide the same plan of benefits: PROVIDED, That employees may choose participation in only one of the health care benefit plans sponsored by the board: PROVIDED FURTHER, That employees of the institutions of higher education shall be retained as a separate actuarial and experience group (~~and the board shall report its recommendation on such retention to the legislative budget committee by November 1, 1974~~).

***\*NEW SECTION Sec. 35. There is added to chapter 42.04 RCW a new section to read as follows:***

***Each state agency and each local agency, as defined in RCW 42.17.020, shall at least once each year contact all persons on its mailing lists and inquire whether they wish to remain on the agency mailing lists. Upon receipt of a negative reply, or if no reply is received within sixty days of such contact, the agency shall remove such names from its mailing lists: PROVIDED, That mailings by a state or local agency subject to requirements of federal statutes, rules, or regulations shall be exempt from the provisions of this section.***

***\*Sec. 35. was vetoed, see message at end of chapter.***

Sec. 36. Section 43.03.028, chapter 8, Laws of 1965 as last amended by section 2, chapter 43, Laws of 1970 ex. sess. and RCW 43.03.028 are each amended to read as follows:

There is hereby created a committee to be known as the state committee on salaries, to consist of seven members as follows: The president of the University of Puget Sound or his nominee; the president of Washington State University or his nominee; the chairman of the State Personnel Board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association, and the president of the Washington State Labor Council or his nominee. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(1) The committee herein created shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government who are subject to appointment by the governor, the director of game, the director of highways, the director of aeronautics, the director of parks and recreation (~~(; the director of the veterans' rehabilitation council)~~) and the statutory assistant directors of all departments the executive head of

which is an individual appointed by the governor, and to recommend to the governor the salaries to be fixed for each respective position. Such recommendations shall be submitted to the governor in writing at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of the legislature.

(2) The committee shall also make a study of the duties and salaries of all state elective officials, including members of the supreme, appellate, superior, and district courts and of the members of the legislature, and also a study of the duties and salaries of county elective officials, and report to the governor (~~and the legislative council~~) not later than sixty days prior to the convening of each regular session of the legislature and recommend the salaries to be established for each position. Copies of the committee report to the governor shall be provided to the appropriate standing committees of the house and senate upon request.

Sec. 37. Section 3, chapter 41, Laws of 1967 ex. sess. as amended by section 2, chapter 17, Laws of 1973 2nd ex. sess. and RCW 43.06.140 are each amended to read as follows:

Not later than the first day of any regular legislative session, the governor shall submit to the legislature a report listing federal programs(~~(, including those programs in which funds have been received directly by any state agency,)~~) in which the state has begun participation since the (~~end of the last~~) first day of the previous regular legislative session. This report may be made a part of the budget document submitted to the legislature pursuant to chapter 43.88 RCW and may exclude any new federal program reported as provided in RCW 43.79.280 if clearly identified at that time as a new program.

Sec. 38. Section 43.08.010, chapter 8, Laws of 1965 and RCW 43.08.010 are each amended to read as follows:

The state treasurer shall:

(1) Receive and keep all moneys of the state in the manner provided in RCW 43.88.160, as now or hereafter amended;

(2) Disburse the public moneys only upon warrants or checks drawn upon the treasurer in the manner provided by law;

(3) Account for moneys in the manner provided by law;

(4) Render accounts in the manner provided by law;

(5) Indorse on each warrant when required by law, the date of payment, the amount of the principal, and the interest due on that date;

(6) Report annually to (~~each house of~~) the legislature(~~(, within ten days after the commencement of each regular session,)~~) a detailed statement of the condition of the treasury, and of its operations for the preceding fiscal year;

(7) Give information, in writing, to either house of the legislature, whenever required, upon any subject connected with the treasury, or touching any duty of his office;

(8) Account for and pay over all moneys on hand to his successor in office, and deliver all books, vouchers, and effects of office to him, who shall receipt therefor;

(9) Upon payment of any warrant, or check, take upon the back thereof the indorsement of the person to whom it is paid.

Sec. 39. Section 43.08.150, chapter 8, Laws of 1965 and RCW 43.08.150 are each amended to read as follows:

~~((On or before the tenth day))~~ As soon as possible after the close of each calendar month, the state treasurer shall prepare ~~((three hundred printed copies of))~~ a report as to the state of the general fund and ~~((separately as to each and))~~ every other fund under his control itemized as to:

- (1) The amount in the fund at the close of business at the end of the preceding month;
- (2) The amount of revenue deposited or transferred to the credit of each fund during the current month;
- (3) The amount of withdrawals or transfers from each fund during the current month; and
- (4) The amount on hand in each fund at the close of business at the end of the current month.

One copy of each report shall be ~~((mailed on or before the fifteenth day of the reporting month))~~ provided promptly to ~~((each member of the state legislature and to each elected state officer. The remaining copies shall be distributed to))~~ those requesting them so long as the supply lasts.

Sec. 40. Section 43.09.050, chapter 8, Laws of 1965 as amended by section 1, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.050 are each amended to read as follows:

The auditor shall:

- (1) Audit, adjust, and settle all claims against the state, payable out of the treasury, except such as are expressly required by law to be audited and settled by other persons;
- (2) Except as otherwise specifically provided by law, audit, settle, and adjust the accounts of all collectors of the revenue and other holders of public money required by law to pay the same into the treasury;
- (3) In his discretion, inspect the books of any person charged with the receipt, safekeeping, and disbursement of public moneys;
- (4) Direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state;
- (5) Give information in writing to the legislature, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of his office;
- (6) Require all persons who have received any moneys belonging to the state, and have not accounted therefor, to settle their accounts and make payment thereof;
- (7) In his discretion, require any person presenting an account for settlement to be sworn before him, and to answer, orally or in writing, as to any facts relating to it;
- (8) Authenticate with his official seal papers issued from his office;
- (9) Make his official report ~~((biennially,))~~ annually on or before the 31st of December~~((, in each year, preceding the meeting of the legislature))~~.

Sec. 41. Section 43.09.230, chapter 8, Laws of 1965 and RCW 43.09.230 are each amended to read as follows:

The state auditor shall require from every taxing district(~~(, and public institution;)~~) and other political subdivisions financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by him, which shall be uniform for all accounts of the same class.

Such reports shall be prepared, certified, and filed with the division within thirty days after the close of each fiscal year(~~(, by the auditing department of the taxing district or public institution)~~).

The reports shall contain accurate statements, in summarized form, of all collections made, or receipts received, by the officers from all sources; all accounts due the public treasury, but not collected; and all expenditures for every purpose, and by what authority authorized; and also: (1) A statement of all costs of ownership and operation, and of all income, of each and every public service industry owned and operated by a municipality; (2) a statement of the entire public debt of every taxing district, to which power has been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, and the provisions made for the payment thereof; (3) a classified statement of all receipts and expenditures by any public institution; together with such other information as may be required by the state auditor.

The reports shall be certified as to their correctness by the state auditor, his deputies, or other person legally authorized to make such certificate.

Their substance shall be published in an annual volume of comparative statistics(~~(, which shall be issued for each class of accounts;)~~) at the expense of the state(~~(;)~~) as a public document(~~(, and shall be submitted by the state auditor to the governor for transmittal to the legislature at the next regular session, or at a special session when required)~~).

Sec. 42. Section 43.10.100, chapter 8, Laws of 1965 and RCW 43.10.100 are each amended to read as follows:

The attorney general shall annually prepare and report to the governor and the legislature(~~(, at or before the convening of each biennial session;)~~) a concise statement of all matters pertaining to his official duties, making such suggestions for lessening the public expenses and promoting frugality in the public offices as he deems expedient and proper.

Sec. 43. Section 43.19.090, chapter 8, Laws of 1965 and RCW 43.19.090 are each amended to read as follows:

The supervisor shall file in his office all reports required to be made to him, prepare and furnish to banks and trust companies blank forms for such reports as are required of them, and (~~(on or before the first day of February of)~~) each year make a report (~~(for the preceding year)~~) to the governor showing:

(1) A summary of the conditions of the banks and trust companies at the date of their last report; and

(2) A list of those organized or closed during the year(;

~~(3) The amount of money collected and expended by him)~~.

~~((He shall publish annually at the expense of his division, in pamphlet form, at least five hundred copies of such report and shall furnish a copy thereof free to each bank and trust company, and may furnish them to other interested persons:))~~

He ~~((shall))~~ may publish such other statements, reports, and pamphlets as he deems advisable.

Sec. 44. Section 43.20.100, chapter 8, Laws of 1965 and RCW 43.20.100 are each amended to read as follows:

The state board of health shall make an annual report to the governor ~~((on or before the first day of January of each year;))~~ including therein ~~((so much of the proceedings of the board and such information concerning vital statistics, such knowledge respecting diseases, and such instructions as may be thought useful by the board for dissemination among the people, with))~~ suggestions for such legislative action as it deems necessary.

Sec. 45. Section 2, chapter 189, Laws of 1971 ex. sess. as amended by section 98, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.20A.360 are each amended to read as follows:

The secretary is hereby authorized to appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may appoint state-wide committees or councils in the following subject areas: (1) Health facilities; (2) radiation control; (3) ~~((veteran's affairs; (4)))~~ children and youth services; ~~((5))~~ (4) blind services; ~~((6))~~ (5) services to the aging; ~~((7))~~ (6) medical and health care; ~~((8))~~ (7) drug abuse and alcoholism; ~~((9))~~ (8) social services; ~~((10))~~ (9) economic services; ~~((11))~~ (10) vocational services; ~~((12))~~ (11) rehabilitative services; ~~((13))~~ (12) public health services; and on such other subject matters as are or come within the department's responsibilities. The secretary shall appoint committees or councils advisory to the department in each service delivery region to be designated by the secretary. The state-wide and the regional councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the secretary in his discretion may determine. The members of the committees or councils shall hold office as follows: one-third to serve one year; one-third to serve two years; and one-third to serve three years. Upon expiration of said original terms, subsequent appointments shall be for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Members of regional advisory committees may, in the discretion of the secretary, be paid the same travel expenses as set forth above.

~~((The secretary shall report to the next ensuing session of the legislature concerning the actions taken pursuant to this 1971 amendatory act and relating to advisory committees and councils generally, and the effectiveness of same, and shall make such recommendations for further legislative action as he deems appropriate.))~~

Sec. 46. Section 43.21.130, chapter 8, Laws of 1965 and RCW 43.21.130 are each amended to read as follows:

The director of ~~((conservation, through the division of water resources,))~~ the department of ecology shall have the following powers and duties:

(1) The supervision of public waters within the state and their appropriation, diversion, and use, and of the various officers connected therewith;

(2) Insofar as may be necessary to assure safety to life or property, he shall inspect the construction of all dams, canals, ditches, irrigation systems, hydraulic power plants, and all other works, systems, and plants pertaining to the use of water, and he may require such necessary changes in the construction or maintenance of said works, to be made from time to time, as will reasonably secure safety to life and property;

(3) He shall regulate and control the diversion of water in accordance with the rights thereto;

(4) He shall determine the discharge of streams and springs and other sources of water supply, and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes;

(5) He shall keep such records as may be necessary ~~((in the administration of the division and))~~ for the recording of the financial transactions and statistical data thereof, and shall procure all necessary documents, forms, and blanks. He shall keep a seal of the office, and all certificates by him covering any of his acts or the acts of his office, or the records and files of his office, under such seal, shall be taken as evidence thereof in all courts;

(6) He shall render ~~((to the governor, on or before the last day of November immediately preceding the regular session of the legislature, and at other times))~~ when required by the governor, a full written report of the work of his office ~~((; including a detailed statement of the expenditure thereof;))~~ with such recommendations for legislation as he may deem advisable for the better control and development of the water resources of the state;

(7) ~~((He;))~~ The ~~((supervisor;))~~ director and duly authorized deputies may administer oaths;

(8) He shall establish and promulgate rules governing the administration of chapter 90.03 RCW;

(9) He shall perform such other duties as may be prescribed by law.

Sec. 47. Section 20, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.200 are each amended to read as follows:

In matters submitted to the commission for advice and guidance, as set forth in RCW 43.21A.190, it shall be the responsibility of the director to accompany such request with a statement of the background occasioning the request, together with the director's proposal for dealing with the same. Each member shall individually submit to the director in writing his views within such time as the director shall prescribe. In considering a matter submitted to it by the director, the commission shall conduct such public hearings and make such investigations as it deems necessary. The secretary of the commission shall be the director, or an employee of the department designated by the director. It shall be the duty of the secretary to act as liaison between the commission and department as well as other state agencies; to prepare the minutes of the commission; and otherwise to assist the commission. The director shall furnish to the commission such staff and facilities as may be necessary to fulfill its duties. He shall submit to the governor ~~((during July of))~~

each year, a report containing a summary of the advice and guidance rendered by the commission (~~((during the preceding twelve month period))~~).

Sec. 48. Section 43.22.270, chapter 8, Laws of 1965 as last amended by section 32, chapter 296, Laws of 1975 1st ex. sess. and RCW 43.22.270 are each amended to read as follows:

The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial relations:

(1) To study and keep in touch with problems of industrial relations and, from time to time, make public reports and recommendations to the legislature;

(2) To, with the assistance of the industrial statistician, exercise all the powers and perform all the duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the state (~~((, now vested in, and required to be performed by, the secretary of state, and to report to, and file with, the secretary of state duly certified copies of the statistical information collected, assorted, systematized, and compiled, and in collecting, assorting;))~~) and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States department of labor;

(3) To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the state government having need of industrial statistics;

(4) To, with the assistance of the supervisor of employment standards, supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions, surroundings, hours of labor, and wages of employees employed in business and industry in accordance with the provisions of chapter 49.12 RCW;

(5) To exercise all the powers and perform all the duties, not specifically assigned to any other division of the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor;

(6) To exercise such other powers and perform such other duties as may be provided by law.

Sec. 49. Section 43.22.330, chapter 8, Laws of 1965 and RCW 43.22.330 are each amended to read as follows:

The director of labor and industries shall submit to the governor (~~((on or before the first Monday in January of))~~) each year (~~((in which the legislature regularly convenes))~~) a report of business transacted by the department during the preceding (~~((two year period;))~~) fiscal year together with such statistics and information as (~~((he))~~) the governor deems of public interest and such recommendations as (~~((he))~~) the director believes merit consideration in the interest of improved administration.

Sec. 50. Section 43.23.120, chapter 8, Laws of 1965 and RCW 43.23.120 are each amended to read as follows:

The director of agriculture (~~((shall))~~) may publish and distribute bulletins and reports embodying information upon the subjects of agriculture, horticulture, livestock, dairying, foods and drugs, and other matters pertaining to his department.

Sec. 51. Section 43.23.130, chapter 8, Laws of 1965 and RCW 43.23.130 are each amended to read as follows:

The director of agriculture shall make ((a)) an annual report to the governor((; at least thirty days before the commencement of each biennial session of the legislature;)) containing an account of all matters pertaining to his department and its administration((, which shall be printed and published in the manner provided by law)).

Sec. 52. Section 43.30.200, chapter 8, Laws of 1965 and RCW 43.30.200 are each amended to read as follows:

The administrator shall submit to the governor and to the legislature, ((on or before the last day of December immediately preceding each regular session of the legislature and at other times)) when required by the governor or the legislature, a written report of the work of the department((, including a statement of the expenditures thereof;)) with such recommendations for legislation as the department may deem advisable for the better management of the lands, forests, and other natural resources of the state.

Sec. 53. Section 43.31.050, chapter 8, Laws of 1965 and RCW 43.31.050 are each amended to read as follows:

The director of commerce and economic development, through the tourist promotion division shall:

(1) Conduct promotion of the state, other than that carried on or planned by the various departments or other political subdivisions within the state, for the purpose of attracting visitors to the state, and encouraging tourist expansion in the state;

(2) Formulate, supervise, and carry out a continuous factual information program for the promotion of the state;

(3) Assemble and distribute such data, statistics, information, and exhibits as will publicize and popularize the advantages of the state;

(4) Take active steps by sending representatives to other areas and by inviting representatives from other areas for the purpose of attracting visitors, inviting conferences and conventions, and sportsmen and tourists to the state of Washington;

(5) The department of commerce and economic development may ((publish or encourage the private publication of a magazine named by it and shall also)) publish maps, pamphlets, and other descriptive material designed to carry out the purposes of this chapter. ((The department of commerce and economic development shall fix the price to be paid for annual subscriptions to, for single copies of, and the discount to be allowed dealers of the magazine. The publication may be distributed free of charge to libraries, schools, chambers of commerce and to such hotels, tourist agencies, visitors and prospective visitors and to such other persons or agencies, and in such quantities, as the department deems beneficial in carrying out the purposes of this chapter. In no case shall the number of free copies each month exceed ten percent of the total number of paid subscriptions;))

Sec. 54. Section 43.31.160, chapter 8, Laws of 1965 and RCW 43.31.160 are each amended to read as follows:



The director shall submit to the governor and the legislature (~~(a biennial)~~) an annual report on the activities, growth, progress, problems, and costs of the programs of the department and its divisions, and on recommendations for future program and needed legislation including legislation designed to encourage investment of risk venture capital in this state.

Sec. 55. Section 33, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.330 are each amended to read as follows:

The authority shall keep proper records of accounts and shall be subject to audit by the state auditor. An annual accounting of the condition of the industrial mortgage payment insurance revolving account shall be made. (~~(Biennial)~~) Annual reports on the activities of the authority shall be made by the chairman to the governor and the legislature.

Sec. 56. Section 43.49.070, chapter 8, Laws of 1965 and RCW 43.49.070 are each amended to read as follows:

The records and data of all state officials and departments shall be available to the commission and its sections, and all officers and departments are directed to cooperate with the commission and its sections.

~~((The commission shall report to all regular and special sessions of the legislature and present statements in detail of all activities, expenditures, and developments, and may recommend such legislation as may be required to promote the construction and development of the project.))~~ The commission may hold hearings and subpoena and serve compulsory process to compel the attendance of witnesses before it.

Sec. 57. Section 43.51.040, chapter 8, Laws of 1965 as amended by section 1, chapter 90, Laws of 1967 ex. sess. and RCW 43.51.040 are each amended to read as follows:

The commission shall:

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt, promulgate, issue, and enforce rules and regulations pertaining to the use, care, and administration of state parks and parkways, which shall become effective ten days after adoption. The commission shall cause a copy of the rules and regulations to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule or regulation posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules and regulations as shall be prescribed.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than twenty years, and upon such conditions as shall be approved by the commission: **PROVIDED**, That the commission may, by unanimous consent of its members grant such concessions for terms not to exceed forty years in state parks and parkways lying within the Columbia basin area in Douglas, Grant, Franklin, and Walla

Walla counties and within Mount Spokane state park. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary.

(7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights of way for state highways. Option agreements executed under authority of this subdivision shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition for park and parkway purposes of any area not within the limits of any city, and in the care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to the acquisition or improvement of which the state shall have contributed or in whose care, control, or supervision the state shall participate pursuant to the provisions of this section, shall be governed by the provisions hereof.

~~((9) Investigate and report to the governor on or before the first day of January next preceding the regular session of the legislature regarding any proposed park or parkway, and make recommendations respecting other regions in the state desirable for state park or parkway purposes.))~~

Sec. 58. Section 6, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.800 are each amended to read as follows:

(1) The council shall—

(a) Advise the governor and the Washington state parks and recreation commission on matters relating to historic preservation; recommend measures to coordinate activities of state, and local agencies and private institutions and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities;

(b) Encourage public interest and participation in historic preservation;

(c) Advise as to guidelines for the assistance of local governments in drafting ordinances relating to historic preservation; and

(d) Encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation.

(2) The council shall submit annually a comprehensive report of its activities and the results of its studies to ~~((the governor and))~~ the Washington state parks and recreation commission and shall from time to time submit such additional and

special reports as it deems advisable. Each report ~~((shall))~~ may propose such legislative enactments and other actions as in the judgment of the council, are necessary and appropriate to carry out its recommendations.

Sec. 59. Section 43.56.030, chapter 8, Laws of 1965 and RCW 43.56.030 are each amended to read as follows:

The board shall keep a record of all its transactions, and shall, at each ~~((bien-nial))~~ regular session, and may at any other time, make a report to the legisla-ture~~((:))~~ of its doings and recommendations.

Sec. 60. Section 43.61.040, chapter 8, Laws of 1965 as last amended by section 22, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.61.040 are each amended to read as follows:

The director of veterans affairs shall make such rules and regulations as may be necessary to carry out the purposes of this chapter. The department shall furnish information, advice, and assistance to veterans and coordinate all programs and services in the field of veterans' claims service, education, health, vocational guid-ance and placement, and services not provided by some other agency of the state or by the federal government. The director shall submit a report of the departments' activities hereunder ~~((before the fifteenth of January of))~~ each year to the governor.

Sec. 61. Section 43.62.030, chapter 8, Laws of 1965 as amended by section 2, chapter 50, Laws of 1969 ex. sess. and RCW 43.62.030 are each amended to read as follows:

The ~~((planning and community affairs agency))~~ office of program planning and fiscal management shall annually as of April 1st, determine the populations of all cities and towns of the state; and on or before July 1st of each year, shall file with the secretary of state a certificate showing its determination as to the populations of cities and towns of the state. A copy of such certificate shall be forwarded by the agency to each state official or department responsible for making allocations or payments, and on and after January 1st next following the date when such certi-ficate or certificates are filed, the population determination shown in such certificate or certificates shall be used as the basis for the allocation and payment of state funds, to cities and towns until the next January 1st following the filing of succes-sive certificates by the agency: PROVIDED, That whenever territory is annexed to a city or town, the population of the annexed territory shall be added to the popu-lation of the annexing city or town upon the effective date of the annexation as specified in the relevant ordinance, and upon approval of the agency as provided in RCW 35.13.260, as now or hereafter amended, a revised certificate reflecting the determination of the population as increased from such annexation shall be for-warded by the agency to each state official or department responsible for making allocations or payments, and upon and after the date of the commencement of the next quarterly period, the population determination indicated in such revised cer-tificate shall be used as the basis for allocation and payment of state funds to such city or town until the next annual population determination becomes effective: PROVIDED FURTHER, That whenever any city or town becomes incorporated subsequent to the determination of such population, the populations of such cities and towns as shown in the records of incorporation filed with the secretary of state

shall be used in determining the amount of allocation and payments, and the agency shall so notify the proper state officials or departments, and such cities and towns shall be entitled to participate in allocations thereafter made: **PROVIDED FURTHER**, That in case any incorporated city or town disincorporates subsequent to the filing of such certificate or certificates, the agency shall promptly notify the proper state officials or departments thereof, and such cities and towns shall cease to participate in allocations thereafter made, and all credit accrued to such incorporated city or town shall be distributed to the credit of the remaining cities and towns. The secretary of state shall promptly notify the agency of the incorporation of each new city and town and of the disincorporation of any cities or towns.

For the purposes of this section, each quarterly period shall commence on the first day of the months of January, April, July, and October. Whenever a revised certificate due to an annexation is forwarded by the agency thirty days or less prior to the commencement of the next quarterly period, the population of the annexed territory shall not be considered until the commencement of the following quarterly period.

Sec. 62. Section 43.62.050, chapter 8, Laws of 1965 as amended by section 2, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.62.050 are each amended to read as follows:

The ~~((board))~~ office of program planning and fiscal management shall develop and maintain student enrollment forecasts of Washington schools, including both public and private, elementary schools, junior high schools, high schools, colleges, and universities. ~~((The board shall submit reports on))~~ A current report of such forecasts ((to the governor, the legislative budget committee, and)) shall be submitted to the standing committees on ways and means of the house and the senate on or before the fifteenth day of November of each even-numbered year.

Sec. 63. Section 8, chapter 74, Laws of 1967 and RCW 43.63A.080 are each amended to read as follows:

The planning and community affairs agency shall have the following community affairs functions and responsibilities:

(1) Administration or coordination of state programs and projects relating to community affairs for the planning and carrying out of the acquisition, preservation, use and development of land and provision of public facilities and services for fully carrying out the state's role in related federal grant or loan programs.

(a) Where not otherwise authorized by state law, authorize state financial participation with cities, towns, counties, and other municipal corporations in financing public works projects and service programs. The assisted projects and programs shall be consistent with local, regional and state comprehensive plans and policies.

(b) All applications for federal grants and/or loans for this purpose shall be submitted to the planning and community affairs agency for recommendation as to consistency with, state, regional, local or other plans or policies and for duplication or conflicts so as to maximize federal benefits available to the state.

(c) The director shall approve or disapprove state grants administered by the planning and community affairs agency to apply toward the nonfederal share of project costs in conformity with the provisions of this chapter. Such approval may be conditional upon approval of a governmental conference or council, or regional

planning agency, which provides review of federal aid applications within its regional area, and upon subsequent approval of the project by an appropriate federal agency for federal grant funds. Upon approval of the application the director shall transmit it to the appropriate federal agency. Any application disapproved by the director shall be returned to the applicant with written notice of modification necessary to make the project eligible in terms of state or federal policies.

(2) Cooperate with and provide technical and financial assistance to counties, cities, municipal corporations, governmental conferences or councils, regional planning commissions, parks or recreation boards, community development groups, community action agencies, Indian tribes, and similar agencies created for the purposes of aiding and encouraging an orderly productive and coordinated development of the state, and to strengthen local planning responsibility and capability.

(3) Assist the governor in coordinating the activities of state agencies which have an impact on the solution of community development problems and the implementation of community plans.

(4) Encourage and, when requested, assist the efforts of local governments to develop mutual and cooperative solutions to their common problems.

(5) Study existing legal provisions that affect the structure and financing of local government and those state activities which involve significant relations with local governmental units and recommend to the governor and the legislature such changes in these provisions and activities as may seem necessary to strengthen local government.

(6) Serve as a clearinghouse for information, data, and other materials which may be helpful or necessary to local governments to discharge their responsibilities. The clearinghouse should also provide information on available federal and state financial and technical assistance.

(7) Carry out continuing studies and analyses of the problems faced by communities within the state and develop such recommendations for administrative or legislative action as would appear necessary. In carrying out such studies and analyses, particular attention should be paid to the problems of regional, metropolitan, urban, suburban, rural, and other areas in which economic and population factors are rapidly changing.

(8) Develop and/or test model or demonstration programs and projects, which may include contracting to administer certain functions or services within a community of the state for such purposes, and otherwise provide a program of practical research in the solution of community problems.

(9) Carry out the provisions of RCW 43.31.200 through 43.31.230; RCW 35.13.171(3) relating to annexation review board responsibilities; and ~~((that portion of RCW 58.16.110))~~ RCW 58.17.270 relating to state review of subdivision regulations. The department of commerce and economic development shall transfer all records, books, documents, papers, files, or other writings, all cabinets, furniture, office equipment and other tangible property, and all funds in custody or under control or use by the department and any other pertinent information relative to the business being carried on thereunder to the agency as soon as practicable after July 1, 1967 and give such other assistance to the director of the planning and community affairs agency as essential to carrying out the purposes of this chapter. The transfer of powers and duties as provided in this subsection shall not affect the

validity of any acts performed by such agency or any officer or employee thereof before taking effect of this chapter. All matters relating to functions transferred under the provisions of this subsection which at the time of transfer have not been completed may be undertaken and completed by the director of the planning and community affairs agency, who is authorized, empowered, and directed to promulgate any and all orders, rules and regulations necessary to accomplish this purpose.

~~(10) ((Carry out the provisions of RCW 43.62.010 through 43.62.050. The state census board shall transfer all records, books, documents, papers, files or other writings, all cabinets, furniture, office equipment and other tangible property, and all funds in custody or under control or use by the board and any other pertinent information relative to the business being carried on thereunder to the agency as soon as practicable after July 1, 1967 and give such other assistance to the director of the planning and community affairs agency as essential to carrying out the purposes of this chapter. The transfer of powers and duties as provided in this subsection shall not affect the validity of any acts performed by such agency or any officer or employee thereof before taking effect of this chapter. All matters relating to functions transferred under the provisions of this subsection which at the time of transfer have not been completed may be undertaken and completed by the director of the planning and community affairs agency, who is authorized, empowered, and directed to promulgate any and all orders, rules and regulations necessary to accomplish this purpose.~~

~~((H))~~) Review all proposals for the location of capital improvements by any state agency to be located within any city or within any urbanized area not located within a city, and advise and make recommendations concerning location of such capital improvements.

The office shall, in carrying out its functions, consult with local and federal officials, private groups and individuals, and with officials of other states, and may, if the director deems it desirable, hold public hearings to obtain information for the purpose of carrying out the purposes of this chapter. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the office, including the submission of requested information as to allow the office to carry out its purposes under this chapter.

Sec. 64. Section 1, chapter 53, Laws of 1969 ex. sess. and RCW 43.63A.085 are each amended to read as follows:

The ~~((planning and community affairs agency))~~ office of program planning and fiscal management shall provide by administrative regulation for the maintenance of an inventory of all state owned or controlled land resources by all state agencies owning or controlling land. ~~((The planning and community affairs agency))~~ That office shall cooperate with the state departments and agencies charged with administering state owned and/or controlled land resources to assist them in developing and maintaining land resources inventories that will permit their respective inventories to be summarized into meaningful reports for the purposes of providing executive agencies with information for planning, budgeting, and managing state owned or administered land resources and to provide the legislature, its members, committees, and staff with data needed for formulation of public policy.

Such departments or agencies shall maintain and make available such summary inventory information as may be prescribed by the rules and regulations of the

~~((planning and community affairs agency))~~ office of program planning and fiscal management. That ~~((agency))~~ office shall give each affected department or agency specific written notice of hearings for consideration, adoption, or modification of such rules and regulations. All information submitted to ~~((the planning and community affairs agency))~~ that office as provided herein shall be a matter of public record and shall be available from said agency upon request.

Sec. 65. Section 2, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.020 are each amended to read as follows:

(1) The commission shall prepare a comprehensive program for commemorating the bicentennial of the American revolution in Washington state and plan, encourage, develop, and coordinate observances and activities commemorating the historic events that are associated with the American revolution.

(2) In preparing its plans and program, the commission shall consider any related plans and programs developed by the national American revolution bicentennial commission and local and private groups, and it may designate special committees with representatives from such bodies to plan, develop, and coordinate such activities.

(3) In all planning, the commission shall give special emphasis to the ideas associated with the American revolution and to the involvement of local citizens, communities and areas so that the people of the state may, to the greatest practical extent, serve as participants in, rather than merely as observers of the commemoration.

(4) The commission ~~((shall))~~ may submit an annual report to the governor ~~((on the 1st of January incorporating its specific recommendations for the commemoration of the American revolution bicentennial and related events. The report may recommend activities including, but not limited to:~~

~~(a) The production, publication and distribution of books, pamphlets, films, and other educational materials on the history, culture, and political thought of the period of the American revolution;~~

~~(b) Bibliographical and documentary projects and publications;~~

~~(c) Conferences, convocations, lectures, seminars, and other programs;~~

~~(d) The development of libraries, museums, historic sites, and exhibits, including mobile exhibits;~~

~~(e) Ceremonies and celebrations commemorating specific events; and~~

~~(f) Programs and activities on the national and international significance of the American revolution and its implications for present and future generations.~~

(5) The annual report of the commission shall include recommendations for the allocation of financial and administrative responsibility among the public and private authorities and organizations recommended for participation by the commission. The report shall also and the legislature which may include proposals for such legislation and administrative action as the commission considers necessary to carry out its recommendations. The governor shall transmit ((the commission's report)) to the legislature((; together with any comments and)) any recommendations for legislation and a report of such administrative actions as may be taken by him.

Sec. 66. Section 29, chapter 21, Laws of 1961 ex. sess. as last amended by section 5, chapter 32, Laws of 1967 and RCW 46.01.290 are each amended to read as follows:

The director shall ~~((, on or before the first day of October of each year, make to the governor a full))~~ report ~~((of))~~ annually to the governor on the activities of the department ~~((relating to motor vehicle administration for the prior fiscal year, incorporating therein a statement of the program for the ensuing fiscal year. Such report shall contain a statistical analysis of the activities of the department relating to driver licensing and driver improvement, vehicle licensing and liquid fuel tax collections))~~.

Sec. 67. Section 46.52.060, chapter 12, Laws of 1961 as amended by section 56, chapter 32, Laws of 1967 and RCW 46.52.060 are each amended to read as follows:

It shall be the duty of the chief of the Washington state patrol to file, tabulate, and analyze all accident reports and to publish annually, immediately following the close of each ~~((calendar))~~ fiscal year, and monthly during the course of the ~~((calendar))~~ year, statistical information based thereon showing the number of accidents, the location, the frequency and circumstances thereof and other statistical information which may prove of assistance in determining the cause of vehicular accidents.

Such accident reports and analysis or reports thereof shall be available to the director of motor vehicles, the highway commission, the utilities and transportation commission, or their duly authorized representatives, for further tabulation and analysis for pertinent data relating to the regulation of highway traffic, highway construction, vehicle operators and all other purposes, and to publish information so derived as may be deemed of publication value.

Sec. 68. Section 1, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.01.141 are each amended to read as follows:

The highway commission shall submit an annual report~~((s))~~ to the governor and legislature ~~((at the time each regular session of the legislature convenes))~~, including but not limited to ~~((the following information:~~

~~(1) The amount of money expended by or under its direction during the preceding two fiscal years including data and information as shall show a strict accounting of sums expended;~~

~~(2) Projects constructed or under construction in the preceding two fiscal years;~~

~~(3) Such))~~ operational and construction activities of the preceding ~~((two))~~ fiscal year~~((s))~~ as the commission may deem important and recommendations for ~~((the))~~ future operations of the commission~~((;~~

~~(4) A summary of the proposed construction program by functional classification of highways including the national system of interstate and defense highways for the ensuing six years with the portion thereof to be accomplished during the ensuing biennium shown in detail with estimated costs therefor. In addition, the highway commission shall submit a budget in accordance with RCW 47.05.070).~~

Sec. 69. Section .02.17, chapter 79, Laws of 1947 and RCW 48.02.170 are each amended to read as follows:

The commissioner shall, as ~~((early each year))~~ soon as accurate preparation enables, transmit to the legislature a report of his official transactions during the preceding ~~((calendar))~~ fiscal year, containing ~~((for the year reported:~~



~~(1) A list of all insurers authorized to transact insurance in this state, showing for each insurer its name, location, date of incorporation, date of admission into this state, capital funds, and kinds of insurance transacted.~~

~~(2) Fabricated abstracts of the annual statements of all authorized insurers as filed with the commissioner.~~

~~(3) A statement as to insurers whose authority to transact insurance in this state was terminated, the reasons for each termination, and if for insolvency the amount of the insurer's assets and liabilities as latest ascertained.~~

~~(4) A statement of his receipts and the sum of his expenditures.~~

~~(5) His)) recommendations for amendment of this code(;) and ((additional)) information and recommendations relative to insurance as he deems proper.~~

Sec. 70. Section 1, chapter 225, Laws of 1959 and RCW 48.02.180 are each amended to read as follows:

(1) In addition to such publications as are otherwise authorized under this code, the commissioner may from time to time prepare and publish:

(a) Booklets containing the insurance code, or supplements thereto, and such related statutes as the commissioner deems suitable and useful for inclusion in an appendix of such booklet or supplement.

(b) Manuals and other material relative to examinations for licensing as provided in chapter 48.17 RCW.

(2) The commissioner may furnish copies of the insurance code, supplements thereto, and related statutes referred to in subdivision (a) above, free of charge to public offices and officers in this state concerned therewith, ~~((to public libraries in this state,))~~ to public officials of other states and jurisdictions(;) having supervision of insurance, to the library of congress, and to officers of the armed forces of the United States of America located at military installations in this state who are concerned with insurance transactions at or involving such military installations.

(3) Except as provided in subsection (2) above, the commissioner shall sell copies of the insurance code, supplements thereto, examination manuals, and materials as referred to in subsection (1) above, at a reasonable price, fixed by the commissioner, in amount not less than the cost of publication, handling, and distribution thereof. The commissioner shall promptly deposit all funds received by him pursuant to this subsection with the state treasurer to the credit of the general fund.

Sec. 71. Section .33.11, chapter 79, Laws of 1947 and RCW 48.48.110 are each amended to read as follows:

The state fire marshal shall submit annually ~~((as of the first day of January))~~ a report to the governor of this state. The report shall contain a ~~((detailed))~~ statement of his official acts pursuant to this chapter.

Sec. 72. Section 1, chapter 231, Laws of 1941 as last amended by section 143, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 49.04.010 are each amended to read as follows:

The director of labor and industries shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations, respectively. The terms of office of the members of the apprenticeship council first

appointed by the director of labor and industries shall be as follows: One representative each of employers and employees shall be appointed for one year, two years, and three years, respectively. Thereafter, each member shall be appointed for a term of three years. Each member shall hold office until his successor is appointed and has qualified and any vacancy shall be filled by appointment for the unexpired portion of the term. The state official who has been designated by the state board for vocational education as being in charge of trade and industrial education and the state official who has immediate charge of the state public employment service shall ex officio be members of said council, without vote. Each member of the council, not otherwise compensated by public moneys, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended and shall be paid not more than twenty-five dollars for each day spent in attendance at meetings of the council. The apprenticeship council with the consent of employee and employer groups shall: (1) Establish standards for apprenticeship agreements in conformity with the provisions of this chapter; (2) issue such rules and regulations as may be necessary to carry out the intent and purposes of this chapter; and (3) perform such other duties as are hereinafter imposed. Not less than once a year the apprenticeship council shall make a report ~~((through))~~ to the director of labor and industries on ~~((November 1,))~~ of its activities and findings ~~((to the legislature))~~ which shall be ~~((made))~~ available to the public.

Sec. 73. Section 20, chapter 174, Laws of 1913 and RCW 49.12.180 are each amended to read as follows:

The committee shall ~~((biennially make a))~~ report annually to the governor ~~((and state legislature of))~~ on its investigations and proceedings.

Sec. 74. Section 7, chapter 270, Laws of 1955 and RCW 49.60.100 are each amended to read as follows:

The board, at the close of each ~~((calendar))~~ fiscal year, shall report to the governor, describing ~~((in detail))~~ the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, the recommendations it has issued, and the other work performed by it, and shall make such recommendations for further legislation as may appear desirable. The board ~~((shall))~~ may present its reports to ~~((each regular session of))~~ the legislature; the board's reports shall be ~~((published and))~~ made available upon request.

Sec. 75. Section 40, chapter 35, Laws of 1945 as last amended by section 1, chapter 286, Laws of 1955 and RCW 50.12.010 are each amended to read as follows:

The commissioner shall administer this title. He shall have the power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as he deems necessary or suitable to that end. Such rules and regulations shall be effective upon publication and in the manner, not inconsistent with the provisions of this title, which the commissioner shall prescribe. The commissioner, in accordance with the provisions of this title, shall determine the organization and methods of procedure of the divisions referred to in this title, and shall have an official seal which shall be judicially noticed. ~~((Not later than the thirty-first day of December of each year, he))~~ The commissioner shall submit to

the governor a report covering the administration and operation of this title during the preceding fiscal year, July 1 through June 30, and shall make such recommendations for amendments to this title as he deems proper (~~(-PROVIDED, That the report submitted in 1955 shall cover the eighteen months beginning January 1, 1954)~~). Such report shall include a balance sheet of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the commissioner in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the commissioner believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, he shall promptly so inform the governor and legislature and make recommendations with respect thereto.

Sec. 76. Section 55, chapter 35, Laws of 1945 and RCW 50.12.160 are each amended to read as follows:

The commissioner (~~(shall)~~) may cause to be printed for distribution to the public the text of this title, the regulations and general rules, (~~(his annual reports to the governor,)~~) and (~~(any)~~) other material which he deems relevant and suitable (~~(and shall furnish the same to any person upon application therefor)~~).

Sec. 77. Section 51.04.020, chapter 23, Laws of 1961 as amended by section 1, chapter 29, Laws of 1963 and RCW 51.04.020 are each amended to read as follows:

The director shall:

- (1) Establish and promulgate rules governing the administration of this title;
- (2) Ascertain and establish the amounts to be paid into and out of the accident fund;
- (3) Regulate the proof of accident and extent thereof, the proof of death and the proof of relationship and the extent of dependency;
- (4) Supervise the medical, surgical, and hospital treatment to the intent that it may be in all cases efficient and up to the recognized standard of modern surgery;
- (5) Issue proper receipts for moneys received and certificates for benefits accrued or accruing;
- (6) Investigate the cause of all serious injuries and report to the governor from time to time any violations or laxity in performance of protective statutes or regulations coming under the observation of the department;
- (7) Create a division of statistics within which shall be compiled such statistics as will afford reliable information upon which to base operations of all divisions under the department;
- (8) Make an annual report to the governor (~~((one of them not more than sixty nor less than thirty days prior to each regular session of the legislature)))~~) of the workings of the department (~~(, and showing the financial status and the outstanding obligations of the accident fund and the statistics aforesaid))~~);
- (9) Be empowered to enter into agreements with the appropriate agencies of other states relating to conflicts of jurisdiction where the contract of employment is in one state and injuries are received in the other state, and insofar as permitted by the Constitution and laws of the United States, to enter into similar agreements with the provinces of Canada.

Sec. 78. Section 67, chapter 289, Laws of 1971 ex. sess. as last amended by section 150, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 51.04.110 are each amended to read as follows:

The director shall appoint a workmen's compensation advisory committee composed of nine members: Three representing subject workmen, three representing subject employers, one representing self-insurers, one representing workmen of self-insurers, and one ex officio member, without a vote, representing the department, who shall be chairman. This committee shall conduct a continuing study of any aspects of workmen's compensation as the committee shall determine require their consideration. The committee shall report its findings to the department or the board of industrial insurance appeals for such action as deemed appropriate. The members of the committee shall be appointed for a term of three years commencing on July 1, 1971 and the terms of the members representing the workmen and employers shall be staggered so that the director shall designate one member from each such group initially appointed whose term shall expire on June 30, 1972 and one member from each such group whose term shall expire on June 30, 1973. The members shall serve without compensation, but shall be entitled to travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The committee may hire such experts, if any, as it shall require to discharge its duties, and may utilize such personnel and facilities of the department and board of industrial insurance appeals as it shall need without charge. All expenses of this committee shall be paid by the department.

~~((The workmen's compensation advisory committee created by this section shall conduct a study of the advisability and necessity of deposits by self-insurers into the reserve fund to guarantee the payments of pensions established pursuant to this title, and shall report its findings and recommendations on this study to the department, and the department shall transmit said findings and recommendations to the next regular session of the legislature.))~~

Sec. 79. Section 72, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 182, Laws of 1955 and RCW 66.08.028 are each amended to read as follows:

The board shall, from time to time, make reports to the governor covering such matters in connection with the administration and enforcement of this title as he may require, and the board shall prepare and forward to the governor annually, to be laid before the legislature, a report for the fiscal ~~((period ending on the thirtieth day of June of 1955 and annually thereafter on the thirtieth day of June of each year, which report shall be a public document, and contain))~~ year containing:

(1) A ~~((detailed))~~ financial statement and balance sheet showing in general the condition of the business and its operation during the year ~~((; and in detail the price paid for all liquor purchased, including the amount of each purchase and the price thereof));~~

(2) ~~((A statement of the nature and amount of the business transacted by each vendor during the year covered by the report;~~

~~((3))~~ A summary of all prosecutions for infractions and the results thereof;

~~((4))~~ (3) General information and remarks; and

~~((5))~~ (4) Any further information requested by the governor.

Sec. 80. Section 3, chapter 55, Laws of 1933 and RCW 67.16.015 are each amended to read as follows:

The commission shall organize by electing one of its members chairman, and shall appoint and employ a secretary, and such other clerical, office, and other help as is necessary in the performance of the duties imposed upon it by this chapter. The commission shall keep detailed records of all meetings and of the business transacted therein, and of all the collections and disbursements(~~(, reports of which shall be embodied in a biennial report which the)~~). The commission shall prepare and submit an annual report to the governor (~~(on or before the thirty-first day of December preceding the date of the expiration of the term of office of any member of the commission, and it shall cover the activities of the commission for the preceding biennial period, or portion thereof as to the first report, to the first day of December))~~). All records of the commission shall be public records and as such, subject to public inspection. (~~(The director of general administration shall provide office accommodations for the commission at the state capitol, unless the commission deems it more advantageous to have its office established elsewhere.)~~)

Sec. 81. Section 9, chapter 55, Laws of 1933 as last amended by section 7, chapter 148, Laws of 1965 and RCW 67.16.100 are each amended to read as follows:

In addition to the license fees required by this chapter the licensee shall pay to the commission five percent of the gross receipts of all parimutuel machines at each race meet, which sums shall be paid daily to the commission.

All sums paid to the commission, together with all sums collected for license fees under the provisions of this chapter, shall be disposed of by the commission as follows: Twenty percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission. Of the remaining eighty percent, forty-seven percent shall, on the next business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund, and three percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state trade fair fund" which shall be maintained as a separate and independent fund, and made available to the director of commerce and economic development for the sole purpose of assisting state trade fairs. The remaining thirty percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which shall be maintained as a separate and independent fund outside of the state treasury, and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 15 RCW. Any moneys collected or paid to the commission under the terms of this chapter and not expended at the (~~(time of making its report to the legislature,)~~) close of the fiscal biennium shall be paid to the state treasurer and be placed in the general fund. The commission may, with the approval of the office of program planning and fiscal management, retain any sum required for working capital.

Sec. 82. Section 14, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.130 are each amended to read as follows:

The commission shall prepare and, prior to each legislative session beginning in January, transmit to the governor and to ~~((members of))~~ the legislature an annual report of commission operations and activities for the preceding fiscal year. This report shall include ~~((a compilation of all summaries and reports required by this chapter, together with))~~ such findings and recommendations as the commission deems necessary.

Sec. 83. Section 4, chapter 197, Laws of 1949 as amended by section 4, chapter 252, Laws of 1959 and RCW 70.40.040 are each amended to read as follows:

In carrying out the purposes of the chapter the director is authorized and directed:

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

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

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

(4) To the extent that he considers desirable to effectuate the purposes of this chapter, to enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions public or private;

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

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

Sec. 84. Section 72.01.320, chapter 28, Laws of 1959 and RCW 72.01.320 are each amended to read as follows:

The director shall examine into the conditions and needs of the several state institutions under his control and ~~((on or before the first day of December of the year preceding the session of the legislature))~~ report in writing to the governor the condition of each institution ~~((and what amount of money he deems advisable to appropriate for its maintenance and betterment, having reference to the probable growth of the institution, its general welfare and the purpose of its creation)).~~

~~((On or before the first Tuesday after the convening of each regular session of the legislature))~~ The director shall ~~((make to))~~ also provide the governor and legislature a full report of the activities of his department each fiscal year, incorporating therein suggestions respecting legislation for the benefit of the several institutions under his control and in the interests of improved administration generally. ~~((Such report shall contain the reports made to the director by the executive officer of each institution or so much thereof as in his opinion may be proper. There shall be published in the report a complete list of the officers and employees of the department and the several institutions and the annual salary paid to each.))~~

Sec. 85. Section 32, chapter 171, Laws of 1961 and RCW 72.01.420 are each amended to read as follows:

The director (~~(of institutions)~~) shall make or cause to be made at least yearly an inspection of all jails and detention facilities, and shall in addition have the following powers and duties:

(1) To establish recommended procedures concerned with the safekeeping, health, and welfare of all prisoners committed to such jails and other local detention facilities;

(2) To prescribe minimum standards for the operation of jails and other local detention facilities, including the training of personnel;

(3) To have authority to recommend (~~(the)~~) rules and regulations for the control and discipline of the prisoners;

(4) To make such recommendations to the local sheriff and other officials for the improvement of the jail conditions in such area; and

(5) To maintain adequate records of such jails (~~(and make annual reports to the legislature)~~).

Sec. 86. Section 5, chapter 273, Laws of 1959 as amended by section 12, chapter 189, Laws of 1971 ex. sess. and RCW 72.60.280 are each amended to read as follows:

The secretary shall prepare (~~(and forward to the governor)~~) annually a report (~~(for the fiscal year ending on the thirtieth day of June of the fiscal year in which the report is made)~~) to the governor, which report shall (~~(be a public document and)~~) contain(~~(:~~

~~(1) A detailed financial statement and balance showing in general the condition of the industrial and agricultural programs of the department and their operation during the year; (2))~~ general information concerning institutional industrial and agricultural programs(~~(; and (3))~~) and any further information requested by the governor.

Sec. 87. Section 75.08.020, chapter 12, Laws of 1955 and RCW 75.08.020 are each amended to read as follows:

The director shall devote his time to the duties of his office and enforce the laws and regulations of the director relating to propagation, protection, conservation, preservation, and management of food fish and shellfish.

The director shall purchase, construct, charter, and operate vehicles, boats, and aircraft necessary to properly patrol the shores and waters of the state and the offshore waters in the enforcement of this title and the regulations of the director.

The director shall make an annual report (~~(on or before the first day of June of)~~) each year to the governor, containing a (~~(detailed)~~) statement of his official actions, of the operation and result of the laws pertaining to the fish and shellfish industry, (~~(the method of taking fish and shellfish, the number of fish and shellfish propagated, and full and complete)~~) statistics of the fishing business, and suggestions as to needed legislation whenever he deems it necessary.

Sec. 88. Section 4, chapter 125, Laws of 1911 and RCW 76.04.050 are each amended to read as follows:

The forester may at his discretion, subject to the approval of the board, appoint trained forest assistants, possessing technical qualifications, and may employ necessary clerical assistants, and fix the amount of their respective salaries, which shall be payable in equal monthly installments to each assistant so appointed or employed.

He shall act as secretary of the board, or he may delegate that duty to one of his assistants. He shall, acting under the supervision of the board, and whenever he may deem it necessary to the best interests of the state, cooperate in forest surveys, in forest studies, in forest products studies, in forest fire fighting and patrol, and in the preparation of plans for the protection, management, replacement of trees, wood lots, and timber tracts, with any of the several departments of the governments of other states, and with the government or with the departments of the government of the United States with the Dominion of Canada, or with any province thereof, and with counties, towns, corporations, and individuals within the state of Washington.

He shall, subject to the rules and regulations of the board, have direct charge and supervision of all matters pertaining to forestry, including the forest fire service of the state.

The term "forest fire service" as used in this act shall be held to include all wardens, rangers and help especially employed for preventing or fighting forest fires.

In times of emergency or unusual danger the forester is empowered to mass the forest fire service of the state where its presence might be required by reason of forest fires, and to take charge of, and direct the work of suppressing such fires.

The forester shall enforce all laws for the preservation of the forests within the state, investigate the origin of all forest fires, and vigorously prosecute all violators of this act(~~(; prepare and print for public distribution an abstract of the forest laws and the forest fire laws of Washington, together with such rules and regulations as may be formulated by the board))~~).

The forester may, with the approval of the board, publish for free distribution, information pertaining to forestry, and to forest products, which he may consider of benefit to the people of the state.

~~((It shall be the duty of the forester to annually notify the county clerk in each county where wardens or rangers are appointed, giving the names of such appointees:))~~

The forester shall furnish notices (~~((printed in large letters on cloth;))~~) calling attention to the dangers from forest fires, and to the penalties for the violation of this act; such notices to be posted in conspicuous places by the wardens or rangers in all timbered districts along roads and trails, streams and lakes, frequented by tourists, campers, hunters and fishermen, and in other visited regions.

The forester shall, subject to the approval of the board, prepare all necessary printed forms for use of wardens and rangers, in connection with the granting of applications for permits to burn; for the appointment of wardens and rangers, and any and all forms or blanks required or desirable, and shall supply each warden and ranger with such forms and blanks.

The forester shall become familiar with the location and the areas of all state timbered and cut-over lands, and shall prepare maps of each of the timbered



counties showing the state land therein, ~~((and supply such maps to each warden,))~~ and in all ways that are practical and feasible protect such lands from the dangers of fire, trespass, and the illegal cutting of timber, reporting from time to time direct to the board such information as may be of benefit to the state in the care and protection of its timber.

It shall be the duty of the forester to institute inquiry into the extent, kind, value and condition of all timber lands within the state; the amount of acres, and the value of the timber that is cut and removed each year, to determine what state lands are chiefly valuable for growing timber; the extent to which timber lands are being destroyed by fire; and also to examine into the production, quality and quantity of second growth timber, with a view to ascertaining conditions for reforestation ~~((, and not later than the first day of December of each year, make a written report to the board upon all such tracts so examined by him, together with detailed information as to the work of the forest fire service of the state)).~~

Sec. 89. Section 77.04.060, chapter 36, Laws of 1955 as last amended by section 175, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 77.04.060 are each amended to read as follows:

The state game commission shall hold regular meetings on the first Mondays of January, April, July, and October of each year, and special meetings at such times as may be called by the chairman or by two-thirds majority of the members.

The commission at its first regular meeting after the appointment and qualification of its membership, shall meet at the state capitol and organize by electing one of its members as chairman to serve for a term of two years, and until his successor is elected and qualified, and biennially thereafter the commission shall meet at its office and elect one of its members as chairman, who shall serve for a term of two years and until his successor is elected and qualified.

At such meeting, and at any other meeting after a vacancy in the office of the director of game has occurred, the commission shall elect a director of game by a two-thirds vote of its membership, who shall hold office at the pleasure of the commission. The director shall receive such salary as shall be fixed by the governor in accordance with the provisions of RCW 43.03.040. The said director shall be ex officio secretary of the state game commission, attend its meetings, keep a record of the business transacted by it, and perform such other duties as the commission may direct.

Each member of the commission shall receive twenty-five dollars for each day actually spent in the performance of official duties and travel expenses in connection therewith in going to, attending, and returning from meetings of the commission in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

The commission shall ~~((, on or before the last Monday of October in each odd-numbered year,))~~ make a full and complete report of the official business transacted by it ~~((, which report shall be published in pamphlet form))~~ each year.

The commission shall maintain its offices in the principal office of the department of game.

Sec. 90. Section 1, chapter 293, Laws of 1955 as amended by section 1, chapter 129, Laws of 1965 and RCW 79.24.300 are each amended to read as follows:

The state capitol committee may construct parking facilities for the state capitol adequate to provide parking space for automobiles, said parking facilities to be either of a single level, multiple level, or both, and to be either on one site or more than one site and located either on or in close proximity to the capitol grounds, though not necessarily contiguous thereto. The state capitol committee may select such lands as are necessary therefor and acquire them by purchase or condemnation. As an aid to such selection the committee may cause location, topographical, economic, traffic, and other surveys to be conducted, and for this purpose may utilize the services of existing state agencies, may employ personnel, or may contract for the services of any person, firm or corporation. In selecting the location and plans for the construction of the parking facilities the committee shall consider recommendations of the director of general administration.

Space in parking facilities may be rented to the officers and employees of the state on a monthly basis at a rental to be determined by the director of general administration. The state shall not sell gasoline, oil, or any other commodities or perform any services for any vehicles or equipment other than state equipment. ~~((The director of general administration shall include in his biennial report a comprehensive statement on such parking facilities, their location and charges together with any recommendations he may have.))~~

Sec. 91. Section 80.01.090, chapter 14, Laws of 1961 and RCW 80.01.090 are each amended to read as follows:

All proceedings of the commission and all documents and records in its possession shall be public records, and it shall adopt and use an official seal. The commission shall make and submit to the governor and the legislature ~~((a biennial))~~ an annual report containing a statement of the transactions and proceedings of its office, together with the information gathered by the commission and such other facts, suggestions, and recommendations as ~~((may be by it deemed necessary))~~ the governor may require or the legislature request.

Sec. 92. Section 3, chapter 26, Laws of 1967 ex. sess. and RCW 82.01.060 are each amended to read as follows:

The director of revenue, hereinafter in this 1967 amendatory act referred to as the director, through the department of revenue, hereinafter in this 1967 amendatory act referred to as the department, shall:

(1) Assess and collect all taxes and administer all programs relating to taxes which are the responsibility of the tax commission at the time this 1967 amendatory act takes effect or which the legislature may hereafter make the responsibility of the director or of the department;

(2) Make, adopt and publish such rules and regulations as he may deem necessary or desirable to carry out the powers and duties imposed upon him or the department by the legislature: **PROVIDED**, That rules and regulations adopted by the tax commission prior to the effective date of this 1967 amendatory act shall remain in force until such time as they may be revised or rescinded by the director;

(3) Provide by general regulations for an adequate system of departmental review of the actions of the department or of its officers and employees in the assessment or collection of taxes;

(4) Maintain a tax research section with sufficient technical, clerical and other employees to conduct constant observation and investigation of the effectiveness

and adequacy of the revenue laws of this state and of the sister states in order to assist the governor, the legislature and the director in estimation of revenue, analysis of tax measures, and determination of the administrative feasibility of proposed tax legislation and allied problems;

(5) Recommend to the governor (~~(in a report at least sixty days before the meeting of any regular session of the legislature)~~) such amendments, changes in, and modifications of the revenue laws as seem proper and requisite to remedy injustice and irregularities in taxation, and to facilitate the assessment and collection of taxes in the most economical manner.

Sec. 93. Section 5, chapter 158, Laws of 1919 as last amended by section 5, chapter 51, Laws of 1972 ex. sess. and RCW 89.16.050 are each amended to read as follows:

In carrying out the purposes of this chapter, the director of the department of ecology of the state of Washington shall be authorized and empowered:

To make surveys and investigations of the wholly or partially unreclaimed and undeveloped lands in this state and to determine the relative agricultural values, productiveness and uses, and the feasibility and cost of reclamation and development thereof;

To formulate and adopt a sound policy for the reclamation and development of the agricultural resources of the state, and from time to time select for reclamation and development such lands as may be deemed advisable, and the director may in his discretion advise as to the formation and assist in the organization of reclamation districts under the laws of this state;

To purchase the bonds of any reclamation district whose project is approved by the director and which is found to be upon a sound financial basis, to contract with any such district for making surveys and furnishing engineering plans and supervision for the construction of its project, or for constructing or completing its project and to advance money to the credit of the district for any or all of such purposes, and to accept the bonds, coupon notes or coupon warrants of such district in payment therefor, and to expend the moneys appropriated from the reclamation account in the purchase of such bonds, notes or warrants or in carrying out such contracts: **PROVIDED**, That interest not to exceed the annual rate provided for in the bonds, notes or warrants agreed to be purchased, shall be charged and received for all moneys advanced to the district prior to the delivery of the bonds, notes or warrants and the amount of such interest shall be included in the purchase price of such bonds, notes or warrants: **PROVIDED FURTHER**, That no district, the bonds, notes or warrants of which have been purchased by the state under the provisions of the state reclamation act, shall thereafter during the life of said bonds, notes or warrants make expenditures of any kind from the bond or coupon warrant funds of the district or incur obligations chargeable against such funds or issue any additional coupon notes without previous written approval of the director of ecology of the state of Washington, and any obligations incurred without such approval shall be void;

To sell and dispose of any reclamation district bonds acquired by the director, at public or private sale, and to pay the proceeds of such sale into the reclamation account: **PROVIDED**, That such bonds shall not be sold for less than the purchase price plus accrued interest, except in case of a sale to an agency supplied with

money by the United States of America, or to the United States of America in furtherance of refunding operations of any irrigation district, diking or drainage district, or diking or drainage improvement district, now pending or hereafter carried on by such district, in which case the director shall have authority to sell any bonds of such district owned by the state of Washington under the provisions of the state reclamation act, to the United States of America, or other federal agency on such terms as said United States of America, or other federal agency shall prescribe for bonds of the same issue of such district as that held by the state of Washington in connection with such refunding operations;

To borrow money upon the security of any bonds, including refunding bonds, of any reclamation district, acquired by the director, on such terms and rate of interest and over such period of time as the director may see fit, and to hypothecate and pledge reclamation district bonds or refunding bonds acquired by the director as security for such loan. Such loans shall have, as their sole security, the bonds so pledged and the revenues therefrom, and the director shall not have authority to pledge the general credit of the state of Washington: **PROVIDED**, That in reloaning any money so borrowed, or obtained from a sale of bonds it shall be the duty of the director to fix such rates of interest as will prevent impairment of the reclamation revolving account;

To purchase delinquent general tax or delinquent special assessment certificates chargeable against lands included within any reclamation district obligated to the state under the provisions of the state reclamation act, and to purchase lands included in such districts and placed on sale on account of delinquent taxes or delinquent assessments with the same rights, privileges and powers with respect thereto as a private holder and owner of said certificates, or as a private purchaser of said lands: **PROVIDED**, That the director shall be entitled to a delinquent tax certificate upon application to the proper county treasurer therefor without the necessity of a resolution of the board of county commissioners authorizing the issuance of certificates of delinquency required by law in the case of the sale of such certificates to private purchasers;

To sell said delinquent certificates or the lands acquired at sale on account of delinquent taxes or delinquent assessments at public or private sale, and on such conditions as the director shall determine;

To, whenever the director shall deem it advisable, require any district with which he may contract, to provide such safeguards as he may deem necessary to assure bona fide settlement and development of the lands within such district, by securing from the owners of lands therein agreements to limit the amount of their holdings to such acreage as they can properly farm and to sell their excess land holdings at reasonable prices;

To employ all necessary experts, assistants and employees and fix their compensation and to enter into any and all contracts and agreements necessary to carry out the purposes of this chapter;

To have the assistance, cooperation and services of, and the use of the records and files in, all the departments and institutions of the state, particularly the office of the commissioner of public lands, the state department of agriculture, Washington State University, and the University of Washington; and all state officers and the governing authorities of all state institutions are hereby authorized

and directed to cooperate with the director in furthering the purpose of this chapter;

To cooperate with the United States in any plan of land reclamation, land settlement or agricultural development which the congress of the United States may provide and which may effect the development of agricultural resources within the state of Washington, and the director shall have full power to carry out the provisions of any cooperative land settlement act that may be enacted by the United States.

~~((The director shall prepare and report to the legislature, at the commencement of each biennial session, a full statement of his operations and recommendations.))~~

Sec. 94. Section 7, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.070 are each amended to read as follows:

The department shall report to ~~((each regular session of))~~ the legislature:

(1) On the experience of the department, including the progress made and any difficulties encountered, in formulating, adopting, and maintaining a state management program for water resources as provided in RCW 90.54.040(1), and

(2) Make recommendations on legislation necessary to meet these objectives~~((: PROVIDED, That the department shall submit to the next regular or special session, by the first day of said session, a report setting forth, in addition to the information hereinbefore provided, a detailed outline of the basics of the program developed by the department to carry out the direction of RCW 90.54.040(1))).~~

Sec. 95. Section 10, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.090 are each amended to read as follows:

All agencies of state and local government, including counties and municipal and public corporations, shall, whenever possible, carry out powers vested in them in manners which are consistent with the provisions of this chapter. The director of the department of ecology shall submit a report to the legislature ~~((, not later than thirty days prior to each regular session, setting forth))~~ at least annually noting any failures by such agencies to comply with the mandate of this section, and the circumstances surrounding such failure.

NEW SECTION. Sec. 96. The following acts or parts of acts are each repealed:

- (1) Section 9, chapter 254, Laws of 1951 and RCW 9.81.130;
- (2) Section 15.32.696, chapter 11, Laws of 1961 and RCW 15.32.696;
- (3) Section 15.60.160, chapter 11, Laws of 1961 and RCW 15.60.160;
- (4) Section 15.64.020, chapter 11, Laws of 1961 and RCW 15.64.020;
- (5) Section 30, chapter 165, Laws of 1927 and RCW 16.44.170;
- (6) Section 10, chapter 226, Laws of 1949 and RCW 18.04.110;
- (7) Section 24, chapter 52, Laws of 1956 and RCW 18.32.060;
- (8) Section 28B.30.320, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.320;
- (9) Section 11, chapter 277, Laws of 1969 ex. sess., section 8, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.100;
- (10) Section 5, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.140;
- (11) Section 43.07.060, chapter 8, Laws of 1965 and RCW 43.07.060;
- (12) Section 43.07.070, chapter 8, Laws of 1965 and RCW 43.07.070;

- (13) Section 43.07.080, chapter 8, Laws of 1965 and RCW 43.07.080;
- (14) Section 43.92.030, chapter 8, Laws of 1965 and RCW 43.92.030;
- (15) Section 15, chapter 96, Laws of 1961 and RCW 47.42.150;
- (16) Section 47.56.350, chapter 13, Laws of 1961 and RCW 47.56.350;
- (17) Section 6, chapter 82, Laws of 1967 and RCW 70.83.060;
- (18) Section 5, chapter 188, Laws of 1961 and RCW 70.94.340;
- (19) Section 72.16.090, chapter 28, Laws of 1959 and RCW 72.16.090;
- (20) Section 74.09.140, chapter 26, Laws of 1959 and RCW 74.09.140;
- (21) Section 8, chapter 154, Laws of 1923 and RCW 76.12.150;
- (22) Section 84.08.090, chapter 15, Laws of 1961, section 153, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.08.090;
- (23) Section 84.08.100, chapter 15, Laws of 1961 and RCW 84.08.100;
- (24) Section 24, chapter 200, Laws of 1907 and RCW 88.04.270; and
- (25) Section 2, chapter 284, Laws of 1969 ex. sess. and RCW 90.48.295.

Passed the Senate March 8, 1977.

Passed the House March 4, 1977.

Approved by the Governor March 30, 1977, with the exception of section 35 which is vetoed.

Filed in Office of Secretary of State March 30, 1977.

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

"I am returning herewith, without my approval of one section, Senate Bill No. 2133 entitled:

"AN ACT Relating to state government reports and publications."

The specific section I have vetoed is New Section 35 at page 40, lines 15 through 25, which requires each state and local agency to purge its mailing lists each year of all persons not responding positively to inquiries on whether they wish to remain on such lists. The scope of this section is unnecessarily broad, and would, for example, require some agencies which mail valuable but unsolicited information to large segments of the population to curtail such activities. In many cases such mailings are required by law. Furthermore, section 35 would severely restrict the ability of our state institutions of higher learning to regularly solicit donations from their alumni or to keep their large constituencies informed of continuing educational opportunities. Even members of the legislature and other state and local elected officials would have to curtail their mailings.

For the reasons stated above, and because I am confident that the legislature will pass appropriate legislation to deal with the problem of unnecessary mailing expenses because of the use of stale mailing lists, I have vetoed section 35 of Senate Bill No. 2133. The remainder of the bill is approved."

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## CHAPTER 76

[Senate Bill No. 2067]

### TRAFFIC SAFETY EDUCATION PROGRAM—COURSES—INSTRUCTORS—FISCAL SUPPORT

AN ACT Relating to traffic safety education courses; amending section 2, chapter 39, Laws of 1963 as amended by section 1, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.010; amending section 3, chapter 39, Laws of 1963 as amended by section 2, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.020; amending section 8, chapter 39, Laws of 1963 as last amended by section 6, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.070; creating new sections; and adding a new section to chapter 46.81 RCW.

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

NEW SECTION. Section 1. There is added to chapter 46.81 RCW a new section to read as follows:

It is the purpose of this 1977 amendatory act to provide the students of the state with an improved quality traffic safety education program and to develop in the youth of this state a knowledge of the motor vehicle laws, an acceptance of personal responsibility on the public highways, an understanding of the causes and consequences of traffic accidents, and to provide training in the skills necessary for the safe operation of motor vehicles; to provide financial assistance to the various school districts while permitting them to achieve economies through options in the choice of course content and methods of instructions by adopting in whole or with modifications, a program prepared by the office of the superintendent of public instruction, and keeping to a minimum the amount of estimating, bookkeeping and reporting required of said school districts for financial reimbursement for such traffic safety education programs.

Sec. 2. Section 2, chapter 39, Laws of 1963 as amended by section 1, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.010 are each amended to read as follows:

The following words and phrases whenever used in chapter 46.81 RCW shall have the following meaning:

(1) "Superintendent" or "state superintendent" shall mean the superintendent of public instruction.

(2) "Traffic safety education course" shall mean an accredited course of instruction in traffic safety education which shall consist of ~~((three parts:))~~ two phases, classroom instruction, and laboratory experience~~((; and observation time))~~. "Laboratory experience" shall include on-street, driving range, or simulator experience or some combination thereof. Each ~~((of said parts))~~ phase shall meet basic course requirements which shall be established by the superintendent of public instruction and each part of said course shall be taught by a qualified teacher of traffic safety education. Any portions of the course may be taught after regular school hours or on Saturdays as well as on regular school days or as a summer school course, at the option of the local school districts.

(3) "Qualified teacher of traffic safety education" shall mean an instructor certificated under the provisions of chapter 28A.70 RCW and certificated by the superintendent of public instruction to teach either the classroom ~~((part))~~ phase or the laboratory ~~((part))~~ phase of the traffic safety education course, or both, under regulations promulgated by the superintendent: PROVIDED, That the laboratory experience phase of the traffic safety education course may be taught by instructors certificated under rules promulgated by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under the provisions of chapter 28A.70 RCW. Professional instructors certificated under the provisions of chapter 46.82 RCW, and participating in this program, shall be subject to reasonable qualification requirements jointly adopted by the superintendent of public instruction and the director of the department of motor vehicles.

(4) "Realistic level of effort" for the purpose of this 1977 amendatory act means the classroom and laboratory student learning experiences considered acceptable to the superintendent of public instruction that must be satisfactorily accomplished by the student in order to successfully complete the traffic safety education course.

Sec. 3. Section 3, chapter 39, Laws of 1963 as amended by section 2, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.020 are each amended to read as follows:

(1) The superintendent of public instruction is authorized to establish a section of traffic safety education, ~~((under the division of curriculum and instruction))~~ and through such section shall: Define a "realistic level of effort" required to provide an effective traffic safety education course, establish a level of driving competency required of each student to successfully complete the course, and ensure that an effective state-wide program is implemented and sustained, administer, supervise, and develop the traffic safety education program and shall assist local school districts in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules and regulations governing the operation and scope of the traffic safety education program; and each school district shall submit ((an annual)) a report to the superintendent on the ((financial)) condition of its traffic safety education program: PROVIDED, That the superintendent shall ((conduct audits or such other examination of the records and accounts of said school districts and shall require their reporting of such information as the superintendent deems necessary to adequately)) monitor the quality of the program and ((to)) carry out the purposes of this chapter((, and in order to make regular reports to the legislature)).

(2) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, may establish and maintain a traffic safety education course. If a school district elects to offer a traffic safety education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one class in traffic safety education shall be given at times other than regular school hours if there is sufficient demand therefor.

(3) ~~((Subject to the rules and regulations adopted by the superintendent of public instruction,))~~ The board of directors of a school district, or combination of school districts, may contract with any drivers' school licensed under the provisions of chapter 46.82 RCW to teach the laboratory ((part)) phase of the traffic safety education ((program)) course. Instructors provided by any such contracting drivers' school must be ((certificated as)) properly qualified teachers of traffic safety education under the joint qualification requirements adopted by the superintendent of public instruction and the director of the department of motor vehicles.

Sec. 4. Section 8, chapter 39, Laws of 1963 as last amended by section 6, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.070 are each amended to read as follows:

(1) ~~((Each school district offering a course in traffic safety education shall, in such manner as the superintendent of public instruction may direct, keep accurate records of the cost thereof.))~~ Subject to RCW 46.81.060 each school district shall be reimbursed from the traffic safety education account: PROVIDED, That the



state superintendent shall determine the ~~((approximate))~~ per pupil ~~((cost-of))~~ reimbursement amount for the traffic safety education ~~((and may reimburse up to seventy-five percent of the estimated per pupil cost of traffic safety education))~~ course to be funded by the state. Each school district offering an approved standard traffic safety education course shall be reimbursed or granted an amount up to the level established by the superintendent of public instruction as may be provided from the traffic safety education account. ~~((Per pupil cost of traffic safety education shall include the per pupil cost of vehicles used exclusively in traffic safety education programs and simulators used in such programs amortized by school districts over a sixty-month period.))~~

~~A simulator is any automobile driver training device approved by the superintendent of public instruction to be used for purposes of traffic safety education instruction under simulated driving conditions.))~~

(2) The board of directors of any school district or combination of school districts ~~((shall))~~ may establish a traffic safety education fee, which fee when imposed shall be required to be paid by any duly enrolled student in any such school district prior to ~~((the enrollment))~~ or while enrolled in a traffic safety education course. Traffic safety education fees collected by a school district shall be deposited with the county treasurer to the credit of such school district, to be used to pay costs of the traffic safety education course.

NEW SECTION. Sec. 5. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 15, 1977.

Passed the House March 7, 1977.

Approved by the Governor March 30, 1977.

Filed in Office of Secretary of State March 30, 1977.

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## CHAPTER 77

[Engrossed Senate Bill No. 2385]

### LIMITED ACCESS HIGHWAYS—PLANS

AN ACT Relating to limited access facilities; amending section 3, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.135; amending section 47.52.180, chapter 13, Laws of 1961 and RCW 47.52.180; adding a new section to chapter 47.52 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 47.52 RCW a new section to read as follows:

Whenever after the final adoption of a plan for a limited access highway by the highway commission, an additional design public hearing with respect to the facility or any portion thereof is conducted pursuant to federal law resulting in a revision of the design of the limited access plan, the highway commission may modify the previously adopted limited access plan to conform to the revised design without further public hearings providing the following conditions are met:

(1) As compared with the previously adopted limited access plan, the revised plan will not require additional or different right of way with respect to that section

of highway for which the design has been revised, in excess of five percent by area; and

(2) If the previously adopted limited access plan was modified by a board of review convened at the request of a county, city, or town, the legislative authority of the county, city, or town shall approve any revisions of the plan which conflict with modifications ordered by the board of review.

Sec. 2. Section 3, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.135 are each amended to read as follows:

At the hearing any representative of the county, city or town, or any other person may appear and be heard even though such official or person is not an abutting property owner. Such hearing ~~((shall))~~ may, at the option of the highway authority, be conducted in ~~((such a manner as to comply with the requirements of section 116(c) of the Federal Aid Highway Act of 1956 or any act supplemental thereto or amendatory thereof))~~ accordance with federal laws and regulations governing highway design public hearings. The members of such authority shall preside, or may designate some suitable person to preside as examiner. ~~((All testimony or statements given at such hearing shall be taken down by a stenographer under oath, as in superior courts.))~~ The authority shall introduce by competent evidence a summary of the proposal for the establishment of a limited access facility and any evidence that supports the adoption of the plan as being in the public interest. At the conclusion of such evidence, any person entitled to notice who has entered a written appearance shall be deemed a party to this hearing for purposes of this chapter and may thereafter introduce, either in person or by counsel, evidence and statements or counterproposals bearing upon the reasonableness of the proposal. Any such evidence and statements or counterproposals shall receive reasonable consideration by the authority before any proposal is adopted. Such evidence must be material to the issue before the authority and shall be presented in an orderly manner.

Sec. 3. Section 47.52.180, chapter 13, Laws of 1961 and RCW 47.52.180 are each amended to read as follows:

At the conclusion of such hearing, the board shall consider the evidence taken and shall make specific findings with respect to the objections and issues within thirty days after the hearing, which findings shall approve, disapprove, or modify the proposed plan of the state highway commission. Such findings shall be final and binding upon both parties. Any modification of the proposed plan of the highway commission made by the board of review may thereafter be modified by stipulation of the parties.

**NEW SECTION.** Sec. 4. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 17, 1977.

Passed the House March 7, 1977.

Approved by the Governor March 30, 1977.

Filed in Office of Secretary of State March 30, 1977.

## CHAPTER 78

[Reengrossed Senate Bill No. 2171]

## RAILROAD GRADE CROSSING—DUTY TO STOP—EXCEPTIONS

AN ACT Relating to motor vehicles; and amending section 48, chapter 155, Laws of 1965 ex. sess. as last amended by section 31, chapter 62, Laws of 1975 and RCW 46.61.350.

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

Section 1. Section 48, chapter 155, Laws of 1965 ex. sess. as last amended by section 31, chapter 62, Laws of 1975 and RCW 46.61.350 are each amended to read as follows:

(1) The driver of any motor vehicle carrying passengers for hire, other than a passenger car, or of any school bus or private carrier bus carrying any school child(;) or other passenger, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not shift gears while crossing the track or tracks.

(2) This section shall not apply at:

(a) Any railroad grade crossing at which traffic is controlled by a police officer or a duly authorized flagman;

(b) Any railroad grade crossing at which traffic is regulated by a traffic control signal;

(c) Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

(d) Any railroad grade crossing at which an official traffic control device as designated by the utilities and transportation commission pursuant to RCW 81.53-.060 gives notice that the stopping requirement imposed by this section does not apply.

Passed the Senate February 9, 1977.

Passed the House March 7, 1977.

Approved by the Governor March 30, 1977.

Filed in Office of Secretary of State March 30, 1977.

## CHAPTER 79

[Engrossed Senate Bill No. 2083]

## AUTOPSIES AND POST MORTEMES—CONSENT—CONFIDENTIALITY OF REPORTS AND RECORDS

AN ACT Relating to autopsies and post mortems; amending section 11, chapter 188, Laws of 1953 and RCW 68.08.101; and amending section 9, chapter 188, Laws of 1953 and RCW 68.08.105.

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

Section 1. Section 11, chapter 188, Laws of 1953 and RCW 68.08.101 are each amended to read as follows:

Autopsy or post mortem may be performed in any case (~~(in which the deceased's spouse, parent, child, brother or sister, or any other kin or person having the responsibility for burial may authorize the autopsy or post mortem to be performed)~~) where authorization has been given by a member of one of the following classes of persons in the following order of priority:

- (1) The surviving spouse;
- (2) Any child of the decedent who is eighteen years of age or older;
- (3) One of the parents of the decedent;
- (4) Any adult brother or sister of the decedent;
- (5) A person who was guardian of the decedent at the time of death;
- (6) Any other person or agency authorized or under an obligation to dispose of the remains of the decedent. The chief official of any such agency shall designate one or more persons to execute authorizations pursuant to the provisions of this section.

If the person seeking authority to perform an autopsy or post mortem makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class, in the order of descending priority. However, no person under this section shall have the power to authorize an autopsy or post mortem if a person of higher priority under this section has refused such authorization: PROVIDED, That this section shall not affect autopsies performed pursuant to RCW 68.08.010 or RCW 68.08.103.

Sec. 2. Section 9, chapter 188, Laws of 1953 and RCW 68.08.105 are each amended to read as follows:

Reports and records of autopsies or post mortems shall be confidential, except to the attending physician, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, or to the department of labor and industries in cases in which it has ~~((requested the autopsy))~~ an interest under RCW 68.08.103.

The coroner, the medical examiner, or the attending physician shall, upon request, meet with the family of the decedent to discuss the findings of the autopsy or post mortem. For the purposes of this section, the term "family" means the surviving spouse, or any child, parent, brother, or sister of the decedent, or any person who was guardian of the decedent at the time of death.

Passed the Senate March 8, 1977.

Passed the House March 7, 1977.

Approved by the Governor March 30, 1977.

Filed in Office of Secretary of State March 30, 1977.

## CHAPTER 80

[Senate Bill No. 2201]

SCHOOL TRANSPORTATION—~~ROUTES~~—OTHER ARRANGEMENTS—  
REIMBURSEMENT FOR COSTS

AN ACT Relating to education; amending section 28A.24.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 54, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.24.080; amending section 28A.24.100, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 66, Laws of 1971 ex. sess. and RCW 28A.24.100; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 60, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.41.160; creating new sections; repealing section 28A.24.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.090; and repealing section 28A.24.150, chapter 223, Laws of 1969 ex. sess., section 2, chapter 20, Laws of 1970 ex. sess., section 8, chapter 48, Laws of 1971, section 55, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.24.150.

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

Section 1. Section 28A.24.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 54, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.24.080 are each amended to read as follows:

School district transportation routes for purposes of state reimbursement of transportation costs shall be recommended by the ~~((school district transportation commission in))~~ board of directors of each school district and approved or disapproved by the educational service district superintendent ~~((of public instruction))~~ or his or her designee pursuant to rules and regulations promulgated by the superintendent of public instruction for that purpose. ~~((The commission shall be appointed by the superintendent of public instruction and shall consist of (1) a representative of the local board of directors, (2) a representative of the superintendent of public instruction, and (3) a representative of the educational service district board.))~~

Sec. 2. Section 28A.24.100, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 66, Laws of 1971 ex. sess. and RCW 28A.24.100 are each amended to read as follows:

Individual transportation ~~((or)),~~ board and room, and other arrangements may be authorized ~~((when these seem best in the judgment of the commission))~~ or provided and, in whole or part, paid for or reimbursed by a school district, when approved by the educational service district superintendent or his or her designee pursuant to rules promulgated by the superintendent of public instruction for that purpose: PROVIDED, That the total of payments for board and room and transportation incidental thereto shall not exceed the amount which would otherwise be paid for such individual transportation. No district shall be required to transport any pupil living within two miles of the school which such pupil attends: PROVIDED, That all handicapped children as defined in RCW 28A.13.010 who are not ambulatory and/or who are not capable of protecting their own welfare while traveling to and/or from the school or agency where special educational aid services are provided shall be provided with transportation at school district or districts expense. Except as otherwise provided ((m)) pursuant to this section and except for the handicapped students described in this section, ((the commission may require)) pupils residing within two miles of an established route may be required to travel to the route at their own expense.

Sec. 3. Section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 60, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.41.160 are each amended to read as follows:

Reimbursement for transportation costs shall be in addition to state assistance based upon weighted enrollment. Transportation costs shall be reimbursed as follows:

(1) Operational reimbursement shall be limited to ninety percent of the service costs on routes recommended by the educational service district ((~~transportation commission~~) superintendent or his or her designee, and as approved by the state superintendent(~~(, or shall be limited to ninety percent of the average state cost per vehicle mile for the class of vehicle approved for operation as determined by the state superintendent, whichever is the smaller)~~)); and

(2) Costs of acquisition of approved transportation equipment shall be limited to ninety percent to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent: PROVIDED, That reimbursements for the acquisition of approved transportation equipment received by school districts shall be held within the general fund exclusively for the future purpose of approved transportation equipment and major transportation equipment repairs consistent with rules and regulations authorized and promulgated under RCW 28A.41.170(~~(; 28A.65.050, and 28A.65.180)~~) and chapter 28A.65 RCW.

NEW SECTION. Sec. 4. The following acts or parts thereof are hereby repealed:

(1) Section 28A.24.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.090; and

(2) Section 28A.24.150, chapter 223, Laws of 1969 ex. sess., section 2, chapter 20, Laws of 1970 ex. sess., section 8, chapter 48, Laws of 1971, section 55, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.24.150.

NEW SECTION. Sec. 5. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 8, 1977.

Passed the House March 7, 1977.

Approved by the Governor March 30, 1977.

Filed in Office of Secretary of State March 30, 1977.

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## CHAPTER 81

[Engrossed Senate Bill No. 2374]

MOTOR VEHICLES—SIZE, WEIGHT, LOAD—IMPAIRED CLEARANCE SIGNS—  
AXLE FACTORS—GROSS WEIGHT LIMIT

AN ACT Relating to motor vehicles; amending section 46.44.020, chapter 12, Laws of 1961 as last amended by section 7, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.020; amending section 22, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.041; and declaring an emergency.

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

Section 1. Section 46.44.020, chapter 12, Laws of 1961 as last amended by section 7, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.020 are each amended to read as follows:

It shall be unlawful for any vehicle unladen or with load to exceed a height of fourteen feet above the level surface upon which the vehicle stands: PROVIDED, That this height limitation shall not apply to authorized emergency vehicles or repair equipment of a public utility engaged in reasonably necessary operation. The provisions of this section shall not relieve the owner or operator of a vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the public highways where such vehicle or combination of vehicles is being operated; and no liability shall attach to the state or to any county, city, town, or other political subdivision by reason of any damage or injury to persons or property by reason of the existence of any structure over or across any public highway where the vertical clearance above the roadway is fourteen feet or more; or, where such vertical clearance is less than fourteen feet, if impaired clearance signs of a design approved by the Washington state highway commission are erected and maintained on the right side of any such public highway(~~(: In cities and towns at a distance of not less than two hundred feet and not more than three hundred feet; and in rural areas at a distance of not less than three hundred fifty feet and not more than five hundred feet, from each side of such structure))~~ in accordance with the manual of uniform traffic control devices for streets and highways as adopted by the Washington state highway commission pursuant to chapter 47.36 RCW. If any structure over or across any public highway is not owned by the state or by a county, city, town, or other political subdivision, it shall be the duty of the owner thereof when billed therefor to reimburse the Washington state highway commission or the county, city, town, or other political subdivision having jurisdiction over such highway for the actual cost of erecting and maintaining such impaired clearance signs, but no liability shall attach to such owner by reason of any damage or injury to persons or property caused by impaired vertical clearance above the roadway.

Sec. 2. Section 22, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.041 are each amended to read as follows:

No vehicle or combination of vehicles shall operate upon the public highways of this state with a gross load on any single axle in excess of twenty thousand pounds, or upon any group of axles in excess of that set forth in the following table, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each, if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

Dis-  
tance  
in feet  
between  
the ex-  
tremes  
of any  
group  
of 2  
or more  
consecu-

Maximum load in pounds  
carried on any group of 2  
or more consecutive axles

\*(Maximum load in pounds carried  
on any group of 2 consecutive  
sets of tandem axles)

tive axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
4	34,000							
5	34,000							
6	34,000							
7	34,000							
8	34,000	36,500						
9	39,000	38,000						
10	40,000	39,500						
11		41,000						
12		42,500	42,500					
13		44,000	44,000					
14		45,500	45,500					
15		47,000	47,000					
16		48,000	48,000	48,000				
17		48,500	48,500	49,000				
18		49,500	49,500	50,000				
19		50,000	50,000	51,000				
20		51,000	51,000	52,000	52,000			
			<u>(55,500)*</u>					
21		51,500	51,500	53,000	53,000			
			<u>(56,000)*</u>					
22		52,500	52,500	54,000	54,000			
			<u>(56,500)*</u>					
23		53,000	53,000	55,000	55,000			
			<u>(57,500)*</u>					
24		54,000	54,000	55,500	56,000	56,000		
			<u>(58,000)*</u>					
25		54,500	55,000	56,500	57,000	57,000		
			<u>(58,500)*</u>					
26		55,500	56,000	57,500	58,000	58,000		
			<u>(59,500)*</u>					
27		56,000	57,000	58,500	59,000	59,000		
			<u>(60,000)*</u>					
28		57,000	58,000	60,000	60,000	60,000	60,000	



Dis-  
tance  
in feet  
between  
the ex-  
tremes  
of any  
group  
of 2  
or more  
consecu-

Maximum load in pounds  
carried on any group of 2  
or more consecutive axles

\*(Maximum load in pounds carried  
on any group of 2 consecutive  
sets of tandem axles)

	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
		(60,500)*						
29		57,500	59,000	60,500	61,000	61,000	61,000	
		(61,500)*						
30		58,500	59,000	61,500	62,000	62,000	62,000	
		(62,000)*						
31		59,000	60,500	62,500	63,000	63,000	63,000	
		(62,500)*						
32		60,000	61,500	63,500	64,000	64,000	64,000	64,000
		(63,500)*						
33			62,500	64,500	65,000	65,000	65,000	65,000
		(64,000)*						
34			63,500	65,000	66,500	66,500	66,500	66,500
		(64,500)*						
35			64,500	66,500	67,500	67,500	67,500	67,500
		(65,500)*						
36			65,500	67,500	68,500	68,500	68,500	68,500
		(68,000)*						
37			66,500	68,500	69,500	69,500	69,500	69,500
38			67,500	69,000	70,500	70,500	70,500	70,500
39			68,000	70,000	71,500	71,500	71,500	71,500
40			68,500	71,000	72,500	72,500	72,500	72,500
41			69,500	72,000	73,500	73,500	73,500	73,500
42			70,000	73,000	74,500	74,500	74,500	74,500
43			70,500	74,000	75,500	75,500	75,500	75,500
44			71,500	75,000	76,500	76,500	76,500	76,500
45			72,000	76,000	78,000	78,000	78,000	78,000
46			72,500	76,500	79,000	79,000	79,000	79,000
47			73,500	77,500	80,000	80,000	80,000	80,000
48			74,000	78,000	81,000	81,000	81,000	81,000
49			74,500	78,500	82,000	82,000	82,000	82,000
50			75,500	79,000	83,000	83,000	83,000	83,000
51			76,000	80,000	84,000	84,000	84,000	84,000
52			76,500	80,500	85,000	85,000	85,000	85,000

Dis-  
tance  
in feet  
between  
the ex-  
tremes  
of any  
group  
of 2  
or more  
consecu-

Maximum load in pounds  
carried on any group of 2  
or more consecutive axles

\*(Maximum load in pounds carried  
on any group of 2 consecutive  
sets of tandem axles)

	2	3	4	5	6	7	8	9
tive axles	axles	axles	axles	axles	axles	axles	axles	axles
53			77,500	81,000	86,000	86,000	87,000	87,000
54			78,000	81,500	86,500	87,500	89,000	89,000
55			78,500	82,500	87,000	88,000	91,000	91,000
56			79,500	83,000	87,500	90,000	93,000	93,000
57			80,000	83,500	88,000	91,000	95,000	95,000
58				84,000	89,000	92,500	97,000	97,000
59				85,000	89,500	93,500	99,000	99,000
60				85,500	90,000	95,000	100,500	100,500
61				86,000	90,500	95,500	101,000	102,500
62				86,500	91,000	96,000	101,500	104,000
63				87,500	92,000	96,500	102,000	105,500
64				88,000	92,500	97,000	102,500	105,500
65				88,500	93,000	98,000	103,000	105,500
66				89,000	93,500	98,500	103,500	105,500
67				90,000	94,000	99,000	104,000	105,500
68				90,500	94,500	99,500	104,500	105,500
69				91,000	95,500	100,000	105,500	105,500
70				91,500	96,000	101,000	105,500	105,500

When inches are involved: Under six inches take lower, six inches or over take higher. (~~When wheelbase of a group of axles is less than the wheelbase required by the above table to attain maximum single axle and tandem axle allowance, no axle shall exceed any axle in such group by more than two thousand five hundred pounds in weight. For this purpose of determining equal axle weight distribution, the front axle of a unit supplying motive power shall not be included in the axle group.~~) The maximum load on any axle in any group of axles shall not exceed 1.2 times the load given in the above table divided by the number of axles in that group, and shall not exceed the single axle or tandem axle allowance as set forth elsewhere. For considering the number of axles in a group, the front axle of a unit supplying motive power need not be included in the axle group.

The maximum axle and gross weights specified in this section are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

It is unlawful to operate upon the public highways any single unit vehicle, supported upon three axles or more with a gross weight including load in excess of forty thousand pounds or any combination of vehicles having a gross weight in excess of eighty thousand pounds without first obtaining an additional tonnage permit as provided for in RCW 46.44.095: PROVIDED, That when a combination of vehicles has purchased license tonnage in excess of seventy-two thousand pounds as provided by RCW 46.16.070, such excess license tonnage may be applied to the power unit subject to limitations of RCW 46.44.042 and this section when such vehicle is operated without a trailer.

It is unlawful to operate any vehicle upon the public highways equipped with two axles spaced less than seven feet apart, unless the two axles are so constructed and mounted in such a manner as to provide oscillation between the two axles and that either one of the two axles will not at any one time carry more than the maximum gross weight allowed for one axle specified in this section.

Notwithstanding anything contained herein, a vehicle or combination of vehicles in operation on January 4, 1975, may operate upon the public highways of this state, including the interstate system within the meaning of section 127 of Title 23, United States Code, with an overall gross weight upon a group of two consecutive sets of dual axles which was lawful in this state under the laws, regulations and procedures in effect in this state on January 4, 1975.

NEW SECTION. Sec. 3. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 8, 1977.

Passed the House March 7, 1977.

Approved by the Governor March 30, 1977.

Filed in Office of Secretary of State March 30, 1977.



## AUTHENTICATION

I, Richard O. White, Code Reviser of the State of Washington do hereby certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by the provisions of RCW 44.20.060, the laws published herein are a true and correct reproduction of the copies of the enrolled laws of the 1977 regular session (45th Legislature) as certified and transmitted to the Statute Law Committee by the Secretary of State pursuant to RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this first day of May, 1977.



*Richard O. White*

RICHARD O. WHITE  
Code Reviser



**WASHINGTON LAWS**  
**1977 FIRST EXTRAORDINARY SESSION**





## CHAPTER 1

[Reengrossed Second Substitute Senate Bill No. 2620]

EMERGENCY WATER WITHDRAWAL—AUTHORITY—FISCAL SUPPORT—  
PENALTIES

AN ACT Relating to water; amending section 3, chapter 295, Laws of 1975 1st ex. sess. as amended by section 1, chapter 36, Laws of 1975-'76 2nd ex. sess. and RCW 43.83B.210; creating new sections; authorizing the issuance of general obligation bonds and bond anticipation notes; making appropriations; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that it is necessary to provide the department of ecology with emergency powers to authorize withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, and construction of facilities in relation thereto, in order to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during the summer and fall of 1977.

In order to provide needed capital for the planning, acquisition, construction, and improvement of water supply facilities to withdraw and distribute water to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during the summer and fall of 1977, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eighteen million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this section and sections 13 through 16 of this 1977 amendatory act shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

NEW SECTION. Sec. 2. Domestic and irrigation uses of public surface and ground waters shall be given priority in determining "beneficial uses" for the purposes of section 3 of this 1977 amendatory act.

NEW SECTION. Sec. 3. In addition to the powers previously vested in the department of ecology to permit the withdrawal of public surface and ground waters by chapters 90.03 and 90.44 RCW, the department of ecology is authorized to permit withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, for any period ending not later than September 30, 1977, for any beneficial use. The department may issue such emergency permits if, after investigation and after providing appropriate federal, state, and local governmental bodies an opportunity to comment, the following are found:

(1) The waters proposed for withdrawal are to be used in relation to beneficial use involving a previously established activity or purpose; and

(2) The previously established activity or purpose was furnished water through rights applicable to the use of a public water body which are not exercisable due to the lack of water arising from natural drought conditions; and

(3) The proposed withdrawal will not reduce flows or levels below essential minimums necessary (a) to assure the maintenance of fisheries requirements, and

(b) to protect federal and state interests including, among others, power generation, navigation, and existing water rights.

All permits issued hereunder shall contain provisions which allow for termination of authorized withdrawals, in whole or in part, whenever withdrawals will conflict with flows and levels as provided in subsection (3) of this section.

NEW SECTION. Sec. 4. In addition to any other powers previously vested in the department of social and health services, the department is authorized to permit withdrawal of public surface and ground waters for municipal and industrial water supply and distribution facilities to alleviate emergency water supply conditions arising from the drought forecast for the state during the summer and fall of 1977. Such authorization shall be on a temporary basis for any period ending not later than September 30, 1977. The department may issue such emergency permits if, after investigation and after providing appropriate federal, state, and local governmental bodies an opportunity to comment, the following are found:

(1) The waters proposed for withdrawal are to be used in relation to beneficial use involving a previously established activity or purpose; and

(2) The previously established activity or purpose was furnished water through rights applicable to the use of a public water body which are not exercisable due to the lack of water arising from natural drought conditions; and

(3) The proposed withdrawal will not reduce flows or levels below essential minimums necessary (a) to assure the maintenance of fisheries requirements, and (b) to protect federal and state interests including, among others, power generation, navigation, and existing water rights.

All permits issued hereunder shall contain provisions which allow for termination of authorized withdrawals, in whole or in part, whenever withdrawals will conflict with flows and levels as provided in subsection (3) of this section.

NEW SECTION. Sec. 5. (1) As to projects and water withdrawal permits issued or authorized or both under sections 3 and 4 of this 1977 amendatory act, the requirements of chapter 43.21C RCW and all local zoning ordinances, plans, and local building and construction permit ordinances are waived and inapplicable. Notwithstanding any other provisions of law, water projects and related withdrawal permits, authorized or issued pursuant to sections 3 or 4 of this 1977 amendatory act shall not be subject to any public notice requirements. Permits issued under sections 3 and 4 of this 1977 amendatory act shall be in lieu of all environmental protection and natural resource regulation permits, certificates, and other approvals and authorization documents required under state statutes including, but not limited to, RCW 90.58.140, 75.20.100, and 86.16.080, as well as all other similar permits required under local ordinances. All state departments or other agencies having jurisdiction over state or other public lands which are required to be used in carrying out projects related to water withdrawal permits, issued pursuant to sections 3 and 4 of this 1977 amendatory act, shall provide short term easements or other appropriate property interests upon the payment of the fair market value: PROVIDED, That this mandate shall not apply to any lands of the state which are reserved for a special purpose or use which cannot properly be carried out if such a property interest were to be conveyed.

(2) Upon request of the department of ecology or the department of social and health services, the department of general administration may waive any public

bidding requirements otherwise provided by law, for any project authorized by sections 3 or 4 of this 1977 amendatory act and financed with funds appropriated in this 1977 amendatory act if the department of general administration determines that (a) an emergency condition exists, and (b) if the request for a waiver is not approved the public interest will be significantly affected in a detrimental manner. The department of general administration shall rule upon requests for waiver submitted to it within five working days. If the department fails to rule within said five-day period the request shall be deemed approved and a waiver deemed to be granted. The department of general administration, after obtaining the views of the department of ecology and the department of social and health services, shall adopt rules to implement this section. Notwithstanding any other provision of this 1977 amendatory act, this subsection shall terminate on September 30, 1977.

NEW SECTION. Sec. 6. (1) Nothing in sections 1 through 10 of this 1977 amendatory act shall authorize any interference whatsoever with existing water rights.

(2) Nothing in sections 1 through 10 of this 1977 amendatory act shall authorize the establishment of rights to withdrawal of waters of a permanent nature or of rights with any priority.

(3) Nothing in sections 1 through 10 of this 1977 amendatory act shall authorize the establishment of a water right under RCW 90.03.250 or 90.44.060.

(4) Nothing in sections 1 through 10 of this 1977 amendatory act shall preclude any person from filing an application pursuant to RCW 90.03.250 or 90.44.060: PROVIDED, HOWEVER, That any such application for withdrawal rights as to withdrawals made under authority of sections 1 through 10 of this 1977 amendatory act shall be subject to all applicable laws and rules as though sections 1 through 10 of this 1977 amendatory act had not existed.

NEW SECTION. Sec. 7. (1) The department of ecology shall adopt such rules as are necessary and appropriate to carry out the powers provided in this 1977 amendatory act.

(2) The department of social and health services shall adopt such rules as are necessary and appropriate to carry out the powers provided in this 1977 amendatory act.

NEW SECTION. Sec. 8. The power is granted to the department of ecology to levy civil penalties of up to one hundred dollars per day for violation of any of the provisions of this chapter and chapters 90.03, 90.22, and 90.44 RCW, and rules, permits, and similar documents and regulatory orders of the department of ecology adopted or issued pursuant to such chapters. The procedures of RCW 90.48.144 shall be applicable to all phases of the levying of a penalty as well as review and appeal of the same.

NEW SECTION. Sec. 9. The department of ecology is authorized to employ necessary temporary personnel until September 30, 1977, in project-related fields, including, but not limited to, engineering, hydrology, geology, and natural or water resources, not to exceed five full time equivalent staff years to carry out the provisions of sections 1 through 10 this 1977 amendatory act. Such temporary personnel shall be funded only through the biennial appropriations to the department, and not by funds provided by this 1977 amendatory act.

**NEW SECTION.** Sec. 10. (1) The department of ecology shall, by rule, establish rates of charges for all waters delivered from such facilities as constructed by the department with funds provided in sections 18 (2) or (3) of this 1977 amendatory act. Where the department provides water to public or municipal corporations or other governmental bodies having authority to distribute water, the payment for the water may be made pursuant to contract over a period not exceeding twenty-five years from the date of delivery. In all other cases, the department shall obtain payment for waters prior to its delivery to a purchaser. All payments received shall be deposited into the state emergency water projects bond redemption fund of 1977.

(2) Public bodies, eligible to obtain funds through grants or loans or combinations thereof under the provisions of sections 1 through 10 of this 1977 amendatory act and RCW 43.83B.210 as now or hereafter amended, are authorized to enter into contracts with the department of ecology for the purpose of repaying loans authorized by sections 17 and 18 of this 1977 amendatory act and for the purpose of purchasing water under this section.

(3) The department of ecology is authorized to enter into appropriate contracts to ensure effective delivery of water and the operation and maintenance of facilities constructed pursuant to this 1977 amendatory act.

Sec. 11. Section 3, chapter 295, Laws of 1975 1st ex. sess. as amended by section 1, chapter 36, Laws of 1975-'76 2nd ex. sess. and RCW 43.83B.210 are each amended to read as follows:

The department of ecology is authorized to make loans or grants or combinations thereof to eligible public bodies as defined in RCW 43.83B.050 for rehabilitation or betterment of agricultural water supply facilities, and/or construction of agricultural water supply facilities required to develop new irrigated lands or, when required because of emergency drought conditions, to provide water to previously irrigated lands. The department of ecology may make such loans or grants or combinations thereof as matching funds in any case where federal, local, or other funds have been made available on a matching basis. A loan or combination loan and grant shall not exceed fifty percent of the approved eligible project costs for any single proposed project: PROVIDED, That for projects authorized by section 18 of this 1977 amendatory act the department of ecology may make a loan or combination loan and grant up to one hundred percent of the total single project cost and the grant portion for any single project shall not exceed fifteen percent of the total single project cost. Any grant or grant portion of a combination loan and grant for any single proposed project shall not exceed fifteen percent of the eligible project costs: PROVIDED, That the fifteen percent limitation established herein shall not be applicable to project commitments which the director or deputy director of the state department of ecology made to the bureau of reclamation of the United States department of interior for providing state funding at thirty-five percent of project costs during the period between August 1, 1974, and June 30, 1975.

The department of social and health services is authorized to make grants of up to forty percent of the cost of construction of any eligible project necessitated by the 1977 drought conditions. Such grants may be made only to public bodies as defined in RCW 43.83B.050 for municipal and industrial water supply and distribution facilities.

NEW SECTION. Sec. 12. The state finance committee is authorized to prescribe the form of the bonds authorized in section 1 of this 1977 amendatory act, the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

As used in sections 1, and 12 through 16 of this 1977 amendatory act, the term "water supply facilities for water withdrawal and distribution" shall mean municipal, industrial, and agricultural water supply and distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interest in and improvements on real property necessary for or incidental to the acquisition, construction, installation, improvement, or use of any water supply or distribution system furnishing water for agricultural, municipal or industrial purposes.

NEW SECTION. Sec. 13. At the time the state finance committee determines to issue such bonds authorized in sections 1, and 12 through 16 of this 1977 amendatory act or a portion thereof, it may, pending the issuance thereof, issue in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "bond anticipation notes". The proceeds from the sale of bonds and notes authorized by sections 1, and 12 through 16 of this 1977 amendatory act shall be deposited in the state emergency water projects revolving account, hereby created in the general fund in the state treasury, and shall be used exclusively for the purposes specified in sections 1, and 12 through 16 of this 1977 amendatory act and for the payment of expenses incurred in the issuance and sale of such bonds and notes: PROVIDED, That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the state emergency water projects bond redemption fund of 1977 in the state treasury created by section 15 of this 1977 amendatory act.

NEW SECTION. Sec. 14. The principal proceeds from the sale of the bonds authorized in sections 1, and 12 through 16 of this 1977 amendatory act shall be administered by the director of the department of ecology.

NEW SECTION. Sec. 15. The state emergency water projects bond redemption fund of 1977, hereby created in the state treasury, shall be used for the purpose of the payment of interest on and retirement of the bonds and notes authorized to be issued by sections 1, and 12 through 16 of this 1977 amendatory act. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months, to meet bond retirement and interest requirements. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 emergency water projects bond redemption fund

an amount equal to the amount certified by the state finance committee to be due on such payment date.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 16. The bonds authorized by sections 1, and 12 through 16 of this 1977 amendatory act shall be a legal investment for all state funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 17. There is hereby appropriated to the department of social and health services the sum of nine million seven hundred thirty-seven thousand dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1977, from the general fund—state and local improvements revolving account—water supply facilities for the purposes authorized in sections 1 through 10 of this 1977 amendatory act and RCW 43.83B.210 as now or hereafter amended relating to the emergency water conditions arising from the drought forecast for the summer and fall of 1977 affecting municipal and industrial water supply distribution facilities. Prior to the expenditure of funds for projects approved by the department, the department shall file a listing of the approved projects with the senate ways and means committee and the house appropriations committee.

(2) There is hereby appropriated to the department of social and health services the sum of five million three hundred twenty-seven thousand dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1977, from the general fund—state and local improvements revolving account—water supply facilities to be expended for municipal and industrial water supply and distribution facility projects for which applications are in progress on the effective date of this 1977 amendatory act and have arisen from the drought forecast for the summer and fall of 1977. Prior to the expenditure of funds for projects approved by the department, the department shall file a listing of the approved projects with the senate ways and means committee and the house appropriations committee.

The municipal and industrial water supply and distribution facilities receiving funds from the appropriations contained in this section shall comply with the eligible costs criteria, health and design standards, and contract performance requirements of the municipal and industrial funding program under chapter 43.83B RCW. All projects shall be evaluated by applying the said chapter's evaluation and prioritization criteria to insure that only projects related to water shortage problems receive funding. The projects funded shall be limited to those projects providing interties with adjacent utilities, an expanded source of supply, conservation projects which will conserve or maximize efficiency of the existing supply, or a new source of supply. No obligation to provide a grant for a project authorized under this section shall be incurred after June 30, 1977.

NEW SECTION. Sec. 18. (1) There is hereby appropriated to the department of ecology for the biennium ending June 30, 1977, from the state emergency water projects revolving account in the general fund, the sum of seven million dollars, or so much thereof as may be necessary, which shall be expended for the financing of the following agricultural water supply and distribution projects from surface water

sources: Kennewick Irrigation District; Kittitas Reclamation District; Stemilt Irrigation District; Wenatchee Heights Reclamation District; and the Wenatchee Reclamation District.

(2) There is hereby appropriated to the department of ecology for the biennium ending June 30, 1977, from the state emergency water projects revolving account in the general fund, the sum of five million dollars, or so much thereof as may be necessary, which shall be expended for the financing and construction of agricultural water supply and distribution projects from ground water sources primarily in the Moxee-Ahtanum and Park Creek aquifer areas.

(3) There is hereby appropriated to the department of ecology for the biennium ending June 30, 1977, from the state emergency water supply revolving account in the general fund the sum of six million dollars, or so much thereof as may be necessary, which shall be expended for water withdrawal projects relating to ground and surface waters as provided for in subsections (1) and (2) of this section and for the financing and construction of agricultural water supply and distribution projects from ground and surface water sources which may become required by public bodies other than those identified in this section as a result of the drought forecast for the summer and fall of 1977.

The department may expend funds from the appropriations contained in subsections (1), (2), and (3) of this section to make loans or combinations of loans and grants to public bodies as defined in RCW 43.83B.050. The grant portion of a combination loan and grant to a public body for any project shall not exceed fifteen percent of the total amount received by such project under this section.

The department may expend funds from the appropriations contained in subsections (1), (2), and (3) of this section to make loans or combinations of loans and grants to public bodies as defined in RCW 43.83B.050 to satisfy the matching requirements of RCW 43.83B.210 as now or hereafter amended.

Prior to the funding of any agriculture projects not specifically set forth in this section the department must make a formal finding that: An emergency water shortage condition exists; the project proposed for funding will alleviate the water shortage; the public body recipient of any funds has reasonable capability to repay the loan involved; and the water from the project will be used for a beneficial purpose as a substitute for water not available due to drought conditions.

NEW SECTION. Sec. 19. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 25, 1977.

Passed the House March 25, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

## CHAPTER 2

[House Bill No. 240]

TRANSPORTATION OF RAILROAD EMPLOYEES—"PASSENGER-CARRYING  
VEHICLE"—SAFETY

AN ACT Relating to railroads; adding a new chapter to Title 81 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. Unless the context clearly requires otherwise, the term "passenger-carrying vehicle" as used in this chapter means those buses and trucks owned, operated and maintained by a railroad company which transports railroad employees in other than the cab of such vehicle and designed primarily for operation on roads which may or may not be equipped with retractable flanged wheels for operation on railroad tracks.

NEW SECTION. Sec. 2. The utilities and transportation commission shall adopt such rules and orders as are necessary to insure that every passenger-carrying vehicle provided by a railroad company to transport employees in the course of their employment shall be maintained and operated in a safe manner whether it is used on a public or private road or railroad. Such rules and orders shall establish minimum standards for:

(1) The construction and mechanical equipment of the passenger-carrying vehicles, including coupling devices, lighting devices and reflectors, exhaust system, rear vision mirrors, service and parking brakes, steering mechanisms, tires, warning and signaling devices, windshield wipers and heating equipment capable of maintaining a reasonable temperature in passenger areas;

(2) The operation of passenger-carrying vehicles, including driving rules, the loading and carrying of passengers, maximum daily hours of service by drivers, minimum age and skill of drivers, physical condition of drivers, refueling, road warning devices, and the transportation of gasoline and explosives;

(3) The safety of passengers in a passenger-carrying vehicle, including emergency exits, fire extinguishers, first aid kits, facilities for communication between cab and rear compartments, means of ingress and egress, side walls, canopy, and tail gates or other means of retaining passengers within the passenger-carrying vehicle.

NEW SECTION. Sec. 3. Any rules or orders adopted under this chapter shall be subject to the requirements of, and enforceable by the penalties imposed by chapter 81.04 RCW. Any interested person or group may request notice of, and participate in any hearings or proceedings held pursuant to this chapter. The commission shall conduct a hearing prior to the adoption of any rule or order under this chapter.

NEW SECTION. Sec. 4. The commission may, in enforcing rules and orders under this chapter, inspect any passenger-carrying vehicle provided by a railroad company to transport employees in the course of their employment. Upon request, the chief of the state patrol may assist the commission in these inspections.



NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 22, 1977.

Passed the Senate March 18, 1977.

Approved by the Governor March 30, 1977.

Filed in Office of Secretary of State March 30, 1977.

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### CHAPTER 3

[Engrossed Senate Bill No. 2057]

#### TRAFFIC OFFENSE RECORDS: FEDERAL INSTALLATIONS, JUVENILES—D.W.I., DRUG, SUSPENSIONS

AN ACT Relating to motor vehicle operators; amending section 46.20.270, chapter 12, Laws of 1961 as last amended by section 55, chapter 145, Laws of 1967 ex. sess. and RCW 46.20.270; amending section 10, chapter 167, Laws of 1967 as last amended by section 45, chapter 292, Laws of 1971 ex. sess. and RCW 46.20.293; and amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 2, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.61.515.

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

Section 1. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 55, chapter 145, Laws of 1967 ex. sess. and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: **PROVIDED**, That in the event such convicted person shall testify that he does not and at the time of the offense did not have a current and valid vehicle driver's license, then the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department shall not issue a driver's license to such persons during the period of such suspension or revocation: **PROVIDED, ALSO**, That in the event that the driver's license of such convicted person has been lost or destroyed and such convicted person shall make an affidavit to that effect, sworn to before the judge, he shall not be so confined, but the department shall not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: **PROVIDED**, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority

regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, or a payment of a fine, or a plea of guilty or a finding of guilt, an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person in said court for a violation of any said laws other than regulations governing standing or parking, and may recommend the suspension of the driver's license of the person so convicted.

(3) For the purposes of Title 46 RCW the term "conviction" shall mean a final conviction in ~~((either))~~ a state or municipal court~~((:))~~ or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, ~~((shall be equivalent to a conviction, under Title 46 RCW))~~ regardless of whether the imposition of sentence is deferred or the penalty is suspended.

Sec. 2. Section 10, chapter 167, Laws of 1967 as last amended by section 45, chapter 292, Laws of 1971 ex. sess. and RCW 46.20.293 are each amended to read as follows:

The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.100 and 13.04.120, against any juvenile upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any person under ~~((twenty-one))~~ eighteen years of age who is not emancipated from such parent, parents, or guardian, the department records of traffic charges compiled against said person and shall collect for said copy a fee of one dollar and fifty cents to be deposited in the highway safety fund.

Sec. 3. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 2, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of (a) driving a motor vehicle while under the influence of intoxicating liquor or (b) driving a motor vehicle while under the influence of a drug to a degree which renders the driver incapable of safely driving a motor vehicle shall be punished by imprisonment for not less than five days nor more than one year, and by a fine of not less than fifty dollars nor more than five hundred dollars.

On a second or subsequent conviction of either offense within a five year period he shall be punished by imprisonment for not less than thirty days nor more than one year and by a fine not less than one hundred dollars nor more than one thousand dollars, and neither the jail sentence nor the fine shall be suspended: PROVIDED, That the court may, for a defendant who has not previously had a jail sentence suspended on such second or subsequent conviction, suspend such sentence

and/or fine only on the condition that the defendant participate in and successfully complete a court approved alcohol treatment program: **PROVIDED, FURTHER,** That the suspension shall be set aside upon the failure of the defendant to provide proof of successful completion of said treatment program within a time certain to be established by the court. If such person at the time of a second or subsequent conviction is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

(2) There shall be levied and paid into the highway safety fund of the state treasury a penalty assessment in the minimum amount of twenty-five percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all offenses involving a violation of any state statute or city or county ordinance relating to driving a motor vehicle while under the influence of intoxicating liquor or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor: **PROVIDED,** That all funds derived from such penalty assessment shall be in addition to and exclusive of assessments made under RCW 46.81.030 and shall be for the exclusive use of the department for driver services programs and for a state-wide alcohol safety action program, or other similar programs designed primarily for the rehabilitation or control of traffic offenders. Such penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.

(3) Notwithstanding the provisions contained in chapters 3.16, 3.46, 3.50, 3.62, or 35.20 RCW, or any other section of law, the penalty assessment provided for in subsection (2) of this section shall not be suspended, waived, modified, or deferred in any respect, and all moneys derived from such penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth in subsection (2) of this section.

(4) The license or permit to drive or any nonresident privilege of any person convicted of either of the offenses named in subsection (1) above shall:

(a) On the first conviction under either such offense, be suspended by the department for not less than thirty days; PROVIDED, That the court may recommend that no suspension action be taken;

(b) On a second conviction under either such offense within a five year period, be suspended by the department for not less than sixty days after the termination of such person's jail sentence;

(c) On a third or subsequent conviction under either such offense within a five year period, be revoked by the department.

(5) In any case provided for in this section, where a driver's license is to be revoked or suspended, such revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case such conviction is sustained on appeal such revocation or suspension shall take effect as of the date that the conviction becomes effective for other purposes.

Passed the Senate March 14, 1977.

Passed the House March 28, 1977.

Approved by the Governor April 4, 1977.

Filed in Office of Secretary of State April 4, 1977.

## CHAPTER 4

[Senate Bill No. 2251]

## MINIMUM WAGES—SEASONAL EMPLOYEES AT AGRICULTURAL FAIRS

AN ACT Relating to minimum wages for seasonal employees at agricultural fairs; and amending section 3, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.130.

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

Section 1. Section 3, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.130 are each amended to read as follows:

(1) No employer shall employ any of his employees for a work week longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed, except that the provisions of this subsection (1) shall not apply to any person exempted pursuant to RCW 49.46.010(5) as now or hereafter amended and the provision of this subsection shall not apply to employees who request compensating time off in lieu of overtime pay nor to any individual employed as a seaman whether or not the seaman is employed on a vessel other than an American vessel, nor to seasonal employees who are employed at concessions and recreational establishments at agricultural fairs, including those seasonal employees employed by agricultural fairs, within the state provided that the period of employment for any seasonal employee at any or all agricultural fairs does not exceed fourteen working days a year.

(2) No public agency shall be deemed to have violated subsection (1) of this section with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if: (a) In a work period of twenty-eight consecutive days the employee receives for tours of duty which in the aggregate exceed two hundred and forty hours; or (b) in the case of such an employee to whom a work period of at least seven but less than twenty-eight days applies, in his work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his work period as two hundred forty hours bears to twenty-eight days; compensation at a rate not less than one and one-half times the regular rate at which he is employed: PROVIDED, That this section shall not apply to any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal

market for distribution for consumption: PROVIDED FURTHER, That in any industry in which federal law provides for an overtime payment based on a work week other than forty hours then provisions of this section shall not apply; however the provisions of the federal law regarding overtime payment based on a work week other than forty hours shall nevertheless apply to employees covered by this section without regard to the existence of actual federal jurisdiction over the industrial activity of the particular employer within this state: PROVIDED FURTHER, That "industry" as that term is used in this section shall mean a trade, business, industry, or other activity, or branch, or group thereof, in which individuals are gainfully employed (section 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law 93-259).

Passed the Senate April 5, 1977.

Passed the House April 4, 1977.

Approved by the Governor April 11, 1977.

Filed in Office of Secretary of State April 11, 1977.

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## CHAPTER 5

[Substitute House Bill No. 23]

### DENTAL DISCIPLINARY BOARD ACT

AN ACT Relating to the practice of dentistry; amending section 22, chapter 112, Laws of 1935 and RCW 18.32.080; amending section 8, chapter 112, Laws of 1935 and RCW 18.32.230; amending section 7, chapter 93, Laws of 1953 as amended by section 38, chapter 52, Laws of 1957 and RCW 18.32.350; amending section 23, chapter 112, Laws of 1935 and RCW 18.32.380; adding new sections to chapter 18.32 RCW; repealing section 32, chapter 52, Laws of 1957 and RCW 18.32.240; repealing section 33, chapter 52, Laws of 1957 and RCW 18.32.250; repealing section 6, chapter 93, Laws of 1953, section 34, chapter 52, Laws of 1957 and RCW 18.32.260; repealing section 35, chapter 52, Laws of 1957 and RCW 18.32.270; repealing section 36, chapter 52, Laws of 1957, section 59, chapter 81, Laws of 1971 and RCW 18.32.280; prescribing penalties; and making an appropriation.

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

**NEW SECTION.** Section 1. The legislature finds that the health and well-being of the people of this state are of paramount importance.

The legislature further finds that the conduct of members of the dental profession licensed to practice dentistry in this state plays a vital role in preserving the health and well-being of the people of the state.

The legislature further finds that there is no effective means of handling disciplinary proceedings against members of the dental profession licensed in this state when such proceedings are necessary for the protection of the public health.

Therefore, the legislature declares its intention to exercise the police power of the state to protect the public health, to promote the welfare of the state, and to provide a dental disciplinary board to act as a disciplinary body for the members of the dental profession licensed to practice dentistry in this state.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout sections 1, and 3 through 28 of this 1977 amendatory act.

(1) "Board" means the dental disciplinary board created in section 6 of this 1977 amendatory act.

- (2) "License" means a certificate or license to practice dentistry in this state as provided for in this chapter.
- (3) "Member" means member of the dental disciplinary board.
- (4) "Secretary" means the secretary of the dental disciplinary board.
- (5) "Director" means the director of motor vehicles of the state of Washington.
- (6) "To practice dentistry" means to engage in the practice of dentistry as defined in RCW 18.32.020.

NEW SECTION. Sec. 3. The term "unprofessional conduct" as used in sections 3 through 28 of this 1977 amendatory act and in RCW 18.32.230 as now or hereafter amended shall mean any one of the following items or any combination thereof:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption, which act relates to a person's fitness to practice dentistry; and if the act constitutes a crime, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action. Upon conviction, however, the judgment and sentence shall be conclusive evidence at an ensuing disciplinary hearing of the guilt of the respondent dentist of the crime described in the indictment or information, and of said respondent dentist's violation of the statute upon which it is based: PROVIDED, That nothing herein shall be construed to affect or alter the provisions of RCW 9.96A.020;

(2) Making any misrepresentation or false promise directly or indirectly to influence, persuade or induce dental patronage, or engaging in any other improper, unprofessional, or dishonorable conduct in the practice of dentistry;

(3) Misrepresentation or concealment of a material fact in the obtaining of a license to practice dentistry or in the reinstatement of such license;

(4) Division of fees or agreeing to split or divide the fees received for dental services with any person for bringing or referring a patient, or for assisting in the care or treatment of a patient, without the knowledge of said patient or the patient's legal representative;

(5) Employing, procuring, inducing, aiding, or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry. The person practiced upon shall not be deemed an accomplice, employer, procurer, inducer, aider, or abettor within the meaning of sections 3 through 28 of this 1977 amendatory act;

(6) Professional connection or association with or lending a dentist's name to another for the illegal practice of dentistry by another, or professional connection or association with any person, firm or corporation holding itself out in any manner contrary to this chapter;

(7) The impersonation of another licensed practitioner;

(8) Suspension or revocation of the dentist's license to practice dentistry by competent authority in any state, federal, or foreign jurisdiction;

(9) Gross incompetency in the practice of dentistry;

(10) Gross, wilful and continued overcharging for professional services;

(11) Wilful or repeated violations of lawful rules established by any health officer of the state or any municipal corporation or division thereof;

(12) Habitual intoxication or addiction to the use of controlled substances;

(13) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for therapeutic purposes or in violation of law;

(14) Any conduct in violation of this chapter;

(15) Wilful violation of section 4 of this 1977 amendatory act or wilful disregard of a subpoena or notice of the dental disciplinary board.

NEW SECTION. Sec. 4. It shall be the duty and obligation of a dentist against whom a complaint is made and who is being investigated by the dental disciplinary board to cooperate with the board as requested by it by:

(1) Furnishing any papers or documents;

(2) Furnishing in writing a full and complete explanation covering the matter contained in such complaint;

(3) Appearing before the board at the time and place designated.

Should such dentist fail to cooperate with the board in the manner provided for in this section, such conduct shall be deemed to be unprofessional conduct.

NEW SECTION. Sec. 5. (1) In the event that a dentist is determined by a court of competent jurisdiction to be mentally incompetent or mentally ill, said dentist's license shall be suspended automatically by the dental disciplinary board upon entry of the court's decree or judgment, regardless of the pendency of an appeal.

(2) If it appears to the dental disciplinary board that there is reasonable cause to believe that a dentist who has not been judicially determined to be mentally incompetent or mentally ill is unable to practice dentistry with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of controlled substances, chemicals, or any other type of material, or as a result of any mental or physical condition, a complaint in the name of the board shall be served upon such dentist for a hearing on the sole issue of the capacity of the dentist to adequately conduct practice. In enforcing this subsection the board shall, upon probable cause, have authority to compel a dentist to submit to a mental or physical examination by two or more physicians designated by the board and at least one of whom may be chosen by the charged party. Failure of a dentist to submit to such examination when directed constitutes grounds for immediate suspension of such dentist's license, unless the failure was due to circumstances beyond the dentist's control, and as a result of such refusal a default and final order may be entered without the taking of testimony or presentation of evidence. A dentist affected under this subsection shall at reasonable intervals be afforded an opportunity by the board to demonstrate that said dentist can resume the competent practice of dentistry with reasonable skill and safety to patients.

For the purpose of this subsection, every dentist licensed under this chapter who shall accept the privilege to practice dentistry in this state shall by so practicing or by the making and filing of annual registration to practice dentistry in this state, be deemed to have given consent to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication.

In any proceeding under this subsection, neither the record of proceedings nor the orders entered by the board shall be used against a dentist in any other proceeding.

NEW SECTION. Sec. 6. There is hereby created the Washington state dental disciplinary board, which shall be composed of five members, each of whom shall be a resident of this state engaged in the active practice of dentistry and who shall have been licensed to practice dentistry in this state for a period of five years or more prior to appointment to the board. Of the five members appointed to the board, two members shall reside and engage in the active practice of dentistry east of the summit of the Cascade range and the other three members shall reside and engage in the active practice of dentistry west of the summit of the Cascade range.

The attorney general shall be counsel to the board and shall represent it in all legal proceedings.

NEW SECTION. Sec. 7. Members of the board shall be appointed by the governor from among the holders of licenses to practice dentistry residing in this state and shall hold office until their successors are appointed and qualified. The members of the first board shall serve for the following terms: Two members for two years, two members for four years, and one member for six years. Thereafter members of the board shall be appointed to terms of six years. The position of the members first appointed for the term of four years shall be held in such first term and in successive terms by the members residing east of the Cascade summit. The terms of office of members shall commence on October 1st.

NEW SECTION. Sec. 8. Vacancies in the board shall be filled by the governor and a member appointed to fill a vacancy on the board shall serve for the balance of the unexpired term of the position to which said member was appointed and until the successor is appointed and takes office.

NEW SECTION. Sec. 9. Any member of the board may be removed by the governor for neglect of duty, misconduct, or malfeasance or misfeasance in office. Whenever the governor is satisfied that any member of the board has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, the governor shall file with the secretary of state a statement showing the governor's reasons, with the order of removal, and the secretary of state shall forthwith send a certified copy of such order of removal and statement of causes by registered mail to the last known post office address of the member in question.

NEW SECTION. Sec. 10. Members of the board shall be paid thirty-five dollars per day for time spent in performing their duties as members of the board and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03-.060 as now or hereafter amended while engaged in business of the board.

NEW SECTION. Sec. 11. The board may meet, function, and exercise its powers at any geographical location within the state.

NEW SECTION. Sec. 12. The board shall elect from its members a chairman, vice chairman, and secretary, who shall serve for one year and until their successors are elected and qualified. The board shall meet at least once a year or upon the call of the chairman at such times and places as the chairman shall designate. Three members shall constitute a quorum to transact business.



NEW SECTION. Sec. 13. Members of the board shall be immune from suit in any action, civil or criminal, based upon any disciplinary proceedings or other official acts performed in good faith as members of such board.

NEW SECTION. Sec. 14. The board shall have the following powers and duties:

(1) To adopt, amend and rescind such rules as it deems necessary to carry out the provisions of sections 1, and 3 through 28 of this 1977 amendatory act;

(2) To investigate all complaints and charges of unprofessional conduct against any holder of a license and to hold hearings to determine whether or not such charges can be substantiated;

(3) To employ necessary stenographic or clerical help under the provisions of chapter 41.06 RCW;

(4) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding;

(5) To take or cause depositions to be taken as needed in any investigation, hearing, or proceeding;

(6) To investigate complaints and charges of malpractice, unsafe conditions and practices, and to analyze equipment, procedures, and training, in such cases, and to direct corrective action.

NEW SECTION. Sec. 15. Any person, firm, corporation, or public officer may submit a written complaint to the secretary charging the holder of a license to practice dentistry with unprofessional conduct, specifying the grounds therefor. If the board determines that such complaint merits consideration, or if the board shall have reason to believe, without a formal complaint, that any holder of a license has been guilty of unprofessional conduct, the board may order that a hearing be held.

NEW SECTION. Sec. 16. When a hearing is ordered by the board, the secretary shall prepare a specification of the charge or charges of unprofessional conduct made against a license holder, a copy of which shall be served upon the accused, together with a notice of the hearing, as provided in section 17 of this 1977 amendatory act.

NEW SECTION. Sec. 17. The time of hearing shall be fixed by the secretary as soon as convenient, but not earlier than thirty days after service of the charges upon the accused. The secretary shall issue a notice of hearing of the charges, which notice shall specify the time and place of hearing and shall notify the accused that he may file with the secretary a written response within twenty days of the date of service. Such notice shall also notify the accused that a stenographic record of the proceeding will be kept, that the accused shall have the opportunity to appear personally and to have counsel present, with the right to produce witnesses and evidence, to cross-examine witnesses testifying against the accused, to examine witnesses testifying for the accused, to examine such documentary evidence as may be produced against the accused, and to have subpoenas issued by the board.

NEW SECTION. Sec. 18. The procedures governing contested cases before agencies under chapter 34.04 RCW shall govern all hearings before the board, insofar as applicable and to the extent such procedures are not inconsistent with the procedures prescribed in sections 3 through 28 of this 1977 amendatory act; and the board shall have, in addition to the powers and duties set forth in sections 3

through 28 of this 1977 amendatory act, all of the powers and duties granted to, or imposed upon, an agency by the provisions of chapter 34.04 RCW, which shall include, without limitation, all powers relating to the administration of oaths, the receipt of evidence, the issuance and enforcing of subpoenas, and the taking of depositions.

NEW SECTION. Sec. 19. Within a reasonable time after holding a hearing under the provisions of sections 3 through 28 of this 1977 amendatory act, the board shall render its decision. If a majority of the members of the board vote in favor of finding the accused guilty of unprofessional conduct as specified in the charges, or any of them, the board shall prepare written findings of fact and may thereafter prepare and file in the office of the director a certificate or order of revocation or suspension of the license to practice, in which case a copy thereof shall be served upon the accused, or the board may reprimand the accused, as it deems most appropriate. If the license holder is found not guilty, or if less than a majority of the members vote for a finding of guilty, the board shall forthwith order a dismissal of the charges and the exoneration of the accused. When a proceeding has been dismissed, either on the merits or otherwise, the board shall relieve the accused from any possible odium that may attach by reason of the charges made against the accused by such public exoneration as is necessary, if requested by the accused to do so.

NEW SECTION. Sec. 20. The filing by the board in the office of the director of a certificate or order of revocation or suspension after due notice, hearing, and findings in accordance with the procedure specified in sections 3 through 28 of this 1977 amendatory act, certifying that any holder of a license has been found guilty of unprofessional conduct by the board, shall constitute a revocation or suspension of the license to practice dentistry in this state in accordance with the terms and conditions imposed by the board and embodied in the certificate or order of revocation or suspension. Such certificate or order of revocation or suspension, if appealed, may be stayed by the board or by the reviewing court upon such terms as are deemed proper.

NEW SECTION. Sec. 21. The certificate or order of revocation or suspension shall contain a brief and concise statement of the ground or grounds upon which the certificate or order is based and the specific terms and conditions of such revocation or suspension, and shall be retained as a permanent record by the director.

NEW SECTION. Sec. 22. The director shall not issue any license or any renewal thereof to any person whose license has been revoked or suspended by the board except in conformity with the terms and conditions of the certificate or order of revocation or suspension, or in conformity with any order of reinstatement issued by the board, or in accordance with the final judgment in any proceeding for review instituted under the provisions of sections 3 through 28 of this 1977 amendatory act.

NEW SECTION. Sec. 23. Any person whose license has been revoked or suspended by the board shall have the right to a judicial review of the board's decision. Such review shall be initiated by serving on the secretary a notice of appeal and filing such notice of appeal either in the superior court of Thurston county, or in the superior court of the county in which the appellant resides, within thirty days

after the filing of the certificate or order of revocation or suspension in the office of the director.

NEW SECTION. Sec. 24. The secretary shall, within twenty days after the service of the notice of appeal, transmit to the clerk of the superior court to which the appeal is taken a transcript of the record before the board, certified under the seal of the board, together with a certified copy of the board's written findings.

NEW SECTION. Sec. 25. The findings of the board, if supported by the preponderance of evidence, shall be final and conclusive. The review in the superior court shall be limited to determining whether the findings of the board are supported by the preponderance of evidence and whether the proceedings of the board were erroneous as a matter of law, or in violation of due process, or so arbitrary or capricious as to amount to an abuse of discretion, or contrary to any constitutional right, power, privilege, or immunity.

NEW SECTION. Sec. 26. The procedure governing appeals to the superior court by those provisions of chapter 34.04 RCW relating to contested cases, shall govern in matters of appeal from a decision of the board, insofar as applicable and to the extent such procedure is not inconsistent with the type of appeal provided in sections 3 through 28 of this 1977 amendatory act. The accused may secure a review of any final judgment of the superior court by appeal to the court of appeals or the supreme court as provided in other civil cases.

NEW SECTION. Sec. 27. If the board finds the holder of any license guilty of unprofessional conduct and fails to file a certificate or order of revocation or suspension in the office of the director within thirty days, the license holder shall have the right to a judicial review of such finding of the board in the same manner and to the same extent as if the certificate or order had been filed.

NEW SECTION. Sec. 28. Any person whose license has been suspended or revoked under the provisions of sections 3 through 28 of this 1977 amendatory act may apply to the board for reinstatement at any time and the board may hold hearings on any such petition and may order reinstatement and impose terms and conditions thereof and issue a certificate of reinstatement to the director.

Sec. 29. Section 22, chapter 112, Laws of 1935 and RCW 18.32.080 are each amended to read as follows:

The said director is charged with the duty of enforcing this chapter and it shall be the duty of any prosecuting attorney on the complaint of the director ~~((or))~~, the state board of dental examiners, the dental disciplinary board, or of any member ~~((thereof))~~ of either board to prosecute any violation of this chapter. The certificate of the county auditor of the county in which any such proceeding shall be pending and/or the certificate of said director ~~((of licenses))~~ certifying in substance to the facts shown of record in their respective offices, or of the facts that no license required by this chapter has been issued, registered or renewed, shall be prima facie evidence in such proceeding of the truth of such certificate.

Sec. 30. Section 8, chapter 112, Laws of 1935 and RCW 18.32.230 are each amended to read as follows:

The director ~~((may))~~ shall refuse to issue the license provided for in this chapter ~~((; and any license now in force or that shall be hereafter given may be revoked~~

or suspended, if issued)) to ((an)) any individual who ((has, by false or fraudulent representations, obtained or sought to obtain practice, or, by false or fraudulent representations obtained or sought to obtain money or any other thing of value, or for any other improper, unprofessional, or dishonorable conduct in the practice of dentistry, or is convicted of a felony, or when the licensee is found guilty of any of the following acts or offenses:

(1) ~~Fraud in procuring license.~~

(2) ~~Habitual intoxication or addiction to the use of drugs.~~

(3) ~~Wilful or repeated violations of lawful rules established by any health officer of the state or any municipal corporation or division thereof.~~

(4) ~~Division of fees or agreeing to split or divide the fees received for dental services with any person for bringing or referring a patient, or assisting in the care or treatment of a patient without the knowledge of said patient or his legal representative.~~

(5) ~~Employing, procuring, inducing, aiding or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry: PROVIDED, That the person practiced upon shall not be deemed an accomplice, employer, procurer, inducer, aider, or abettor within the meaning of this chapter.~~

(6) ~~Making any misrepresentation or false promises, directly or indirectly to influence, persuade, or induce dental patronage.~~

(7) ~~Professional connection or association with, or lending his name to another for the illegal practice of dentistry by another, or professional connection or association with any person, firm, or corporation holding himself, themselves, or itself out in any manner contrary to this chapter:)) is guilty of unprofessional conduct as defined in section 3 of this 1977 amendatory act.~~

Upon refusal of a license upon the ground of unprofessional conduct, the applicant may apply for a hearing before the dental disciplinary board. Such hearing shall be governed by the procedure set forth in this chapter and the applicant shall have all the rights accorded to an accused license holder, including the right to appeal from an adverse decision. In case of the refusal of a license by the dental disciplinary board, said board shall file a brief and concise statement of the grounds and reasons therefor in the office of the director which, together with the decision of the hearing committee of the dental disciplinary board, in writing, shall remain of record therein.

Sec. 31. Section 7, chapter 93, Laws of 1953 as amended by section 38, chapter 52, Laws of 1957 and RCW 18.32.350 are each amended to read as follows:

No manager, proprietor, partnership, or association owning, operating, or controlling any room, office, or dental parlors, where dental work is done, provided, or contracted for, shall employ or retain any unlicensed person or dentist as an operator; nor shall fail, within ten days after demand made by the director ((or)), the state board of dental examiners, or the dental disciplinary board in writing sent by ((registered)) certified mail, addressed to any such manager, proprietor, partnership, or association at said room, office, or dental parlor, to furnish the director ((or)), the state board of dental examiners, or the dental disciplinary board with the names and addresses of all persons practicing or assisting in the practice of dentistry in his place of business or under his control, together with a sworn statement showing by what license or authority said persons are practicing dentistry.

The sworn statement shall not be used as evidence in any subsequent court proceedings, except in a prosecution for perjury connected with its execution.

Any violation of the provisions of this section shall constitute improper, unprofessional, and dishonorable conduct; it shall also constitute grounds for injunction proceedings as provided by this chapter and in addition shall constitute a gross misdemeanor, except that the failure to furnish the information as may be requested in accordance with this section shall constitute a misdemeanor.

Sec. 32. Section 23, chapter 112, Laws of 1935 and RCW 18.32.380 are each amended to read as follows:

The attorney general, each prosecuting attorney, the director, the state board of dental examiners, the dental disciplinary board, or any citizen of any county where any person shall engage in the practice of dentistry as herein defined without possessing a valid license so to do, may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin such person from engaging in the practice of dentistry as herein defined until a valid license to practice dentistry be secured: PROVIDED, HOWEVER, That such injunction shall not relieve such person so practicing dentistry without a valid license from criminal prosecution therefor, but such remedy by injunction shall be in addition to the liability of such offender to criminal prosecution.

NEW SECTION. Sec. 33. The following acts or parts of acts are each hereby repealed:

- (1) Section 32, chapter 52, Laws of 1957 and RCW 18.32.240;
- (2) Section 33, chapter 52, Laws of 1957 and RCW 18.32.250;
- (3) Section 6, chapter 93, Laws of 1953, section 34, chapter 52, Laws of 1957 and RCW 18.32.260;
- (4) Section 35, chapter 52, Laws of 1957 and RCW 18.32.270; and
- (5) Section 36, chapter 52, Laws of 1957, section 59, chapter 81, Laws of 1971 and RCW 18.32.280.

NEW SECTION. Sec. 34. There is hereby appropriated from the general fund to the dental disciplinary fund the sum of seventy thousand dollars, or so much thereof as may be necessary for the purpose of carrying out the provisions of this 1977 amendatory act during the 1977-79 biennium.

NEW SECTION. Sec. 35. Sections 1 through 28, and section 37 of this 1977 amendatory act shall be added to chapter 18.32 RCW.

NEW SECTION. Sec. 36. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 37. Sections 1 through 28 of this 1977 amendatory act shall be known and may be cited as the "Dental Disciplinary Board Act".

Passed the House April 11, 1977.

Passed the Senate April 5, 1977.

Approved by the Governor April 19, 1977.

Filed in Office of Secretary of State April 19, 1977

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CHAPTER 6

[Senate Bill No. 2378]

HIGHWAYS—STATE ROUTE NUMBER 290

AN ACT Relating to highways; extending state route number 290; and amending section 105, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.520.

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

Section 1. Section 105, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.520 are each amended to read as follows:

A state highway to be known as state route number 290 is established as follows:

Beginning at a junction with state route number 2 in Spokane, thence north-easterly by way of Millwood, Trentwood, and Newman Lake to the termination of Idaho state highway number 53 at the Washington-Idaho boundary line; also

Beginning at a junction with state route number 90 in Spokane, thence north-erly to a junction with state route number 290 in the vicinity of Hamilton Street.

Passed the Senate March 17, 1977.

Passed the House April 12, 1977.

Approved by the Governor April 19, 1977.

Filed in Office of Secretary of State April 19, 1977.

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CHAPTER 7

[Substitute Senate Bill No. 2245]

COMMON SCHOOL CERTIFICATED EMPLOYEES—CONTRACT STATUS—HEARING PROCEDURE

AN ACT Relating to education; amending section 5, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.455; and creating a new section.

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

Section 1. Section 5, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.455 are each amended to read as follows:

(1) Any employee receiving a notice of probable cause for discharge or adverse effect in contract status pursuant to RCW 28A.58.450, as now or hereafter amended, or any employee, with the exception of provisional employees as defined in RCW 28A.67.072, receiving a notice of probable cause for nonrenewal of contract pursuant to RCW 28A.67.070, as now or hereafter amended, shall be granted the opportunity for a hearing pursuant to this section.

(2) In any request for a hearing pursuant to RCW 28A.58.450 or 28A.67.070, as now or hereafter amended, the employee may request either an open or closed hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the hearing officer may determine whether the hearing shall be open or closed.

(3) The employee may engage counsel who shall be entitled to represent the employee at the prehearing conference held pursuant to subsection ~~((4))~~ (5) of this section and at all subsequent proceedings pursuant to this section. At the

hearing provided for by this section, the employee may produce such witnesses as he or she may desire.

(4) In the event that an employee requests a hearing pursuant to RCW 28A-.58.450 or 28A.67.070, as now or hereafter amended, a hearing officer shall be appointed in the following manner: Within ten days following the receipt of any such request the board of directors of the district or its designee and the employee shall each appoint one nominee, each of whom shall be a member in good standing of the Washington state bar association. Within five days following the appointment of such nominees they shall jointly appoint a hearing officer who shall be a member in good standing of the Washington state bar association. Should said nominees fail to agree as to who should be appointed as the hearing officer, either the board of directors or the employee, upon appropriate notice to the other party, may apply to the presiding judge of the superior court for the county in which the district is located for the appointment of such hearing officer, whereupon such presiding judge shall have the duty to appoint a hearing officer who shall be a member in good standing of the Washington state bar association and who shall, in the judgment of such presiding judge, be qualified to fairly and impartially discharge his or her duties. Nothing herein shall preclude the board of directors and the employee from stipulating as to the identity of the hearing officer in which event the foregoing procedures for the selection of the hearing officer shall be inapplicable. The district shall pay all fees and expenses of any hearing officer selected pursuant to this subsection.

(5) Within five days following the selection of a hearing officer pursuant to subsection (4) hereof, the ~~((board of directors or its designee))~~ hearing officer shall schedule a prehearing conference to be held within such five day period, unless the board of directors and employee agree on another date convenient with the hearing officer. The employee shall be given written notice of the date, time, and place of such prehearing conference at least three days prior to the date established for such conference.

(6) The hearing officer shall preside at any prehearing conference scheduled pursuant to subsection (5) of this section and in connection therewith shall:

(a) Issue such subpoenas or subpoenas duces tecum as either party may request at that time or thereafter; and

(b) Authorize the taking of prehearing depositions at the request of either party at that time or thereafter; and

(c) Provide for such additional methods of discovery as may be authorized by the civil rules applicable in the superior courts of the state of Washington; and

(d) Establish the date for the commencement of the hearing, to be within ten days following the date of the prehearing conference, unless the employee requests a continuance, in which event the hearing officer shall give due consideration to such request.

(7) The hearing officer shall preside at any hearing and in connection therewith shall:

(a) ~~((Make rulings as to the admissibility of evidence pursuant to the rules of evidence applicable in the superior courts of the state of Washington; and~~

~~(b) Make other appropriate rulings of law and procedure.~~

~~(8) Except as provided in subsection (9) of this section, the board of directors of the district shall have the following duties and responsibilities in connection with any hearing conducted pursuant to this section:~~

~~(a) Not less than a quorum of the board shall hear all of the evidence admitted during the hearing:~~

~~(b) At the conclusion of the hearing, board members who have heard all of the evidence shall deliberate in private and shall reach a final decision by vote of a majority of the members participating at the hearing:~~

~~(c) Written notice of the final decision of the board of directors shall be sent to the employee as promptly as possible and in no event later than ten days after the conclusion of the hearing:~~

~~(9) In lieu of the hearing procedures provided for in subsections (7) and (8) of this section, the board at the time it schedules the prehearing conference pursuant to subsection (5) of this section, may elect, if the employee consents, to have the hearing conducted by the hearing officer without board participation and if the board so elects, it shall give written notice thereof to the employee at or before the time of said prehearing conference. The hearing officer shall have the following duties at any hearing conducted by the hearing officer without board participation:~~

~~(a) The hearing officer shall)) Make rulings as to the admissibility of evidence pursuant to the rules of evidence applicable in the superior court of the state of Washington.~~

~~(b) ((The hearing officer shall)) Make other appropriate rulings of law and procedure.~~

~~(c) Within ten days following the conclusion of the hearing ((the hearing officer shall)) transmit in writing to the board and to the employee, findings of fact and conclusions of law and final decision. If the final decision is in favor of the employee, the employee shall be restored to his or her employment position and shall be awarded reasonable attorneys' fees.~~

~~((+0)) (8) Any final decision by ((the board or)) the hearing officer to nonrenew the employment contract of the employee, or to discharge the employee, or to take other action adverse to the employee's contract status, as the case may be, shall be based solely upon the cause or causes specified in the notice of probable cause to the employee and shall be established by a preponderance of the evidence at the hearing to be sufficient cause or causes for such action.~~

~~((+1)) (9) All subpoenas and prehearing discovery orders shall be enforceable by and subject to the contempt and other equity powers of the superior court of the county in which the school district is located upon petition of any aggrieved party.~~

~~((+2)) (10) A complete record shall be made of the hearing and all orders and rulings of the hearing officer and school board.~~

NEW SECTION. Sec. 2. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 21, 1977.

Passed the House April 12, 1977.

Approved by the Governor April 20, 1977.

Filed in Office of Secretary of State April 20, 1977.



## CHAPTER 8

[Senate Bill No. 2447]

## SOFT TREE FRUITS—ADDITIONAL ASSESSMENTS

AN ACT Relating to soft tree fruits; and amending section 15.28.180, chapter 11, Laws of 1961 as last amended by section 1, chapter 43, Laws of 1965 ex. sess. and RCW 15.28.180.

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

Section 1. Section 15.28.180, chapter 11, Laws of 1961 as last amended by section 1, chapter 43, Laws of 1965 ex. sess. and RCW 15.28.180 are each amended to read as follows:

The same assessment shall be made for each soft tree fruit, except that if a two-thirds majority of the state commodity committee of any fruit recommends in writing the levy of an additional assessment on such fruit, or any classification thereof, for any year or years, the commission may levy such assessment for such year or years up to the maximum of ~~((two))~~ six dollars for each two thousand pounds of any fruit except cherries or any classification thereof, as to which the assessment may be increased to a maximum of ~~((ten))~~ twenty dollars for each two thousand pounds, and except pears covered by this chapter as now or hereafter amended, as to which the assessment may be increased to a maximum of ~~((three))~~ nine dollars for each two thousand pounds: PROVIDED, That no increase in such assessment on pears shall become effective unless the same shall be first referred by the commission to a referendum by the Bartlett pear growers of the state and be approved by a majority of such growers voting thereon. The method and procedure of conducting such referendum shall be determined by the commission. Any funds so raised shall be expended solely for the purposes provided in this chapter and solely for such fruit, or classification thereof.

The commission shall have the authority in its discretion to exempt in whole or in part from future assessments hereunder, during such period as the commission may prescribe, any of the said soft tree fruits or any particular strain or classification thereof.

Passed the Senate March 17, 1977.

Passed the House April 14, 1977.

Approved by the Governor April 22, 1977.

Filed in Office of Secretary of State April 22, 1977.

## CHAPTER 9

[Engrossed Senate Bill No. 2175]

## ALCOHOLIC BEVERAGES—SALES AND DISPENSING

AN ACT Relating to alcoholic beverage containers in class A, B, C, H, and I licensed premises; amending section 23-M added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 1, chapter 117, Laws of 1969 and RCW 66.24.320; amending section 23-N added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 15, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.330; amending section 23-O added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 4, chapter 75, Laws of 1967 ex. sess. and RCW 66.24.340; amending section 23-S-1 added to chapter 62, Laws of 1933 ex. sess. by section 1,

chapter 5, Laws of 1949 as amended by section 1, chapter 208, Laws of 1971 ex. sess. and RCW 66.24.400; amending section 1, chapter 55, Laws of 1967 as amended by section 7, chapter 178, Laws of 1969 ex. sess. and RCW 66.24.490; and declaring an emergency.

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

Section 1. Section 23-M added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 1, chapter 117, Laws of 1969 and RCW 66.24.320 are each amended to read as follows:

There shall be a beer retailer's license to be designated as a class A license to sell beer (~~((by the individual glass or opened bottle))~~) at retail, for consumption on the premises and to sell unpasteurized beer for consumption off the premises: PROVIDED, HOWEVER, That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three-fourths gallons: AND PROVIDED FURTHER, That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale; such license to be issued only to hotels, restaurants, drug stores or soda fountains, dining places on boats and (~~((aeroplanes))~~) airplanes, to clubs, and at sports arenas or race tracks during recognized professional athletic events. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows:

Cities and towns of less than 10,000; fee \$62.50;

Cities and towns of 10,000 and less than 100,000; fee \$125.00;

Cities and towns of 100,000 or over; fee \$187.50;

The annual fee for such license, if issued outside of cities and towns, shall be sixty-two dollars and fifty cents: PROVIDED, HOWEVER, That where dancing is permitted on the premises, the fee shall be one hundred eighty-seven dollars and fifty cents; the annual license fee for such license, if issued to dining places on vessels not exceeding one thousand gross tons, plying on inland waters of the state of Washington on regular schedules, shall be sixty-two dollars and fifty cents.

Sec. 2. Section 23-N added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 15, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.330 are each amended to read as follows:

There shall be a beer retailer's license to be designated as a class B license to sell beer (~~((by the individual glass or opened bottle))~~) at retail, for consumption on the premises and to sell unpasteurized beer for consumption off the premises: PROVIDED, HOWEVER, That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three-fourths gallons: AND PROVIDED FURTHER, That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale; such license to be issued only to a person operating a tavern. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows:

Cities and towns of less than 10,000; fee \$62.50;

Cities and towns of 10,000 and less than 100,000; fee \$125.00;

Cities and towns of 100,000 or over; fee \$187.50;

The annual fee for such license, if issued outside of cities and towns, shall be sixty-two dollars and fifty cents: PROVIDED, HOWEVER, That where dancing is

permitted on the premises, the fee shall be one hundred eighty-seven dollars and fifty cents.

Sec. 3. Section 23-O added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 4, chapter 75, Laws of 1967 ex. sess. and RCW 66.24.340 are each amended to read as follows:

There shall be a wine retailer's license to be designated as a class C license to sell wine (~~((by the individual glass or opened bottle))~~) at retail, for consumption on the premises only; such license to be issued to hotels, restaurants, dining places on boats and (~~((aeroplanes))~~) airplanes, clubs, and to taverns. The annual fee for said license, when issued in cities and towns, shall be graduated according to the population thereof as follows:

Cities and towns of less than 10,000; fee \$47.00;

Cities and towns of 10,000 and less than 100,000; fee \$93.75;

Cities and towns of 100,000 or over; fee \$140.50;

The annual fee, when issued outside of the limits of cities and towns, shall be forty-seven dollars: PROVIDED, HOWEVER, That where dancing is permitted on the premises, the fee shall be one hundred forty dollars and fifty cents; the annual license fee for such license, if issued to dining places on vessels not exceeding one thousand gross tons plying only on inland waters of the state of Washington on regular schedules, shall be forty-seven dollars.

Sec. 4. Section 23-S-1 added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 5, Laws of 1949 as amended by section 1, chapter 208, Laws of 1971 ex. sess. and RCW 66.24.400 are each amended to read as follows:

There shall be a retailer's license, to be known and designated as class H license, to sell (~~((beer, wine and))~~) spirituous liquor by the individual glass, (~~((and))~~) beer, and wine (~~((by the opened bottle))~~), at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only. Such class H license may be issued only to bona fide restaurants, hotels and clubs, and to dining, club and buffet cars on passenger trains, and to dining places on passenger boats and airplanes, and to dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, and to such other establishments operated and maintained primarily for the benefit of tourists, vacationers and travelers as the board shall determine are qualified to have, and in the discretion of the board should have, a class H license under the provisions and limitations of this title.

Sec. 5. Section 1, chapter 55, Laws of 1967 as amended by section 7, chapter 178, Laws of 1969 ex. sess. and RCW 66.24.490 are each amended to read as follows:

There shall be a retailer's license to be designated as a class I license; this shall be a special occasion license to be issued to the holder of a class H license to extend his privilege of selling and serving (~~((beer, wine and))~~) spirituous liquor by the individual glass, (~~((and))~~) beer, and wine (~~((by the opened bottle))~~), at retail, for consumption on the premises, to members and guests of a society or organization on special occasions at a specified date and place when such special occasions of such

groups are held on premises other than a class H licensed premises and for consumption on the premises of such outside location. The holder of such special occasion license shall be allowed to remove from his liquor stocks at his licensed class H premises, liquor for sale and service at such special occasion locations: PROVIDED, That such special license shall be issued only when the facilities of class H licensees in the particular city or county are not suitable and adequate to accommodate the number of persons attending such special occasion: AND PROVIDED FURTHER, That the Washington state liquor control board may issue banquet permits when such groups prefer to provide their own liquor under such a permit rather than avail themselves of sale and service of liquor by the holder of a class I license. Such special class I license shall be issued for a specified date and place and upon payment of a fee of twenty-five dollars per day.

**NEW SECTION.** Sec. 6. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 15, 1977.

Passed the House April 13, 1977.

Approved by the Governor April 22, 1977.

Filed in Office of Secretary of State April 22, 1977.

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## CHAPTER 10

[Senate Bill No. 2338]

### GOVERNMENTAL PURCHASES OF SHELTERED WORKSHOPS PRODUCTS AND SERVICES

AN ACT Relating to sheltered workshops; amending section 3, chapter 20, Laws of 1975 and RCW 39.23.020; and amending section 3, chapter 40, Laws of 1974 ex. sess. and RCW 43.19.530.

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

Section 1. Section 3, chapter 20, Laws of 1975 and RCW 39.23.020 are each amended to read as follows:

Municipalities are hereby authorized to purchase products and/or services manufactured or provided by sheltered workshops and programs of the department of social and health services. Such purchases shall be at the fair market price of such products and services as determined by a municipality. To determine the fair market price a municipality shall use the last comparable bid on the products and/or services or in the alternative the last price paid for the products and/or services. The increased cost of labor, materials, and other documented costs since the last comparable bid or the last price paid are additional cost factors which shall be considered in determining fair market price. Upon the establishment of the fair market price as provided for in this section a municipality is hereby empowered to negotiate directly with sheltered workshops or officials in charge of the programs of the department of social and health services for the purchase of the products or services.

Sec. 2. Section 3, chapter 40, Laws of 1974 ex. sess. and RCW 43.19.530 are each amended to read as follows:

The state agencies and departments are hereby authorized to purchase products and/or services manufactured or provided by sheltered workshops and programs of the department of social and health services. Such purchases shall be at the fair market price of such products and services as determined by the division of purchasing of the department of general administration. To determine the fair market price the division shall use the last comparable bid on the products and/or services or in the alternative the last price paid for the products and/or services. The increased cost of labor, materials, and other documented costs since the last comparable bid or the last price paid are additional cost factors which shall be considered in determining fair market price. Upon the establishment of the fair market price as provided for in this section the division is hereby empowered to negotiate directly with sheltered workshops or officials in charge of the programs of the department of social and health services for the purchase of the products or services.

Passed the Senate March 17, 1977.

Passed the House April 14, 1977.

Approved by the Governor April 22, 1977.

Filed in Office of Secretary of State April 22, 1977.

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## CHAPTER 11

[Engrossed Senate Bill No. 2184]

### CONTRACTORS' BONDS—AMOUNTS—IMPAIRMENT

AN ACT Relating to contractors' bonds; and amending section 4, chapter 77, Laws of 1963 as last amended by section 4, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.040.

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

Section 1. Section 4, chapter 77, Laws of 1963 as last amended by section 4, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.040 are each amended to read as follows:

Each applicant shall, at the time of applying for a certificate of registration, file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in a form acceptable to the department running to the state of Washington if a general contractor, in the sum of ~~((two))~~ four thousand dollars; if a specialty contractor, in the sum of ~~((one))~~ two thousand dollars, conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of negligent or improper work or breach of contract in the conduct of the contracting business. Any registered contractor with an unimpaired bond in effect on the day immediately preceding the effective date of this 1977 amendatory act, is hereby authorized to maintain such bond until the next annual renewal of such bond at which time the terms of this 1977 amendatory act must be complied with: PROVIDED, That a change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond

maintains partial ownership in the business covered by the bond. Any person having a claim against the contractor for any of the items referred to in this section may bring suit upon such bond in the superior court of the county in which the work is done or of any county in which jurisdiction of the contractor may be had. Action upon such bond or deposit shall be commenced by serving and filing of the complaint within one year from the date of expiration of the certificate of registration in force at the time the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was completed. Three copies of the complaint shall be served by registered or certified mail upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Such service shall constitute service on the registrant and the surety for suit upon the bond and the department shall transmit the complaint or a copy thereof to the registrant at the address listed in his application and to the surety within forty-eight hours after it shall have been received. The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

- (1) Labor, including employee benefits;
- (2) Claims for breach of contract by a party to the construction contract;
- (3) Material and equipment;
- (4) Taxes and contributions due the state of Washington;
- (5) Any court costs, interest, and attorney's fees plaintiff may be entitled to recover.

In the event that any final judgment shall impair the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the department shall suspend the registration of such contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims shall have been furnished. If such bond becomes fully impaired, a new bond must be furnished at the increased rates prescribed by this section as now or hereafter amended.

In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department.

Any person having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority

of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

The director may promulgate rules and regulations necessary for the proper administration of the security.

Passed the Senate March 21, 1977.

Passed the House April 15, 1977.

Approved by the Governor April 22, 1977.

Filed in Office of Secretary of State April 22, 1977.

## CHAPTER 12

[Engrossed Senate Bill No. 3019]

### SCHOOL DISTRICTS—STUDENT TRANSPORTATION APPROPRIATION

AN ACT Relating to education; making an appropriation; and declaring an emergency.

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

**NEW SECTION.** Section 1. There is hereby appropriated from the state general fund to the superintendent of public instruction the sum of fifteen thousand dollars, or so much thereof as may be necessary, for disbursement by April 30, 1977 to those school districts who in the determination of the superintendent of public instruction meet the following criteria, such apportionment to be based on each such district's estimated need: (1) Have not operated a student transportation program for at least one continuous month during the 1976-77 school year, and (2) have raised funds from private sources for the operation of their student transportation program by April 1, 1977, which funds are equal to at least twice the amount that such district or districts qualify for from this section.

**NEW SECTION.** Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 11, 1977.

Passed the House April 23, 1977.

Approved by the Governor April 25, 1977.

Filed in Office of Secretary of State April 25, 1977.

## CHAPTER 13

[Substitute Senate Bill No. 2431]

### MOTHER JOSEPH—STATUARY HALL COMMEMORATION

AN ACT Relating to state memorials; providing for the erection of a statue of Mother Joseph of the Sisters of Providence in statuary hall at the national capitol; and creating new sections.

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

**NEW SECTION.** Section 1. Mother Joseph of the Sisters of Providence is hereby designated as an historic leader of national renown. The legislature hereby deems it appropriate to erect a statue of Mother Joseph in statuary hall in the old

hall of the house of representatives at the national capitol to commemorate her fame and historic services as a great Washingtonian and a great American.

NEW SECTION. Sec. 2. The governor, the lieutenant governor, and the speaker of the house of representatives, or their designees, shall serve as a committee to procure or provide a statue of Mother Joseph and to have the statue erected in the statuary hall in accordance with 40 U.S.C. Sec. 187. The governor, the lieutenant governor, and the speaker of the house of representatives may collectively appoint two citizens at large to serve on the committee.

NEW SECTION. Sec. 3. The committee shall accept donations and gifts from individuals, groups, and associations to carry out this act.

Passed the Senate March 30, 1977.

Passed the House April 26, 1977.

Approved by the Governor May 4, 1977.

Filed in Office of Secretary of State May 4, 1977.

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## CHAPTER 14

[House Bill No. 98]

### THERMAL PERFORMANCE STANDARDS FOR NEW DWELLINGS

AN ACT Relating to thermal performance standards for new dwellings; amending section 3, chapter 96, Laws of 1974 ex. sess. as amended by section 8, chapter 110, Laws of 1975 1st ex. sess. and RCW 19.27.030; amending section 4, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.040; adding new sections to chapter 96, Laws of 1974 ex. sess. and to chapter 19.27 RCW; creating new sections; and providing for an expiration date.

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

NEW SECTION. Section 1. APPLICATION AND SCOPE. There shall be in effect in all cities, towns, and counties of the state thermal performance and design standards for new dwellings for which building permits are applied subsequent to ninety days after the effective date of this amendatory act as set forth in this amendatory act.

This amendatory act shall apply to all new dwellings which are equipped with heating and/or cooling systems and for which applications for building permits are made subsequent to ninety days after the effective date of this amendatory act: PROVIDED, HOWEVER, This amendatory act shall not be applicable to single family dwellings not intended for year round occupancy, as the term "dwellings not intended for year round occupancy" is defined by the county legislative authority.

NEW SECTION. Sec. 2. PURPOSE. The legislature finds that it is in the public interest to provide a reasonable degree of conservation of critical energy supplies, and that this amendatory act will establish certain necessary maximum allowable heat loss rates and/or minimum thermal performance standards for dwellings to achieve this degree of energy conservation.

NEW SECTION. Sec. 3. DEFINITIONS. For the purpose of this amendatory act, the following definitions shall apply:

(1) "Dwelling" means any building or any portion thereof which provides complete, independent living facilities which are used, intended, or designed to be built,



used, rented, leased, let, or hired out to be occupied or which are occupied for living purposes. "Dwelling" does not include apartment houses over three stories in height, hotels, motels, or lodging houses.

(2) "ASHRAE" means the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.

(3) "BTU" means British Thermal Unit.

(4) "C" value (thermal conductance) means the amount of heat, measured in BTU's, transferred through one square foot of a building material of given thickness in one hour when there is one degree temperature difference between the surfaces of the material.

(5) "R" value (thermal resistance) means the measure from the resistance of a material or building component to the passage of heat. The resistance value "R" of mass type insulations shall be for the material only. "R" values shall be as listed in the current ASHRAE Handbook of Fundamentals, or as tested in accordance with current applicable standards.

(6) "U" value means the total heat flow, measured in BTU's, through one square foot of a building section or assembly, air to air, in one hour per degree F. temperature difference. Mathematically  $U=1 \div R$  (subscript t) in which R (subscript t) equals the sum of the resistance (R) for the individual components of the assembly. "U" values shall be calculated according to ASHRAE methods and shall not consider the effect of occasional framing members such as studs or joists.

(7) "Exterior wall area" means the gross area of wall surfaces of heated spaces which are exposed to outside temperatures, and includes wall areas, window areas, door areas, and areas of foundation walls above the exterior grade.

(8) "Glazing" means all transparent or translucent materials in exterior wall openings. For the purpose of calculating the area of glazed openings, the area of sash shall be included.

(9) "Special glazing" means glazing which has a maximum "U" value of 0.70. Insulating glass with at least one quarter inch air space or approved storm sash will be considered to provide the "U" value required.

(10) "Unheated spaces" means any space exposed to outside temperatures and not provided with a heat supply capable of maintaining a minimum temperature of 50°F. This will include, but not be limited to, ventilated crawl spaces, attics, unheated garages, and unheated basement areas.

(11) "Heating and/or cooling systems" means any device or combination of devices which consume any fuel and/or electricity for the purpose of providing heat to or removing heat from a building to maintain its interior temperature above or below outside temperature.

**NEW SECTION.** Sec. 4. COMPLIANCE. (1) General. Dwellings covered by this amendatory act shall be so constructed that the total structural heat loss from the building will not exceed the total structural heat loss resulting from compliance with the maximum "U" or "C" values for the component parts as specified in this chapter: PROVIDED, That compliance with these provisions shall be deemed conclusive when certified to by a registered architect or registered mechanical engineer. In lieu of the "U" or "C" value listed, installed insulation with the minimum "R" value (insulation material only) listed for each location shall be deemed to satisfy those requirements.

(2) Compliance Card. Upon completion of the installation of insulation, a card certifying that the insulation has been installed in conformance with the requirements of this 1977 amendatory act shall be completed and signed by the builder or insulation applicator. For this purpose, any certification card which contains all the essential data may be used. The insulation compliance card shall indicate the "R" value of insulation (material only) installed in the ceilings, walls, floors, on the perimeter, and ducts. When loose fill insulation is used the card shall show the square footage and the number and weight of bags installed to obtain the "R" value listed. The card must be posted at a conspicuous location within the building and will indicate the installation date.

NEW SECTION. Sec. 5. THERMAL DESIGN STANDARDS FOR CEILINGS AND EXTERIOR WALL SECTIONS ABOVE GRADE EXCLUDING DOORS AND WINDOWS. Ceilings and above grade exterior wall sections, excluding doors and windows, must be constructed to comply with the values as shown in Table A.

TABLE A

Maximum allowed "U" values of ceiling and above grade exterior wall sections. Minimum "R" values shown are for added insulation material only.

Roof Decks <sup>1</sup>		Ceilings <sup>2,5</sup>		Walls			
				Concrete or Masonry <sup>3</sup>		Wood or Metal Frame <sup>3,4</sup>	
<u>"U"</u>	<u>"R"</u>	<u>"U"</u>	<u>"R"</u>	<u>"U"</u>	<u>"R"</u>	<u>"U"</u>	<u>"R"</u>
0.09	8	0.05	19	0.13	6	0.08	11

Footnotes to Table A:

1. Indicates construction using rigid insulation installed on the roof deck. When adequate space within the roof cavity is available and insulation is on the ceiling, use the values for ceilings.
2. When enclosed rafter spaces are formed by ceilings being applied directly to the underside of the roof rafters, the ceiling rafters must be of sufficient size to provide a minimum of one inch clear vented air space above the insulation.
3. Exterior concrete or masonry foundation walls of heated "unfinished" basements and cellars extending no more than an average of 24 inches above the adjacent finish grade need not be insulated until finished. Insulation installed shall comply with the requirements of this table and apply to above and below grade foundation walls: PROVIDED, That any exterior frame cripple walls enclosing heated spaces shall comply with the insulation requirements of this table.
4. Where there are no occasional framing members such as studs, or when all of the thermal insulation is not penetrated by occasional framing members, the required maximum allowable U-values may be increased by multiplying by a factor of 1.15.
5. Ceilings between two adjacent heated spaces need not be insulated.

**NEW SECTION. Sec. 6. THERMAL DESIGN STANDARDS FOR OPENINGS.** (1) When more than twenty-five percent of the exterior wall area of buildings constructed east of the Cascade Mountain Ridge and when more than thirty-five percent of the exterior wall area of buildings constructed west of the Cascade Mountain Ridge consists of glazing, at least one-half shall be special glazing. However if the glazing exceeds forty percent of the exterior wall area, at least ninety percent must be special glazing. For this purpose, exterior walls enclosing heated spaces in the entire structure shall be included in calculating the overall percentage of glazing.

(2) Skylights in ceilings and roofs shall have a "U" value not exceeding 0.70 if their total area exceeds two percent of the gross ceiling area. Insulating glass with at least one-quarter inch air space or double-walled plastic bubbles will be considered to provide the "U" value required.

**NEW SECTION. Sec. 7. THERMAL DESIGN STANDARDS FOR FLOOR SECTIONS AND SLABS-ON-GRADE.** (1) Floor Sections over Unheated Spaces. Insulation shall be required in floor sections over unheated spaces with a maximum "U" value 0.08 and a minimum insulation "R" value 9: PROVIDED, That insulation shall not be required in floor sections over heated crawl space plenum areas or in vented crawl spaces where the vents are equipped with tightly-fitting operable louvers: PROVIDED, That the perimeter walls are insulated from the interior ground level to the subflooring to provide maximum "U" value of 0.13 minimum insulation "R" value 6. Insulation material shall be attached in a permanent manner. Floors over other heated spaces need not be insulated.

(2) Slab-on-Grade Floors of Heated Spaces. The "R" value of the insulation around the perimeter of the floor shall be not less than that shown in Table B. Insulation shall extend downward from the top of the slab or, alternatively, downward and then horizontally under the slab for the minimum distances specified. Perimeter insulation may be installed on the outside of the foundation wall if it is protected from weather and damage. Insulation shall not be required for any portion of the slab floor that is more than 12 inches below the adjacent exterior grade.

**TABLE B**  
**MINIMUM ALLOWABLE "R" VALUES AND DEPTHS OF EDGE INSULATION**  
**FOR SLAB-ON-GRADE FLOORS**

Heated Slabs <sup>1</sup>		Unheated Slabs	
<u>"R" Value</u>	<u>Inches</u>	<u>"R" Value</u>	<u>Inches</u>
6	18	4	12

**Footnote to Table B:**

<sup>1</sup>Slabs internally heated or with perimeter heat ducts in or under the slab.

**NEW SECTION. Sec. 8. GENERAL CONSTRUCTION REQUIREMENTS.** (1) A minimum ground cover of 4 mil. (0.004 inch) polyethylene or equivalent, lapped one foot at each joint, is required in crawl spaces. A vapor barrier shall be properly installed at exterior frame walls and in ceilings formed when a finish surface is applied directly to the underside of the roof rafters.

(2) Loose Fill. Blown or poured loose fill insulation may be used in attic spaces where the slope of the roof is not less than 2 1/2 feet in 12 feet and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the roof sheathing at the roof ridge. When eave vents are installed, adequate baffling of the vent openings must be provided so as to deflect the incoming air above the surface of the insulation. In lieu of a framing baffle, batt or blanket insulation with an equivalent "R" value for ceilings as specified in Table A may be installed from the outer edge of the exterior wall extending a minimum of two feet inwards.

(3) Air Leakage. All doors, windows, skylights, and openings enclosing a heated space and exposed to the exterior or to unheated spaces shall be weatherstripped, caulked, gasketed, or otherwise treated in accordance with sound building practices.

NEW SECTION. Sec. 9. DUCT INSULATION. When supply and return air ducts used for heating and/or cooling are located in unheated spaces, they shall be insulated to provide a maximum "C" value of 0.30 at 75°F mean temperature, minimum insulation "R" value 3.5.

NEW SECTION. Sec. 10. PIPING INSULATION. All steam and steam condensate return piping and all continuously circulating heating hot water piping which is located in unheated spaces shall be insulated to provide a maximum "C" value of 0.30 at 75° mean temperature, minimum insulation "R" value 3.5. Insulation shall not be required where piping passes through framing members.

Sec. 11. Section 3, chapter 96, Laws of 1974 ex. sess. as amended by section 8, chapter 110, Laws of 1975 1st ex. sess. and RCW 19.27.030 are each amended to read as follows:

~~((On and after January 1, 1975;))~~ There shall be in effect in all cities, towns and counties of the state a state building code which shall consist of the following codes which are hereby adopted by reference:

(1) Uniform Building Code and Related Standards, 1973 edition, published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, 1973 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials;

(3) The Uniform Fire Code with appendices thereto, 1973 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association;

(4) The Uniform Plumbing Code, 1973 edition, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapter 11 of such code is not adopted: PROVIDED, That notwithstanding any wording in this code, nothing in this code shall apply to the installation of any gas piping, water heaters, or vents for water heaters; ~~((and))~~

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided for in RCW 70.92.100 through 70.92.160; and

(6) The thermal performance and design standards for dwellings as set forth in sections 2 through 10 of this amendatory act. This subsection shall be of no further force and effect when sections 1 through 10 of this amendatory act expire as provided in section 14 of this amendatory act.

In case of conflict among the codes enumerated in subsections (1), (2), (3) and (4) of this section, the first named code shall govern over those following.

Sec. 12. Section 4, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.040 are each amended to read as follows:

On and after January 1, 1975, the governing body of each city, town or county is authorized to amend the state building code as it applies within its jurisdiction in all such respects as shall be not less than the minimum performance standards and objectives enumerated in RCW 19.27.020, including, the authority to adopt any subsequent revisions to the codes in RCW 19.27.030(1), (2), (3), (4) ~~((and))~~, (5), and (6), as now or hereafter amended: PROVIDED, That amendments to RCW 19.27.030(6), so adopted result in structures that do not exceed the overall structural heat loss characteristics that would have resulted from conforming to RCW 19.27.030(6), as now or hereafter amended.

Nothing in this section shall authorize any modifications of the requirements of chapter 35, Laws of 1967, or chapter 70.92 RCW.

NEW SECTION. Sec. 13. The senate and house committees on energy and utilities shall make continuing studies of the state building code as it relates to energy consumption, conservation and retention and shall submit their recommendations concerning such to the legislature periodically.

NEW SECTION. Sec. 14. Sections 1 through 10 of this amendatory act, as now or hereafter amended, shall expire at such time as the thermal performance standards are incorporated in the uniform building code and related standards as published by the international conference of building officials, and adopted by the legislature of the state of Washington.

NEW SECTION. Sec. 15. Sections 1 through 10 of this amendatory act shall be added to chapter 96, Laws of 1974 ex. sess. and to chapter 19.27 RCW.

NEW SECTION. Sec. 16. CAPTIONS. Chapter, section, and subsection captions or headings as used in sections 1 through 10 of this amendatory act do not constitute any part of the law.

NEW SECTION. Sec. 17. If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House April 26, 1977.

Passed the Senate April 21, 1977.

Approved by the Governor May 4, 1977.

Filed in Office of Secretary of State May 4, 1977.

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CHAPTER 15

[Engrossed Senate Bill No. 2258]

PUBLIC FUNDS—ELECTRONIC TRANSFERS

AN ACT Relating to public funds; adding a new section to chapter 39.58 RCW; and prescribing an effective date.

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

NEW SECTION. Section 1. There is added to chapter 39.58 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, the state treasurer or any county, city, or other municipal treasurer may receive, disburse, or transfer public funds under the treasurer's jurisdiction by means of wire or other electronic communication in accordance with accounting standards which shall be established prior to the effective date of this act by the state auditor under RCW 43.09.200 with regard to municipal treasurers or by the office of program planning and fiscal management under RCW 43.88.160 in the case of the state treasurer to safeguard and insure accountability for the funds involved.

NEW SECTION. Sec. 2. The effective date of this act shall be July 1, 1977.

Passed the Senate March 16, 1977.

Passed the House April 26, 1977.

Approved by the Governor May 4, 1977.

Filed in Office of Secretary of State May 4, 1977.

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CHAPTER 16

[Senate Bill No. 2097]

EMPLOYMENT OF CERTAIN ALIENS—REPEAL

AN ACT Relating to employment of aliens; and repealing sections 1 through 4, chapter 111, Laws of 1919 and RCW 39.20.010 through 39.20.040.

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

NEW SECTION. Section 1. Sections 1 through 4, chapter 111, Laws of 1919 and RCW 39.20.010 through 39.20.040 are each repealed.

Passed the Senate March 14, 1977.

Passed the House April 26, 1977.

Approved by the Governor May 4, 1977.

Filed in Office of Secretary of State May 4, 1977.

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CHAPTER 17

[Senate Bill No. 2029]

AMERICAN REVOLUTION BICENTENNIAL COMMISSION—ABOLISHED—  
SUCCESSOR AGENCY

AN ACT Relating to the abolition of the American revolution bicentennial commission of the state of Washington; creating new sections; repealing section 1, chapter 76, Laws of 1972 ex. sess., section 132, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.125.010; repealing section 2, chapter

76, Laws of 1972 ex. sess. and RCW 43.125.020; repealing section 3, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.030; repealing section 4, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.040; repealing section 5, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.050; repealing section 7, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.900; and declaring an emergency.

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

NEW SECTION. Section 1. The American revolution bicentennial commission of the state of Washington having achieved the purposes and requirements of chapter 43.125 RCW is hereby abolished.

NEW SECTION. Sec. 2. The Washington state historical society shall be the successor agency to the American revolution bicentennial commission for the following purposes:

(1) To oversee and carry forward any unfinished projects as directed by the commission prior to abolition;

(2) To make any and all reports on operations and expenditures of the commission as required by federal and state agencies; and

(3) To take permanent custody of all records, equipment, publications, funds, and other property of the commission.

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 76, Laws of 1972 ex. sess., section 132, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.125.010;

(2) Section 2, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.020;

(3) Section 3, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.030;

(4) Section 4, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.040;

(5) Section 5, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.050; and

(6) Section 7, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.900.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 27, 1977.

Passed the House April 26, 1977.

Approved by the Governor May 4, 1977.

Filed in Office of Secretary of State May 4, 1977.

## CHAPTER 18

[Engrossed Senate Bill No. 2478]

### INSTITUTIONS OF HIGHER EDUCATION—DEBT COLLECTION—FINANCE CHARGES

AN ACT Relating to the control and collection of debts owed to state public or private institutions of higher education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

Each state public or private institution of higher education may, in the control and collection of any debt or claim due owing to it, impose reasonable financing

and late charges, as well as reasonable costs and expenses incurred in the collection of such debts, if provided for in the note or agreement signed by the debtor.

NEW SECTION. Sec. 2. This 1977 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 17, 1977.

Passed the House April 26, 1977.

Approved by the Governor May 4, 1977.

Filed in Office of Secretary of State May 4, 1977.

## CHAPTER 19

[Engrossed Senate Bill No. 2325]

### LOCAL GOVERNMENTS—FISCAL IMPACT OF LEGISLATION—FISCAL NOTES

AN ACT Relating to cities, towns, counties, and other units of local government; adding a new chapter to Title 43 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. It is the intent of this chapter to create a uniform and coordinated procedure to determine the fiscal impact of proposed legislation on units of local government.

NEW SECTION. Sec. 2. The director of the office of program planning and fiscal management or the director's designee shall, in cooperation with appropriate legislative committees and legislative staff, establish a mechanism for the determination of the fiscal impact of proposed legislation which if enacted into law would directly or indirectly increase or decrease revenues received or expenditures incurred by counties, cities, towns, or any other political subdivisions of the state. The office of program planning and fiscal management shall, when requested by a member of the state legislature, report in writing as to such fiscal impact and said report shall be known as a "fiscal note".

Such fiscal notes shall indicate by fiscal year the total impact on the subdivisions involved for the first two years the legislation would be in effect and also a cumulative six year forecast of the fiscal impact. Where feasible and applicable, the fiscal note also shall indicate the fiscal impact on each individual county or on a representative sampling of cities, towns, or other political subdivisions.

A fiscal note as defined in this section shall be provided only upon request of any member of the state legislature. A legislator also may request that such a fiscal note be revised to reflect the impact of proposed amendments or substitute bills. Fiscal notes shall be completed within seventy-two hours of the request unless a longer time period is allowed by the requesting legislator. In the event a fiscal note has not been completed within seventy-two hours of a request, a daily report shall be prepared for the requesting legislator by the director of the office of program planning and fiscal management which report summarizes the progress in preparing the fiscal note. If the request is referred to the director of the planning and community affairs agency, the daily report shall also include the date and time such referral was made.



NEW SECTION. Sec. 3. The director of the office of program planning and fiscal management is hereby empowered to designate the director of the planning and community affairs agency or its statutory successor as the official responsible for the preparation of fiscal notes authorized and required by this chapter. It is the intent of the legislature that when necessary the resources of other state agencies, appropriate legislative staffs, and the various associations of local government may be employed in the development of such fiscal notes.

NEW SECTION. Sec. 4. When a fiscal note is prepared and approved as to form and completeness by the director of the office of program planning and fiscal management, the director shall transmit copies immediately to:

- (1) The requesting legislator;
- (2) With respect to proposed legislation held by the senate, the chairperson of the committee which holds or has acted upon the proposed legislation, the chairperson of the ways and means committee, the chairperson of the local government committee, and the secretary of the senate;
- (3) With respect to proposed legislation held by the house of representatives, the chairperson of the committee which holds or has acted upon the proposed legislation, the chairpersons of the revenue and taxation and appropriations committees, the chairperson of the local government committee, and the chief clerk of the house of representatives; and
- (4) The legislative budget committee.

NEW SECTION. Sec. 5. The office of program planning and fiscal management and the legislative budget committee may make additional copies of the fiscal note available to members of the legislature and others on request.

At the request of any member of the senate or house of representatives, which ever is considering the proposed legislation, and unless it is prohibited by the rules of the body, copies of the fiscal note or a synopsis thereof shall be placed on the members' desks at the time the proposed legislation takes its place on the second reading calendar.

Whenever proposed legislation accompanied by such a fiscal note is passed by either the senate or the house of representatives, the fiscal note shall be transmitted with the bill to the other house.

NEW SECTION. Sec. 6. Nothing in this chapter shall prevent either house of the legislature from acting on any bill or resolution before it as otherwise provided by the state Constitution, by law, and by the rules of the senate and house of representatives, nor shall the lack of any fiscal note as provided in this chapter or any error in the accuracy thereof affect the validity of any measure otherwise duly passed by the legislature.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 43 RCW.

***\*NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.***

**\*Sec. 8. was vetoed, see message at end of chapter.**

Passed the Senate April 29, 1977.

Passed the House April 28, 1977.

Approved by the Governor May 6, 1977 with the exception of section 8 which is vetoed.

Filed in Office of Secretary of State May 6, 1977.

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

"I am returning herewith, without my approval as to one section, Senate Bill No. 2325 entitled:

"AN ACT Relating to cities, towns, counties, and other units of local government; adding a new chapter to Title 43 RCW; and declaring an emergency."

Section 8 of the bill declares an emergency and provides for the act to take effect immediately. Under the Constitution, Article II, Sections 1(b) and 41, the use of an emergency clause does two things. First, it alters the time when a particular piece of legislation becomes effective, thereby eliminating what may be a desirable adjustment period for affected persons. Second, it excepts the legislation from the important referendum right reserved by the people. Because of these effects, the use of the clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

In this case, not only is the use of the clause unwarranted by the urgency of the situation, but the use also eliminates the adjustment period that would be helpful for affected units of local government. For these reasons, I have vetoed this section.

With the exception of section 8, which I have vetoed, the remainder of Senate Bill No. 2325 is approved."

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## CHAPTER 20

[Senate Bill No. 3060]

### MOTOR VEHICLES—HEADLAMP STANDARDS

AN ACT Relating to motor vehicle lighting devices; and amending section 46.37.320, chapter 12, Laws of 1961 and RCW 46.37.320.

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

Section 1. Section 46.37.320, chapter 12, Laws of 1961 and RCW 46.37.320 are each amended to read as follows:

(1) The state commission on equipment is hereby authorized to approve or disapprove lighting devices and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, and their installation, adjustment, and aiming, ~~((and adjustment))~~ when in use on motor vehicles. Such regulations shall correlate with and, so far as practicable, conform to the then current standards and specifications of the society of automotive engineers applicable to such equipment and to the headlamp standards established by the United Nations agreement concerning the adoption of approval and reciprocal recognition of approval for motor vehicle equipment and parts done at Geneva on March 20, 1958, as amended and adopted by the Canadian standards association (CSA standard D106.2): PROVIDED, That the sale, installation, and use of any headlamp meeting the standards of either the society of automotive engineers or the United Nations agreement, as amended, shall be lawful in this state.

(2) The state commission on equipment is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this chapter, within a reasonable time after such device has been submitted.

(3) The state commission on equipment is further authorized to set up the procedure which shall be followed when any device is submitted for approval.

(4) The state commission on equipment upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by it.

(5) The state commission on equipment shall publish lists of all lamps and devices by name and type which have been approved by it.

Passed the Senate April 28, 1977.

Passed the House April 29, 1977.

Approved by the Governor May 6, 1977.

Filed in Office of Secretary of State May 6, 1977.

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## CHAPTER 21

[Engrossed Senate Bill No. 2387]

### MOBILE HOME ETC., SAFETY AND CONSTRUCTION STANDARDS—INSPECTION—FEES

AN ACT Relating to the department of labor and industries; amending section 2, chapter 157, Laws of 1967 as amended by section 2, chapter 27, Laws of 1970 ex. sess. and RCW 43.22.350; adding new sections to chapter 43.22 RCW; creating a new section; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 43.22 RCW a new section to read as follows:

The director of the department of labor and industries may enforce mobile home safety and construction standards adopted by the secretary of housing and urban development under the National Mobile Home Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401–5426). Furthermore, the director may make agreements with the United States government and private inspection organizations to implement the development and enforcement of applicable provisions of this chapter and the National Mobile Home Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401–5426).

NEW SECTION. Sec. 2. There is added to chapter 43.22 RCW a new section to read as follows:

The department may adopt all standards and regulations adopted by the secretary under the National Mobile Home Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401–5426) for mobile home construction and safety standards. If any deletions or amendments to the federal standards or regulations are thereafter made and notice thereof is given to the department, the standards or regulations shall be considered automatically adopted by the state under this chapter after the expiration of thirty days from publication in the federal register of a final order describing the deletions or amendments unless within that thirty day period the department objects to the deletion or amendment. In case of objection, the department shall proceed under the rule making procedure of chapter 34.04 RCW.

NEW SECTION. Sec. 3. There is added to chapter 43.22 RCW a new section to read as follows:

Any person who violates any of the provisions of this act or any rules or regulations adopted pursuant to this act is guilty of a gross misdemeanor, punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment.

NEW SECTION. Sec. 4. This 1977 amendatory act is not intended to repeal, alter, or diminish existing state law respecting mobile homes, commercial coaches, and recreational vehicles in those areas unregulated under federal law.

NEW SECTION. Sec. 5. There is added to chapter 43.22 RCW a new section to read as follows:

(1) The director or the director's authorized representative may conduct such inspections and investigations as may be necessary to promulgate or enforce mobile home, commercial coach, recreational vehicle, factory built housing, and factory built commercial structure rules adopted under the authority of this chapter or to carry out the director's duties under this chapter.

(2) For purposes of enforcement of this chapter, persons duly designated by the director upon presenting appropriate credentials to the owner, operator, or agent in charge may:

(a) At reasonable times and without advance notice enter any factory, warehouse, or establishment in which mobile homes, commercial coaches, recreational vehicles, factory built housing, and factory build commercial structures are manufactured, stored, or held for sale; and

(b) At reasonable times, within reasonable limits, and in a reasonable manner inspect any factory, warehouse, or establishment as required to comply with the standards adopted by the secretary of housing and urban development under the National Mobile Home Construction and Safety Standards Act of 1974. Each inspection shall be commenced and completed with reasonable promptness.

(3) In carrying out the inspections authorized by this section the director may establish, by rule, and impose on mobile home manufacturers, distributors, and dealers such reasonable fees as may be necessary to offset the expenses incurred by the director in conducting the inspections.

Sec. 6. Section 2, chapter 157, Laws of 1967 as amended by section 2, chapter 27, Laws of 1970 ex. sess. and RCW 43.22.350 are each amended to read as follows:

(1) In compliance with any applicable provisions of this chapter, the director of the department of labor and industries shall establish a schedule of fees, whether on the basis of plan approval or inspection, for the issuance of an insigne which indicates that the mobile home, commercial coach and/or recreational vehicle complies with the provisions of RCW 43.22.340 through 43.22.410 or for any other purpose specifically authorized by any applicable provision of this chapter.

(2) Insignia are not required on mobile homes, commercial coaches and/or recreational vehicles manufactured within this state for sale outside this state which are sold to persons outside this state.

Passed the Senate March 17, 1977.

Passed the House April 28, 1977.

Approved by the Governor May 6, 1977.

Filed in Office of Secretary of State May 6, 1977.

## CHAPTER 22

[Substitute Senate Bill No. 2052]

### MOBILE HOMES—MOVEMENT PERMITS—TAXATION

AN ACT Relating to mobile homes; amending section 4, chapter 231, Laws of 1971 ex. sess. and RCW 46.04.302; amending section 46.16.160, chapter 12, Laws of 1961 as last amended by section 6, chapter 64, Laws of 1975-76 2nd ex. sess. and RCW 46.16.160; amending section 82.50.010, chapter 15, Laws of 1961 as last amended by section 35, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.010; amending section 84.60.020, chapter 15, Laws of 1961 and RCW 84.60.020; adding a new section to chapter 36.21 RCW; adding new sections to chapter 46.44 RCW; repealing section 20, chapter 231, Laws of 1971 ex. sess., section 6, chapter 103, Laws of 1973 and RCW 46.16.104; repealing section 21, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.105; repealing section 22, chapter 231, Laws of 1971 ex. sess., section 7, chapter 103, Laws of 1973 and RCW 46.16.106; repealing section 73, chapter 299, Laws of 1971 ex. sess., section 5, chapter 103, Laws of 1973 and RCW 82.50.902; defining crimes; prescribing penalties; and declaring an emergency.

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

Section 1. Section 4, chapter 231, Laws of 1971 ex. sess. and RCW 46.04.302 are each amended to read as follows:

"Mobile home" means (~~(all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than thirty-five feet in length or more than eight feet in width))~~ a structure, transportable in one or more sections, which is thirty-two body feet or more in length and is eight body feet or more in width, and which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein, except as hereinafter specifically excluded, and excluding modular homes.

NEW SECTION. Sec. 2. There is added to chapter 46.44 RCW a new section to read as follows:

(1) Any person moving a mobile home as defined in RCW 46.04.302 upon public highways of the state must obtain a special permit from the highway commission and local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay the proper fee as prescribed by RCW 46.44.0941 and 46.44.096.

(2) A special permit issued as provided in subsection (1) of this section for the movement of any mobile home shall not be valid until the county treasurer of the county in which the mobile home is located shall endorse or attach thereto his certificate that all property taxes due upon the mobile home being moved have been satisfied: **PROVIDED**, That endorsement or certification by the county treasurer is not required when a mobile home is to enter the state or is being moved from a manufacturer or distributor to a retail sales outlet or directly to the purchaser's designated location or between retail and sales outlets. It shall be the responsibility

of the owner of the mobile home or his agent to obtain such endorsement from the county treasurer.

(3) Nothing herein should be construed as prohibiting the issuance of vehicle license plates for a mobile home, but no such plates shall be issued unless the mobile home for which such plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for such license has been paid.

(4) The state highway commission and local authorities are authorized to adopt reasonable rules for implementing the provisions of this section.

NEW SECTION. Sec. 3. There is added to chapter 46.44 RCW a new section to read as follows:

(1) Upon validation of a special permit as provided in section 2 of this 1977 amendatory act, the county treasurer shall forward notice of movement of the mobile home to the treasurer's own county assessor and to the county assessor of the county in which the mobile home will be located.

(2) When a single trip special permit not requiring tax certification is issued, the highway commission or local authority shall notify the assessor of the county in which the mobile home is to be located and when a continuous trip special permit is used to transport a mobile home not requiring tax certification, the transporter shall notify the assessor of the county in which the mobile home is to be located: PROVIDED, That notification shall not be necessary when the destination of a mobile home is a manufacturer, distributor, retailer, or location outside the state.

(3) A notification under this section shall state the specific, residential destination of the mobile home.

NEW SECTION. Sec. 4. There is added to chapter 46.44 RCW a new section to read as follows:

Any person or agent acting for a person who causes to be moved or moves a mobile home as defined in RCW 46.04.302 upon public highways of this state and who fails to comply with any of the provisions of sections 2 and 3 of this 1977 amendatory act is guilty of a misdemeanor and shall be fined not less than fifty dollars or more than one hundred dollars. In addition to the above fine, the highway commission or local authority may withhold issuance of a special permit or suspend a continuous special permit as provided by RCW 46.44.090 and 46.44.093 for a period of not less than thirty days.

Any person or agent who is denied a special permit or whose special permit is suspended may upon request receive a hearing before the highway commission or local authority having jurisdiction. The commission or local authority after such hearing may revise its previous action.

Sec. 5. Section 46.16.160, chapter 12, Laws of 1961 as last amended by section 6, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.160 are each amended to read as follows:

Any commercial vehicle bearing valid license plates and a registration certificate of another state or territory and not registered in this state and which under reciprocal relations with that state would be required to obtain a full or proportional motor vehicle license in this state may, in lieu of a certificate of ownership

and license registration, be issued a permit. Such permit shall be valid for the conduct of interstate operations only and shall be issued in such form and under such conditions as the director shall prescribe. Application for the permit shall be made to the director or his designated agent on forms provided by the director. On receiving such application, together with fees as provided herein, a permit may be issued for a period of not to exceed two hundred forty consecutive hours: PROVIDED, HOWEVER, That no permit shall be issued for any period less than twenty-four consecutive hours.

The director, or his designated agent, shall be authorized to issue a further permit on the same vehicle or combination of vehicles upon the expiration of any permit issued for a period less than two hundred forty consecutive hours: PROVIDED, Such further permit does not extend the duration thereof to exceed two hundred forty consecutive hours on any series of consecutive permits issued for such vehicle or combination of vehicles: PROVIDED, FURTHER, That no permit, or series of permits, shall be issued for any period exceeding two hundred forty consecutive hours within any period of thirty days.

When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the department may issue a special permit therefor upon an application presented in such form as shall be approved by the department. Such permit shall be for one transit only as set forth in the application: PROVIDED, That a special permit or one transit permit shall be issued for movement of a mobile home as defined in RCW 46.04.302 as now or hereafter amended, pursuant to ((RCW 46.16.105)) section 2 of this 1977 amendatory act.

For each permit issued to a vehicle or a combination of vehicles the director, or his designated agent, shall assess an administrative charge of five dollars per permit plus the following fees for each period of twenty-four consecutive hours covered by such permit:

Vehicles or combinations of vehicles with gross weights as declared by applicant of:

0	.....	9,999 lbs.	.....	\$0.50
10,000	.....	19,999 lbs.	.....	\$1.00
20,000	.....	29,999 lbs.	.....	\$1.50
30,000	.....	35,999 lbs.	.....	\$2.00
36,000	.....	45,999 lbs.	.....	\$2.50
46,000	.....	59,999 lbs.	.....	\$3.00
60,000	.....	71,999 lbs.	.....	\$4.00
72,000	.....	75,999 lbs.	.....	\$6.00
76,000	.....	80,000 lbs.	.....	\$8.00

These fees shall not be subject to quarterly reduction as provided in RCW 46.16.130. Such vehicles will be subject to all of the laws, rules, and regulations affecting the operation of like motor vehicles in this state. The permit shall be displayed at all times in a prominent place on the vehicle, or if the vehicle is a trailer, then the permit shall be at all times in vehicle operator's possession.

The director shall have the authority to adopt rules and regulations whereby such permits can be issued to qualifying operators in advance of use and paid for as used.

All fees collected under the provisions of this chapter shall be forwarded by the director with a proper identifying detailed report to the state treasurer who shall deposit such fees to the credit of the motor vehicle fund.

Sec. 6. Section 82.50.010, chapter 15, Laws of 1961 as last amended by section 35, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.010 are each amended to read as follows:

"Mobile home" means (~~all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than thirty-five feet in length or more than eight feet in width~~) a structure, transportable in one or more sections, which is thirty-two body feet or more in length and is eight body feet or more in width, and which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein, except as hereinafter specifically excluded, and excluding modular homes as defined below.

"Travel trailer" means all trailers of the type designed to be used upon the public streets and highways which are capable of being used as facilities for human habitation and which are (~~thirty-five feet or~~) less than thirty-two body feet in length and eight body feet or less in width, except as may be hereinafter specifically excluded.

"Modular home" means any factory-built housing designed primarily for residential occupancy by human beings which does not contain a permanent frame and must be mounted on a permanent foundation.

"Camper" means a structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but shall not include motor homes as defined in this section.

"Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation.

"Commission" means the department of revenue of the state.

"Director" means the director of motor vehicles of the state.

NEW SECTION. Sec. 7. There is added to chapter 36.21 RCW a new section to read as follows:

When any mobile home first becomes subject to assessment for property taxes in this state, the county assessor is authorized to place the mobile home on the assessment rolls for purposes of tax levy up to May 31st of each year. The assessed valuation of the mobile home shall be considered as of the April 30th immediately preceding the date that the mobile home is placed on the assessment roll.

Sec. 8. Section 84.60.020, chapter 15, Laws of 1961 and RCW 84.60.020 are each amended to read as follows:

The taxes assessed upon real property and mobile homes as defined in RCW 82.50.010 shall be a lien thereon from and including the first day of January in the year in which they are levied until the same are paid, but as between the grantor or vendor and the grantee or purchaser of any real property(~~, and as between the~~



~~vendor and the purchaser of any real property)) or any such mobile home, when there is no express agreement as to payment of the taxes thereon due and payable in the calendar year of the sale or the contract to sell, the grantor or vendor shall be liable for the same proportion of such taxes as the part of the calendar year prior to the day of the sale or the contract to sell bears to the whole of such calendar year, and the grantee or purchaser shall be liable for the remainder of such taxes and subsequent taxes. The lien for the property taxes assessed on a mobile home shall be terminated and absolved for the year subsequent to the year of its removal from the state, when notice is given to the county treasurer describing the mobile home, if all property taxes due at the time of removal are satisfied. The taxes assessed upon each item of personal property assessed shall be a lien upon such personal property except mobile homes as above provided from and after the date upon which the same is listed with and valued by the county assessor, and no sale or transfer of such personal property shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon each item of personal property of the person assessed, distrained by the treasurer as provided in RCW 84.56.070, from and after the date of the distraint and no sale or transfer of such personal property so distrained shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon the real property of the person assessed, selected by the county treasurer and designated and charged upon the tax rolls as provided in RCW 84.60.040, from and after the date of such selection and charge and no sale or transfer of such real property so selected and charged shall in any way affect the lien for such personal property taxes upon such property.~~

NEW SECTION. Sec. 9. The following acts or parts of acts are each hereby repealed:

- (1) Section 20, chapter 231, Laws of 1971 ex. sess., section 6, chapter 103, Laws of 1973 and RCW 46.16.104;
- (2) Section 21, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.105;
- (3) Section 22, chapter 231, Laws of 1971 ex. sess., section 7, chapter 103, Laws of 1973 and RCW 46.16.106; and
- (4) Section 73, chapter 299, Laws of 1971 ex. sess., section 5, chapter 103, Laws of 1973 and RCW 82.50.902.

NEW SECTION. Sec. 10. If any section or provision of this 1977 amendatory act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the section or provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 29, 1977.

Passed the House April 26, 1977.

Approved by the Governor May 6, 1977.

Filed in Office of Secretary of State May 6, 1977.

CHAPTER 23

[House Bill No. 573]

STATUTE LAW COMMITTEE—SESSION LAWS PUBLICATION APPROPRIATION

AN ACT Relating to the publication of the session laws of the state of Washington; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated from the general fund to the statute law committee the sum of ninety-five thousand four hundred ninety-four dollars (\$95,494), or so much thereof as may be necessary, for the preparation, reproduction, printing and mailing of the session laws of the Washington state legislature.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 11, 1977.

Passed the Senate April 27, 1977.

Approved by the Governor May 6, 1977.

Filed in Office of Secretary of State May 6, 1977.

CHAPTER 24

[Senate Bill No. 2315]

REAL ESTATE BROKERS AND SALESMEN—EXAMINATIONS—FEES—  
TEMPORARY PERMITS—BRANCH OFFICES—LAND DEVELOPMENT  
REPRESENTATIVES—REGISTRATION

AN ACT Relating to real estate brokers and salesmen; amending section 18, chapter 235, Laws of 1953 and RCW 18.85.085; amending section 10, chapter 222, Laws of 1951 as last amended by section 1, chapter 42, Laws of 1973 1st ex. sess. and RCW 18.85.120; amending section 12, chapter 222, Laws of 1951 as last amended by section 12, chapter 139, Laws of 1972 ex. sess. and RCW 18.85-.140; amending section 13, chapter 222, Laws of 1951 as last amended by section 13, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.150; amending section 42, chapter 52, Laws of 1957 as amended by section 17, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.190; and adding new sections to chapter 18.85 RCW.

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

Section 1. Section 18, chapter 235, Laws of 1953 and RCW 18.85.085 are each amended to read as follows:

The commission shall have authority to hold educational conferences for the benefit of the industry, and shall conduct examinations of applicants for licenses under this chapter. It shall be charged with the preparation of such examinations and shall administer them at ~~((stated periods))~~ least once a month, with not less than ~~((three))~~ six examinations per year in each of the following six areas of the state ~~((per year))~~: Northwest Washington, southwest Washington, northeast Washington, southeast Washington, north central Washington, and south central Washington.

Sec. 2. Section 10, chapter 222, Laws of 1951 as last amended by section 1, chapter 42, Laws of 1973 1st ex. sess. and RCW 18.85.120 are each amended to read as follows:

Any person desiring to be a real estate broker, associate real estate broker, or real estate salesman with the exception of applicants meeting the requirements of RCW 18.85.161, must successfully pass an examination as provided in this chapter, and shall make application to the director for a license, and upon a form to be prescribed and furnished by the director, giving his full name and business address. With this application the applicant shall:

(1) Pay an examination fee of (~~fifteen~~) twenty-five dollars if a salesman's license is applied for and of (~~twenty-five~~) forty dollars if a broker's license is applied for, such fees to accompany the application.

(2) If the applicant is a corporation, furnish a list of its officers and directors and their addresses, and if the applicant is a copartnership, a list of the members thereof and their addresses.

(3) If the applicant is a nonresident of this state, give an irrevocable consent that suits and actions may be commenced against him in any county of this state in which the plaintiff resides, and that service of any process or pleadings may be made by delivery thereof to the director. Such service shall be held in all courts as valid and binding upon the applicant. The irrevocable consent shall be in a form prescribed by the director, acknowledged before a notary public and, if the applicant is a corporation, shall be accompanied by a certified copy of the resolution of the board of directors authorizing the execution of the same. Any process or pleading so served upon the director shall be in duplicate copies, one of which shall be filed in the office of the director, and the other immediately forwarded by registered mail to the office address of the applicant given in his application, and service shall be deemed to have been made upon the applicant on the third day following the deposit in the mail of such copy.

(4) Furnish such other proof as the director may require concerning the honesty, truthfulness, and good reputation, as well as the identity, including but not limited to fingerprints, of any applicants for a license, or of the officers of a corporation making the application.

Sec. 3. Section 12, chapter 222, Laws of 1951 as last amended by section 12, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.140 are each amended to read as follows:

Before receiving his license every real estate broker must pay a license fee of (~~twenty-five~~) forty dollars, every associate real estate broker must pay a license fee of (~~twenty-five~~) forty dollars, and every real estate salesman must pay a license fee of (~~fifteen~~) twenty-five dollars. Every license issued under the provisions of this chapter expires on the applicant's birthday following issuance of the license which date will henceforth be the renewal date. Licenses issued to corporations and partnerships expire December 31st, which date will henceforth be their renewal date. On or before the renewal date an annual renewal license fee in the same amount must be paid.

If the application for a renewal license is not received by the director on or before the renewal date, the renewal license fee shall be (~~thirty-five~~) fifty-five dollars for a real estate broker and associate real estate broker and (~~twenty~~) thirty-

five dollars for a real estate salesman. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

The director shall issue to each broker, associate broker, and salesman a license and a pocket identification card in such form and size as he shall prescribe.

Sec. 4. Section 13, chapter 222, Laws of 1951 as last amended by section 13, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.150 are each amended to read as follows:

~~((The director may issue a temporary salesman's permit pending examination, to any applicant who, in his opinion, is qualified, except for the examination provided for in this chapter, when a satisfactory credit and character report shall have been made by the employing broker upon a form to be supplied by the director, with full responsibility for such temporary salesmen to rest with the employing broker, no temporary permit thus granted to be transferable from the originating broker to any other broker. The application fee for such temporary permit shall be five dollars which shall not be refunded for any cause, nor shall such application fee be considered any part of any license or examination fee. The examination fee for an applicant for a temporary permit shall be fifteen dollars, no part of which shall be refunded for any cause. Such temporary permit shall be valid only until the results of the next examination for licenses are available which in no event shall be longer than six months. The director, however, shall not require any such applicant to take such examination until at least sixty days have elapsed after the issuance of the temporary permit. Only one temporary permit shall be issued to any one person. No person issued a temporary permit who fails to take or pass the examination shall be entitled to have returned any fees previously paid. Failure to take the examination next following the sixty day period after issuance of the temporary permit shall cause forfeiture of the temporary permit and of any and all fees paid.~~

~~The holder of a temporary permit is required to obtain thirty hours of instruction in real estate within seventy days after his temporary permit is issued. Such instruction may be furnished by his broker or personnel in the office he is licensed to, any prelicense school, community college or other institution providing education. The employing broker and such temporary permit holder shall certify the completion of such instruction within five days thereafter upon forms provided by the director. PROVIDED, That failure to make such certification or falsification thereof shall be ground for disciplinary action under this 1972 amendatory act.))~~

A temporary broker's permit may, in the discretion of the director, be issued to the legally accredited representative of a deceased broker, the senior qualified salesman in that office or other qualified representative of the deceased, which shall be valid for a period not exceeding four months and in the case of a partnership or a corporation, the same rule shall prevail in the selection of a person to whom a temporary broker's permit may be issued.

Sec. 5. Section 42, chapter 52, Laws of 1957 as amended by section 17, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.190 are each amended to read as follows:

A real estate broker may apply to the director for authority to establish one or more branch offices under the same name as the main office upon the payment of ~~((five))~~ twenty-five dollars for each branch office. The director shall issue a duplicate license for each of the branch offices showing the location of the main office

and the particular branch. Each duplicate license shall be prominently displayed in the office for which it is issued. Each branch office shall be required to have a branch manager who shall be an associate broker authorized by the designated broker to perform the duties of a branch manager.

A branch office license shall not be required where real estate sales activity is conducted on and, limited to a particular subdivision or tract, if a licensed office or branch office is located within thirty-five miles of the subdivision or tract. A real estate broker shall apply for a branch office license if real estate sales activity on the particular subdivision or tract is five days or more per week.

NEW SECTION. Sec. 6. There is added to chapter 18.85 RCW a new section to read as follows:

The director shall issue a land development representative registration for any applicant, upon application made by the employing real estate broker, on a form provided by the department. The minimum requirements for an individual to be registered as a land development representative are that the applicant shall:

- (1) Be eighteen years of age or older;
- (2) Be a resident of the state of Washington; and
- (3) Furnish such proof as the director may require concerning the applicant's honesty, good reputation, and identification including finger prints.

NEW SECTION. Sec. 7. There is added to chapter 18.85 RCW a new section to read as follows:

The registration for a land development representative shall be issued to and retained by the employing broker and shall be displayed as set forth in this chapter for licenses. A fee of fifteen dollars shall accompany each application for registration. Each registration shall be valid for a period of one year from date of issue or until employment with the broker is terminated, whichever occurs first. No registration may be transferred to another broker, nor may a representative be registered to more than one broker at a time. Upon the termination of employment of any representative the broker shall release and return the registration of that representative to the department.

NEW SECTION. Sec. 8. There is added to chapter 18.85 RCW a new section to read as follows:

(1) The activity of a land development representative registered with a broker under this chapter shall be restricted to land developments as defined in this section and limited to:

- (a) Disseminating information;
  - (b) Contacting prospective purchasers; and
  - (c) Transporting prospective purchasers to the land development site.
- (2) This section shall not be construed to authorize any representative to:
- (a) Engage in the selling of real estate;
  - (b) Negotiate for or bind the broker in any agreement relating to the sale of real estate;
  - (c) Receive or handle funds;
  - (d) Assist in preparation of documentation attendant upon sale of real estate; or
  - (e) Engage in any other conduct or activity specified in any of the definitions under RCW 18.85.010, except as provided by subsection (1) of this section.

(3) The words "land development" as used in this chapter mean land which is divided, for the purpose of disposition, into ten or more parcels on which no residential structure exists at the time it is offered for sale.

NEW SECTION. Sec. 9. There is added to chapter 18.85 RCW a new section to read as follows:

Full responsibility for the activities of the land development representative registered under this chapter shall rest with the employing broker. The director may deny, suspend, or revoke the registration of any representative or the license of the employing broker for any violation of this chapter by the representative.

Passed the Senate May 2, 1977.

Passed the House April 29, 1977.

Approved by the Governor May 11, 1977.

Filed in Office of Secretary of State May 11, 1977.

## CHAPTER 25

[Substitute Senate Bill No. 2063]

### LEGISLATION—FISCAL NOTES

AN ACT Relating to the fiscal impact of legislation; amending section 11, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.110; and adding a new chapter to Title 43 RCW.

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

NEW SECTION. Section 1. The legislature hereby recognizes the necessity of developing a uniform and coordinated procedure for determining the expected fiscal impact of bills and resolutions on state government. The legislature also recognizes that developing such statements of fiscal impact, which shall be known as fiscal notes, requires the designation of a state agency to be principally responsible therefor.

NEW SECTION. Sec. 2. The office of program planning and fiscal management shall, in cooperation with appropriate legislative committees and legislative staff, establish a procedure for the provision of fiscal notes on the expected impact of bills and resolutions which increase or decrease or tend to increase or decrease state government revenues or expenditures. Such fiscal notes shall indicate by fiscal year the impact for the remainder of the biennium in which the bill or resolution will first take effect as well as a cumulative forecast of the fiscal impact for the succeeding four fiscal years.

In establishing the fiscal impact called for pursuant to this chapter, the office of program planning and fiscal management shall coordinate the development of fiscal notes with all state agencies affected.

NEW SECTION. Sec. 3. When a fiscal note is prepared and approved as to form, accuracy, and completeness by the office of program planning and fiscal management, which depicts the expected fiscal impact of a bill or resolution, copies shall be filed immediately with:

- (1) The chairperson of the committee to which the bill or resolution was referred upon introduction in the house of origin;
- (2) The senate committee on ways and means, or its successor;

(3) The house committees on revenue and appropriations, or their successors;  
and

(4) The legislative budget committee.

Whenever possible, such fiscal note shall be provided prior to or at the time the bill or resolution is first heard by the committee of reference in the house of origin.

NEW SECTION. Sec. 4. The office of program planning and fiscal management shall also provide a fiscal note on any legislative proposal at the request of any legislator. Such fiscal note shall be returned to the requesting legislator, and copies shall be filed with the appropriate legislative committees pursuant to section 3 of this 1977 amendatory act at the time such proposed legislation is introduced in either house.

NEW SECTION. Sec. 5. Nothing in this chapter shall prevent either house of the legislature from acting on any bill or resolution before it as otherwise provided by the state Constitution, by law, and by the rules and joint rules of the senate and house of representatives, nor shall the lack of any fiscal note as provided in this chapter or any error in the accuracy thereof affect the validity of any measure otherwise duly passed by the legislature.

Sec. 6. Section 11, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.110 are each amended to read as follows:

The office of program planning and fiscal management shall:

(1) Provide technical assistance to the governor and the legislature in identifying needs and in planning to meet those needs through state programs and a plan for expenditures.

(2) Perform the comprehensive planning functions and processes necessary or advisable for state program planning and development, preparation of the budget, inter-departmental and inter-governmental coordination and cooperation, and determination of state capital improvement requirements.

(3) Provide assistance and coordination to state agencies and departments in their preparation of plans and programs.

(4) Provide general coordination and review of plans in functional areas of state government as may be necessary for receipt of federal or state funds.

(5) Participate with other states or subdivisions thereof in interstate planning.

(6) Encourage educational and research programs that further planning and provide administrative and technical services therefor.

(7) Carry out the provisions of RCW 43.62.010 through 43.62.050 relating to the state census.

(8) Provide fiscal notes depicting the expected fiscal impact of proposed legislation in accordance with sections 1 through 5 of this 1977 amendatory act.

NEW SECTION. Sec. 7. Sections 1 through 5 of this 1977 amendatory act shall constitute a new chapter in Title 43 RCW.

Passed the Senate March 14, 1977.

Passed the House May 9, 1977.

Approved by the Governor May 16, 1977.

Filed in Office of Secretary of State May 16, 1977.

## CHAPTER 26

[Senate Bill No. 2208]

AGRICULTURE—HORTICULTURE DISTRICT FUNDS—SEED LABELING AND  
 CERTIFICATION—MARKETING POWERS—WEIGHTS AND MEASURES—  
 NOXIOUS WEED CONTROL BOARDS

AN ACT Relating to agriculture; amending section 25, chapter 122, Laws of 1963 as amended by section 3, chapter 76, Laws of 1969 ex. sess. and RCW 15.17.250; amending section 25, chapter 63, Laws of 1969 and RCW 15.49.250; amending section 34, chapter 63, Laws of 1969 and RCW 15.49.340; amending section 21, chapter 256, Laws of 1961 and RCW 15.65.210; amending section 19, chapter 67, Laws of 1969 and RCW 19.94.190; and amending section 5, chapter 113, Laws of 1969 ex. sess. as last amended by section 3, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.050.

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

Section 1. Section 25, chapter 122, Laws of 1963 as amended by section 3, chapter 76, Laws of 1969 ex. sess. and RCW 15.17.250 are each amended to read as follows:

On the thirtieth day of June of each year the inspectors-at-large shall render to the ((commissioners)) legislative authority of every county in which such service has been rendered in their districts, a complete account of the past year's business. In the event that there is money remaining in any horticulture district fund after all expenses for ~~((such services have been paid, then, this amount shall be remitted to the contributors to such fund to the extent that it is in excess of fifty percent of the greater of the following amounts: (1) the gross fee income of the district for the fiscal year from which said excess remains; (2) the higher gross fee income of the two fiscal years immediately preceding the fiscal year from which said excess remains. PROVIDED, That any remittance to a contributor under this section shall be in proportion to the amount such person contributed))~~ the current year's services have been paid, the service fees charged to contributors in the following year shall be reduced by the amount by which the money remaining in the fund exceeds the average of the gross fee income for the current year and the immediately preceding year.

Sec. 2. Section 25, chapter 63, Laws of 1969 and RCW 15.49.250 are each amended to read as follows:

"Certifying agency" means (1) an agency authorized under the laws of a state, territory, or possession to officially certify seed and which employs standards and procedures approved by the United States secretary of agriculture to assure the genetic purity and identity of the seed certified, or (2) an agency of a foreign country that adheres to procedures and standards for seed certification comparable to those established under the provisions of this chapter and the regulations adopted thereunder.

Sec. 3. Section 34, chapter 63, Laws of 1969 and RCW 15.49.340 are each amended to read as follows:

It shall be unlawful for any person:

(1) To distribute mislabeled seed. Seed shall be deemed to be mislabeled:

(a) If the germination test, required by RCW 15.49.320 has not been completed within the following time limitations:



(i) Eight months for seeds distributed to a dealer for resale.

(ii) Eighteen months for seeds distributed by a dealer at retail.

(iii) When seeds are packaged under conditions which the department has determined will prolong their viability, the department may designate a longer period than otherwise specified in this section, and may require additional labeling to maintain identification of seed packaged under such conditions.

(b) If it is not labeled in accordance with RCW 15.49.320 or regulations adopted thereunder: PROVIDED, That no person shall be subject to the penalties of this chapter for having distributed seed which is incorrectly labeled or misrepresented as to kind, type, variety, or origin and which seed cannot be identified by examination thereof, if he possesses, at the time of notification of the violation, an invoice or a declaration from a distributor or grower giving kind, type, variety, or origin, and if he has taken such other precautions necessary to insure the identity to be that stated.

(c) If advertising or labeling is false or misleading in any way.

(d) If composition or quality falls below or differs from that which it is purported or represented to be by its labeling.

(e) If it consists of or contains prohibited noxious weed seeds.

(f) If it consists of or contains restricted noxious weed seeds in excess of the number declared on the label: PROVIDED, That the maximum number of restricted noxious weed seeds per pound shall not exceed that amount established by regulations.

(g) If the total weed seed content is in excess of two percent.

(h) If it contains less than twenty-five percent pure live seed.

(i) If its labeling represents it to be foundation, registered or certified seed unless it has been inspected and tagged accordingly by a certifying agency meeting certification standards of the department.

(j) If a white, purple, or blue colored tag is attached which is of similar size and format to the official certification tag which could be mistaken for the official certification tag.

(k) If labeled with a variety name but not certified by a certifying agency when it is a variety for which a certificate of plant variety protection under the federal plant variety protection act (84 Stat. 1542, 7 U.S.C. Sec. 2321 et. seq.) specifies sale only as a class of certified seed: PROVIDED, That seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety.

(2) To detach, alter, deface, or destroy any seed label or alter or substitute seed in a manner that may defeat the purpose of this chapter.

(3) To hinder or obstruct the department in the performance of its duties under this chapter.

(4) To engage in the cleaning of seeds, entered by growers for certification, without first having obtained a seed processing permit from the department.

(5) To distribute screenings for seeding purposes.

Sec. 4. Section 21, chapter 256, Laws of 1961 and RCW 15.65.210 are each amended to read as follows:

The director shall administer, enforce, direct, and control every marketing agreement and order in accordance with its provisions. For such purposes he shall

include in each order and he may include in each agreement provisions for the employment of such administrator and such additional personnel (including attorneys engaged in the private practice of law, subject to the approval and supervision of the attorney general) as he determines are necessary and proper for such order or agreement to effectuate the declared policies of this chapter. Such provisions may provide for the qualifications, method of selection, term of office, grounds of dismissal and the detailed powers and duties to be exercised by such administrator or board and by such additional personnel, including the authority to borrow money and incur indebtedness, and may also provide either that the said administrative board shall be the commodity board or that the administrator or administrative board be designated by the director or the governor.

Sec. 5. Section 19, chapter 67, Laws of 1969 and RCW 19.94.190 are each amended to read as follows:

The director shall enforce the provisions of this chapter and shall issue from time to time reasonable rules and regulations for enforcing and carrying out the purposes of this chapter. Such rules and regulations shall have the effect of law and may include (1) standards of net weight, measure, or count, and reasonable standards of fill for any commodity in package form, (2) rules governing the technical and reporting procedures to be followed, and the report and record forms and marks of rejection to be used by the director and city sealers in the discharge of their official duties, (3) rules governing technical test procedures, reporting procedures, record and reporting forms to be used by commercial firms when installing, repairing or testing commercial weights or measures, (4) rules providing that all weights and measures used by commercial firms in repairing or servicing commercial weighing and measuring devices shall be calibrated by the department and be directly traceable to state standards and shall be submitted to the department for calibration and certification as necessary and/or at such reasonable intervals as may be established or required by the director, (5) exemptions from the sealing or marking requirements of RCW 19.94.250 with respect to weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question, (6) exemptions from the requirements of RCW 19.94.200 and 19.94.210 for testing, with respect to classes of weights and measures found to be of such character that periodic retesting is unnecessary to continued accuracy. These regulations shall include specifications, tolerances, and regulations for weights and measures of the character of those specified in RCW 19.94.210, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those (a) that are not accurate, (b) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (c) that facilitate the perpetration of fraud. The specifications, tolerances, and regulations for commercial weighing and measuring devices, together with amendments thereto, as recommended by the national bureau of standards Handbook 44, third edition as published at the time of the enactment of this chapter shall be the specifications, tolerances, and regulations for commercial weighing and/or measuring devices of the state. ~~((The director may, at his discretion, adopt by regulation any supplement to the national bureau of standards Handbook 44, third edition or any subsequent similar publication by such bureau.))~~

To promote uniformity, any supplements or amendments to Handbook 44 or any similar subsequent publication of the national bureau of standards shall be deemed to have been adopted under this section. The director may, however, within thirty days of the publication or effective date of Handbook 44 or any supplements, amendments, or similar publications give public notice that a hearing will be held to determine if such publications should not be applicable under this section. The hearing shall be conducted under chapter 34.04 RCW. For the purpose of this chapter, apparatus shall be deemed to be "correct" when it conforms to all applicable requirements promulgated as specified in this section; all other apparatus shall be deemed to be "incorrect".

Sec. 6. Section 5, chapter 113, Laws of 1969 ex. sess. as last amended by section 3, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.050 are each amended to read as follows:

(1) Each activated county noxious weed control board shall consist of five voting members who shall, at the board's inception, be appointed by the county legislative authority and elected thereafter by the property owners subject to the board. In appointing such voting members, the county legislative authority shall divide the county into five sections, none of which shall overlap and each of which shall be of the same approximate area, and shall appoint a voting member from each section. At least four of such voting members shall be engaged in the primary production of agricultural products. There shall be one nonvoting member on such board who shall be the chief county extension agent or an extension agent appointed by the chief county extension agent. Each voting member of the board shall serve a term of two years, except that the county legislative authority shall, when a board is first activated under this chapter, designate two voting members to serve terms of one year. The board members shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(2) The elected members of the board shall represent the same districts designated by the county legislative authority in appointing members to the board at its inception. Members of the board shall be elected at least thirty days prior to the expiration of any board member's term of office.

The nomination and election of elected board members shall be conducted by the board at a public meeting held in the section where board memberships are about to expire. Elections at such meetings shall be by secret ballot, cast by the landowners residing in the section where an election for a board member is being conducted. The nominee receiving the majority of votes cast shall be deemed elected, and if there is only one nomination, said nominee shall be deemed elected unanimously.

Notice of such nomination and election meeting shall be (~~((mailed to all affected landowners thirty days prior to such meeting. Notice shall be))~~) published at least twice in a weekly or daily newspaper of general circulation in said section(~~((PROVIDED, That mailed notice shall not be required if assessments provided for in RCW 17.10.240 as now or hereafter amended are not invoked))~~) with last publication occurring at least ten days prior to the meeting.

(3) Within thirty days after all the members have been appointed, the board shall conduct its first meeting. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any

action taken by the board. The board shall elect from its members a chairman and such other officers as may be necessary.

(4) In case of a vacancy occurring in any elected position on a county noxious weed control board, the county legislative authority of the county in which such board is located shall appoint a qualified person to fill the vacancy for the unexpired term.

Passed the Senate May 5, 1977.

Passed the House May 9, 1977.

Approved by the Governor May 16, 1977.

Filed in Office of Secretary of State May 16, 1977.

## CHAPTER 27

[House Bill No. 755]

**IDENTICARDS AND DRIVERS' LICENSES—PROTECTION AGAINST FALSIFICATION**  
**AN ACT** Relating to identicards and drivers' licenses; and adding new sections to chapter 46.20 RCW.  
 Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 46.20 RCW a new section to read as follows:

The legislature finds that the falsification of cards and licenses is a serious social problem creating economic hardship and problems which impede the efficient conduct of commerce and government. The legislature is particularly concerned that the increasing use of false drivers' licenses and identicards to purchase liquor, to cash bad checks, and to obtain food stamps and other benefits is causing the loss of liquor licenses, the loss of jobs, the loss of income, and the loss of human life in addition to significant monetary losses in business and government. It is the purpose of section 2 of this act to require an effective means of rendering drivers' licenses and identicards as immune as possible from alteration and counterfeiting in order to promote the public health and safety of the people of this state.

NEW SECTION. Sec. 2. There is added to chapter 46.20 RCW a new section to read as follows:

On and after January 1, 1978, the department shall implement and use such process or processes in the preparation and issuance of drivers' licenses and identicards that prohibit as nearly as possible the alteration or reproduction of such cards, or the superimposing of other photographs on such cards, without ready detection.

Passed the House March 31, 1977.

Passed the Senate May 9, 1977.

Approved by the Governor May 16, 1977.

Filed in Office of Secretary of State May 16, 1977.

## CHAPTER 28

[House Bill No. 852]

CONTRACTS FOR CONSTRUCTION OF NUCLEAR PROJECTS BY OPERATING  
AGENCIES—CONTRACT AMENDMENTS

AN ACT Relating to contracts for construction of nuclear projects by operating agencies; adding new sections to chapter 43.52 RCW; and declaring an emergency.

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

**NEW SECTION.** Section 1. There is added to chapter 43.52 RCW a new section to read as follows:

The construction of a nuclear generating project and associated facilities, hereafter referred to in sections 1 and 2 of this act as "the project", by an operating agency requires a number of years for completion after a construction contract is let therefor. After such a contract is let it frequently becomes necessary to amend it for the purpose of complying with changes in applicable governmental regulations or standards or with changes in plans and specifications developed by the project architect-engineer for the improvement of safety or feasibility or for the expediting of project completion on the most advantageous terms in the public interest. The intent of this statute is to clarify and extend the powers of an operating agency to make contract amendments for such purposes.

**NEW SECTION.** Sec. 2. There is added to chapter 43.52 RCW a new section to read as follows:

An operating agency shall have the power to make any amendment to a contract previously let for the construction of the project, by change order or other writing, if it finds that such amendment is necessary to comply with applicable regulations or standards of any state or federal governmental agency, or with any change in plans or specifications recommended by the architect-engineer in charge of the project or under his (its) direction for the purpose of improving the safety or feasibility of the project or expediting completion of the project on the most advantageous terms in the public interest: **PROVIDED**, That such amendment does not provide for construction of a project basically different from that provided for in such contract.

**NEW SECTION.** Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 21, 1977.

Passed the Senate May 4, 1977.

Approved by the Governor May 16, 1977.

Filed in Office of Secretary of State May 16, 1977.

## CHAPTER 29

[House Bill No. 613]

## TAXATION—PROPERTY VALUATION EQUALIZATION PROCEDURE—REPEALED

AN ACT Relating to revenue and taxation; repealing section 8, chapter 288, Laws of 1971 ex. sess., section 100, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.48.085; prescribing effective dates; and declaring an emergency.

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

NEW SECTION. Section 1. Section 8, chapter 288, Laws of 1971 ex. sess., section 100, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.48.085 are each hereby repealed.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. It is the intent of the legislature that this act shall apply to 1977 assessments of property for 1978 collection.

Passed the House March 11, 1977.

Passed the Senate May 6, 1977.

Approved by the Governor May 16, 1977.

Filed in Office of Secretary of State May 16, 1977.

## CHAPTER 30

[House Bill No. 199]

STATE FIRE MARSHALL ARSON INVESTIGATIONS—STATE PATROL  
IDENTIFICATION SECTION'S RECORDS

AN ACT Relating to criminal offender record information; and amending section 3, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.710.

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

Section 1. Section 3, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.710 are each amended to read as follows:

Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and shall not be made public or disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of a court wherein such civil proceedings are had. All information contained in the files of the section relative to criminal records and personal histories of persons arrested for the commission of a crime shall be available to all criminal justice agencies and, for the sole purpose of investigating the cause of fires under RCW 48.48.060(2) where the cause is suspected to be arson, to the state fire marshal, upon the filing of an application as provided in RCW 43.43.705.

Although no application for information has been made to the section as provided in RCW 43.43.705, the section may transmit such information in the chief's

discretion, to such agencies as are authorized by RCW 43.43.705 to make application for it.

Passed the House March 11, 1977.

Passed the Senate May 9, 1977.

Approved by the Governor May 16, 1977.

Filed in Office of Secretary of State May 16, 1977.

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## CHAPTER 31

[House Bill No. 506]

### PUBLIC UTILITY DISTRICTS—SEWER SYSTEM OPERATION

AN ACT Relating to public utility districts' sewage systems; amending section 19, chapter 390, Laws of 1955 as last amended by section 1, chapter 196, Laws of 1963 and RCW 54.16.180; and declaring an emergency.

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

Section 1. Section 19, chapter 390, Laws of 1955 as last amended by section 1, chapter 196, Laws of 1963 and RCW 54.16.180 are each amended to read as follows:

A district may sell and convey, lease, or otherwise dispose of all or any part of its works, plants, systems, utilities and properties, after proceedings and approval by the voters of the district, as provided for the lease or disposition of like properties and facilities owned by cities and towns: PROVIDED, That the affirmative vote of three-fifths of the voters voting at an election on the question of approval of a proposed sale, shall be necessary to authorize such sale: PROVIDED FURTHER, That a district may sell, convey, lease or otherwise dispose of all or any part of the property owned by it, located outside its boundaries, to another public utility district, city, town or other municipal corporation without the approval of the voters; or may sell, convey, lease, or otherwise dispose of to any person or public body, any part, either within or without its boundaries, which has become un-serviceable, inadequate, obsolete, worn out or unfit to be used in the operations of the system and which is no longer necessary, material to, and useful in such operations, without the approval of the voters: PROVIDED FURTHER, That a public utility district located within a county of the first class may sell and convey to a city of the first class, which owns its own water system, all or any part of a water system owned by said public utility district where a portion of it is located within the boundaries of such city, without approval of the voters upon such terms and conditions as the district shall determine: PROVIDED FURTHER, That a public utility district located in a fifth class county and bordered by the Columbia river may, separately or in connection with the operation of a water system, or as part of a plan for acquiring or constructing and operating a water system, or in connection with the creation of another or subsidiary local utility district, may provide for the acquisition or construction, additions or improvements to, or extensions of, and operation of a sewage system within the same service area as in the judgment of the district commission is necessary or advisable in order to eliminate or avoid any existing or potential danger to the public health by reason of the lack of sewerage facilities or by reason of the inadequacy of existing facilities: AND PROVIDED FURTHER, That a public utility district located within a county of the first class

bordering on Puget Sound may sell and convey to any city of the third class or town all or any part of a water system owned by said public utility district without approval of the voters upon such terms and conditions as the district shall determine. Public utility districts are municipal corporations for the purposes of this section and the commission shall be held to be the legislative body and the president and secretary shall have the same powers and perform the same duties as the mayor and city clerk and the resolutions of the districts shall be held to be ordinances within the meaning of the statutes governing the sale, lease, or other disposal of public utilities owned by cities and towns.

NEW SECTION. Sec. 2. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 22, 1977.

Passed the Senate May 6, 1977.

Approved by the Governor May 16, 1977.

Filed in Office of Secretary of State May 16, 1977.

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## CHAPTER 32

[House Bill No. 287]

### COUNTY ROADS—ELECTRICAL EQUIPMENT—DAY LABOR PROJECTS

AN ACT Relating to county roads; and amending section 36.77.060, chapter 4, Laws of 1963 and RCW 36.77.060.

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

Section 1. Section 36.77.060, chapter 4, Laws of 1963 and RCW 36.77.060 are each amended to read as follows:

The board may cause any county road to be constructed or improved by day labor in an amount not to exceed twenty-five thousand dollars on any one project: PROVIDED, That when the construction or improvement is the installation of electrical traffic control devices, highway illumination equipment, electrical equipment, wires, or equipment to convey electrical current, then such amount shall not exceed ten thousand dollars for any one project, including labor, equipment, and materials. This section shall be construed to mean a complete project and shall not be construed to allow or permit the construction of any project by day labor by division thereof into units of work or classes of work. All construction work to be performed at a cost in excess of twenty-five thousand dollars shall be performed by contract as in this chapter provided: PROVIDED, That when the construction work is the installation of electrical traffic control devices, highway illumination equipment, electrical equipment, wires, or equipment to convey electrical current, in an amount exceeding ten thousand dollars for any one project, such work shall be performed by contract as in this chapter provided.

Passed the House March 15, 1977.

Passed the Senate May 5, 1977.

Approved by the Governor May 16, 1977.

Filed in Office of Secretary of State May 16, 1977.



## CHAPTER 33

[Substitute House Bill No. 563]

## UNEMPLOYMENT COMPENSATION

AN ACT Relating to unemployment compensation; amending section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 73, Laws of 1973 and RCW 50.04.030; amending section 6, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.04.355; amending section 46, chapter 35, Laws of 1945 as amended by section 2, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.12.070; amending section 73, chapter 35, Laws of 1945 as last amended by section 21, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.050; amending section 74, chapter 35, Laws of 1945 as last amended by section 22, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.060; amending section 78, chapter 35, Laws of 1945 as amended by section 6, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.20.100; amending section 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.120; amending section 89, chapter 35, Laws of 1945 as last amended by section 13, chapter 3, Laws of 1971 and RCW 50.24.010; adding a new section to chapter 35, Laws of 1945 and to chapter 50.20 RCW; adding a new section to chapter 35, Laws of 1945 and to chapter 50.24 RCW; establishing effective dates; and declaring an emergency.

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

Section 1. Section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 73, Laws of 1973 and RCW 50.04.030 are each amended to read as follows:

"Benefit year" with respect to each individual, means the fifty-two consecutive week period beginning with the first day of the calendar week (~~with respect to~~) in which the individual files an application for an initial determination and thereafter the fifty-two consecutive week period beginning with the first day of the calendar week (~~with respect to~~) in which the individual next files an application for an initial determination after the expiration of ~~(his)~~ the individual's last preceding benefit year: PROVIDED, HOWEVER, That the foregoing limitation shall not be deemed to preclude the establishment of a new benefit year under the laws of another state pursuant to any agreement providing for the interstate combining of employment and wages and the interstate payment of benefits nor shall this limitation be deemed to preclude the commissioner from backdating an initial application at the request of the claimant either for the convenience of the department of employment security or for any other reason deemed by the commissioner to be good cause.

An individual's benefit year shall be extended to be fifty-three weeks when at the expiration of fifty-two weeks the establishment of a new benefit year would result in the use of a quarter of wages in the new base year that had been included in the individual's prior base year.

No benefit year will be established unless it is determined that the individual earned wages in (~~"employment" during his base year of not less than the "qualifying annual wage" computed for the calendar year preceding the last June 30th immediately preceding his benefit year and either had "employment" in not less than sixteen weeks of his base year in each of which he earned the "qualifying weekly wage" computed for the second calendar year preceding the calendar year in which each such week ends or had~~) "employment" in not less than six hundred eighty hours of ((his)) the individual's base year: PROVIDED, HOWEVER, That a benefit year cannot be established if the base year wages include wages earned

prior to the establishment of a prior benefit year unless the individual earned wages in "employment" during the last two quarters of the new base year of not less than six times the weekly benefit amount computed for ~~((his))~~ the individual's new benefit year.

~~((As the change contained in the third paragraph of this section relating to the weeks worked qualification would invalidate basic data upon which benefit qualification determinations must be made the satisfaction of the weeks worked requirement will require as to base year weeks ending in the second two quarters of 1972 that the individual will have earned not less than the "qualifying weekly wage" computed for the calendar year 1971. Nothing in this paragraph or in the preceding paragraph shall be deemed to justify or support the redetermination of any monetary determination denying the establishment of a benefit year made prior to the effective date of this 1973 amendatory act.))~~

If the wages of an individual are not based upon a fixed duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week shall be determined in such manner as the commissioner may by regulation prescribe. Such regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his or her wages at regular intervals.

Sec. 2. Section 6, chapter 2, Laws of 1970 ex. sess. as last amended by section 1, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.04.355 are each amended to read as follows:

On or before the fifteenth day of June of each year an "average annual wage", an "average weekly wage", ~~((a "qualifying annual wage", a "qualifying weekly wage",))~~ and an "average annual wage for contributions purposes" shall be computed from information for the preceding calendar year including corrections thereof reported within three months after the close of that year by all employers as defined in RCW 50.04.080. The "average annual wage" is the quotient derived by dividing total remuneration reported by all employers by the average number of workers reported for all months and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar. The "average annual wage" thus obtained shall be divided by fifty-two and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar to determine the "average weekly wage". ~~((The "qualifying annual wage" shall be computed by multiplying the "average annual wage" by fifteen percent and if the result is not a multiple of fifty dollars, rounding the result to the next lower multiple of fifty dollars. The "qualifying weekly wage" shall be computed by multiplying the "average weekly wage" by fifteen percent and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar.))~~ The "average annual wage" for contribution purposes is the quotient derived by dividing total remuneration reported by all employers subject to contributions by the average number of workers reported for all months by these same employers and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar.

Sec. 3. Section 46, chapter 35, Laws of 1945 as amended by section 2, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.12.070 are each amended to read as follows:

Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the commissioner or his or her authorized representatives at any reasonable time and as often as may be necessary. The commissioner may require from any employing unit any sworn or unsworn reports with respect to persons employed by it, which he or she deems necessary for the effective administration of this title. Each employer shall make periodic reports at such intervals as the commissioner may by regulation prescribe, setting forth the remuneration paid for employment to workers in its employ, the names of all such workers, and until April 1, 1978, the number of weeks for which the worker earned the "qualifying weekly wage", and beginning July 1, 1977, the hours worked by each worker and such other information as the commissioner may by regulation prescribe.

In the event the employing unit fails or has failed to report the number of ((weeks)) hours in a reporting period for which a worker ((earned the "qualifying weekly wage")) worked such number will be computed by the commissioner and given the same force and effect as if it had been reported by the employing unit. In computing the number of such ((weeks)) hours worked the total wages for the reporting period, as reported by the employing unit, shall be divided by the dollar amount of the (("qualifying weekly wage")) state's minimum wage in effect for such reporting period and the quotient, disregarding any remainder, shall be credited to the worker: PROVIDED, ((That the total number of weeks credited to the worker for any quarterly period shall not exceed thirteen weeks: PROVIDED, FURTHER;)) That the computation so made will not be subject to appeal by the employing unit.

Sec. 4. Section 73, chapter 35, Laws of 1945 as last amended by section 21, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.050 are each amended to read as follows:

(1) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter until he or she has obtained work and earned wages of not less than his or her suspended weekly benefit amount in each of five calendar weeks (: PROVIDED, That disqualification under this section shall not extend beyond the tenth calendar week following the week in which such individual left work)).

(2) An individual shall not be considered to have left work voluntarily without good cause when:

(a) He or she has left work to accept a bona fide job offer; or

(b) The separation was because of the illness or disability of the claimant or a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again able to assume employment.

(3) In determining whether an individual has left work voluntarily without good cause, the commissioner shall consider the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness, the individual's

ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unconscionable hardship on the individual were he or she required to continue in the employment.

(4) Subsections (1) and (3) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits until he or she has requalified, either by obtaining work and earning wages of not less than the suspended weekly benefit amount in each of five calendar weeks or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the department.

Sec. 5. Section 74, chapter 35, Laws of 1945 as last amended by section 22, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.060 are each amended to read as follows:

An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has been discharged or suspended for misconduct connected with his or her work and thereafter until he or she has obtained work and earned wages of not less than ((his)) the suspended weekly benefit amount in each of five calendar weeks~~((~~PROVIDED, That disqualification under this section shall not extend beyond the tenth calendar week following the week in which such individual was discharged or suspended~~)).~~ An individual who has been discharged because of a felony of which he or she has been convicted or has admitted committing and which is connected with his or her work shall be disqualified from receiving any benefits for which base year credits are earned in any employment prior to the discharge.

Sec. 6. Section 78, chapter 35, Laws of 1945 as amended by section 6, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.20.100 are each amended to read as follows:

Suitable work for an individual is employment in an occupation in keeping with the individual's prior work experience, education, or training and if the individual has no prior work experience, special education, or training for employment available in the general area, then employment which the individual would have the physical and mental ability to perform. In determining whether work is suitable for an individual ((or whether an individual has left work voluntarily without good cause)), the commissioner shall also consider the degree of risk involved to ((his)) the individual's health, safety, and morals, ((his)) the individual's physical fitness ((and prior training, his experience and prior earnings, his)), the individual's length of unemployment and prospects for securing local work in ((his)) the individual's

customary occupation, the distance of the available work from ~~((his))~~ the individual's residence, and such other factors as the commissioner may deem pertinent, including state and national emergencies.

Sec. 7. Section 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.120 are each amended to read as follows:

(1) Subject to the other provisions of this title benefits shall be payable to any eligible individual during ~~((his))~~ the individual's benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount (determined hereinafter) or one-third of the individual's base year wages under this title.

(2) An individual's weekly benefit amount shall be an amount equal to one twenty-fifth of ~~((his))~~ the average quarterly wages of the individual's total wages during ~~((that))~~ the two quarters of ((his)) the individual's base year in which such total wages were highest, except that if such computed amount is less than seventeen dollars, the weekly benefit amount shall be deemed to be seventeen dollars. The maximum amount payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th. The maximum amount payable weekly shall be ~~((fifty))~~ fifty-five percent of the "average weekly wage" for the calendar year preceding such June 30th: PROVIDED, That if as of any June 30th the unemployment compensation trust fund balance has improved so that the employer contribution as determined pursuant to RCW 50.24.010 is less than three percent, the maximum amount payable weekly for benefit years beginning with the first full calendar week in July next following shall be sixty percent of the "average weekly wage" for the calendar year preceding such June 30: PROVIDED FURTHER, That if any weekly benefit or maximum benefit amount computed herein is not a multiple of one dollar, it shall be adjusted to the nearest multiple of one dollar, except that if the computed amount ends in fifty cents, it shall be adjusted to the next higher multiple of one dollar.

NEW SECTION. Sec. 8. There is added chapter 35, Laws of 1945 and to chapter 50.20 RCW a new section to read as follows:

Any individual registered at an established school in a course of study providing scholastic instruction of twelve or more hours per week, or the equivalent thereof, shall be disqualified from receiving benefits or waiting period credit for any week during the school year commencing with the first week of scholastic instruction or the week of leaving employment to return to school, whichever is the earlier, and ending with the week immediately before the first full week in which the individual is no longer registered for classes: PROVIDED, That this nonregistration will be for a period of sixty days or longer. The term "school" includes primary schools, secondary schools, and "institutions of higher education" as that phrase is defined in RCW 50.44.030.

This disqualification shall not apply to any individual who:

(1) Is in approved training within the meaning of RCW 50.20.043; or  
 (2) Demonstrates to the commissioner by a preponderance of the evidence his or her actual availability for work, and in arriving at this determination the commissioner shall consider the following factors:

(a) Prior work history;

- (b) Scholastic history;
- (c) Past and current labor market attachment; and
- (d) Past and present efforts to seek work.

Sec. 9. Section 89, chapter 35, Laws of 1945 as last amended by section 13, chapter 3, Laws of 1971 and RCW 50.24.010 are each amended to read as follows:

Contributions shall accrue and become payable by each employer (except employers as described in RCW 50.44.010 who have properly elected to make payments in lieu of contributions and those employers who are required to make payments in lieu of contributions) for each calendar year in which ~~((he))~~ the employer is subject to this title at the rate of two and seven-tenths percent of wages paid each employee, except for such rates as determined for qualified employers according to chapter 50.29 RCW: PROVIDED, That if, as of any June 30th, the amount in the unemployment compensation fund is less than three and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, contributions for the following calendar year for all employers shall be payable at the rate of three percent of wages subject to tax.

The amount of wages subject to tax for each individual as of January 1, 1971, shall be four thousand two hundred dollars. If the amount in the unemployment compensation fund on any June 30th, after January 1, 1971, is less than four and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, the amount of wages subject to tax shall increase on the January 1st next following by six hundred dollars: PROVIDED, That the amount of wages subject to tax in any calendar year shall not exceed ~~((seventy-five))~~ eighty percent of the "average annual wage" for the second preceding calendar year rounded to the next lower multiple of three hundred dollars.

In making computations under this section and RCW 50.29.010, wages paid based on services for employers making payments in lieu of contributions shall not be considered remuneration. Moneys paid from the fund, based on services performed for employers who make payments in lieu of contributions, which have not been reimbursed to the fund as of any June 30 shall be deemed an asset of the unemployment compensation fund, to the extent that such moneys exceed the amount of payments in lieu of contributions which the commissioner has previously determined to be uncollectible: PROVIDED, FURTHER, That the amount attributable to employment with the state shall also include interest as provided for in RCW 50.44.020.

Contributions shall become due and be paid by each employer to the treasurer for the unemployment compensation fund in accordance with such regulations as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in employment of the employer. Any deduction in violation of the provisions of this section shall be unlawful.

In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

NEW SECTION. Sec. 10. There is added to chapter 35, Laws of 1945 and to chapter 50.24 RCW a new section to read as follows:

Only during the 1978 and 1979 calendar years, contributions payable by employers under the provisions of RCW 50.24.010 shall be payable at the rate of three and three-tenths percent of wages subject to tax, rather than in accordance with the rates therein.

**NEW SECTION.** Sec. 11. The provisions of this 1977 amendatory act are necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect ninety days after adjournment sine die of the 1977 1st Extraordinary Session (forty-fifth legislature) of the Washington State Legislature: **PROVIDED**, That the first paragraph of section 1 of this 1977 amendatory act shall take effect immediately and the remaining portion of section 1 of this 1977 amendatory act and all of section 2 of this 1977 amendatory act shall take effect commencing with benefit years beginning on and after October 1, 1978; section 7 of this 1977 amendatory act shall take effect commencing with benefit years beginning on and after July 3, 1977; sections 3, 4, 5, 6, and 8 of this 1977 amendatory act shall take effect on and after July 3, 1977.

Passed the House April 29, 1977.

Passed the Senate May 4, 1977.

Approved by the Governor May 16, 1977.

Filed in Office of Secretary of State May 16, 1977.

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## CHAPTER 34

[House Bill No. 657]

### PUBLIC EMPLOYEES RETIREMENT SYSTEM BOARD—PUBLIC MEMBERS

AN ACT Relating to the Washington public employees retirement system; and amending section 3, chapter 274, Laws of 1947 as last amended by section 1, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.030.

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

Section 1. Section 3, chapter 274, Laws of 1947 as last amended by section 1, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.030 are each amended to read as follows:

The retirement board shall consist of twelve members, as follows: ~~((The insurance commissioner, the attorney general, the state treasurer, the state auditor))~~ Four members of the public appointed by the governor with the advice and consent of the senate, the members provided by RCW 41.26.050, and four elected representatives who shall have been members of the retirement system for at least five years, and each of whom shall be elected by active or retired members in their classification for a term of three years: **PROVIDED**, That the term of office of any employee representative serving as a member of the retirement board by appointment prior to March 21, 1961 shall continue until the expiration of the period of time for which such employee representative was appointed, except those board members provided by RCW 41.26.050. The active and retired members of the system shall be divided into four classifications for purposes of board representation as follows: Classification A shall consist of all employees of the state government;

classification B shall consist of all employees of counties; classification C shall consist of all retired members; and classification D shall consist of all members not included in classification A((~~+~~)), B, or C. Each member shall have the right to vote only for an employee representative from his respective classification.

The initial term of the representative from classification C shall begin July 1, 1974.

Any active or retired member desiring to become a candidate to represent active or retired members in his classification may during the first two weeks of April of the year in which the vacancy in the classification occurs, file with the director of the system a typewritten statement that he desires to be a candidate for the board. The letter supporting his candidacy must be signed by at least twenty members of the retirement system in his classification. The election shall be conducted under the supervision of the retirement board pursuant to such rules as the board shall prescribe, but shall be so conducted that the voting shall be secret and the ballots may be returned by mail. Ballots in order to be counted shall be received by the director not later than the second Monday in June. The board shall thereupon proceed to count the ballots and shall certify to the secretary of state the candidate receiving the highest number of votes.

The terms of all elected representatives shall commence on the first day of July following their election.

Passed the House May 12, 1977.

Passed the Senate May 9, 1977.

Approved by the Governor May 18, 1977.

Filed in Office of Secretary of State May 18, 1977.

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## CHAPTER 35

[Substitute House Bill No. 839]

### HISTORICAL SITES CONTROLLED BY PUBLIC CORPORATIONS—PROPERTY TAX EXEMPTION

AN ACT Relating to state government; amending section 7, chapter 37, Laws of 1974 ex. sess. and RCW 35.21.755; prescribing an expiration date; prescribing an effective date; and declaring an emergency.

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

Section 1. Section 7, chapter 37, Laws of 1974 ex. sess. and RCW 35.21.755 are each amended to read as follows:

A public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660 shall receive the same immunity or exemption from taxation as that of the city, town, or county creating the same: **PROVIDED**, That, except for any property listed on, or which is within a district listed on any federal or state register of historical sites, any such public corporation, commission, or authority shall pay to the county treasurer an annual excise tax equal to the amounts which would be paid upon real property and personal property devoted to the purposes of such public corporation, commission, or authority were it in private ownership, and such real property and personal property is acquired and/or operated under RCW 35.21.725 through 35.21.755, and the proceeds of such excise tax shall be allocated by the county treasurer to the various taxing authorities in which such property is



situated, in the same manner as though the property were in private ownership: PROVIDED FURTHER, That the provisions of chapter 82.29A RCW, and RCW 84.36.451 and 84.40.175 shall not apply to property within a district listed on any federal or state register of historical sites and which is controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21-.660, which was in existence prior to January 1, 1976, and the exemption set forth in this proviso shall be allowed in accordance with the following schedule:

<u>Year</u>	<u>Percentage Exemption of Tax Otherwise Due</u>
<u>1977 to 1981</u>	<u>100 percent</u>
<u>1982 to 1985</u>	<u>66 2/3 percent</u>
<u>1986 to 1989</u>	<u>33 1/3 percent</u>

and shall expire on December 31, 1989.

NEW SECTION. Sec. 2. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977.

Passed the House March 31, 1977.

Passed the Senate May 12, 1977.

Approved by the Governor May 18, 1977.

Filed in Office of Secretary of State May 18, 1977.

CHAPTER 36

[House Bill No. 878]

PUBLIC UTILITY DISTRICTS—CLASSIFICATION AND RECLASSIFICATION

AN ACT Relating to public utility districts; amending section 2, chapter 265, Laws of 1959 and RCW 54.40.010; amending section 3, chapter 265, Laws of 1959 and RCW 54.40.020; amending section 4, chapter 265, Laws of 1959 and RCW 54.40.030; amending section 5, chapter 265, Laws of 1959 and RCW 54.40.040; amending section 6, chapter 265, Laws of 1959 and RCW 54.40.050; amending section 7, chapter 265, Laws of 1959 and RCW 54.40.060; amending section 8, chapter 265, Laws of 1959 and RCW 54.40.070; and amending section 4, chapter 1, Laws of 1931 as last amended by section 2, chapter 53, Laws of 1977 and RCW 54.12.010.

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

Section 1. Section 2, chapter 265, Laws of 1959 and RCW 54.40.010 are each amended to read as follows:

A five commissioner public utility district (~~((of the first class))~~) is a district which shall have a license from the federal power commission to construct a hydroelectric project of an estimated cost of more than (~~((three hundred and twenty-five))~~) two hundred and fifty million dollars, including interest during construction, and which shall have received the approval of the voters of the district to become a (~~((first class))~~) five commissioner district as provided herein. All other public utility districts shall be known as three commissioner districts.

Sec. 2. Section 3, chapter 265, Laws of 1959 and RCW 54.40.020 are each amended to read as follows:

Every public utility district which on the effective date of this ~~((chapter))~~ amendatory act shall be in existence and have such a license shall be qualified to become a ~~((first class))~~ five commissioner district upon approval of the voters of said district, and every public utility district which on the effective date of this amendatory act shall have become a first class district as previously provided by chapter 265, Laws of 1959 shall be a five commissioner district.

Sec. 3. Section 4, chapter 265, Laws of 1959 and RCW 54.40.030 are each amended to read as follows:

Within five days after a public utility district shall receive a license from the federal power commission to construct a hydroelectric project of an estimated cost of more than ~~((three hundred and twenty-five))~~ two hundred and fifty million dollars, including interest during construction, or, in the case of a district which on the effective date of this ~~((chapter))~~ amendatory act is in existence and has such a license within five days of the effective date of this amendatory act the district shall forward a true copy of said license ~~((accompanied by a true copy of the application for such license, both))~~,<sub>2</sub> certified by the secretary of the district, to the county auditor of the county wherein said district is located.

Sec. 4. Section 5, chapter 265, Laws of 1959 and RCW 54.40.040 are each amended to read as follows:

A public utility district ~~((having a license which entitles it to become a first class district))~~ shall be ~~((so))~~ classified as a five commissioner district only by approval of the qualified voters of the district. Such approval shall be by an election upon petition as hereinafter provided. In submitting the question to the voters for their approval or rejection, the proposition shall be expressed on the ballot in substantially the following terms:

Shall Public Utility District No. . . . . be reclassified a ~~((First Class))~~ Five Commissioner District for the purpose of increasing the number of commissioners to five . . . . . YES   
NO

~~((Shall Public Utility District No. . . . . be reclassified a First Class District for the purpose of increasing the number of commissioners to five . . . . . NO ))~~

Should a majority of the voters voting on the question approve the proposition, the district shall be declared a ~~((first class))~~ five commissioner district upon the completion of the canvass of the election returns.

Sec. 5. Section 6, chapter 265, Laws of 1959 and RCW 54.40.050 are each amended to read as follows:

The question of reclassification of a public utility district as a ~~((first class))~~ five commissioner public utility district shall be submitted to the voters only upon filing a petition with the county auditor of the county in which said district is located, identifying the district by number and praying that an election be held to determine whether it shall become a ~~((first class))~~ five commissioner district. The petition must be signed by a number of qualified voters of the district equal to at least ten percent of the number of voters in the district who voted at the last general election. In addition to the signature of the voter, the petition must indicate each

signer's residence address and further indicate whether he is registered in a precinct in an unincorporated area or a precinct in an incorporated area and if the latter, give the name of the city or town wherein he is registered. Said petition shall be presented to the county auditor for verification of the validity of the signatures. Within thirty days after receipt of the petition, the county auditor, in conjunction with the city clerks of the incorporated areas in which any signer is registered, shall determine the sufficiency of the petition. If the petition is found insufficient, the person who filed the same shall be notified by mail and he shall have an additional fifteen days from the date of mailing such notice within which to submit additional signatures, and the county auditor shall have an additional thirty days after the submission of such additional signatures to determine the validity of the entire petition. No signature may be withdrawn after the petition has been filed. If the petition, including these additional signatures if any, is found sufficient, the county auditor shall certify such fact to the public utility district and if the commissioners of the public utility district have theretofore certified to the county auditor the eligibility of the district for reclassification as provided in this chapter, the county auditor shall submit to the voters of the district the question of whether the district shall become a ~~((first class))~~ five commissioner district. Such election shall be held on a date fixed by the county auditor which date shall be ~~((not more than one hundred twenty days))~~ held at the next general election after the date on which he certified the sufficiency of the petition. Notice of any election on the question shall be given in the manner prescribed for notice of an election on the formation of a public utility district.

Sec. 6. Section 7, chapter 265, Laws of 1959 and RCW 54.40.060 are each amended to read as follows:

If the reclassification to a ~~((first class))~~ five commissioner district is approved by the voters, the ~~((board of county commissioners))~~ public utility district commission within ten days after the results of said election are certified shall divide the public utility district into two districts of as nearly equal population and area as possible, and shall designate such districts as At Large District A and At Large District B.

Sec. 7. Section 8, chapter 265, Laws of 1959 and RCW 54.40.070 are each amended to read as follows:

Within thirty days after the ~~((county commissioners))~~ public utility district commission shall divide the district into two at large districts, the ~~((commissioners of such public utility district))~~ county legislative authority shall ~~((appoint one commissioner from each at large district, one to serve until the next general biennial election and one to serve until the next succeeding biennial general election. At the time of said appointments, the commissioners shall designate which new appointee shall hold the longer term))~~ call a special election, to be held at the next scheduled special election called pursuant to RCW 29.13.010, or not more than ninety days after such call, at which time the initial commissioners to such at large districts shall be elected, the person receiving the largest number of votes to serve for four years, and the person receiving the next largest number of votes to serve an initial term of two years.

Sec. 8. Section 4, chapter 1, Laws of 1931 as last amended by section 2, chapter 53, Laws of 1977 and RCW 54.12.010 are each amended to read as follows:

Within ten days after such election, the election board of the county shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the election board shall so declare in its canvass of the returns of such election, and such public utility district shall then be and become a municipal corporation of the state of Washington, and the name of such public utility district shall be Public Utility District No. . . . . of . . . . . County. The powers of the public utility district shall be exercised through a commission consisting of three members in three commissioner districts (~~((of the second class))~~), and five members in five commissioner districts (~~((of the first class))~~). When the public utility district is coextensive with the limits of such county, then, at the first election of commissioners and until any change shall have been made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county commissioner districts of the county in which the public utility district is located. When the public utility district comprises only a portion of the county, with boundaries established in accordance with chapter 54.08 RCW, three public utility district commissioner districts, numbered consecutively, having approximately equal population and boundaries, following ward and precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, which shall be subject to appropriate change by the county commissioners if and when they change the boundaries of the proposed public utility district, and one commissioner shall be elected from each of said public utility district commissioner districts. In all five commissioner districts (~~((of the first class))~~) an additional commissioner at large shall be chosen from each of the two at large districts. No person shall be eligible to be elected to the office of public utility district commissioner for a particular district commissioner district unless he is a registered voter of the public utility district commissioner district or at large district from which he is elected.

Except as otherwise provided, the term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed from the first day of December following the commissioner's election. One commissioner at large and one commissioner from a commissioner district shall be elected at each general election held in an even-numbered year for the term of four years and six years respectively. All candidates shall be voted upon by the entire public utility district.

When a public utility district is formed, three public utility district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such public utility district shall be formed. The commissioner residing in commissioner district number one shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two years. The commissioners first to be elected as above provided shall hold office from the first day of the month

following the commissioners' election. Each term shall be computed from the first day of December following the commissioners' election.

All public utility district commissioners shall hold office until their successors shall have been elected and have qualified. A filing for nomination for public utility district commissioner shall be accompanied by a petition signed by one hundred registered voters of the public utility district, which shall be certified by the county auditor to contain the required number of registered voters, and shall otherwise be filed in accord with the requirements of RCW 29.21.060. At the time of filing such nominating petition, the person so nominated shall execute and file a declaration of candidacy subject to the provisions of RCW 29.21.060, as now or hereafter amended. The petition and each page of the petition shall state whether the nomination is for a commissioner from a particular commissioner district or for a commissioner at large and shall state the districts; otherwise it shall be void. A vacancy in the office of public utility district commissioner shall occur by death, resignation, removal, conviction of a felony, nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty. In the event of a vacancy in said office, such vacancy shall be filled at the next general election held in an even-numbered year, the vacancy in the interim to be filled by appointment by the remaining commissioners. If more than one vacancy exists at the same time in a three commissioner district (~~((of the second class))~~), or more than two in a five commissioner district (~~((of the first class))~~), a special election shall be called by the county election board upon the request of the remainder, or, that failing, by the county election board, such election to be held not more than forty days after the occurring of such vacancies.

A majority of the persons holding the office of public utility district commissioner at any time shall constitute a quorum of the commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted, except in usual and ordinary course, unless there are in office at least a majority of the full number of commissioners fixed by law.

The boundaries of the public utility district commissioners' district may be changed only by the public utility district commission, and shall be examined every ten years to determine substantial equality of population, but said boundaries shall not be changed oftener than once in four years, and only when all members of the commission are present. The proposed change of the boundaries of the public utility district commissioners' district must be made by resolution and after public hearing. Notice of the time of a public hearing thereon shall be published for two weeks prior thereto. Upon a referendum petition signed by ten percent of the qualified voters of the public utility district being filed with the county auditor, the board of county commissioners shall submit such proposed change of boundaries to the voters of the public utility district for their approval or rejection. Such petition must be filed within ninety days after the adoption of resolution of the proposed action.

The validity of said petition shall be governed by the provisions of chapter 54.08 RCW.

Passed the House April 28, 1977.

Passed the Senate May 12, 1977.

Approved by the Governor May 18, 1977.

Filed in Office of Secretary of State May 18, 1977.

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## CHAPTER 37

[House Bill No. 816]

### STATE HIGHWAY PROPERTY—SALE TO TENANTS

AN ACT Relating to the acquisition and disposition of state highway property; and amending section 1, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.12.280.

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

Section 1. Section 1, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.12-.280 are each amended to read as follows:

Any real property (including lands, improvements thereon, and any interests or estates) held by the department of highways other than that acquired under RCW 47.12.020 may be sold in accordance with the following procedure:

(1) Determination that the real property is unnecessary for the purposes of the department of highways;

(2) Determination of the fair market value of the real property;

(3) Offering of the residentially improved property for sale by negotiation and sale to a tenant of the department of highways who has resided thereon for not less than six months and who is not delinquent in paying rent to the state;

(4) Offering of the real property for sale by auction if the property is not sold under subsection (3) of this section after notice to the general public of the proposed auction sale in the following manner: By notice of the proposed sale published in a display advertisement of no less than two column by two inch or one column by four inch size in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated. This advertisement shall appear in the legal notices section and the real estate classified section. This publication shall appear for a period of not less than four weeks prior to the proposed sale and the notice shall particularly describe the property to be sold and the time and place of the proposed sale: PROVIDED, That if there is no legal newspaper published in this county, then such notice shall be published in the legal newspaper published in this state nearest to the place of sale.

~~((4))~~ (5) Offering of the real property for sale by advertisement and negotiation if the real property was offered, but not sold at auction.

No real property shall be sold for less than the fair market value at the time of the auction if sold at auction or the fair market value at the date of the agreement to sell if sold by advertisement and negotiation. Any offer to purchase real property may be rejected at any time prior to written acceptance of the offer by the department of highways and approval of the terms of the transaction by the highway commission.

The highway commission shall approve the terms of each sale, either individually or by general rule, so that payment is made or safely secured to the state. The highway commission may adopt rules further implementing this section.

All funds received under this section shall be forwarded to the state treasurer and by him credited to the motor vehicle fund.

Passed the House March 23, 1977.

Passed the Senate May 10, 1977.

Approved by the Governor May 18, 1977.

Filed in Office of Secretary of State May 18, 1977.

## CHAPTER 38

[Substitute House Bill No. 294]

### CLEAN AIR ACT—HISTORICAL STRUCTURES, WOOD BURNING

AN ACT Relating to historical structures; and adding a new section to chapter 70.94 RCW.

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

**NEW SECTION.** Section 1. There is added to chapter 70.94 RCW a new section to read as follows:

Except as otherwise provided in this section, any building or structure listed on the national register of historic sites, structures, or buildings established pursuant to 80 Stat. 915, 16 U.S.C. Sec. 470a, or on the state register established pursuant to RCW 43.51.770, shall be permitted to burn wood as it would have when it was a functioning facility as an authorized exception to the provisions of this chapter. Such burning of wood shall not be exempted from the provisions of RCW 70.94-.710 through 70.94.730.

Passed the House March 11, 1977.

Passed the Senate May 11, 1977.

Approved by the Governor May 18, 1977.

Filed in Office of Secretary of State May 18, 1977.

## CHAPTER 39

[House Bill No. 879]

### TWO LANE HIGHWAYS—SHOULDER DRIVING

AN ACT Relating to motor vehicles; amending section 46.56.130, chapter 12, Laws of 1961 and RCW 46.61.670; and adding a new section to chapter 46.61 RCW.

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

**NEW SECTION.** Section 1. There is added to chapter 46.61 RCW a new section to read as follows:

(1) The state highway commission and local authorities are authorized to determine those portions of any two-lane highways under their respective jurisdictions on which drivers of slow moving vehicles may safely drive onto improved shoulders for the purpose of allowing overtaking vehicles to pass and may by appropriate signs indicate the beginning and end of such zones.

(2) Where signs are in place to define a driving-on-shoulder zone as set forth in subsection (1) of this section, the driver of a slow moving vehicle may drive onto and along the shoulder within the zone but only for the purpose of allowing overtaking vehicles to pass and then shall return to the roadway.

(3) Signs erected to define a driving-on-shoulder zone shall take precedence over pavement markings for the purpose of allowing the movements described in subsection (2) of this section.

Sec. 2. Section 46.56.130, chapter 12, Laws of 1961 and RCW 46.61.670 are each amended to read as follows:

It shall be unlawful to operate or drive any vehicle or combination of vehicles over or along any pavement or gravel or crushed rock surface on a public highway with one wheel or all of the wheels off the roadway thereof, except as permitted by section 1 of this 1977 amendatory act or for the purpose of stopping off such roadway, or having stopped thereat, for proceeding back onto the pavement, gravel or crushed rock surface thereof.

Passed the House March 23, 1977.

Passed the Senate May 12, 1977.

Approved by the Governor May 18, 1977.

Filed in Office of Secretary of State May 18, 1977.

## CHAPTER 40

[House Bill No. 424]

### WASHINGTON STATE COMMISSION FOR THE BLIND—SERVICES TO THE BLIND

AN ACT Relating to blind persons; establishing the Washington state commission for the blind; amending section 40, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.300; amending section 74.16.170, chapter 26, Laws of 1959 and RCW 74.16.170; amending section 1, chapter 59, Laws of 1967 and RCW 74.16.181; amending section 2, chapter 59, Laws of 1967 and RCW 74.16.183; amending section 74.16.190, chapter 26, Laws of 1959 and RCW 74.16.190; amending section 74.16.300, chapter 26, Laws of 1959 and RCW 74.16.300; amending section 1, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.010; amending section 2, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.020; amending section 4, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.040; adding new sections to chapter 74.16 RCW.

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

NEW SECTION. Section 1. There is added to chapter 74.16 RCW a new section to read as follows:

The purpose of sections 1 through 14 of this 1977 amendatory act is to promote the economic and social welfare of blind persons in the state of Washington, to relieve blind or visually handicapped persons from the distress of poverty through their complete integration into society on the basis of equality, and to encourage and assist blind or visually handicapped persons in their efforts to become economically and socially independent so as to render themselves more self-supporting.

NEW SECTION. Sec. 2. There is added to chapter 74.16 RCW a new section to read as follows:

(1) There is hereby created the Washington state commission for the blind. As used in this chapter, unless the context otherwise requires, "commission" means the Washington state commission for the blind. The commission shall consist of five members of whom at least three shall be blind as defined in RCW 74.16.030(1) as



now existing or hereafter amended. Commission members shall be residents of the state of Washington, and no member shall be an employee of the commission.

(2) The governor shall, with the advise and consent of the senate, appoint members of the commission for terms of three years, except that the initial appointment shall be as follows: (a) Two members for terms of three years; (b) two members for terms of two years; and (c) one member for a term of one year. All vacancies in the membership of the commission shall only be filled for the remainder of the unexpired term.

(3) Commission members shall elect one of their members as chairperson of the commission for a term of one year or until a successor has been elected. The commission chairperson shall preside over meetings to be held at least once every quarter on such date and at such place as may be set by the commission. In addition, a majority of the commission may require such special meetings as may be necessary.

(4) Commission members shall not receive a salary, but shall receive twenty-five dollars for each day or major portion thereof spent in the performance of their official duties, plus reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

**NEW SECTION.** Sec. 3. There is added to chapter 74.16 RCW a new section to read as follows:

(1) The commission shall appoint a director whose function shall be to serve as secretary to the commission and director of programs established by the commission. The commission in appointing such director shall give preference to qualified blind persons and/or persons experienced in working with various programs for the blind. The director of the commission shall be executive head and appointing authority for all activities undertaken in the name of the commission.

(2) The director may appoint such officers as deemed necessary, none of whom shall be members of the commission. Moreover, the director and deputy director, together with their confidential secretaries and any assistant directors shall be exempt from the civil service laws of this state. The director's salary and the salaries of the officers designated in this subsection shall be fixed by the governor, pursuant to the provisions of RCW 43.03.040 in the same manner as salaries are fixed for persons appointed by the governor.

**NEW SECTION.** Sec. 4. There is added to chapter 74.16 RCW a new section to read as follows:

(1) All powers, duties, and functions of the department of social and health services relating to State Services for the Blind are transferred to the commission, along with all facilities, buildings, desks, equipment, files, furniture, supplies, contracts, personnel, records, reports, documents, books, papers, or other writings within the department of social and health services which pertain to such powers, duties, and functions and which are presently vested with State Services for the Blind or as vested in the department of social and health services in the name of services for the blind as administered under RCW 74.16.170, 74.16.181, 74.16.183, 74.16.190, 74.16.300, and chapter 74.17 RCW.

(2) All appropriations and funds allocated to the department of social and health services and/or to any other department for such services to the blind as are set forth in subsection (1) of this section are transferred to the commission.

(3) All transfer of funds and/or any tangible property, under subsections (1) and (2) of this section, shall be executed as efficiently and expeditiously as possible. Whenever any question arises with respect to the transfers referred to herein, the director of program planning and fiscal management shall make a determination as to the proper allocation and verify the same to the affected state agencies.

NEW SECTION. Sec. 5. There is added to chapter 74.16 RCW a new section to read as follows:

The commission, through the director, shall serve as the sole agency of the state for contracting for and disbursement of all federal and state funds appropriated for any and all programs and services established by and within the jurisdiction of this chapter or chapter 74.17 RCW. The director, in the name of the commission, shall make such reports and render such accounting as may be required including a biennial report to the governor and the legislature, which report shall include a summary of all rules and regulations adopted pursuant to this chapter.

NEW SECTION. Sec. 6. There is added to chapter 74.16 RCW a new section to read as follows:

The commission, through the director, shall serve as the sole agency of the state in preparing, adopting, and certifying state plans, rules, and regulations for services for the blind and visually handicapped, as set forth in this chapter and in seeking federal funds for same.

NEW SECTION. Sec. 7. There is added to chapter 74.16 RCW a new section to read as follows:

The commission shall be responsible for all negotiations with the federal government regarding the Randolph Sheppard Act (P.L. 93-516, 88 Stat. 1622 Title 2).

NEW SECTION. Sec. 8. There is added to chapter 74.16 RCW a new section to read as follows:

The director, in the name of the commission, may accept contributions or gifts in cash or otherwise from persons, associations, or corporations. Contributions and gifts shall be disbursed, under section 5 of this 1977 amendatory act, in the same manner as moneys appropriated for implementing the purposes of this chapter. However, the donor of such gifts may stipulate the manner in which such gifts shall be expended.

NEW SECTION. Sec. 9. There is added to chapter 74.16 RCW a new section to read as follows:

To effectively carry out the intent and purposes of sections 1 through 14 of this 1977 amendatory act any conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, or any rule or regulation promulgated thereunder, shall be resolved in favor of sections 1 through 14 of this 1977 amendatory act.

NEW SECTION. Sec. 10. There is added to chapter 74.16 RCW a new section to read as follows:

(1) The commission may employ qualified educational consultants to assist public or private school teachers responsible for teaching visually handicapped students. Educational consultants shall assist public and private school teachers by providing methods and materials for teaching visually handicapped students. The superintendent of public instruction shall inform the commission of all schools having visually handicapped students enrolled therein.

(2) The director shall be the liaison between the commission, the state school for the blind, the superintendent of public instruction, and the department of social and health services and shall coordinate all programs affecting blind students.

NEW SECTION. Sec. 11. There is added to chapter 74.16 RCW a new section to read as follows:

Nothing in this chapter shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining contract or agreement until such contract or agreement has expired or until the state personnel board, as provided by law, modifies the bargaining unit.

NEW SECTION. Sec. 12. There is added to chapter 74.16 RCW a new section to read as follows:

(1) An applicant for services to the blind may be required to submit to an eye examination. Such examination shall be performed by an ophthalmologist or physician skilled in diseases of the eye or by a licensed optometrist and may be provided without charge to the applicant for services to the blind. Unless other funds are available, all examinations shall be paid for by the commission.

(2) The commission may contract with the department of social and health services to provide eye examinations for applicants for aid to the blind. The cost of such examinations will be paid for by the department of social and health services.

NEW SECTION. Sec. 13. There is added to chapter 74.16 RCW a new section to read as follows:

(1) Every person aggrieved by a decision or action or inaction of the commission shall be granted, upon request, an administrative review of such decision or action or inaction. A hearing shall be held and a decision rendered by the commission or its designee within fifteen days of receipt of a request for administrative review. All hearings held pursuant to this section shall be conducted in the county in which the applicant resides, and a transcript of the testimony shall be made and included in the record, the cost of which shall be borne by the commission.

(2) A copy of this transcript shall be made available to the aggrieved party or his attorney of record upon written request.

(3) Unless this chapter specifically provides otherwise, the administrative procedure act, chapter 34.04 RCW, shall whenever applicable herein govern the rights, remedies, and procedures with respect to the administration of this chapter.

NEW SECTION. Sec. 14. There is added to chapter 74.16 RCW a new section to read as follows:

(1) A person aggrieved by the decision rendered in a hearing held pursuant to section 13 of this 1977 amendatory act, shall have the right to petition the superior court for judicial review pursuant to chapter 34.04 RCW.

(2) An aggrieved party may secure review of any final judgment under this chapter by appeal to the supreme court or the court of appeals.

(3) The appellant under this section, shall not be required to post bond or to pay any filing fees with respect to such appeal. In addition, an appellant receiving a favorable decision upon appeal under this section, shall be entitled to reasonable attorney's fees and costs.

Sec. 15. Section 40, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.300 are each amended to read as follows:

Except as provided in section 5 of this 1977 amendatory act, the department of social and health services shall serve as the sole agency of the state for the receipt of federal funds made available by acts of congress for vocational rehabilitation within this state.

Sec. 16. Section 74.16.170, chapter 26, Laws of 1959 and RCW 74.16.170 are each amended to read as follows:

In cooperation with the department of ~~((public))~~ social and health services, there shall be established and maintained such service as is needed looking toward the prevention of blindness, the purpose of which shall be to determine the causes of blindness, and to inaugurate and cooperate in any preventive measures for the state of Washington as may appear practicable. Whenever a blind or partially blind person can be benefited by medical or surgical treatment for which he is unable to pay, arrangement shall be made for an examination, with the consent of the individual, and for the necessary treatment by an ophthalmologist or physician skilled in the diseases of the eye.

Sec. 17. Section 1, chapter 59, Laws of 1967 and RCW 74.16.181 are each amended to read as follows:

The ~~((department of public assistance, services for the blind,))~~ commission may maintain or cause to be maintained ~~((in cooperation with the division of vocational rehabilitation of the state department of public instruction))~~ a program of services to assist visually handicapped persons to overcome vocational handicaps and to obtain the maximum degree of self-support and self-care~~((;))~~. Services provided for under this section may be furnished to clients from other agencies of this or other states for a fee which shall not be less than the actual costs of such services. Under ((which)) such program the ((department)) commission may:

(1) Furnish diagnostic evaluation to determine the nature and scope of services to be provided.

(2) Provide physical restoration to eliminate or minimize the effects of the handicap.

(3) Provide for special education and/or training in the professions, business or trades under a vocational rehabilitation plan, and if the same cannot be obtained within the state, provisions shall be made for such purposes outside of the state. Living maintenance during the period of such education and/or training within or without the state may be furnished.

(4) Establish, construct, and/or maintain one or more rehabilitation centers, training centers and/or workshops to teach visually handicapped persons to prepare for and maintain trades or occupations when such training is feasible and will contribute to the efficiency and/or support of such visually handicapped persons, to provide employment for them and to devise means for the sale and distribution of their products.

(5) Provide teacher-counselor services and teaching of subjects which will assist visually handicapped persons in the ease and enjoyment of daily living.

(6) Place visually handicapped persons in jobs and/or business enterprises in accordance with the abilities and interests of the applicant therefor.

(7) Teach visually handicapped persons trades or occupations which may be followed in their homes and to assist them in whatever manner may seem advisable in disposing of the products of their home industries.

(8) Aid individual visually handicapped persons or groups of visually handicapped persons to engage in gainful occupations by furnishing materials, equipment, goods or services to them, by providing such financial assistance as may be necessary to encourage and equip them to reach an objective established ~~((for))~~ with them by the agency.

~~((9) Services provided for under this section may be furnished to clients from other agencies of this or other states for a fee which shall not be less than the actual costs of such services.))~~

Sec. 18. Section 2, chapter 59, Laws of 1967 and RCW 74.16.183 are each amended to read as follows:

An applicant for ~~((vocational rehabilitation))~~ services from the commission must be an applicant:

Who has no vision or whose vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential or who has an eye condition of a progressive nature which may lead to blindness.

Sec. 19. Section 74.16.190, chapter 26, Laws of 1959 and RCW 74.16.190 are each amended to read as follows:

The ~~((department))~~ commission may create an operating fund of fifteen thousand dollars from any money appropriated for the blind to be used to create a home industries revolving fund for the purpose of advancing the cost of production and wages for the blind engaged in industry under the supervision of the ~~((department))~~ commission and to promote the sale of articles produced by such industry. All moneys received from the sale of articles produced in industries of the blind under the supervision of the ~~((department))~~ commission shall be deposited in the home industries revolving fund.

Sec. 20. Section 74.16.300, chapter 26, Laws of 1959 and RCW 74.16.300 are each amended to read as follows:

The ~~((department))~~ commission is authorized to provide social and related services as are reasonably necessary to the end that applicants for or recipients of aid to the blind assistance are helped to attain self-care.

Sec. 21. Section 1, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.010 are each amended to read as follows:

The terms defined in this section shall have the indicated meanings when used in this chapter.

(1) ~~(("Department" means the department of social and health services))~~  
"Commission" means the Washington state commission for the blind.

(2) "Blind person" means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to

such a degree that its widest diameter subtends an angle of no greater than twenty degrees. In determining whether an individual is blind there shall be an examination by a physician skilled in diseases of the eye, or by an optometrist, whichever the individual shall select.

(3) "Licensee" means a blind person licensed by the state of Washington pursuant to federal law, 49 Stat. 1559, as amended, 20 U.S.C. sec. 107, this chapter, and the rules and regulations issued hereunder.

(4) "Public building" means any building owned by the state of Washington or any political subdivision thereof and any space leased by the state of Washington or any political subdivision thereof in any privately owned building and designated by the ~~((department))~~ commission as being appropriate for inclusion in the business enterprises program: PROVIDED, HOWEVER, That any vending facility or vending machine under the jurisdiction and control of another established state or local board or authority responsible for its maintenance and operation shall not be designated without the consent and approval of such state or local board or authority.

(5) "Vending facility" means any vending stand, facility, cafeteria, or snack bar at which food, tobacco, or sundries are offered for sale.

(6) "Vending machine" means any coin operated machine offering food, tobacco, or sundries for sale.

(7) "Business enterprises program" is that program operated by the ~~((department))~~ commission pursuant to applicable federal law and this chapter in support of blind persons operating vending businesses in public buildings.

Sec. 22. Section 2, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.020 are each amended to read as follows:

(1) The ~~((department))~~ commission is authorized to license blind persons for the operation of vending facilities and machines on federal property and in public buildings.

(2) The state, political subdivisions thereof, and agencies of the state or political subdivisions thereof shall give priority to licensees in the operation of vending facilities and machines in a public building.

Sec. 23. Section 4, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.040 are each amended to read as follows:

(1) The ~~((department))~~ commission shall promulgate rules ~~((and regulations))~~ necessary to implement this chapter.

(2) This chapter and rules promulgated thereunder shall not apply to any franchise, concession, or contract governing operation of a vending facility in a public building if such franchise, concession, or contract was in existence immediately prior to September 8, 1975.

NEW SECTION. Sec. 24. The Washington state commission for the blind and its operations shall expire automatically on June 30, 1983, unless such expiration date be removed or extended by subsequent action of the legislature.

**NEW SECTION.** Sec. 25. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House April 22, 1977.

Passed the Senate May 11, 1977.

Approved by the Governor May 20, 1977.

Filed in Office of Secretary of State May 20, 1977.

## CHAPTER 41

[House Bill No. 335]

### CITIES AND TOWNS—SECOND, THIRD OR FOURTH CLASS—PUBLIC BIDS

AN ACT Relating to cities and towns; and amending section 35.23.352, chapter 7, Laws of 1965 as last amended by section 2, chapter 74, Laws of 1974 ex. sess. and RCW 35.23.352.

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

Section 1. Section 35.23.352, chapter 7, Laws of 1965 as last amended by section 2, chapter 74, Laws of 1974 ex. sess. and RCW 35.23.352 are each amended to read as follows:

Any city or town of the second, third or fourth class may construct any public work or improvement by contract or day labor without calling for bids therefor whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment will not exceed the sum of five thousand dollars. Whenever the cost of such public work or improvement, including materials, supplies and equipment, will exceed five thousand dollars, the same shall be done by contract. All such contracts shall be let at public bidding upon posting notice calling for sealed bids upon the work. Such notice thereof shall be posted in a public place in the city or town and by publication in the official newspaper once each week for two consecutive weeks before the date fixed for opening the bids. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. If there is no official newspaper the notice shall be published in a newspaper published or of general circulation in the city or town. The city council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call (~~(, or if in its judgment the improvement or work, including the purchase of supplies, material and equipment, can be done by the city at less cost than the lowest bid submitted it may do so without making a further call for bids or awarding any contract therefor and in such case all such bid proposal deposits shall be returned to the bidder, but if)~~). When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond

to perform the work furnished, with surety satisfactory to the council or commission, in the full amount of the contract price. If the bidder fails to enter into the contract in accordance with his bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond. If no bid is received on the first call the city council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform such work or improvement by day labor.

Any purchase of supplies, material, equipment or services other than professional services, except for public work or improvement, where the cost thereof exceeds two thousand dollars shall be made upon call for bids in the same method and under the same conditions as required herein on a call for bids for public work or improvement.

Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper published or of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

Passed the House March 17, 1977.

Passed the Senate May 12, 1977.

Approved by the Governor May 20, 1977.

Filed in Office of Secretary of State May 20, 1977.

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## CHAPTER 42

[House Bill No. 580]

### TELEPHONE OR TELEGRAPH—FRAUDULENT USE—PENALTY

AN ACT Relating to crimes; amending section 1, chapter 114, Laws of 1955 as last amended by section 2, chapter 160, Laws of 1974 ex. sess. and RCW 9.45.240; and providing penalties.

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

Section 1. Section 1, chapter 114, Laws of 1955 as last amended by section 2, chapter 160, Laws of 1974 ex. sess. and RCW 9.45.240 are each amended to read as follows:

(1) Every person who, with intent to evade the provisions of any order of the Washington utilities and transportation commission or of any tariff, rule, or regulation lawfully filed with said commission by any telephone or telegraph company, or with intent to defraud, obtains telephone or telegraph service from any telephone or telegraph company through the use of a false or fictitious name or telephone number or the unauthorized use of the name or telephone number of another, or through any other trick, deceit, or fraudulent device, shall be guilty of a misdemeanor: PROVIDED, HOWEVER, That if the value of the telephone or telegraph service which any person obtains in violation of this section during a period of ninety days exceeds seventy-five dollars in the aggregate, then such person shall be guilty of a gross misdemeanor: PROVIDED FURTHER, That as to any act which constitutes a violation of both this subsection and ((RCW 9.26A.050)) subsection



(2) of this section the provisions of (~~RCW 9.26A.050~~) subsection (2) of this section shall be exclusive.

(2) Every person who:

(a) Makes, possesses, sells, gives, or otherwise transfers to another an instrument, apparatus, or device with intent to use it or with knowledge or reason to believe it is intended to be used to avoid any lawful telephone or telegraph toll charge or to conceal the existence or place of origin or destination of any telephone or telegraph message; or

(b) Sells, gives, or otherwise transfers to another plans or instructions for making or assembling an instrument, apparatus, or device described in subparagraph (a) of this subsection with knowledge or reason to believe that they may be used to make or assemble such instrument, apparatus, or device shall be guilty of a (~~gross misdemeanor~~) felony.

Passed the House March 31, 1977.

Passed the Senate May 11, 1977.

Approved by the Governor May 20, 1977.

Filed in Office of Secretary of State May 20, 1977.

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## CHAPTER 43

[Senate Bill No. 2002]

### PENAL INSTITUTIONS—CONTROLLED SUBSTANCES, POSSESSION, ETC.— PENALTY

AN ACT Relating to penal institutions; amending section 18, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9.94.040; and prescribing a penalty.

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

Section 1. Section 18, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9.94.040 are each amended to read as follows:

Every person serving a sentence in any penal institution of this state who, while in such penal institution or while being conveyed to or from such penal institution, or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place, or while under the custody of institution officials, officers, or employees, possesses or carries upon his person or has under his control any narcotic drug or controlled substance as defined in chapter 69.50 RCW, any alcoholic beverage, or any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another, is guilty of a felony punishable by imprisonment for not more than five years, which shall be in addition to the sentence being served.

Passed the Senate May 3, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

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

## CHAPTER 44

[Engrossed Senate Bill No. 2108]

## PUBLIC TRANSPORTATION—BENEFIT AREAS—FEASIBILITY STUDIES, SUPPORT

AN ACT Relating to public transportation; amending section 13, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.030; amending section 15, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.050; amending section 19, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.090; amending section 20, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.100; amending section 26, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.160; adding a new section to chapter 35.58 RCW; declaring an emergency; and providing an effective date.

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

Section 1. Section 13, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A.030 are each amended to read as follows:

Any conference which finds it desirable to establish a public transportation benefit area or change the boundaries of any existing public transportation benefit area shall fix a date for a public hearing thereon, or the legislative bodies of any two or more component cities or the county legislative body by resolution may require the public transportation improvement conference to fix a date for a public hearing thereon. Prior to the convening of the public hearing, the county governing body shall delineate the area of the county proposed to be included within the transportation benefit area, and shall furnish a copy of such delineation to each incorporated city within such area. Each city shall advise the county governing body, on a preliminary basis, of its desire to be included or excluded from the transportation benefit area. The county governing body shall cause the delineations to be revised to reflect the wishes of such incorporated cities. This delineation shall be considered by the conference at the public hearing for inclusion in the public transportation benefit area.

Notice of such hearing shall be published once a week for at least four consecutive weeks in one or more newspapers of general circulation within the area. The notice shall contain a description and map of the boundaries of the proposed public transportation benefit area and shall state the time and place of the hearing and the fact that any changes in the boundaries of the public transportation benefit area will be considered at such time and place. At such hearing or any continuation thereof, any interested person may appear and be heard on all matters relating to the effect of the formation of the proposed public transportation benefit area.

The conference may make such changes in the boundaries of the public transportation benefit area as they shall deem reasonable and proper, but may not delete any portion of the proposed area which will create an island of included or excluded lands, and may not delete a portion of any city. If the conference shall determine that any additional territory should be included in the public transportation benefit area, a second hearing shall be held and notice given in the same manner as for the original hearing. The conference may adjourn the hearing on the formation of a public transportation benefit area from time to time not exceeding thirty days in all.

~~((At the next regular meeting))~~ Following the conclusion of such hearing the conference shall adopt a resolution fixing the boundaries of the proposed public transportation benefit area, declaring that the formation of the proposed public

transportation benefit area will be conducive to the welfare and benefit of the persons and property therein.

Within thirty days of the adoption of such conference resolution, the county legislative authority of each county wherein a conference has established proposed boundaries of a public transportation benefit area, may by resolution, upon making a legislative finding that the proposed benefit area includes portions of the county which could not be reasonably expected to benefit from such benefit area or excludes portions of the county which could be reasonably expected to benefit from its creation, disapprove and terminate the establishment of such public transportation benefit area within such county.

Sec. 2. Section 15, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A-.050 are each amended to read as follows:

Within sixty days of the establishment of the boundaries of the public transportation benefit area the county commissioners and elected representatives of cities within the area shall provide for the selection of the governing body of such area, the public transportation benefit area authority, which shall consist of elected officials selected by and serving at the pleasure of the governing bodies of component cities within the area and the county commissioners of each county within the area.

Within such sixty day period, the legislative body of any city may by resolution of its legislative body withdraw from participation in the public transportation benefit area. The county legislative authority and each city remaining in the public transportation benefit area may disapprove and prevent the establishment of any governing body of a public transportation benefit area if the composition thereof does not meet its approval.

In no case shall the governing body of a single county public transportation benefit area be greater than nine members and in the case of a multicounty area, fifteen members. Those cities within the transportation benefit area and excluded from direct membership on the authority are hereby authorized to designate a member of the authority who shall be entitled to represent the interests of such city which is excluded from direct membership on the authority. The legislative body of such city shall notify the authority as to the determination of its authorized representative on the authority.

Any member of the authority who is an elected official and whose office is not a full time position (~~shall~~) may receive (~~(forty dollars)~~ payment for subsistence and lodging at the rate prescribed for legislators in RCW 44.04.080 as now existing or hereafter amended for each day attending official meetings of the authority.

Sec. 3. Section 19, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A-.090 are each amended to read as follows:

A public transportation benefit area authority shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare, adopt and carry out a general comprehensive plan for public transportation service which will best serve the residents of the public transportation benefit area and to amend said plan from time to time to meet changed conditions and requirements.

(2) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of transportation facilities and properties within or without the public transportation benefit area or the state, including systems of surface, underground or overhead railways, tramways, buses, or any other means of local transportation except taxis, and including escalators, moving sidewalks or other people-moving systems, passenger terminal and parking facilities and properties and such other facilities and properties as may be necessary for passenger and vehicular access to and from such people-moving systems, terminal and parking facilities and properties, together with all lands, rights of way, property, equipment and accessories necessary for such systems and facilities. Public transportation facilities and properties which are owned by any city may be acquired or used by the public transportation benefit area authority only with the consent of the city council of the city owning such facilities. Cities are hereby authorized to convey or lease such facilities to a public transportation benefit area authority or to contract for their joint use on such terms as may be fixed by agreement between the city council of such city and the public transportation benefit area authority, without submitting the matter to the voters of such city.

The facilities and properties of a public transportation benefit area system whose vehicles will operate primarily within the rights of way of public streets, roads or highways, may be acquired, developed and operated without the corridor and design hearings which are required by RCW 35.58.273, as now or hereafter amended, for mass transit facilities operating on a separate right of way.

(3) To fix rates, tolls, fares and charges for the use of such facilities and to establish various routes and classes of service.

In the event any ((public transportation benefit area shall extend its public transportation services to any area of service already offered by any company)) person holding a certificate of public convenience and necessity from the Washington utilities and transportation commission(;) under RCW 81.68.040 ((it shall)) has operated under such certificate for a continuous period of one year prior to the date of certification and is offering service within the public transportation benefit area on the date of the certification by the county canvassing board that a majority of votes cast authorize a tax to be levied and collected by the public transportation benefit area authority, such authority may by purchase or condemnation acquire at the fair market value, from the person holding the existing certificate for providing the services, that portion of the operating authority and equipment representing the services within the area of public operation. The person holding such existing certificate may require the public transportation benefit area authority to initiate such purchase of those assets of such person, existing as of the date of the county canvassing board certification, within sixty days after the date of such certification.

Sec. 4. Section 20, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A-.100 are each amended to read as follows:

Except in accordance with an agreement made as provided in this section or in accordance with the provisions of RCW 36.57A.090(3) as now or hereafter amended, upon the effective date on which the public transportation benefit area

commences to perform the public transportation service, no person or private corporation shall operate a local public passenger transportation service within the public transportation benefit area with the exception of taxis, buses owned or operated by a school district or private school, and buses owned or operated by any corporation or organization solely for the purposes of the corporation or organization and for the use of which no fee or fare is charged.

An agreement may be entered into between the public transportation benefit area authority and any person or corporation legally operating a local public passenger transportation service wholly within or partly within and partly without the public transportation benefit area and on said effective date under which such person or corporation may continue to operate such service or any part thereof for such time and upon such terms and conditions as provided in such agreement. Such agreement shall provide for a periodic review of the terms and conditions contained therein. Where any such local public passenger transportation service will be required to cease to operate within the public transportation benefit area, the public transportation benefit area authority may agree with the owner of such service to purchase the assets used in providing such service, or if no agreement can be reached, the public transportation benefit area authority shall condemn such assets in the manner and by the same procedure as is or may be provided by law for the condemnation of other properties for cities of the first class, except insofar as such laws may be inconsistent with the provisions of this chapter.

Wherever a privately owned public carrier operates wholly or partly within a public transportation benefit area, the Washington utilities and transportation commission shall continue to exercise jurisdiction over such operation as provided by law.

Sec. 5. Section 26, chapter 270, Laws of 1975 1st ex. sess. and RCW 36.57A-.160 are each amended to read as follows:

A public transportation benefit area established pursuant to this chapter may be dissolved and its affairs liquidated when so directed by a majority of persons in the benefit area voting on such question. An election placing such question before the voters may be called in the following manner:

- (1) By resolution of the public transportation benefit area authority;
- (2) By resolution of the county legislative body or bodies with the concurrence therein by resolution of the city council of a component city; or
- (3) By petition calling for such election signed by at least ten percent of the qualified voters residing within the area filed with ~~((the))~~ the auditor of the county wherein the largest portion of the public transportation benefit area is located. The auditor shall examine the same and certify to the sufficiency of the signatures thereon: PROVIDED, That to be validated, signatures must have been collected within a ninety day period as designated by the petition sponsors.

~~((With dissolution of the benefit area, any outstanding obligations and bonded indebtedness of the public transportation benefit area shall be satisfied or allocated by mutual agreement to the county or counties and component cities of the public transportation benefit area.))~~ Any dissolution of a public transportation benefit area authority shall be carried out in accordance with the procedures in chapter 53.48 RCW. Any remaining deficit of the authority determined pursuant to RCW

53.48.080 shall be paid from the moneys collected from the tax source under which the authority operated.

NEW SECTION. Sec. 6. There is added to chapter 35.58 RCW a new section to read as follows:

Any municipality, as defined in RCW 35.95.020, may be eligible to receive a one-time advanced financial support payment to perform a feasibility study to determine the need for public transportation to serve its residents. This payment shall be governed by the following conditions:

(1) The payment shall precede any advanced financial support payment to develop a plan pursuant to RCW 36.57A.150;

(2) The amount of such payment shall be commensurate with the number of residents in and the size of the land area of such municipality and shall not exceed thirty-five thousand dollars; and

(3) Repayment of an advanced financial support payment shall be made to the public transportation account in the general fund, or, if such account does not exist, to the general fund by the municipality within two years after the date such advanced payment was received. The study shall be completed within one year after the date such advanced payment was received. The study and its recommendations shall then be presented to the legislative authority of the municipality. Within six months of its receipt of the study and its recommendations, the legislative authority shall pass a resolution adopting or rejecting all or part of the study. A copy of the resolution shall be transmitted to the state agency administering this section. Such repayment shall be waived within two years of the date such advanced payment was received if the legislative authority or the voters in such municipality do not elect to levy and collect taxes to support public transportation in their area. Such repayment shall not be waived in the event any of the provisions of this subsection are not followed.

The state transportation commission, or, if such does not exist, the planning and community affairs agency shall provide technical assistance in the preparation of feasibility studies, and shall adopt reasonable rules and regulations to carry out the provisions of this section.

NEW SECTION. Sec. 7. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977.

Passed the Senate May 12, 1977.

Passed the House May 9, 1977.

Approved by the Governor May 24, 1977.

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

## CHAPTER 45

[Engrossed Senate Bill No. 2122]

## FOREIGN JUDGMENTS

AN ACT Relating to civil procedure; adding new sections to chapter 6.36 RCW; repealing section 2, chapter 191, Laws of 1953 and RCW 6.36.020; repealing section 3, chapter 191, Laws of 1953 and RCW 6.36.030; repealing section 4, chapter 191, Laws of 1953 and RCW 6.36.040; repealing section 5, chapter 191, Laws of 1953 and RCW 6.36.050; repealing section 6, chapter 191, Laws of 1953 and RCW 6.36.060; repealing section 7, chapter 191, Laws of 1953 and RCW 6.36.070; repealing section 8, chapter 191, Laws of 1953 and RCW 6.36.080; repealing section 9, chapter 191, Laws of 1953 and RCW 6.36.090; repealing section 10, chapter 191, Laws of 1953 and RCW 6.36.100; repealing section 11, chapter 191, Laws of 1953 and RCW 6.36.110; and repealing section 12, chapter 191, Laws of 1953 and RCW 6.36.120.

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

**NEW SECTION.** Section 1. A copy of any foreign judgment authenticated in accordance with the act of congress or the statutes of this state may be filed in the office of the clerk of any superior court of any county of this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the superior court of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses, set-offs, counterclaims, cross-complaints, and proceedings for reopening, vacating, or staying as a judgment of a superior court of this state and may be enforced or satisfied in like manner.

**NEW SECTION.** Sec. 2. (1) At the time of the filing of the foreign judgment, the judgment creditor or the judgment creditor's lawyer shall make and file with the clerk of court an affidavit setting forth the name and last known post office address of the judgment debtor, and the judgment creditor.

(2) Promptly upon the filing of the foreign judgment and the affidavit, the clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice shall include the name and post office address of the judgment creditor and the judgment creditor's lawyer if any in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

(3) No execution or other process for enforcement of a foreign judgment filed hereunder shall issue until ten days after the date the judgment is filed or until ten days after mailing the notice of filing, whether mailed by the clerk or judgment debtor, whichever is later.

**NEW SECTION.** Sec. 3. (1) If the judgment debtor shows the superior court of any county that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the state in which it was rendered.

(2) If the judgment debtor shows the superior court of any county any ground upon which enforcement of a judgment of a superior court of any county of this

state would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this state.

**NEW SECTION.** Sec. 4. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 191, Laws of 1953 and RCW 6.36.020;
- (2) Section 3, chapter 191, Laws of 1953 and RCW 6.36.030;
- (3) Section 4, chapter 191, Laws of 1953 and RCW 6.36.040;
- (4) Section 5, chapter 191, Laws of 1953 and RCW 6.36.050;
- (5) Section 6, chapter 191, Laws of 1953 and RCW 6.36.060;
- (6) Section 7, chapter 191, Laws of 1953 and RCW 6.36.070;
- (7) Section 8, chapter 191, Laws of 1953 and RCW 6.36.080;
- (8) Section 9, chapter 191, Laws of 1953 and RCW 6.36.090;
- (9) Section 10, chapter 191, Laws of 1953 and RCW 6.36.100;
- (10) Section 11, chapter 191, Laws of 1953 and RCW 6.36.110; and
- (11) Section 12, chapter 191, Laws of 1953 and RCW 6.36.120.

**NEW SECTION.** Sec. 5. Sections 1 through 3 of this 1977 act shall each be added to chapter 6.36 RCW.

Passed the Senate May 12, 1977.

Passed the House May 9, 1977.

Approved by the Governor May 24, 1977.

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

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## CHAPTER 46

[Substitute Senate Bill No. 2125]

### RAILROAD BRIDGES AND TRESTLES—WALKWAYS AND HANDRAILS

AN ACT Relating to railway bridges; and amending section 81.44.020, chapter 14, Laws of 1961 and RCW 81.44.020.

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

Section 1. Section 81.44.020, chapter 14, Laws of 1961 and RCW 81.44.020 are each amended to read as follows:

If upon investigation the commission shall find that the equipment or appliances in connection therewith, or the apparatus, tracks, bridges or other structures of any common carrier are defective, and that the operation thereof is dangerous to the employees of such common carrier or to the public, it shall immediately give notice to the superintendent or other officer of such common carrier of the repairs or reconstruction necessary to place the same in a safe condition, and may also prescribe the rate of speed for trains or cars passing over such dangerous or defective track, bridge or other structure until the repairs or reconstruction required are made, and may also prescribe the time within which the same shall be made. Or if, in its opinion, it is needful or proper, it may forbid the running of trains or cars over any defective track, bridge or structure until the same be repaired and placed in a safe condition. Failure of a railroad bridge or trestle to be equipped with walkways and handrails may be identified as an unsafe or defective condition under this section after hearing had by the commission upon complaint or on its own motion. The commission in making such determination shall balance considerations of employee



and public safety with the potential for increased danger to the public resulting from adding such walkways or handrails to railway bridges: PROVIDED, That a railroad company shall not be liable for injury to or death of any person occurring on or about any railway bridge or trestle if such person was not a railway employee but was a trespasser or was otherwise not authorized to be in the location where such injury or death occurred.

There shall be no appeal from or action to review any order of the commission made under the provisions of this section if the commission finds that immediate compliance is necessary for the protection of employees or the public.

Passed the Senate March 25, 1977.

Passed the House May 13, 1977.

Approved by the Governor May 24, 1977.

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

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## CHAPTER 47

[Senate Bill No. 2180]

### WATER COMPANIES

AN ACT Relating to water companies; and amending section 80.04.010, chapter 14, Laws of 1961 as amended by section 1, chapter 59, Laws of 1963 and RCW 80.04.010.

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

Section 1. Section 80.04.010, chapter 14, Laws of 1961 as amended by section 1, chapter 59, Laws of 1963 and RCW 80.04.010 are each amended to read as follows:

As used in this title, unless specifically defined otherwise or unless the context indicates otherwise:

"Commission" means the utilities and transportation commission.

"Commissioner" means one of the members of such commission.

"Corporation" includes a corporation, company, association or joint stock association.

"Person" includes an individual, a firm or copartnership.

"Gas plant" includes all real estate, fixtures and personal property, owned, leased, controlled, used or to be used for or in connection with the transmission, distribution, sale or furnishing of natural gas, or the manufacture, transmission, distribution, sale or furnishing of other type gas, for light, heat or power.

"Gas company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receiver appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any gas plant within this state.

"Electric plant" includes all real estate, fixtures and personal property operated, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light, heat, or power for hire; and any conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

"Electrical company" includes any corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever (other than a railroad or street railroad company generating electricity solely for railroad or street railroad purposes or for the use of its tenants and not for sale to others), and every city or town owning, operating or managing any electric plant for hire within this state.

"Telephone company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town owning, operating or managing any telephone line or part of telephone line used in the conduct of the business of affording telephonic communication for hire within this state.

"Telephone line" includes conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated, owned or controlled by any telephone company to facilitate the business of affording telephonic communication.

"Telegraph company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating or managing any telegraph line or part of telegraph line used in the conduct of the business of affording for hire communication by telegraph within this state.

"Telegraph line" includes conduits, poles, wire, cables, cross-arms, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated or owned by any telegraph company to facilitate the business of affording communication by telegraph.

"Water system" includes all real estate, easements, fixtures, personal property, dams, dikes, head gates, weirs, canals, reservoirs, flumes or other structures or appliances operated, owned, used or to be used for or in connection with or to facilitate the supply, storage, distribution, sale, furnishing, diversion, carriage, apportionment or measurement of water for power, irrigation, reclamation, manufacturing, municipal, domestic or other beneficial uses for hire.

"Water company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town owning, controlling, operating, or managing any water system for hire within this state: **PROVIDED**, That it shall not include any water system serving less than sixty customers where the average annual gross revenue per customer does not exceed ((sixty)) one hundred twenty dollars per year.

"Public service company" includes every gas company, electrical company, telephone company, telegraph company and water company.

The term "service" is used in this title in its broadest and most inclusive sense.

Passed the Senate March 15, 1977.

Passed the House May 13, 1977.

Approved by the Governor May 24, 1977.

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

CHAPTER 48  
[Senate Bill No. 2182]  
TRANSPORTATION COMPANIES—REGULATORY FEES

AN ACT Relating to transportation; amending section 81.24.010, chapter 14, Laws of 1961 as last amended by section 6, chapter 210, Laws of 1969 ex. sess. and RCW 81.24.010; and amending section 19, chapter 150, Laws of 1965 as amended by section 14, chapter 132, Laws of 1969 and RCW 81.70.180.

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

Section 1. Section 81.24.010, chapter 14, Laws of 1961 as last amended by section 6, chapter 210, Laws of 1969 ex. sess. and RCW 81.24.010 are each amended to read as follows:

Every company subject to regulation by the commission, except auto transportation companies, steamboat companies, wharfingers or warehousemen, motor freight carriers, and storage warehousemen shall, on or before the first day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to one-tenth of one percent of the first fifty thousand dollars of gross operating revenue, plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars, except railroad companies which shall each pay to the commission a fee equal to ~~((six-tenths of one))~~ one and one-half percent of its intrastate gross operating revenue: PROVIDED, That the fee shall in no case be less than one dollar.

The percentage rates of gross operating revenue to be paid in any one year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose such companies shall be classified as follows: Railroad, express, sleeping car, and toll bridge companies shall constitute class two. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

Sec. 2. Section 19, chapter 150, Laws of 1965 as amended by section 14, chapter 132, Laws of 1969 and RCW 81.70.180 are each amended to read as follows:

Every charter party carrier of passengers shall, between the first and fifteenth days of January, April, July and October of each year, file with the commission a statement showing its gross operating revenue from intrastate operations for the preceding three months, or portion thereof, and pay to the commission a fee of ~~((two-fifths))~~ four-fifths of one percent of the amount of gross operating revenue: PROVIDED, That the fee paid shall in no case be less than two dollars and fifty cents: PROVIDED FURTHER, That an "auto transportation company," which is also a charter party carrier of passengers, shall not be required to pay a fee to the commission on gross operating revenue upon which a fee has been paid in accordance with RCW 81.24.020. The percentage rate of gross operating revenue to be paid in any period may be decreased by the commission by general order entered

before the fifteenth day of the month preceding the month in which such fees are due.

Passed the Senate April 14, 1977.

Passed the House May 13, 1977.

Approved by the Governor May 24, 1977.

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

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## CHAPTER 49

[Engrossed Senate Bill No. 2222]

### COURT OF APPEALS—JUDGES

AN ACT Relating to the court of appeals; amending section 2, chapter 221, Laws of 1969 ex. sess. and RCW 2.06.020; amending section 1, chapter 114, Laws of 1973 and RCW 2.06.150; and adding a new section to chapter 2.06 RCW.

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

Section 1. Section 2, chapter 221, Laws of 1969 ex. sess. and RCW 2.06.020 are each amended to read as follows:

The court shall have three divisions, one of which shall be headquartered in Seattle, one of which shall be headquartered in Spokane, and one of which shall be headquartered in Tacoma:

(1) The first division shall have ~~((six))~~ eight judges from three districts, as follows:

(a) District 1 shall consist of King county and shall have ~~((four))~~ six judges;

(b) District 2 shall consist of Snohomish county and shall have one judge; and

(c) District 3 shall consist of Island, San Juan, Skagit and Whatcom counties and shall have one judge.

(2) The second division shall have ~~((three))~~ four judges~~((,-one))~~ from ~~((each of))~~ the following districts:

(a) District 1 shall consist of Pierce county~~((:-))~~ and shall have two judges;

(b) District 2 shall consist of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, and Thurston counties~~((:-))~~ and shall have one judge;

(c) District 3 shall consist of Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum counties and shall have one judge.

(3) The third division shall have ~~((three))~~ four judges~~((,-one))~~ from ~~((each of))~~ the following districts:

(a) District 1 shall consist of Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens counties~~((:-))~~ and shall have two judges;

(b) District 2 shall consist of Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla, and Whitman counties~~((:-))~~ and shall have one judge;

(c) District 3 shall consist of Chelan, Douglas, Kittitas, Klickitat and Yakima counties and shall have one judge.

Sec. 2. Section 1, chapter 114, Laws of 1973 and RCW 2.06.150 are each amended to read as follows:

(1) Whenever necessary for the prompt and orderly administration of justice, the chief justice of the supreme court of the state of Washington may appoint any

regularly elected and qualified judge of the superior court or any retired judge of a court of record in this state to serve as judge pro tempore of the court of appeals: PROVIDED, HOWEVER, That no judge pro tempore appointed to serve on the court of appeals may serve more than ninety days in any one year(~~(: AND PRO-VIDED FURTHER, That the court of appeals shall not utilize the services of judges pro tempore to exceed two hundred forty court days during any one year))~~).

(2) Before entering upon his duties as judge pro tempore of the court of appeals, the appointee shall take and subscribe an oath of office as provided for in Article IV, section 28 of the state Constitution.

NEW SECTION. Sec. 3. There is added to chapter 2.06 RCW a new section to read as follows:

The new judicial positions created pursuant to section 1 of this 1977 amendatory act shall become effective January 1, 1978 and shall be filled by gubernatorial appointment as follows:

- (1) Two shall be appointed to the first division, District 1, King county;
- (2) One shall be appointed to the second division, District 1, Pierce county; and
- (3) One shall be appointed to the third division, District 1, Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens counties.

The persons appointed by the governor shall hold office until the general election to be held in November 1978. Upon taking office the two newly appointed judges in Division 1 shall determine by lot the length of term they will be entitled to run for in the general election of 1977. One term will be for one year or until the second Monday in January 1980, and the other for three years or until the second Monday in January 1982, and until their successors are elected and qualified. Thereafter judges shall be elected for a term of six years and until their successors are elected and qualified, commencing with the second Monday in January succeeding their election. At the general election to be held in November 1978, the judges appointed in Division 2 and Division 3 shall be entitled to run for a term of six years or until the second Monday in January 1985, and until their successors are elected and qualified. Thereafter judges shall be elected for a term of six years and until their successors are elected and qualified, commencing with the second Monday in January succeeding their election.

Passed the Senate March 30, 1977.

Passed the House May 13, 1977.

Approved by the Governor May 24, 1977.

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

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## CHAPTER 50

[Engrossed Senate Bill No. 2254]

### TRAFFIC FATALITIES—BLOOD SAMPLE ANALYSIS—REPORTS

AN ACT Relating to reports of the state toxicologist; and amending section 1, chapter 270, Laws of 1971 ex. sess. and RCW 46.52.065.

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

Section 1. Section 1, chapter 270, Laws of 1971 ex. sess. and RCW 46.52.065 are each amended to read as follows:

Every coroner or other official performing like functions shall submit to the state toxicologist a blood sample taken from all drivers and all pedestrians (~~age fifteen years and older~~) who are killed in any traffic accident where the death occurred within four hours after the accident. Blood samples shall be taken and submitted in the manner prescribed by the state toxicologist. The state toxicologist shall analyze these blood samples to determine the concentration of alcohol and, where feasible, the presence of drugs or other toxic substances. The reports and records of the state toxicologist relating to analyses made pursuant to this section shall be confidential (~~(,and shall not be utilized as evidence in any civil or criminal action, except that the results of these analyses shall be reported to the state patrol, and may be made available to the prosecuting attorney or law enforcement agencies having jurisdiction in any case in which an autopsy or post mortem is performed)~~) : PROVIDED, That the results of these analyses shall be reported to the state patrol and made available to the prosecuting attorney or law enforcement agency having jurisdiction: PROVIDED FURTHER, That the results of these analyses may be admitted in evidence in any civil or criminal action where relevant and shall be made available to the parties to any such litigation on application to the court.

Passed the Senate March 24, 1977.

Passed the House May 13, 1977:

Approved by the Governor May 24, 1977.

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

## CHAPTER 51

[Engrossed Senate Bill No. 2263]

### EMPLOYMENT AGENCIES

AN ACT Relating to employment agencies; amending section 2, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.020; amending section 4, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.040; amending section 6, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.060; amending section 9, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.090; amending section 10, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.100; amending section 11, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.110; amending section 17, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.170; amending section 19, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.190; amending section 20, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.200; adding a new section to chapter 19.31 RCW; and prescribing penalties.

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

Section 1. Section 2, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.020 are each amended to read as follows:

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

(1) "Employment agency" is synonymous with "agency" and shall mean any business in which any part of the (~~(business's)~~) business gross or net income is derived from a fee received from applicants, and in which any of the following activities are engaged in:

(a) The offering, promising, procuring, or attempting to procure employment for applicants; or

(b) The giving of information regarding where and from whom employment may be obtained.

In addition the term "employment agency" shall mean and include any person, bureau, organization, or school which for profit, by advertisement or otherwise, offers, as one of its main objects or purposes, to procure employment for any person who pays for its services, or which collects tuition, or charges for service of any nature, where the main object of the person paying the same is to secure employment. The term "employment agency" shall not include labor union organizations, temporary service contractors, proprietary schools, theatrical agencies, farm labor contractors, or the Washington state employment agency.

(2) "Temporary service contractors" shall mean any person, firm, association, or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part time or temporary help basis to others.

(3) "Theatrical agency" means any person who, for a fee or commission, procures or attempts to procure on behalf of an individual or individuals, employment or engagements for circus, vaudeville, the variety field, the legitimate theater, motion pictures, radio, television, phonograph recordings, transcriptions, opera, concert, ballet, modeling, or other entertainments, exhibitions, or performances.

(4) "Farm labor contractor" means any person, or his agent, who, for a fee, employs workers to render personal services in connection with the production of any farm products, to, for, or under the direction of an employer engaged in the growing, producing, or harvesting of farm products, or who recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing, producing, or harvesting of farm products or who provides in connection with recruiting, soliciting, supplying, or hiring workers engaged in the growing, producing, or harvesting of farm products, one or more of the following services: Furnishes board, lodging, or transportation for such workers, supervises, times, checks, counts, sizes, or otherwise directs or measures their work; or disburses wage payments to such persons.

(5) "Employer" means any person, firm, corporation, partnership, or association employing or seeking to enter into an arrangement to employ a person through the medium or service of an employment agency.

~~((4))~~ (6) "Applicant", except when used to describe an applicant for an employment agency license, means any person, whether employed or unemployed, seeking or entering into any arrangement for his employment or change of his employment through the medium or service of an employment agency.

~~((5))~~ (7) "Person" includes ~~((an))~~ any individual, ((a)) firm, ((a)) corporation, partnership ((or)), association, company, society, manager, contractor, sub-contractor, bureau, agency, service, office, or an agent or employee of any of the foregoing.

~~((6))~~ (8) "Director" shall mean the director of the department of motor vehicles.

Sec. 2. Section 4, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.040 are each amended to read as follows:

An employment agency shall provide each applicant with a copy of the contract between the applicant and employment agency which shall have printed on it or

attached to it a copy of RCW 19.31.170 as now or hereafter amended. Such contract shall contain the following:

- (1) The name, address, and telephone number of the employment agency;
- (2) Trade name if any;
- (3) The date of the contract;
- (4) The name of the applicant;
- (5) The amount of the fee to be charged the applicant, or the method of computation of the fee, and the time and method of payments: **PROVIDED, HOWEVER,** That if (~~any service charge is to be charged~~) the provisions of the contract come within the definition of a "retail installment transaction", as defined in RCW 63.14.010(5) as now or hereafter amended, the contract shall conform to the requirements of chapter 63.14 RCW, as now or hereafter amended;

- (6) A notice in eight-point bold face type or larger directly above the space reserved in the contract for the signature of the buyer. The caption, "NOTICE TO APPLICANT—READ BEFORE SIGNING" shall precede the body of the notice and shall be in ten-point bold face type or larger. The notice shall read as follows:

"This is a contract. If you accept employment with any employer through [name of employment agency] you will be liable for the payment of the fee as set out above. Do not sign this contract before you read it or if any spaces intended for the agreed terms are left blank. You (~~are entitled to~~) must be given a copy of this contract at the time you sign it."

Sec. 3. Section 6, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.060 are each amended to read as follows:

No employment agency shall send any applicant on an interview with a prospective employer without having first obtained, either orally or in writing, a bona fide request from such employer for the interview: **PROVIDED, HOWEVER,** That, it shall be the duty of every employment agency to give to each applicant for employment, orally or in writing, before being sent on an interview, information as to the name and address of the person to whom the applicant is to apply for such employment, the kind of service to be performed, the anticipated rate of wages or compensation, the agency's fee based on such anticipated wages or compensation, whether such employment is permanent or temporary, and the name and address of the natural person authorizing the interviewing of such applicant.

Sec. 4. Section 9, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.090 are each amended to read as follows:

- (1) Before conducting any business as an employment agency each licensee shall file with the director a surety bond in the sum of two thousand dollars running to the state of Washington, for the benefit of any person injured or damaged as a result of any violation by the licensee or his agent of any of the provisions of this chapter or of any rule or regulation adopted by the director pursuant to RCW 19.31.070(1).

- (2) In lieu of the surety bond required by this section the license applicant may file with the director a cash deposit or other negotiable security acceptable to the director: **PROVIDED, HOWEVER,** If the license applicant has filed a cash deposit, the director shall deposit such funds (~~in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall~~



pay annually to the depositor the interest derived from such account)) with the state treasurer. If the license applicant has deposited cash or other negotiable security with the director, the same shall be returned to the licensee at the expiration of one year after the employment agency's license has expired or been revoked, if no legal action has been instituted against the licensee or the surety deposit at the expiration of the year.

(3) Any person having a claim against an employment agency for any violation of the provisions of this chapter or any rule or regulation promulgated thereunder may bring suit upon such bond or deposit in an appropriate court of the county where the office of the employment agency is located or of any county in which jurisdiction of the employment agency may be had. Action upon such bond or deposit shall be commenced by serving and filing of the complaint within one year from the date of expiration of the employment agency license in force at the time the act for which the suit is brought occurred. A copy of the complaint shall be served by registered or certified mail upon the director at the time the suit is started, and the director shall maintain a record, available for public inspection, of all suits so commenced. Such service on the director shall constitute service on the surety and the director shall transmit the complaint or a copy thereof to the surety within five business days after it shall have been received. The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond, but in case claims pending at any one time exceed the amount of the bond, claims shall be satisfied in the order of judgment rendered. In the event that any final judgment shall impair the liability of the surety upon bond so furnished or the amount of the deposit so that there shall not be in effect a bond undertaking or deposit in the full amount prescribed in this section, the director shall suspend the license of such employment agency until the bond undertaking or deposit in the required amount, unimpaired by unsatisfied judgment claims, shall have been furnished.

(4) In the event of a final judgment being entered against the deposit or security referred to in subsection (2) of this section, the director shall, upon receipt of a certified copy of the final judgment, order said judgment to be paid from the amount of the deposit or security.

Sec. 5. Section 10, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.100 are each amended to read as follows:

(1) Every applicant for an employment agency's license or a renewal thereof shall file with the director a written application stating the name and address of the applicant; the street and number of the building in which the business of the employment agency is to be conducted; the name of the person who is to have the general management of the office; the name under which the business of the office is to be carried on; whether or not the applicant is pecuniarily interested in the business to be carried on under the license; shall be signed by the applicant and sworn to before a notary public; and shall identify anyone holding over twenty percent interest in the agency. If the applicant is a corporation, the application shall state the names and addresses of the officers and directors of the corporation, and shall be signed and sworn to by the president and secretary thereof. If the applicant is a partnership, the application shall also state the names and addresses of all partners therein, and shall be signed and sworn to by all of them. The application

shall also state whether or not the applicant is, at the time of making the application, or has at any previous time been engaged in or interested in or employed by anyone engaged in the business of an employment agency.

(2) The application shall require a certification that no officer or holder of more than twenty percent interest in the business has been convicted of a felony within ten years of the application which directly relates to the business for which the license is sought, or had any judgment entered against such person in any civil action involving fraud, misrepresentation, or conversion.

(3) All applications for employment agency licenses shall be accompanied by a copy of the form of contract and fee schedule to be used between the employment agency and the applicant.

(4) No license to operate an employment agency in this state shall be issued, transferred, renewed, or remain in effect, unless the person who has or is to have the general management of the office has qualified pursuant to this section. The director may, for good cause shown, waive the requirement imposed by this section for a period not to exceed one hundred and twenty days. Persons who have been previously licensed or who have operated to the satisfaction of the director for at least one year prior to the effective date of this 1977 amendatory act as a general manager shall be entitled to operate for up to one year from such date before being required to qualify under this section. In order to qualify, such person shall, through testing procedures developed by the employment agency advisory board, show to the director's satisfaction that such person has a knowledge of this law, pertinent labor laws, and laws against discrimination in employment in this state and of the United States. Said examination shall be given at least once each quarter and a fee for such examination shall be established by the director. Nothing in this chapter shall be construed to preclude any one natural person from being designated as the person who is to have the general management of up to three offices operated by any one licensee.

Sec. 6. Section 11, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.110 are each amended to read as follows:

An employment agency license shall expire June 30th. Any such license not renewed may be reinstated if the employment agency can show good cause to the director for renewal of the license and present proof of intent to continue to act as an employment agency: PROVIDED, That no license shall be issued upon such application for reinstatement until all fees and penalties previously accrued under this chapter have been paid.

Sec. 7. Section 17, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.170 are each amended to read as follows:

(1) If an applicant accepts employment by agreement with an employer and thereafter never reports for work, the gross fee charged to the applicant shall not exceed: (a) Ten percent of what the first month's gross salary or wages would be, if known; or (b) ten percent of the first month's drawing account. If the employment was to have been on a commission basis without any drawing account, then no fee may be charged in the event that the applicant never reports for work.

(2) If an applicant accepts employment on a commission basis without any drawing account, then the gross fee charged such applicant shall be a percentage of ((his)) commissions actually earned.

(3) If an applicant accepts employment and if within ~~((ninety))~~ sixty days of his reporting for work the employment is terminated ~~((without his fault))~~, then the gross fee charged such applicant shall not exceed ~~((ten))~~ twenty percent of the gross salary, wages or commission received by him.

(4) If an applicant accepts temporary employment as a domestic, household employee, baby sitter, agricultural worker, or day laborer, then the gross fee charged such applicant shall not be in excess of twenty-five percent of the first full month's gross salary or wages: PROVIDED, That where an applicant accepts employment as a domestic or household employee for a period of less than one month, then the gross fee charged such applicant shall not exceed twenty-five percent of the gross salary or wages paid.

(5) Any applicant requesting a refund of a fee paid to an employment agency in accordance with the terms of the approved fee schedule of the employment agency pursuant to this section shall file with the employment agency a form requesting such refund on which shall be set forth information reasonably needed and requested by the employment agency, including but not limited to the following: Circumstances under which employment was terminated, dates of employment, and gross earnings of the applicant.

(6) Refund requests which are not in dispute shall be made by the employment agency within thirty days of receipt.

Sec. 8. Section 19, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.190 are each amended to read as follows:

In addition to the other provisions of this chapter the following rules shall govern each and every employment agency:

(1) Every license or a verified copy thereof shall be displayed in a conspicuous place in each office of the employment agency;

(2) No fee shall be solicited or accepted as an application or registration fee by any employment agency solely for the purpose of being registered as an applicant for employment;

(3) No licensee or agent of the licensee shall solicit, persuade, or induce an employee to leave any employment in which the licensee or agent of the licensee has placed the employee; nor shall any licensee or agent of the licensee persuade or induce or solicit any employer to discharge any employee;

(4) No employment agency shall knowingly cause to be printed or published a false or fraudulent notice or advertisement for obtaining work or employment. All advertising by a licensee shall signify that it is an employment agency solicitation;

(5) No licensee shall fail to state in any advertisement, proposal or contract for employment that there is a strike or lockout at the place of proposed employment, if he has knowledge that such condition exists;

(6) No licensee or agent of a licensee shall directly or indirectly split, divide, or share with an employer any fee, charge, or compensation received from any applicant who has obtained employment with such employer or with any other person connected with the business of such employer;

(7) When an applicant is referred to the same ~~((position))~~ employer by two licensees, the fee shall be paid to the licensee who first contacted the applicant concerning the ~~((specific opening. PROVIDED, That he has given the name of the employer to the applicant and has arranged an interview or submitted a resume to~~

the employer within ten days of such contact)) position for that applicant: PROVIDED, That the licensee has given the name of the employer to the applicant and has within five working days arranged an interview with the employer and the applicant was hired as the result of that interview;

(8) No licensee shall require in any manner that a potential employee or an employee of an employer make any contract with any lending agency for the purpose of fulfilling a financial obligation to the licensee;

(9) Any aggrieved person, firm, corporation, or public officer may submit a written complaint to the director charging the holder of an employment agency license with violation of this chapter and/or the rules and regulations adopted pursuant to this chapter.

Sec. 9. Section 20, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.200 are each amended to read as follows:

(1) There is hereby created a board to be known as the employment agency advisory board whose duty shall be to advise the director as to the administration of the provisions of this chapter and the issuance of reasonable rules and regulations for enforcing and carrying out the provisions and purposes of this chapter. Such board shall consist of eight members, seven members thereof to be appointed by the governor, five from among those persons owning or managing employment agencies, the sixth member shall be a representative of ((employers)) management, and the seventh shall be a representative of ((the majority of workmen employed in the state)) labor. The attorney general or his designee shall serve as a nonvoting ex officio member of the board.

(2) Each member of the board shall hold office for four years and until his successor is appointed ((; except that with respect to the first board two members shall be appointed for four years, two members for three years, three members for two years));

(3) Any member of the board shall be removed by the director for suspension or revocation of any license issued to him under this chapter. Vacancies in the membership of the board shall be filled by appointment by the director for the unexpired term;

(4) The board shall meet at the call of the director and consult with him on the issuance of any proposed rules and regulations for enforcing and carrying out the provisions and purposes of this chapter. The decision of the director, after such consultation, shall be final. The board is also authorized to conduct its own meetings at the call of its chairman;

(5) The board shall elect annually from its members a chairman, vice chairman and secretary;

(6) The board members shall be compensated pursuant to RCW 43.24.060 as now or hereafter amended;

(7) The board may inquire into the needs of the employment agency industry, and make such recommendations as may be deemed important and necessary for the welfare of the state, and progress of the employment agency industry, and how employment agencies may best serve the state and the public. In carrying out the foregoing, the board may collect such information and data as the board deems necessary. The board shall be responsible for the preparation of a written examination designed to demonstrate that the person who is to have the responsibility for

the general management of the office has sufficient knowledge of the applicable laws and regulations relating to the operation of employment agencies, pertinent labor laws and laws against discrimination in employment in this state and of the United States. Members of the board shall be exempt from the examination requirement.

NEW SECTION. Sec. 10. There is added to chapter 19.31 RCW a new section to read as follows:

(1) No employment agency may bring or maintain a cause of action in any court of this state for compensation for, or seeking equitable relief in regard to, services rendered employers and applicants, unless such agency shall allege and prove that at the time of rendering the services in question, or making the contract therefor, it was the holder of a valid license issued under this chapter.

(2) Any person who shall give consideration of any kind to any employment agency for the performance of employment services in this state when said employment agency shall not be the holder of a valid license issued under this chapter shall have a cause of action against the employment agency. Any court having jurisdiction may enter judgment therein for treble the amount of such consideration so paid, plus reasonable attorney's fees and costs.

Passed the Senate March 16, 1977.

Passed the House May 13, 1977.

Approved by the Governor May 24, 1977.

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

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CHAPTER 52

[Senate Bill No. 2295]

ADMINISTRATIVE PROCEDURES ACT—JUDICIAL REVIEW—JOINDER—CROSS-PETITION

AN ACT Relating to judicial review of administrative agencies; and amending section 13, chapter 234, Laws of 1959 as amended by section 6, chapter 237, Laws of 1967 and RCW 34.04.130.

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

Section 1. Section 13, chapter 234, Laws of 1959 as amended by section 6, chapter 237, Laws of 1967 and RCW 34.04.130 are each amended to read as follows:

(1) Any person aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, is entitled to judicial review thereof only under the provisions of this 1967 amendatory act, and such person may not use any other procedure to obtain judicial review of a final decision, even though another procedure is provided elsewhere by a special statute or a statute of general application. Where the agency's rules provide a procedure for rehearing or reconsideration, and that procedure has been invoked, the agency decision shall not be final until the agency shall have acted thereon.

(2) Proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested

decision is located. ~~((A))~~ The petition(s) shall be served and filed within thirty days after the service of the final decision of the agency. Copies of the petition shall be served upon the agency and all ~~((other))~~ parties of record. If a timely petition is filed any party of record not filing or joining in the first petition who wants relief from the decision must join in the petition or serve and file a cross-petition within twenty days after service of the first petition or thirty days after service of the final decision of the agency, whichever period of time is longer. The court, in its discretion, may permit other interested persons to intervene.

(3) The filing of the petition shall not stay enforcement of the agency decision. Where other statutes provide for stay or supersedeas of an agency decision, it may be stayed by the agency or the reviewing court only as provided therein; otherwise the agency may do so, or the reviewing court may order a stay upon such terms as it deems proper.

(4) Within thirty days after service of the petition, or within such further time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review; but, by stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(5) The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the agency, not shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs.

(6) The court may affirm the decision of the agency or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional provisions; or
- (b) in excess of the statutory authority or jurisdiction of the agency; or
- (c) made upon unlawful procedure; or
- (d) affected by other error of law; or
- (e) clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order; or
- (f) arbitrary or capricious.

Passed the Senate March 22, 1977.

Passed the House May 13, 1977.

Approved by the Governor May 24, 1977.

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

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## CHAPTER 53

[Engrossed Senate Bill No. 2300]

### JURY FEES

AN ACT Relating to courts; amending section 3, page 418, Laws of 1869 as last amended by section 8, chapter 304, Laws of 1961 and RCW 10.46.190; amending section 70, page 235, Laws of 1854 as last amended by section 1, page 118, Laws of 1888 and RCW 12.12.030; and amending section

35.20.090, chapter 7, Laws of 1965 as amended by section 8, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.090.

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

Section 1. Section 3, page 418, Laws of 1869 as last amended by section 8, chapter 304, Laws of 1961 and RCW 10.46.190 are each amended to read as follows:

Every person convicted of a crime or held to bail to keep the peace(;) shall be liable to all the costs of the proceedings against him, including, when tried by a jury in the superior court, a jury fee as provided for in civil actions, and when tried by a jury before a committing magistrate, ~~((six))~~ twenty-five dollars for jury fee, for which judgment shall be rendered and collection had as in cases of fines. The jury fee, when collected for a case tried by the superior court, shall be paid to the clerk, to be by him applied as the jury fee in civil cases is applied.

Sec. 2. Section 70, page 235, Laws of 1854 as last amended by section 1, page 118, Laws of 1888 and RCW 12.12.030 are each amended to read as follows:

After the appearance of the defendant, and before the justice shall proceed to enquire into the merits of the cause, either party may demand a jury to try the action, which jury shall be composed of six good and lawful ~~((men))~~ persons having the qualifications of jurors in the superior court of the same county, unless the parties shall agree upon a lesser number(;): PROVIDED, That the party demanding the jury shall first pay to the justice the sum of ~~((six))~~ twenty-five dollars, which shall be paid over by the justice to the ~~((jury before they are discharged))~~ county, and said amount shall be taxed as costs against the losing party.

Sec. 3. Section 35.20.090, chapter 7, Laws of 1965 as amended by section 8, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.090 are each amended to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with justices of the peace as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before justices of the peace, or the trial may be by a judge of the municipal court. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in justice court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court. Each juror shall receive five dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage as provided by law. Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972 unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972.

Passed the Senate March 16, 1977.

Passed the House May 13, 1977.

Approved by the Governor May 24, 1977.

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

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CHAPTER 54

[Senate Bill No. 2301]

WITNESS FEES AND MILEAGE

AN ACT Relating to courts; and amending section 1, chapter 56, Laws of 1907 as amended by section 3, chapter 51, Laws of 1951 and RCW 2.40.010.

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

Section 1. Section 1, chapter 56, Laws of 1907 as amended by section 3, chapter 51, Laws of 1951 and RCW 2.40.010 are each amended to read as follows:

Witnesses shall receive for each day's attendance in all courts of record of this state ~~((, besides mileage at ten cents per mile each way, four dollars))~~ the same compensation per day and per mile as jurors in superior court. Witnesses in any other court shall receive for each day's attendance the same compensation per day and per mile as jurors in justice court.

Passed the Senate April 6, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

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

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CHAPTER 55

[Senate Bill No. 2302]

WRIT OF GARNISHMENT—FEE

AN ACT Relating to courts; and amending section 4, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.040.

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

Section 1. Section 4, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.040 are each amended to read as follows:

Before the issuance of the writ of garnishment the plaintiff or someone in his behalf shall make application therefor by affidavit, stating the facts authorizing the issuance of the writ, including the amount alleged to be due, and that the plaintiff has reason to believe, and does believe, that the garnishee, stating his name and residence, is indebted to the defendant, or that he has in his possession, or under his control, personal property or effects belonging to the defendant, and shall pay to the clerk of the superior court ~~((the fee ((as)) provided by ((law)) RCW 36-18.020, or to the clerk of the justice court the fee of two dollars.~~ The party applying for this writ shall state in such affidavit whether or not the party who is to be the garnishee is the employer of the defendant.

Passed the Senate April 1, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

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



## CHAPTER 56

[Senate Bill No. 2314]

## COUNTY AUDITORS—FEES FOR SERVICES

AN ACT Relating to fees of county officers; and amending section 36.18.010, chapter 4, Laws of 1963 as amended by section 8, chapter 26, Laws of 1967 and RCW 36.18.010.

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

Section 1. Section 36.18.010, chapter 4, Laws of 1963 as amended by section 8, chapter 26, Laws of 1967 and RCW 36.18.010 are each amended to read as follows:

County auditors shall collect the following fees for their official services: For filing each chattel mortgage, renewal affidavit, or conditional sale contract, and entering same as required by law, two dollars; for each assignment, modification, transfer, correction, or release of chattel mortgage, conditional sale contract, or miscellaneous instrument, ~~((one))~~ two dollars;

For filing a release of chattel mortgage, conditional sale contract, or miscellaneous instrument, ~~((one))~~ two dollars: PROVIDED, That said fee shall be paid at the time of filing the chattel mortgage, conditional sale contract, or miscellaneous instrument, and no charge shall be made when the release of any of the above instruments is filed;

For recording instruments, for the first page, legal size (eight and one-half by thirteen inches or less), ~~((two))~~ three dollars; for each additional legal size page, one dollar; for indexing each name over two, ~~((ten))~~ fifty cents;

For marginal release of mortgage or lien, one dollar;

For preparing and certifying copies, for the first legal size page, two dollars; for each additional legal size page, one dollar;

For preparing noncertified copies, for each legal size page, fifty cents;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing marriage license, ~~((seven))~~ eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics);

For searching records per hour, four dollars;

For recording plats, ~~((twenty-five))~~ fifty cents for each lot except cemetery plats for which the charge shall be ~~((ten))~~ twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of ~~((fifteen))~~ twenty-five dollars per plat;

For filing of miscellaneous records, not listed above, ~~((two))~~ three dollars;

For making marginal notations on original recording when blanket assignment or release of instrument is filed for record, each notation, ~~((twenty-five))~~ fifty cents;

For recording of miscellaneous records, not listed above, for first legal size page, ((two)) three dollars; for each additional legal size page, one dollar.

Passed the Senate March 16, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

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

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## CHAPTER 57

[Engrossed Senate Bill No. 2324]

### MATERIALMEN'S LIEN—SERVICE OF NOTICE OF CLAIM

AN ACT Relating to materialmen's liens; amending section 1, chapter 45, Laws of 1909 as last amended by section 1, chapter 84, Laws of 1969 ex. sess. and RCW 60.04.020; and prescribing an effective date.

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

Section 1. Section 1, chapter 45, Laws of 1909 as last amended by section 1, chapter 84, Laws of 1969 ex. sess. and RCW 60.04.020 are each amended to read as follows:

Every person, firm or corporation furnishing materials or supplies or renting, leasing or otherwise supplying equipment, to be used in the construction, alteration or repair of any mining claim, building, wharf, bridge, ditch, dyke, flume, tunnel, well, fence, machinery, railroad, street railway, wagon road, aqueduct to create hydraulic power, or any other building, or any other structure, or mining claim or stone quarry, shall give to the owner or reputed owner of the property on, upon or about which such materials or supplies or equipment is and/or were used, a notice in writing, which notice shall cover the material, supplies or equipment furnished or leased during the sixty days preceding the giving of such notice as well as all subsequent materials, supplies or equipment furnished or leased, stating in substance and effect that such person, firm or corporation is and/or has furnished materials and supplies, or equipment for use thereon, with the name of the contractor or agent ordering the same, and that a lien may be claimed for all materials and supplies, or equipment furnished by such person, firm or corporation for use thereon, which notice shall be given by (1) mailing the same by registered or certified mail in an envelope addressed to the owner or reputed owner at his place of residence or reputed residence, or (2) by serving the same personally upon the owner or reputed owner and obtaining evidence of such service in the form of a receipt or other acknowledgment signed by such owner or reputed owner : PROVIDED, HOWEVER, That with respect to materials or supplies or equipment used in construction, alteration or repair of any single family residence or garage such notice must be given not later than ten days after the date of the first delivery of such materials or supplies or equipment. No materialmen's lien shall be enforced unless the provisions of this section have been complied with: PROVIDED, That in the event the notice required by this section is not given within the time specified by this section, any lien or claim of lien shall be enforceable only for materials and supplies or equipment delivered subsequent to such notice being given to the owner or reputed owner, and such lien or claim of lien shall be secondary to any lien or claim of lien

established where such notice was given within the time limits prescribed by this section.

NEW SECTION. Sec. 2. This 1977 amendatory act shall take effect January 1, 1978.

Passed the Senate March 16, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

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

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## CHAPTER 58

[Senate Bill No. 2341]

### SPECIAL HUNTING SEASONS—DRAWING FOR PERMITS

AN ACT Relating to the power and duties of the game commission; and amending section 77.12.150, chapter 36, Laws of 1955 as amended by section 1, chapter 102, Laws of 1975 1st ex. sess. and RCW 77.12.150.

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

Section 1. Section 77.12.150, chapter 36, Laws of 1955 as amended by section 1, chapter 102, Laws of 1975 1st ex. sess. and RCW 77.12.150 are each amended to read as follows:

The director, with the approval of the commission, may entirely close, or shorten any season for game animals, fur-bearing animals, game birds, or game fish within the respective game areas, and after a season has been closed or shortened, reopen it, and also fix daily, weekly, or season bag limits on game animals, fur-bearing animals, game birds, or game fish within any game area.

Whenever the director finds that game animals have increased in numbers in any locality of the state to such an extent that they are damaging public or private property, or over-grazing their range, the commission may establish a special hunting season, designate the area and the number and sex of the animals that may be killed by a licensed hunter therein, promulgate necessary rules and regulations, and determine by lot the number of hunters that may hunt within such area and the conditions and requirements incident thereto. The drawing shall take place at ~~((the city hall of the town nearest the area to be opened))~~ a time and place previously determined by the director. Notice of the establishing of such special hunting season and of the drawing shall be given in the manner provided for the publishing of orders opening or closing seasons.

The exercise of power herein granted to close or reopen regular or special seasons, or fix bag limits, shall be by a written order signed by the director promulgated in accordance with chapter 34.04 RCW.

Passed the Senate March 17, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

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

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CHAPTER 59

[Engrossed Senate Bill No. 2344]

GAME LAWS—FINES AND BAIL FORFEITURES—DISTRIBUTION

AN ACT Relating to the powers and duties of the game commission; and amending section 2, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.201.

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

Section 1. Section 2, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.201 are each amended to read as follows:

The board of county commissioners of each county may elect, upon written notice given to the director prior to January 1st of any year, to obtain for the following year an amount in lieu of real estate taxes on game lands equal to that which would be paid on similar parcels of real estate situated in the county. Upon such election the total of all fines and bail forfeitures received by the county during the following year under RCW 77.12.170 shall be transmitted to the director and the distribution procedure established by chapter 3.62 RCW shall not apply to the fines and forfeitures. The election shall continue until the game department is notified differently prior to January 1st of any year.

Passed the Senate March 17, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

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

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CHAPTER 60

[Senate Bill No. 2371]

MODEL TRAFFIC ORDINANCE—UPDATE

AN ACT Relating to the Model Traffic Ordinance; amending section 50, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.300; amending section 64, chapter 54, Laws of 1975 1st. ex. sess. and RCW 46.90.406; amending section 67, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.415; amending section 71, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.427; amending section 83, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.463; and amending section 111, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.700.

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

Section 1. Section 50, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90-.300 are each amended to read as follows:

The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.070, 46.12.080, 46-.12.090, 46.12.101, 46.12.260, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12-.340, 46.12.350, 46.16.010, 46.16.025, 46.16.030, 46.16.106, 46.16.135, 46.16.137, 46.16.138, 46.16.140, 46.16.145, 46.16.170, 46.16.180, 46.16.240, 46.16.260, 46-.16.290, 46.16.380, 46.16.500, 46.16.505, 46.20.011, 46.20.021, 46.20.025, 46.20-.027, 46.20.031, 46.20.041, 46.20.045, 46.20.190, 46.20.220, 46.20.308, 46.20.336,

46.20.342, 46.20.343, 46.20.344, 46.20.391, 46.20.410, 46.20.420, 46.20.430, 46.20.440, 46.20.500, 46.20.022, 46.32.060, 46.32.070, 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.200, 46.37.210, 46.37.220, 46.37.230, 46.37.240, 46.37.250, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.370, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.425, 46.37.430, 46.37.440, 46.37.450, 46.37.460, 46.37.480, 46.37.490, 46.37.500, 46.37.510, 46.37.520, 46.37.530, 46.37.535, 46.37.540, 46.37.550, 46.37.560, 46.37.570, (~~46.37.580~~;) 46.37.590, 46.37.600, 46.44.010, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, (~~46.44.040~~;) 46.44.042, (~~46.44.044, 46.44.045, 46.44.046~~;) 46.44.047, 46.44.050, 46.44.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46.44.096, (~~46.44.097~~;) 46.44.100, 46.44.120, 46.44.130, 46.44.140, 46.44.041, 46.48.170, 46.52.010, 46.52.020, 46.52.030, 46.52.040, 46.52.070, 46.52.080, 46.52.088, 46.52.090, 46.52.100, 46.52.119, 46.52.145, and 46.80.010.

Sec. 2. Section 64, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.406 are each amended to read as follows:

The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.015, 46.61.020, 46.61.025, 46.61.030, 46.61.035, 46.61.050, 46.61.055, 46.61.060, 46.61.065, 46.61.070, 46.61.072, 46.61.075, and 46.61.080.

Sec. 3. Section 67, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.415 are each amended to read as follows:

The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.085, 46.61.100, 46.61.105, 46.61.110, 46.61.115, 46.61.120, 46.61.125, 46.61.130, 46.61.135, 46.61.140, 46.61.145, 46.61.150, 46.61.155, 46.61.160, 46.61.180, 46.61.185, 46.61.190, 46.61.195, 46.61.200, 46.61.202, 46.61.205, 46.61.210, 46.61.215, 46.61.230, 46.61.235, (~~and~~) 46.61.240, 46.61.261, 46.61.264, 46.61.266, and 46.61.269.

Sec. 4. Section 71, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.427 are each amended to read as follows:

The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.300, 46.61.305, 46.61.310, 46.61.315, 46.61.340, 46.61.345, 46.61.350, 46.61.355, 46.61.365, 46.61.370, 46.61.375, 46.61.385, 46.61.400, 46.61.415, 46.61.425, 46.61.427, 46.61.435, 46.61.440, 46.61.445, 46.61.450, 46.61.455, 46.61.460, 46.61.465, 46.61.475, 46.61.500, 46.61.506, (~~46.61.510~~;) 46.61.515, 46.61.520, 46.61.525, 46.61.530, 46.61.535, 46.61.540, 46.61.560, 46.61.570, and 46.61.575.

Sec. 5. Section 83, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.463 are each amended to read as follows:

The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.580, 46.61.600, 46.61.605, 46.61.606, 46.61.608, 46.61.610, 46.61.611, 46.61.612, 46.61.614, 46.61.615, 46.61.620, 46.61.625, 46.61.630, 46.61.635, 46.61.640, 46.61.645, 46.61.655, 46.61.660, 46.61.665, 46.61.670, 46.61.675, 46.61.680, and 46.61.685.

Sec. 6. Section 111, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.700 are each amended to read as follows:

The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.64.010, 46.64.015, 46.64.017, 46.64.020, 46.64.025, 46.64.030, and 46.64.048.

Passed the Senate March 11, 1977.  
Passed the House May 16, 1977.  
Approved by the Governor May 24, 1977.  
Filed in Office of Secretary of State May 24, 1977.

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CHAPTER 61

[Senate Bill No. 2384]

CONTRACTORS REGISTRATION—CERTIFICATE RENEWAL

AN ACT Relating to the registration of contractors; and amending section 6, chapter 77, Laws of 1963 and RCW 18.27.060.

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

Section 1. Section 6, chapter 77, Laws of 1963 and RCW 18.27.060 are each amended to read as follows:

A certificate of registration shall be valid for one year and shall be renewed ((by the same procedure as for an original registration)) on or before ((August first of each year)) the expiration date. The director shall issue to the applicant a certificate of registration upon compliance with the registration requirements of this chapter.

Passed the Senate March 17, 1977.  
Passed the House May 16, 1977.  
Approved by the Governor May 24, 1977.  
Filed in Office of Secretary of State May 24, 1977.

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CHAPTER 62

[Engrossed Senate Bill No. 2452]

ALCOHOLISM AND INTOXICATION TREATMENT—CUSTODIAL RESTRAINT

AN ACT Relating to alcoholism and intoxication treatment; and amending section 12, chapter 122, Laws of 1972 ex. sess. as amended by section 1, chapter 175, Laws of 1974 ex. sess. and RCW 70.96A.120.

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

Section 1. Section 12, chapter 122, Laws of 1972 ex. sess. as amended by section 1, chapter 175, Laws of 1974 ex. sess. and RCW 70.96A.120 are each amended to read as follows:

(1) An intoxicated person may come voluntarily to an approved treatment facility for treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he consents to the proffered help, may be assisted to his home, an approved treatment facility or other health facility.

(2) Except for a person who may be apprehended for possible violation of laws not relating to alcoholism or intoxication and except for a person who may be apprehended for possible violation of laws relating to driving or being in physical control of a vehicle while intoxicated and except for a person who may wish to avail himself of the provisions of RCW 46.20.308, a person who appears to be incapacitated by alcohol and who is in a public place or who has threatened, attempted, or inflicted physical harm on another, shall be taken into protective custody by the police or the emergency service patrol and as soon as practicable, but in no event beyond eight hours brought to an approved treatment facility for treatment. If no approved treatment facility is readily available he shall be taken to an emergency medical service customarily used for incapacitated persons. The police or the emergency service patrol, in detaining the person and in taking him to an approved treatment facility, is taking him into protective custody and shall make every reasonable effort to protect his health and safety. In taking the person into protective custody, the detaining officer or member of an emergency patrol may take reasonable steps including reasonable force if necessary to protect himself or effect the custody. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(3)<sup>a</sup>A person who comes voluntarily or is brought to an approved treatment facility shall be examined by a qualified person. He may then be admitted as a patient or referred to another health facility, which provides emergency medical treatment, where it appears that such treatment may be necessary. The referring approved treatment facility shall arrange for his transportation.

(4) A person who is found to be incapacitated by alcohol at the time of his admission or to have become incapacitated at any time after his admission, may not be detained at the facility (a) once he is no longer incapacitated by alcohol, and (b) if he remains incapacitated by alcohol for more than forty-eight hours after admission as a patient, unless a petition is filed under RCW 70.96A.140, as now or hereafter amended: PROVIDED, That the treatment personnel at the facility are authorized to use such reasonable physical restraint as may be necessary to retain a person incapacitated by alcohol at such facility for up to forty-eight hours from the time of admission. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

(5) A person who is not admitted to an approved treatment facility, is not referred to another health facility, and has no funds, may be taken to his home, if any. If he has no home, the approved treatment facility shall assist him in obtaining shelter.

(6) If a patient is admitted to an approved treatment facility, his family or next of kin shall be notified as promptly as possible. If an adult patient who is not incapacitated requests that there be no notification, his request shall be respected.

(7) The police ((or)), members of the emergency service, or treatment facility personnel, who in good faith act in compliance with this chapter are performing in the course of their official duty and are not criminally or civilly liable therefor.

(8) If the person in charge of the approved treatment facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

Passed the Senate April 22, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

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

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CHAPTER 63

[Senate Bill No. 2484]

MOTOR FREIGHT CARRIERS—IDENTIFICATION CARDS, ETC.—FEES

AN ACT Relating to transportation; and amending section 81.80.300, chapter 14, Laws of 1961 as last amended by section 4, chapter 143, Laws of 1971 ex. sess. and RCW 81.80.300.

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

Section 1. Section 81.80.300, chapter 14, Laws of 1961 as last amended by section 4, chapter 143, Laws of 1971 ex. sess. and RCW 81.80.300 are each amended to read as follows:

The commission shall prescribe an identification cab card and identification decal or stamp or number which must be carried within the cab of each motive power vehicle of each motor carrier required to have a permit under this chapter.

The identification cab card and the decal or stamp or number provided for herein may be in such form and contain such information as required by the commission.

It shall be unlawful for any "common carrier" or "contract carrier" to operate any motor vehicle within this state unless there is carried within the cab of the motive power vehicle, either operating as a solo vehicle or in combination with trailers, the identification cab card and decal or stamp or number required by this section and the payment by such carrier of a total fee of three dollars for each such decal or stamp or number plus the applicable gross weight fee prescribed by RCW 81.80.320: PROVIDED, That as to equipment operated between points in this state and points outside the state exclusively in interstate commerce, and as to equipment operated between points in this state and points outside the state in interstate commerce as well as points within this state in intrastate commerce, the commission may adopt rules and regulations specifying an alternative schedule of fees to that specified in RCW 81.80.320 as it may find to be reasonable and specifying the method of evidencing payment of such fees.

The commission may adopt rules and regulations imposing a reduced schedule of fees for short term operations, requiring reports of carriers, and imposing such



conditions as the public interest may require with respect to the operation of such vehicles.

The commission shall not be required to collect the excise tax prescribed by RCW 82.44.070 for any fees collected under this chapter.

The decal or stamp or number required herein shall be issued annually under the rules and regulations of the commission, and shall be affixed to the identification cab card required by this section not later than February 1st of each year: PROVIDED, That such decal or stamp or number may be issued for the ensuing calendar year on and after the first day of November preceding and may be used from the date of issue until February 1st of the succeeding calendar year for which the same was issued.

It shall be unlawful for the owner of said permit, his agent, servant or employee, or any other person to use or display any identification cab card and decal or stamp or number, the permit number or other insignia of authority from the commission after said permit has expired, been canceled or disposed of, or to operate any vehicle under permit without such identification cab card and decal or stamp or number.

The commission shall collect all fees provided in this section and all such fees shall be deposited in the state treasury to the credit of the public service revolving fund.

Passed the Senate April 5, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

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

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## CHAPTER 64

[Substitute Senate Bill No. 2530]

### SCHOOL BUSES, AXLE EQUIPMENT—AUTO STAGES AND SCHOOL BUSES, ROUTE LIMITATION

AN ACT Relating to motor vehicles; amending section 46.44.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 53, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.030; and declaring an emergency.

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

Section 1. Section 46.44.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 53, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.030 are each amended to read as follows:

It is unlawful for any person to operate upon the public highways of this state any vehicle other than a municipal transit vehicle having an overall length, with or without load, in excess of thirty-five feet: PROVIDED, That an auto stage or school bus shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet: PROVIDED FURTHER, That any such school bus constructed prior to April 1, 1977, shall be equipped with three axles: PROVIDED FURTHER, That any school bus constructed on or after April 1, 1977, and in excess of thirty-six feet six inches shall be equipped with three axles: PROVIDED FURTHER, That the route of any ((such)) auto stage in excess of thirty-five feet or school bus in excess of thirty-six feet six inches upon or across the public highways ((within

~~the jurisdictional boundaries of any city or county)) shall be limited as determined by the state highway commission ((after consultation and agreement with)) for state highways, or by the local legislative authority((, and the operation of any such school bus upon the public highway shall be limited as determined by the superintendent of public instruction in the manner provided for in RCW 46.61.380)) for other public roads.~~

It is unlawful for any person to operate on the highways of this state any combination of vehicles which contains a vehicle of which the permanent structure is in excess of forty-five feet.

It is unlawful for any person to operate upon the public highways of this state any combination consisting of a nonstinger steered tractor and semitrailer which has an overall length in excess of sixty-five feet.

It is unlawful for any person to operate on the highways of this state any combination consisting of a truck and trailer, or any lawful combination of three vehicles, with an overall length, with or without load, in excess of sixty-five feet, or a combination consisting of a tractor and a stinger steered semitrailer which has an overall length in excess of sixty-five feet without load or in excess of seventy feet with load.

"Stinger steered" as used in this section shall mean a tractor and semitrailer combination which has the coupling connecting the semitrailer to the tractor located to the rear of the center line of the rear axle of the tractor.

These length limitations shall not apply to vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

NEW SECTION. Sec. 2. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 4, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

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

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## CHAPTER 65

[Substitute Senate Bill No. 2681]

### STATE TREASURER—APPROPRIATIONS—TRANSFERS

AN ACT Relating to appropriations; amending section 185, chapter 269, Laws of 1975 1st ex. sess. (uncodified); and declaring an emergency.

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

Section 1. Section 185, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Fund Appropriation: For transfer to the Grade Crossing Protective Fund for appropriation to the Utilities and Transportation Commission for the 1975-77 biennium to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, and 81.53-.291 . . . . .	\$ 575,000
General Fund—Investment Reserve Account Appropriation: For transfer to the General Fund on or before June 29, 1977, pursuant to chapter 50, Laws of 1969 . . . . .	\$((+10,700,000))
	<u>8,250,000</u>
State Treasurer's Service Fund Appropriation: For transfer to the General Fund on or before June 30, 1976 . . . . .	\$ 2,000,000
<u>State Treasurer's Service Fund Appropriation: For transfer to the General Fund on or before June 30, 1977 . . . . .</u>	<u>\$ 4,800,000</u>
Motor Vehicle Fund Appropriation: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the Department of Highways and the Washington State Patrol during the period July 1, 1975, through June 30, 1977 . . . . .	\$ 1,300,000
General Fund—State and Local Improvements Revolving Account—Public Recreation Facilities Appropriation: For transfer to the General Fund—Outdoor Recreation Account on or before June 30, 1977, pursuant to the provisions of section 4(2), chapter 129, Laws of 1972 ex. sess. . . . .	\$ 5,000,000
General Fund—State and Local Improvements Revolving Account—Public Recreation Facilities Appropriation: For transfer to the General Fund—Outdoor Recreation Account on or before June 30, 1977, pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess. . . . .	\$ 3,300,000
General Fund Appropriation: For transfer to the General Fund—Public Facilities Construction Loan and Grant Revolving Account on or before June 30, 1977 as required to meet obligations: PROVIDED, That notwithstanding the provisions of chapter 43-.31A RCW, this appropriation shall be allocated to the Planning and Community Affairs Agency to be used exclusively for continuation of the Indian Economic and Employment Assistance Program for projects requested by reservation tribes through the Program Administrator . . . . .	\$ 1,568,691

NEW SECTION. Sec. 2. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 15, 1977.  
Passed the House May 16, 1977.  
Approved by the Governor May 24, 1977.  
Filed in Office of Secretary of State May 24, 1977.

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CHAPTER 66

[Engrossed Senate Bill No. 2769]

CONTRACTORS—REGISTRATION OR RENEWAL FEES

AN ACT Relating to contractors; amending section 7, chapter 77, Laws of 1963 as last amended by section 5, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.070; and declaring an emergency.

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

Section 1. Section 7, chapter 77, Laws of 1963 as last amended by section 5, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.070 are each amended to read as follows:

The applicant shall pay to the director a registration or renewal fee of, if a general contractor, or if a specialty contractor, (~~fifteen~~) twenty dollars.

NEW SECTION. Sec. 2. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1977.

Passed the Senate April 13, 1977.  
Passed the House May 16, 1977.  
Approved by the Governor May 24, 1977.  
Filed in Office of Secretary of State May 24, 1977.

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CHAPTER 67

[Senate Bill No. 2927]

ABANDONED ANIMALS—REMOVAL FROM CUSTODY—NOTICE

AN ACT Relating to abandoned animals; and amending section 1, chapter 190, Laws of 1955 and RCW 16.54.010.

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

Section 1. Section 1, chapter 190, Laws of 1955 and RCW 16.54.010 are each amended to read as follows:

An animal is deemed to be abandoned under the provisions of this chapter when it is placed in the custody of a veterinarian, boarding kennel owner, or any person for treatment, board, or care and:

(1) Having been placed in such custody for an unspecified period of time the animal is not removed within (~~thirty~~) fifteen days after notice to remove the animal has been given to the person who placed the animal in such custody or having

been so notified the person depositing the animal refuses or fails to pay agreed upon or reasonable charges for the treatment, board, or care of such animal, or;

(2) Having been placed in such custody for a specified period of time the animal is not removed at the end of such specified period or the person depositing the animal refuses to pay agreed upon or reasonable charges for the treatment, board, or care of such animal.

Passed the Senate April 28, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

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

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## CHAPTER 68

[Senate Bill No. 2864]

### MOTOR VEHICLE ACCIDENT REPORTS—CONTENT

AN ACT Relating to motor vehicles; and amending section 46.52.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 40, Laws of 1969 ex. sess. and RCW 46.52.030.

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

Section 1. Section 46.52.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 40, Laws of 1969 ex. sess. and RCW 46.52.030 are each amended to read as follows:

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent of one hundred dollars or more, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns, the original of such report to be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of motor vehicles at Olympia, Washington. The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged

with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

Passed the Senate March 22, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

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

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CHAPTER 69

[House Bill No. 104]

MINIMUM WAGE ACT—VOLUNTARY SERVICE

AN ACT Relating to the minimum wage act; amending section 1, chapter 294, Laws of 1959 as last amended by section 1, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.010; adding a new section to chapter 49.46 RCW; and declaring an emergency.

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

Section 1. Section 1, chapter 294, Laws of 1959 as last amended by section 1, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.010 are each amended to read as follows:

As used in this chapter:

- (1) "Director" means the director of labor and industries;
- (2) "Wage" means compensation due to an employee by reason of his employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by regulations of the director under RCW 49.46.050;
- (3) "Employ" includes to suffer or to permit to work;
- (4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;
- (5) "Employee" includes any individual employed by an employer but shall not include:
  - (a) Any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; and the exclusions from the term "employee" provided in this item shall not be deemed applicable with respect to commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(b) Any individual employed in domestic service in or about a private home;

(c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the director: PROVIDED HOWEVER, That such terms shall be defined and delimited by the state personnel board pursuant to chapter 41.06 RCW and the higher education personnel board pursuant to chapter 28B.16 RCW for employees employed under their respective jurisdictions);

(d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously: PROVIDED, That if such individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government or publicly supported retirement system other than that provided under RCW 41.24;

(e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of such voluntary services: PROVIDED, That such voluntary services and any compensation therefor shall not affect or add to qualification, entitlement or benefit rights under any state, local government or publicly supported retirement system other than that provided under RCW 41.24;

~~((e))~~ (f) Any newspaper vendor or carrier;

~~((f))~~ (g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

\*~~((g))~~ (h) Any individual engaged in forest protection and fire prevention activities;

~~((h))~~ (i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

~~((i))~~ (j) Any individual whose duties require that he reside or sleep at the place of his employment or who otherwise spends a substantial portion of his work time subject to call, and not engaged in the performance of active duties;

~~((j))~~ (k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution((-);

~~((k))~~ (l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature((-);

~~((l))~~ (m) All vessel operating crews of the Washington state ferries operated by the state highway commission((-);

~~((m))~~ (n) Any individual employed as a seaman on a vessel other than an American vessel.

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.

NEW SECTION. Sec. 2. There is added to chapter 49.46 RCW a new section to read as follows:

When an individual volunteers his or her labor to a state or local governmental body or agency and receives pursuant to a statute or policy or an ordinance or resolution adopted by or applicable to the state or local governmental body or agency reimbursement in lieu of compensation at a nominal rate for normally incurred expenses or receives a nominal amount of compensation per unit of voluntary service rendered such reimbursement or compensation shall not be deemed a salary for the rendering of services or for purposes of granting, affecting or adding to any qualification, entitlement or benefit rights under any state, local government or publicly supported retirement system other than that provided under RCW 41.24.

NEW SECTION. Sec. 3. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 13, 1977.

Passed the Senate May 12, 1977.

Approved by the Governor May 24, 1977.

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

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## CHAPTER 70

[Substitute House Bill No. 27]  
OFFICE OF SMALL BUSINESS

AN ACT Relating to small businesses; amending section 43.31.040, chapter 8, Laws of 1965 as last amended by section 2, chapter 221, Laws of 1967 and RCW 43.31.040; adding new sections to chapter 43.31 RCW; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 43.31 RCW a new section to read as follows:

The legislature finds that the small businesses in the state of Washington are essential to the well-being of the state's economy and that these businesses have unique needs and problems that must be dealt with to insure a healthy economy for all of the citizens of the state. The legislature further understands that small businesses represent a majority of the businesses in this state and that it is very important that these small businesses be conserved as they provide jobs for nearly one-half of Washington's workers, insure essential economic competition, and broaden the industrial base of Washington industries.

NEW SECTION. Sec. 2. There is added to chapter 43.31 RCW a new section to read as follows:

Unless the context clearly requires otherwise the definitions in this section shall apply throughout sections 1 through 5 of this 1977 amendatory act.



(1) "Small business" means a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit, which is independently owned and operated from all other businesses and which has fifty or fewer employees.

(2) "Department" means department of commerce and economic development.

(3) "Office" means the office of small business within the small business division of the department of commerce and economic development.

NEW SECTION. Sec. 3. There is added to chapter 43.31 RCW a new section to read as follows:

The department through its office of small business shall:

(1) Provide a focal point and assist small businesses in their dealings with federal, state, and local governments, including but not limited to providing ready access to information regarding government requirements which affect small businesses;

(2) Develop programs which will assist or otherwise encourage professional or business associations and other service organizations in the public sector to provide useful and needed services to small businesses;

(3) Arrange for and hold meetings, in cooperation with public schools, community colleges, colleges, universities, and other public and private educational programs to the extent practicable, which provide worthwhile training and dissemination of information beneficial to the state's small businesses;

(4) Assist small businesses in obtaining available technical and financial assistance and counsel;

(5) Coordinate with all other state agencies to foster participation of small businesses in providing services and materials to state agencies as follows:

(a) Provide a guide to businesses on the purchasing procedures and practices of state agencies, including a list of state employees responsible for such state purchases. The guide shall be updated at least every two years;

(b) Assist the state agencies in developing master bid lists which include small businesses;

(c) Secure information from all state agencies as to the size of businesses supplying goods and services to each state agency; and

(d) Assist each state agency so that a larger percentage of the goods and services purchased by each state agency can be supplied by small businesses; and

(6) Conduct research in the following areas:

(a) Identify business associations which represent small businesses and maintain an up to date list of such associations;

(b) Develop methods and practices to encourage prime contractors to let subcontracts to small businesses;

(c) Research methods to utilize small businesses for developing economically depressed areas or providing jobs for unemployed persons;

(d) Develop programs to be utilized by all state agencies to encourage the development of small businesses. The office shall coordinate these programs with the political subdivisions of the state; and

(e) Coordinate the office's activities with the federal small business administration, the small business committees of the two houses of the United States congress,

and all other state or federal agencies formed for the purpose of aiding small businesses.

NEW SECTION. Sec. 4. There is added to chapter 43.31 RCW a new section to read as follows:

Beginning with the forty-sixth regular legislative session in 1979, the office of small business shall provide a report every biennium not later than the first day of each regular legislative session to the standing commerce committee or the appropriate committee in both legislative houses as to the state of small businesses in this state. The report shall include, but not be limited to, the volume, type, size, and location of business being done by small businesses for goods and services furnished to state agencies.

NEW SECTION. Sec. 5. There is added to chapter 43.31 RCW a new section to read as follows:

Sections 1 through 5 of this 1977 amendatory act shall be subject to review by the standing commerce committee or the appropriate standing committee in both legislative houses in the 1981 regular session of the legislature. Each standing committee shall vote to recommend to continue or repeal sections 1 through 5 of this 1977 amendatory act at that time.

Sec. 6. Section 43.31.040, chapter 8, Laws of 1965 as last amended by section 2, chapter 221, Laws of 1967 and RCW 43.31.040 are each amended to read as follows:

The department of commerce and economic development shall be organized into divisions, including (1) the industrial development division, (2) the tourist promotion division, (3) the research division, (4) the nuclear energy development division, to be known as the "office of nuclear energy development," (5) the foreign trade division, to be known as the "office of foreign trade," (6) the small business division, to be known as the "office of small business," and others as required.

The director of commerce and economic development may appoint such division supervisors, managers, or executive directors, and clerical supervisors and other assistants as may be necessary for the general administration of the department.

NEW SECTION. Sec. 7. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. The sum of ninety-nine thousand eight hundred dollars, or as much thereof as may be necessary, is hereby appropriated from the general fund to the department of commerce and economic development for the purpose of administering this 1977 amendatory act.

NEW SECTION. Sec. 9. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 13, 1977.

Passed the Senate May 12, 1977.

Approved by the Governor May 24, 1977.

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

## CHAPTER 71

[Substitute House Bill No. 238]

## PUBLIC WORKS CONTRACTS—PREVAILING WAGE REQUIREMENTS—PENALTIES

AN ACT Relating to public works contracts; amending section 5, chapter 63, Laws of 1945 as amended by section 1, chapter 120, Laws of 1973 and RCW 39.12.050; and prescribing a penalty.

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

Section 1. Section 5, chapter 63, Laws of 1945 as amended by section 1, chapter 120, Laws of 1973 and RCW 39.12.050 are each amended to read as follows:

(1) Any contractor or subcontractor who shall upon ~~((his))~~ oath verify any statement required to be filed under this chapter which is known by ~~((him))~~ said person to be false, or is made without knowledge and in reckless disregard of the truth, shall, after a finding to that effect in a hearing held by the director of the department of labor and industries, subject to the provisions of chapter 34.04 RCW, be subject to a civil penalty not to exceed five ~~((hundred))~~ thousand dollars, and shall not be permitted to bid on any contract covered by the provisions of this chapter until such ~~((penalty))~~ fine has been paid in full to the director and until all wages due pursuant to the prevailing wage requirements of RCW 39.12.020 have been paid.

To the extent that a contractor or subcontractor has not paid wages at the rate ~~((required by this chapter))~~ due pursuant to RCW 39.12.020, and a finding to that effect has been made as provided by this ~~((section))~~ subsection, such unpaid wages shall constitute a lien of the first priority against such contractor's or subcontractor's bond according to the provisions of RCW 18.27.040.

(2) If a contractor or subcontractor is found to have violated the provisions of subsection (1) of this section for a second or subsequent time within a five year period, said contractor or subcontractor shall be subject to the sanctions prescribed in subsection (1) of this section and shall, at the discretion of the director of the department of labor and industries, be prohibited from bidding on any contract covered by the provisions of this chapter for a period of one year from the date of notice by the director of his findings that said contractor or subcontractor has violated the provisions of subsection (1) of this section for a second or subsequent time within a five year period, or during the period of any appeal thereof, in which event the one year period shall commence from the date of the final determination from any appeal taken of the director's findings, but in no event shall any contractor or subcontractor be allowed to bid on any contract covered by the provisions of this chapter until the fine prescribed by subsection (1) of this section has been paid to the director and until all wages due pursuant to the prevailing wage requirement of RCW 39.12.020 have been paid.

The director shall issue his findings that a contractor or subcontractor has violated the provisions of this subsection after a hearing held subject to the provisions of chapter 34.04 RCW.

Passed the House March 22, 1977.

Passed the Senate May 16, 1977.

Approved by the Governor May 24, 1977.

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

## CHAPTER 72

[House Bill No. 445]

## EMINENT DOMAIN—CLAIMANT'S COSTS

AN ACT Relating to eminent domain; amending section 21, chapter 240, Laws of 1971 ex. sess. and RCW 8.25.075; and declaring an emergency.

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

Section 1. Section 21, chapter 240, Laws of 1971 ex. sess. and RCW 8.25.075 are each amended to read as follows:

(1) A superior court having jurisdiction of a proceeding instituted by a condemnor to acquire real property shall award the condemnee costs including reasonable attorney fees and reasonable expert witness fees if(~~(=)~~):

(a) There is a final adjudication that the condemnor cannot acquire the real property by condemnation; or

(b) The proceeding is abandoned by the condemnor.

(2) In effecting a settlement of any claim or proceeding in which a claimant seeks an award from an acquiring agency for the payment of compensation for the taking or damaging of real property for public use without just compensation having first been made to the owner, the attorney general or other attorney representing the acquiring agency may include in the settlement amount, when appropriate, costs incurred by the claimant, including reasonable attorneys' fees and reasonable expert witness fees.

(3) A superior court rendering a judgment for the plaintiff awarding compensation for the taking or damaging of real property for public use without just compensation having first been made to the owner(~~(, or the attorney general or other attorney representing the acquiring agency in effecting a settlement of any such proceeding)~~) shall award or allow to such plaintiff costs including reasonable attorney fees and reasonable expert witness fees, but only if the judgment awarded to the plaintiff as a result of trial exceeds by ten percent or more the highest written offer of settlement submitted by the acquiring agency to the plaintiff at least thirty days prior to trial.

~~((3))~~ (4) Reasonable attorney fees and expert witness fees as authorized in this section shall be subject to the provisions of subsection (4) of RCW 8.25.070 as now or hereafter amended.

**NEW SECTION.** Sec. 2. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 13, 1977.

Passed the Senate May 9, 1977.

Approved by the Governor May 24, 1977.

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

## CHAPTER 73

[House Bill No. 495]

UNEMPLOYMENT COMPENSATION—STATE AND POLITICAL SUBDIVISIONS—  
"EMPLOYING UNIT"

AN ACT Relating to unemployment compensation; and amending section 10, chapter 35, Laws of 1945 as amended by section 2, chapter 215, Laws of 1947 and RCW 50.04.090.

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

Section 1. Section 10, chapter 35, Laws of 1945 as amended by section 2, chapter 215, Laws of 1947 and RCW 50.04.090 are each amended to read as follows:

"Employing unit" means any individual or any type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1937, had in its employ or in its "employment" one or more individuals performing services within this state. The state and its political subdivisions shall be deemed employing units as to any transactions occurring on or after the effective date of this 1977 amendatory act which would render an employing unit liable for contributions under RCW 50.24.130.

Passed the House May 13, 1977.

Passed the Senate May 11, 1977.

Approved by the Governor May 24, 1977.

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

## CHAPTER 74

[House Bill No. 553]

MINIMUM WAGE ACT—OVERTIME EXEMPTIONS—MOTION PICTURE  
PROJECTIONISTS

AN ACT Relating to labor; and amending section 3, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.130.

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

Section 1. Section 3, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.130 are each amended to read as follows:

(1) No employer shall employ any of his employees for a work week longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed, except that the provisions of this subsection (1) shall not apply to any person exempted pursuant to RCW 49.46.010(5) as now or hereafter amended and the provision of this subsection shall not apply to employees who request compensating time off in lieu of overtime pay nor to any

individual employed as a seaman whether or not the seaman is employed on a vessel nor to any individual employed as a motion picture projectionist if that employee is covered by a contract or collective bargaining agreement which regulates hours of work and overtime pay.

(2) No public agency shall be deemed to have violated subsection (1) of this section with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if: (a) In a work period of twenty-eight consecutive days the employee receives for tours of duty which in the aggregate exceed two hundred and forty hours; or (b) in the case of such an employee to whom a work period of at least seven but less than twenty-eight days applies, in his work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his work period as two hundred forty hours bears to twenty-eight days; compensation at a rate not less than one and one-half times the regular rate at which he is employed: PROVIDED, That this section shall not apply to any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption: PROVIDED FURTHER, That in any industry in which federal law provides for an overtime payment based on a work week other than forty hours then provisions of this section shall not apply; however the provisions of the federal law regarding overtime payment based on a work week other than forty hours shall nevertheless apply to employees covered by this section without regard to the existence of actual federal jurisdiction over the industrial activity of the particular employer within this state: PROVIDED FURTHER, That "industry" as that term is used in this section shall mean a trade, business, industry, or other activity, or branch, or group thereof, in which individuals are gainfully employed (Section 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law 93-259).

Passed the House May 16, 1977.

Passed the Senate May 12, 1977.

Approved by the Governor May 24, 1977.

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

## CHAPTER 75

[House Bill No. 582]

## WASHINGTON STATE YAKIMA RIVER CONSERVATION AREA

AN ACT Relating to the Yakima River; and adding new sections to chapter 43.51 RCW.

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

**NEW SECTION.** Section 1. It is the intent of this act to establish and recognize the Yakima river corridor from Selah Gap (Yakima Ridge) to Union Gap (Rattlesnake Hills) as a uniquely valuable recreation, conservation, and scenic resource in the state of Washington.

**NEW SECTION.** Sec. 2. For the purposes of this act, the Yakima river conservation area is to contain no more than the area delineated in appendix D on pages D-3, D-4, D-6, D-7, D-9, and D-10 of the report entitled "The Yakima River Regional Greenway" which resulted from the Yakima river study authorized in section 170, chapter 269, Laws of 1975, first extraordinary session.

**NEW SECTION.** Sec. 3. There is hereby created an area to be known as the "Washington State Yakima river conservation area". This area designation may be used as a common reference by all state and local agencies, municipalities, and federal agencies.

**NEW SECTION.** Sec. 4. The Yakima county commissioners are authorized to coordinate the acquisition, development, and operation of the Yakima river conservation area in accordance with the purposes of this act and in cooperation with public parks, conservation and resource managing agencies.

**NEW SECTION.** Sec. 5. The Yakima county commissioners are authorized to acquire such real property, easements or rights in river-related lands in the Yakima river conservation area, together with such real property, easements, and rights as are necessary for such conservation and parks purposes in any manner authorized by law for the acquisition of lands for conservation, parks and parkway purposes: PROVIDED, That only the Yakima county commissioners shall have the power of eminent domain for the purposes of this chapter.

**NEW SECTION.** Sec. 6. Except for such property as is necessary or suitable for the development of recreational areas and their related facilities, it is the intent of this section that such property shall be acquired to preserve, as much as possible, the river wetlands in their natural state.

**NEW SECTION.** Sec. 7. The Washington state parks and recreation commission is directed to consult with the Yakima county commissioners in the acquisition, development, and operation of the Yakima river conservation area in accordance with the purposes of this act and the Yakima river study authorized in section 170, chapter 269, Laws of 1975, first extraordinary session.

**NEW SECTION.** SEC. 8. The interagency committee for outdoor recreation is directed to assist the Yakima county commissioners in obtaining state, federal, and private funding for the acquisition, development, and operation of the Yakima river conservation area.

**NEW SECTION.** Sec. 9. Nothing herein shall be construed as affecting nor being in conflict with existing county or city zoning and/or permitted land uses and the right to develop, build or expand existing uses in accordance with the said zoning or permitted land uses within the Yakima river conservation area.

**NEW SECTION.** Sec. 10. Nothing in this act shall be construed to interfere with the powers, duties, and authority of the state department of game or the state game commission to regulate, manage, conserve, and provide for the harvest of wildlife within such area: **PROVIDED, HOWEVER,** That no hunting shall be permitted in any state park.

**NEW SECTION.** Sec. 11. Nothing herein shall be construed as authorizing or directing the Yakima county commissioners to acquire any real property, easements, or rights in the Yakima river conservation area which are now held by any other agency without the approval of that agency.

**NEW SECTION.** Sec. 12. Sections 1 through 11 of this act shall be added to chapter 43.51 RCW.

Passed the House May 16, 1977.

Passed the Senate May 12, 1977.

Approved by the Governor May 24, 1977.

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

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## CHAPTER 76

[Substitute House Bill No. 601]

### GAMBLING

AN ACT Relating to gambling; amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.020; and amending section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.070.

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

Section 1. Section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.020 are each amended to read as follows:

- (1) "Amusement game" means a game played for entertainment in which:
- (a) The contestant actively participates;
  - (b) The outcome depends in a material degree upon the skill of the contestant;
  - (c) Only merchandise prizes are awarded;
  - (d) The outcome is not in the control of the operator;
  - (e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and
  - (f) Said game is conducted or operated by any agricultural fair, person, association, or organization in such manner and at such locations as may be authorized by rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended.

Cake walks as commonly known and fish ponds as commonly known shall be treated as amusement games for all purposes under this chapter.



The legislature hereby authorizes the wagering on the outcome of the roll of dice or the flipping of or matching of coins on the premises of an establishment engaged in the business of selling food or beverages for consumption on the premises to determine which of the participants will pay for certain items of food or beverages served or sold by such establishment and therein consumed. Such establishments are hereby authorized to possess dice and dice cups on their premises, but only for use in such limited wagering. Persons engaged in such limited form of wagering shall not be subject to the criminal or civil penalties otherwise provided for in this chapter: PROVIDED, That minors shall be barred from engaging in the wagering activities allowed by this 1977 amendatory act.

(2) "Bingo" means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(3) "Bona fide charitable or nonprofit organization" means: (a) any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (b) any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie

evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(5) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

(6) "Contest of chance" means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(7) "Fishing derby" means a fishing contest, with or without the payment or giving of an entry fee or other consideration by some or all of the contestants wherein prizes are awarded for the species, size, weight, or quality of fish caught in a bona fide fishing or recreational event.

(8) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include fishing derbies as defined by this chapter, parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection (13) of this section shall not constitute gambling.

(9) "Gambling device" means: (a) Any device or mechanism the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (b) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling

device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

(10) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling: PROVIDED, HOWEVER, That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the federal communications commission.

(11) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

(12) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

(13) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state;

(d) Visitation to any business establishment to obtain a coupon, or entry blank;

(e) Mere registration without purchase of goods or services;

(f) Expenditure of time, thought, attention and energy in perusing promotional material;

(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer;

(h) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card

with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof: PROVIDED, That where any drawing is held by or on behalf of in-state retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and the period of the drawing and its promotion shall not extend for more than seven consecutive days: PROVIDED FURTHER, That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet; or

(i) The payment of an admission fee to gain admission to any agricultural fair authorized under chapters 15.76 or 36.37 RCW where (i) the scheme is conducted for promotional or advertising purposes, not including the promotion or advertisement of the scheme itself; and (ii) the person or organization conducting the scheme receives no portion of the admission fee either directly or indirectly and receives no other money for conducting the scheme either directly or indirectly, other than what might be received indirectly as a result of the success of the promotional or advertising aspect of the scheme.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(14) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in this section is not a "player".

(15) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection (13) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030 as now or hereafter amended, includes but is not limited to conduct directed toward

the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in RCW 9.46.030 as now or hereafter amended, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the game shall be open to public inspection.

(16) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of July 16, 1973, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

(17) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(18) "Social card game" means a card game, including but not limited to the game commonly known as "Mah Jongg", which constitutes gambling and contains each of the following characteristics:

- (a) There are two or more participants and each of them are players; and
- (b) A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and
- (c) No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That this item (c) shall not preclude a player from collecting or obtaining his winnings; and
- (d) No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing in excess of one dollar per half hour of playing time by that person collected in advance: PROVIDED, That a fee may also be charged for entry into a tournament for prizes, which fee shall not exceed twenty-five dollars, including all separate fees which might be paid by a player for various phases or events of the tournament: PROVIDED FURTHER,

That this item (d) shall not apply to the membership fee in any bona fide charitable or nonprofit organization (~~(or to an admission fee allowed by the commission pursuant to RCW 9.46.070)~~); and

(e) The type of card game is one specifically approved by the commission pursuant to RCW 9.46.070; and

(f) The extent of wagers, money or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the commission pursuant to RCW 9.46.070.

(19) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise, directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

(20) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

Sec. 2. Section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.070 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, raffles, amusement games, and social card games~~((f,))~~, to utilize punch boards and pull-tabs in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission or director shall not issue, deny, suspend, or revoke any license because of considerations of race, sex, creed, color, or national origin: AND PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association, or organization to utilize punch boards and pull-tabs and to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED

FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization approved by the commission meeting the requirements of this chapter and meeting the requirements of any rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended, permitting said person, association, or organization to conduct or operate amusement games in such manner and at such locations as the commission may determine;

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association, or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by RCW 9.46.030 as now or hereafter amended;

(5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor, and such portion of said fee as the commission may determine, based upon its cost of processing and investigation, shall be retained by the commission upon the withdrawal or denial of any such license application as its reasonable expense for processing the application and investigation into the granting thereof: PROVIDED FURTHER, That if in a particular case the basic license fee established by the commission for a particular class of license is less than the commission's actual expenses to investigate that particular application, the commission may at any time charge to that applicant such additional fees as are necessary to pay the commission for those costs. The commission may decline to proceed with its investigation and no license shall be issued until the commission has been fully paid therefor by the applicant: AND PROVIDED FURTHER, That the commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements, or programs;

(6) To require that applications for all licenses contain such information as may be required by the commission: PROVIDED, That all persons (a) having a managerial or ownership interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or (b) participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application: PROVIDED FURTHER, That the commission

may require fingerprinting and background checks on any persons seeking licenses under this chapter or of any person holding an interest in any gambling activity, building, or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity;

(7) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

(8) To require that all income from bingo games, raffles, and amusement games be recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

(9) To regulate and establish maximum limitations on income derived from bingo: PROVIDED, That in establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character and scope of the activities of the licensee; (ii) the source of all other income of the licensee; and (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes;

(10) To regulate and establish the type and scope of and manner of conducting social card games permitted to be played, and the extent of wager, money, or other thing of value which may be wagered or contributed or won by a player in a social card game;

(11) To regulate (~~and establish a reasonable admission~~) the collection of and the accounting for the fee which may be imposed by an organization, corporation, or person licensed to conduct a social card game on a person desiring to become a player in a social card game(~~(- A "reasonable admission fee" under this item shall be limited to a fee which would defray or help to defray the expenses of the game and which would not be contrary to the purposes of this chapter)~~) in accordance with RCW 9.46.020(18)(d) as now or hereafter amended;

(12) To cooperate with and secure the cooperation of county, city, and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(13) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.04 RCW;

(14) To set forth for the perusal of counties, city-counties, cities, and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended;

(15) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee; and



(16) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Passed the House May 16, 1977.

Passed the Senate May 11, 1977.

Approved by the Governor May 24, 1977.

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

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## CHAPTER 77

[Engrossed Senate Bill No. 2416]

### CONTROLLED SUBSTANCES—SEIZURE AND FORFEITURE

AN ACT Relating to controlled substances; and amending section 69.50.505, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.505.

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

Section 1. Section 69.50.505, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.505 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture:

(1) all controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this chapter;

(2) all raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter;

(3) all property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) all conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraphs (1) or (2), but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) no conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent;

(iii) a conveyance is not subject to forfeiture for a violation of RCW 69.50.401(c); and,

(iv) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if ~~((he))~~ the secured party neither had knowledge of nor consented to the act or omission~~((:))~~; and

(5) all books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter.

(b) Property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(1) the seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) a board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) the board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings (~~under subsection (d) shall be instituted promptly~~) for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

~~(d) ((Property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the board or seizing law enforcement agency subject only to the orders and decrees of the superior court having jurisdiction over the forfeiture proceedings. When property is seized under this chapter, the board or seizing law enforcement agency may:~~

~~(1) place the property under seal;~~

~~(2) remove the property to a place designated by it; or~~

~~(3) request the appropriate sheriff or director of public safety to take custody of the property and remove it to an appropriate location for disposition in accordance with law.~~

~~(e)) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) of this section within forty-five days of the seizure, the item seized shall be deemed forfeited.~~

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) of this section within forty-five days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. A hearing before the seizing agency and any appeal therefrom shall be under chapter 34.04 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of items specified in subsection (a)(4) of this section. The

seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the hearing officer or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(4) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds shall be used for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs;

(3) request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) forward it to the Bureau for disposition.

((f)) (g) Controlled substances listed in Schedule I, II, III, IV and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

((g)) (h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

((h)) (i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored(;) to produce an appropriate registration(;) or proof that he is the holder thereof(;) constitutes authority for the seizure and forfeiture of the plants.

Passed the Senate April 5, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

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

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## CHAPTER 78

[Engrossed Senate Bill No. 2365]

### HIGHWAYS—ACQUISITION, OWNERSHIP, DISPOSITION, OF PROPERTY

AN ACT Relating to highways; amending section 36.75.090, chapter 4, Laws of 1963 and RCW 36.75.090; amending section 47.12.080, chapter 13, Laws of 1961 as amended by section 3, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.080; amending section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140; amending section 47.24.020, chapter 13, Laws of 1961 as last amended by section 1, chapter 115, Laws of 1967 and RCW 47.24.020; amending section 47.52.090, chapter 13, Laws of 1961 as amended by section 11, chapter 108, Laws of 1967 and RCW 47.52.090; adding new sections to chapter 47.12 RCW; adding a new section to chapter 47.52 RCW; repealing section 47.12.060, chapter 13, Laws of 1961, section 1, chapter 96, Laws of 1975

1st ex. sess. and RCW 47.12.060; and repealing section 47.12.070, chapter 13, Laws of 1961, section 2, chapter 91, Laws of 1969, section 2, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.070.

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

NEW SECTION. Section 1. There is added to chapter 47.12 RCW a new section to read as follows:

(1) Whenever the department of highways determines that any real property owned by the state of Washington and under the jurisdiction of the highway commission is no longer required for highway purposes and that it is in the public interest to do so, the department may sell the property at fair market value to any of the following governmental entities or persons:

(a) Any other state agency;

(b) The city or county in which the property is situated;

(c) Any other municipal corporation;

(d) The former owner of the property from whom the state acquired title;

(e) In the case of residentially improved property, a tenant of the department of highways who has resided thereon for not less than six months and who is not delinquent in paying rent to the state; and

(f) Any abutting private owner but only after each other abutting private owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within fifteen days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.280.

(2) Sales to purchasers may at the department's option be for cash or by real estate contract.

(3) The department may agree with the owner of real property required for highway purposes to convey to such owner real property under the jurisdiction of the highway commission which is no longer required for highway purposes as all or part consideration for the property to be acquired for highway purposes.

(4) Conveyances made pursuant to this section shall be by deed executed by the director of highways and shall be duly acknowledged.

(5) All moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

NEW SECTION. Sec. 2. There is added to chapter 47.12 RCW a new section to read as follows:

(1) The department of highways may sell at fair market value, or lease at rental value (economic rent), materials or other personal property to any United States agency or to any municipal corporation, political subdivision, or another agency of the state and may provide services to any United States agency or to any municipal corporation, political subdivision, or another agency of the state at actual cost, including a reasonable amount for indirect costs.

(2) The department may sell at fair market value materials or other personal property to any private utility company regulated by the utilities and transportation commission for the purpose of making emergency repairs to utility facilities or to

protect such facilities from imminent damage upon a finding in writing by the director of highways that an emergency exists.

(3) The proceeds of all sales and leases under this section shall be placed in the motor vehicle fund.

NEW SECTION. Sec. 3. There is added to chapter 47.52 RCW a new section to read as follows:

(1) Whenever the highway commission adopts a plan for a limited access highway to be constructed within the corporate limits of a city or town which incorporates existing city or town streets, title to such streets shall remain in the city or town and the provisions of RCW 47.24.020 as now or hereafter amended shall continue to apply to such streets until such time that the highway is operated as either a partially or fully controlled access highway. Title to and full control over that portion of the city or town street incorporated into the limited access highway shall be vested in the state upon a declaration by the highway commission that such highway is operational as a limited access facility, but in no event prior to the acquisition of right of way for such highway including access rights, and not later than the final completion of construction of such highway.

(2) Upon the completion of construction of a state limited access highway within a city or town, the highway commission may relinquish to the city or town streets constructed or improved as a functional part of the limited access highway, slope easements, landscaping areas, and other related improvements to be maintained and operated by the city or town in accordance with the limited access plan. Title to such property relinquished to a city or town shall be conveyed by a deed executed by the director of highways and duly acknowledged. Relinquishment of such property to the city or town may be expressly conditioned upon the maintenance of access control acquired by the state and the continued operation of such property as a functional part of the limited access highway.

Sec. 4. Section 36.75.090, chapter 4, Laws of 1963 and RCW 36.75.090 are each amended to read as follows:

All public highways in this state which have been a part of the route of a state highway and have been or may hereafter be no longer necessary as such, if situated outside of the limits of incorporated cities or towns, shall, upon certification thereof by the state highway commission to the board of the county in which any portion of such highway is located, be and become a county road of such county, and if situated within the corporate limits of any city or town shall upon certification thereof by the state highway commission to the mayor of the city or town in which any portion of such highway is located be and become a street of such city or town (~~and upon such certification the state highway commission may certify to the governor the abandonment of such highways, giving a description thereof and the governor may execute and the secretary of state shall attest and deliver to the county or city as the case may be a deed of conveyance on behalf of the state to such abandoned highways or portions thereof~~) Upon such certification the director of highways shall execute a deed, which shall be duly acknowledged, conveying such abandoned highway or portion thereof to the county or city as the case may be.

Sec. 5. Section 47.12.080, chapter 13, Laws of 1961 as amended by section 3, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.080 are each amended to read as follows:

~~((Whenever in the construction, reconstruction, location or improvement of any state highway it may become necessary to))~~ The highway commission may transfer and convey to the United States, its agencies or instrumentalities, to any other state agency, to any ((municipal subdivision)) county or city or port district of this state, or to any public utility company, any unused state ((highway right of way or)) owned real property((, and)) under the jurisdiction of the highway commission, when in the judgment of the highway commission and the attorney general, such transfer and conveyance is consistent with public interest((, the highway commission may enter into agreements accordingly)). Whenever the highway commission shall make ~~((any such))~~ an agreement for any such transfer or conveyance, and ~~((together with the attorney general;))~~ certifies to the director of highways that such agreement has been made setting forth in such certification a description of the lands or premises involved, the director of highways shall execute and deliver unto the ~~((United States government, or its agencies or instrumentalities, unto any municipal subdivision of this state, or unto any public utility company;))~~ grantee a deed of conveyance, easement, or other instrument, duly acknowledged, as shall be necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of Washington under any of the provisions hereof shall be deposited in the motor vehicle fund.

Sec. 6. Section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140 are each amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, whenever the state highway department shall have acquired any lands, except state granted lands, upon which are located any structures, timber or other thing of value attached to the land, which the state highway commission shall deem it best to sever from the land and sell as personal property, the same may be sold by the department of highways at public auction after due notice thereof shall have been given in accordance with general regulations prescribed by the state highway commission. The state highway commission may set minimum prices that will be accepted for any item offered for sale at public auction as herein provided and may prescribe terms or conditions of sale and, in the event that any item shall be offered for sale at such auction and for which no satisfactory bids shall be received or for which the amount bid shall be less than the minimum set by the commission, it shall be lawful for the commission to sell such item at private sale for the best price which it deems obtainable but at not less than the highest price bid at the public auction. The proceeds of all sales under this section shall be placed in the motor vehicle fund.

(2) The department of highways may issue permits to residents of this state to remove specified quantities of standing or downed trees and shrubs, rock, sand, gravel, or soils which have no market value in place and which the department desires to be removed from state owned lands which are under the jurisdiction of the highway commission. An applicant for such a permit must certify that the materials so removed are to be used by himself and that they will not be disposed of to any other person. Removal of materials pursuant to permit shall be in accordance

with such regulations as the department shall prescribe. The fee for a permit shall be two dollars and fifty cents which shall be deposited in the motor vehicle fund. The highway commission may adopt regulations providing for special access to limited access facilities for the purpose of removal of materials pursuant to permits authorized in this section.

Sec. 7. Section 47.24.020, chapter 13, Laws of 1961 as last amended by section 1, chapter 115, Laws of 1967 and RCW 47.24.020 are each amended to read as follows:

The jurisdiction, control and duty of the state and city or town with respect to such streets shall be as follows:

(1) The state highway commission shall have no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the state highway commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes: PROVIDED, That within incorporated cities and towns the title to a state limited access (~~facility, after purchase and construction by the state alone,~~) highway shall vest in the state, and, notwithstanding any other provision of this section, the Washington state highway commission shall exercise full jurisdiction, responsibility and control to, and over, such facility as provided in chapter 47.52 RCW, as amended;

(3) The state highway commission shall have authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and shall have the right to construct such additional underground facilities as may be necessary in such streets;

(5) The city or town shall have the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway: PROVIDED, That in cities and towns having a population of fifteen thousand or less according to the latest determination of population by the state census board, the state, when necessary for public safety, shall assume, at its expense, responsibility, for the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself: PROVIDED FURTHER, That the state shall install, maintain and operate all illuminating facilities on any limited access facility, together with their interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance and operation incurred after November 1, 1954;

(7) The state highway commission shall have the right to utilize all storm sewers on such highways without cost; and if new storm sewer facilities are necessary

in construction of new streets by the state highway commission, the cost of such facilities shall be borne by the state and/or city as may be mutually agreed upon between the state highway commission and the governing body of the city or town;

(8) Cities and towns shall have exclusive right to grant franchises, not in conflict with state laws, over, beneath and upon such streets but the state highway commission shall be authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town shall have granted on such street: **PROVIDED**, That no franchise for transportation of passengers in motor vehicles shall be granted on such streets without the approval of the state highway commission but the state highway commission shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair and replace to its original condition any portion of the street damaged or injured by it;

(10) The city or town shall have the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the state highway commission;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto shall be subject to the approval of the state highway commission before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the state highway commission heretofore or within one year after March 21, 1963;

(12) The state highway commission shall erect, control and maintain at state expense all route markers, and directional signs, except street signs, on such streets;

(13) The state highway commission shall install, operate, maintain and control at state expense all traffic control signals, signs and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of fifteen thousand or less according to the latest determination of population by the state census board: **PROVIDED**, That such cities and towns may submit to the state highway commission a plan for traffic control signals, signs and traffic control devices desired by them, indicating the location, nature of installation, or type thereof, or a proposed amendment to such an existing plan or installation, and the state highway commission shall consult with the cities or towns concerning the same prior to installing such signals, signs, or devices. Cities and towns having a population in excess of fifteen thousand according to the latest determination of population by the state census board shall install, maintain, operate and control such signals, signs and devices at their own expense, subject to approval of the state highway commission for the installation and type only. For the purpose of this subdivision striping, lane marking and channelization are considered traffic control devices;

(14) All revenue from parking meters placed on such streets shall belong to the city or town;



(15) Rights of way for such streets shall be acquired by either the city or town or by the state as shall be mutually agreed upon. Costs of acquiring rights of way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all such rights of way ~~((so acquired shall vest in the city or town. PROVIDED, That))~~ acquired by a city or town shall immediately vest in the city or town. Title to all rights of way acquired by the state shall remain in the state until actually used for construction or other street purpose. Upon completion of such construction, the rights of way actually used for street purposes shall be conveyed to the city or town by deed executed by the director of highways and duly acknowledged. No vacation, sale, or rental of any unused portion of any such street shall be made by the city or town without the approval of the state highway commission; and all revenue derived from sale, vacation, or rental of such rights of way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared;

(16) If any city or town shall fail to perform any of its obligations as set forth in this section or in any cooperative agreement entered into with the state highway commission for the maintenance of a city or town street forming part of the route of a state highway, the state highway commission may notify the mayor of such town to perform such necessary maintenance within thirty days. If the city or town within such thirty days shall fail to perform such maintenance or fail to authorize the state highway commission to perform such maintenance as provided by RCW 47.24.050, the state highway commission may perform such maintenance, the cost of which is to be deducted from any sums in the motor vehicle fund credited or to be credited to such city or town.

Sec. 8. Section 47.52.090, chapter 13, Laws of 1961 as amended by section 11, chapter 108, Laws of 1967 and RCW 47.52.090 are each amended to read as follows:

The highway authorities of the state, counties, incorporated cities and towns, and municipal corporations owning or operating an urban public transportation system are authorized to enter into agreements with each other, or with the federal government, respecting the financing, planning, establishment, improvement, construction, maintenance, use, regulation, or vacation of limited access facilities in their respective jurisdictions to facilitate the purposes of this chapter. Any such agreement may provide for the exclusive or nonexclusive use of a portion of such facility by street cars, trains or other vehicles forming a part of an urban public transportation system and for the erection, construction and maintenance thereon of structures and facilities of such a system including facilities for the receipt and discharge of passengers: PROVIDED, That within incorporated cities and towns the title to ~~((such))~~ every state limited access ((facility, after purchase and construction by the state alone,)) highway shall vest in the state, and, notwithstanding any other provision of this section, the Washington state highway commission shall exercise full jurisdiction, responsibility, and control to, and over, such ((facilities)) highway from the time it is declared to be operational as a limited access facility by the state highway commission: PROVIDED, FURTHER, That:

(1) Cities and towns shall regulate all traffic restrictions on such facilities except as provided in RCW 46.61.430 and all regulations adopted shall be subject to

approval of the state highway commission before becoming effective. Nothing herein shall preclude the state patrol, any county, or city or town from enforcing any traffic regulations and restrictions prescribed by state law, county resolution, or municipal ordinance.

(2) The city or town or franchise holder shall at its own expense maintain its underground facilities beneath the surface across the highway and shall have the right to construct such additional facilities underground or beneath the surface of the facility or necessary overcrossings of power lines and other utilities as may be necessary insofar as such facilities do not interfere with the use of the right of way for limited access highway purposes, and the city or town shall have the right to maintain any municipal utility and the right to open the surface of such highway, and the construction, maintenance until permanent repair is made, and permanent repair of such facilities shall be done in a time and manner authorized by permit to be issued by the state highway commission or its authorized representative, except to meet emergency conditions for which no permit will be required, but any damage occasioned thereby shall promptly be repaired by the city or town itself, or at its direction. Where a city or town is required to relocate overhead facilities within the corporate limits of a city or town as a result of the construction of a limited access facility, the cost of such relocation shall be paid by the state.

(3) Cities and towns shall have the right to grant utility franchises crossing the facility underground and beneath its surface insofar as such franchises are not inconsistent with the use of the right of way for limited access facility purposes: PROVIDED, That such franchises are not in conflict with state laws: PROVIDED FURTHER, That the state highway commission shall be authorized to enforce, in an action brought in the name of the state, any condition of any franchise which a city or town shall have granted: AND PROVIDED FURTHER, That no franchise for transportation of passengers in motor vehicles shall be granted on such highways without the approval of the state highway commission, except cities and towns shall not be required to obtain a franchise for the operation of municipal vehicles or vehicles operating under franchises from the city or town operating within the corporate limits of a city or town and within a radius not to exceed eight miles outside of such corporate limits for public transportation on such facilities, but such vehicles may not stop on the limited access portion of such facility to receive or to discharge passengers unless appropriate special lanes or deceleration, stopping and acceleration space is provided for such vehicles.

Every franchise or permit granted any person by a city or town for use of any portion of a limited access facility shall require the grantee or permittee to restore, permanently repair and replace to its original condition any portion of the highway damaged or injured by it. Except to meet emergency conditions, the construction and permanent repair of any limited access facility by the grantee of a franchise shall be in a time and manner authorized by permit to be issued by the state highway commission, or its authorized representative.

(4) The state highway commission shall have the right to utilize all storm sewers which are adequate and available for the additional quantity of run-off proposed to be passed through such storm sewers.

(5) The construction and maintenance of city streets over and under crossings and surface intersections of the limited access facility shall be in accordance with

the governing policy entered into between the state highway commission and the association of Washington cities on June 21, 1956, or as such policy may be amended by agreement between the Washington state highway commission and the association of Washington cities.

**NEW SECTION.** Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 47.12.060, chapter 13, Laws of 1961, section 1, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.060; and

(2) Section 47.12.070, chapter 13, Laws of 1961, section 2, chapter 91, Laws of 1969, section 2, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.070.

Passed the Senate March 17, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

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

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## CHAPTER 79

[Engrossed Senate Bill No. 2443]

### BOARD OF ELECTRICAL EXAMINERS—DUTIES

AN ACT Relating to electrical inspections; amending section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 62, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.123.

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

Section 1. Section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 62, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.123 are each amended to read as follows:

There is hereby created a board of electrical examiners consisting of nine members to be appointed by the governor. It shall be the purpose and function of this board to establish in addition to a general electrical contractors' license, such classifications of specialty electrical contractors' licenses as it deems appropriate with regard to individual sections pertaining to state adopted codes in chapter 19.28 RCW. In addition, it shall be the purpose and function of this board to establish and administer written examinations for general electrical contractors' qualifying certificates and the various specialty electrical contractors' qualifying certificates. Examinations shall be designed to reasonably insure that general and specialty electrical contractor's qualifying certificate holders are competent to engage in and supervise the work covered by this statute and their respective licenses. The examinations shall include questions from the following categories to assure proper safety and protection for the general public: (1) Safety, (2) state electrical code, and (3) electrical theory. It shall be the further purpose and function of this board to advise the director as to the need of additional electrical inspectors and compliance officers to be utilized by the director on either a full time or part time employment basis. Meetings of the board shall be held quarterly on the first Monday of February, May, August and November of each year. Each member of the board shall be paid twenty-five dollars for each day or portion thereof that the board is in session and each member shall also receive travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, which

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

Passed the Senate March 31, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

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

## CHAPTER 80

[Substitute Senate Bill No. 2872]

### MENTALLY, PHYSICALLY, AND SENSORY HANDICAPPED

#### —INCOMPETENCY, DISABILITY—TERMINOLOGY—PROCEDURE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting him and acting under his direction;

(2) Whenever necessarily used by a person arresting one who has committed a felony and delivering him to a public officer competent to receive him into custody;

(3) Whenever used by a party about to be injured, or by another lawfully aiding him, in preventing or attempting to prevent an offense against his person, or a malicious trespass, or other malicious interference with real or personal property lawfully in his possession, in case the force is not more than shall be necessary;

(4) Whenever used in a reasonable and moderate manner by a parent or his authorized agent, a guardian, master, or teacher in the exercise of lawful authority, to restrain or correct his child, ward, apprentice, or scholar;

(5) Whenever used by a carrier of passengers or his authorized agent or servant, or other person assisting them at their request in expelling from a carriage, railway car, vessel, or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has



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

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

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

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

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

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

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

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

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

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

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

(8) "Wills" includes all codicils.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For the purpose of and as used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Department" means department of social and health services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## WESTERN INTERSTATE CORRECTIONS COMPACT

### ARTICLE I—Purpose and Policy

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

### ARTICLE II—Definitions

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

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

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

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

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

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

### ARTICLE III—Contracts

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

1. Its duration.

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

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

4. Delivery and retaking of inmates.

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

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

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

#### ARTICLE IV—Procedures and Rights

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

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

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

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



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

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

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

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

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

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

#### ARTICLE V—Acts Not Reviewable In Receiving State; Extradition

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

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

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

#### ARTICLE VI—Federal Aid

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

#### ARTICLE VII—Entry Into Force

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

#### ARTICLE VIII—Withdrawal and Termination

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

## ARTICLE IX—Other Arrangements Unaffected

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

## ARTICLE X—Construction and Severability

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Agency" shall not include the following:

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

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

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

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

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

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

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

(h) Licensed physicians or lawyers;

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

(j) Facilities approved and certified under RCW 72.33.810;

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

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

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

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

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

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

The minimum requirements shall be limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**NEW SECTION.** Sec. 76. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate May 4, 1977.

Passed the House May 16, 1977.

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

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

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

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

"AN ACT Relating to social and health services."

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

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

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## CHAPTER 81

[Senate Bill No. 2014]

### INDIANS

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

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

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

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

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

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

It shall be the duty of the said society

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

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

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

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

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

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



(7) To prepare biennially for publication a report of its collections and such other matters relating to the work of the society as may be useful to the state and the people thereof.

(8) To keep its rooms open at all reasonable hours of business days for the reception of citizens and visitors without charge.

Sec. 3. Section 1, chapter 187, Laws of 1925 ex. sess. as amended by section 1, chapter 35, Laws of 1973 and RCW 27.32.010 are each amended to read as follows:

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

It shall be the duty of the said society

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

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

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

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

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

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

(7) To prepare biennially for publication a report of its collections and such other matters relating to the work of the society as may be useful to the state and people thereof.

(8) To keep its rooms open at all reasonable hours of business days for the reception of citizens and visitors, without charge.

(9) To develop, purchase, and acquire through gift, loan, or otherwise, collections of history and art, which through exhibit and exhibition, will promote a better understanding of the cultural development of the state, and to otherwise encourage the application of history and art.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) Section 29.85.150, chapter 9, Laws of 1965 and RCW 29.85.150; and

(2) Section 2, page 500, Laws of 1890 and RCW 64.20.020.

Passed the Senate March 14, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 26, 1977.

Filed in Office of Secretary of State May 26, 1977.

## CHAPTER 82

[Senate Bill No. 2055]

## COPYRIGHT PROTECTION—RATES

AN ACT Relating to enforcement of anti-monopoly statutes; and amending section 9, chapter 218, Laws of 1937 and RCW 19.24.140.

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

Section 1. Section 9, chapter 218, Laws of 1937 and RCW 19.24.140 are each amended to read as follows:

In the event any person, or groups of persons, or any combination or pool as aforesaid, whether a nonresident corporation, person, or an association, or domestic, refuse to abide by the provisions hereof, or attempt to evade or render ineffectual the true enforcement of any provision of this chapter, then the prosecuting attorney of any county where complaint is made of any violation, shall institute injunction proceedings against said persons in the superior court, and valid personal service may be had upon any nonresident defendant as set forth in RCW 19.24-.100; and the court shall enjoin all persons from violating the provisions of this chapter and the constitutional provisions prohibiting price fixing, monopolies, and combinations, and all copyrighted works and the public performance rights thereto when sold or used for profit are hereby declared to be a commercial commodity, and all persons, aiders and abettors, and agents, shall be enjoined by the court from aiding or furthering in any way a continuation of any violation of this chapter, either by the payment of money to said defendants or in any way; and if any defendant or defendants persist in defying the judgment of the court, the court shall, in order to effectuate its judgment and orders, order three days' notice be given said defendant or defendants, as the case may be, by having a copy of such notice served on the secretary of state as heretofore provided if defendants are without the state, or served personally if within the state, and have the same published in some daily paper in the state of general circulation, and at the end of said period, if any defendant or defendants refuse to obey the order of the court, then the court shall appoint the county auditor as receiver for the copyrighted works and property of defendants, tangible or intangible, and of all other effects and moneys derived therefrom, and the receiver shall take over and preserve the commercial rights to all of said copyrighted works, together with such other property of any defendant, combination, pool, corporation, or entity through which they are acting, that he can locate within the state, and the receiver shall administer the same under the direction of the court, and said receivership shall be considered only as an incident to the main injunction suit of the prosecutor, and for the purpose of enforcing the court's orders; the said receiver shall seize the copyrighted works of all of the copyright holders and owners in said defendant combination, including all of the rights to suits for infringement and damages in both state and federal courts, and all choses of action, and all sums due on contracts and licenses, and hold the same subject to the order of the court; and all persons holding licenses or contracts with any defendant combination or entity, shall pay the fees and sums due thereon to the receiver for such time as the court may need to effectuate the provisions of this chapter, and to compel any defendant to abide herewith: PROVIDED, Any sums

paid on licenses violating this chapter shall only be continued in the court's discretion or until such time as the court can award defendants complete and full due process of law before entering a final order thereon, or until such time as a legal and equitable system of licensing can be determined according to the subsequent provisions of this chapter: PROVIDED, FURTHER, In the event any defendant or defendants attempt to withdraw their said copyright works or property from the state in order to violate and render this chapter or the court's order ineffectual, or to deprive the citizens of this state of such commodity, or to hamper the enforcement of any provision of this chapter, or to injure any citizen or user of music in any way, then the court shall immediately order the receiver to compile a complete list of all of the copyrighted works of said defendants which have been used in this state, and the court shall then ~~((convene the state anti-monopoly board, as herein now created, consisting of the state treasurer and the state auditor, and said board shall meet in the county where the suit is filed, and the superior judge hearing the cause shall be an advisory member of said board; and said board, of which the state treasurer shall be chairman, shall have only one function, the discouragement of price fixing and monopolies, and the court shall then submit to said board the single question of the establishment of))~~ call on the state treasurer and the state auditor who shall jointly establish license rates for the use of those copyrighted works controlled by the defendants so proceeded against; and for the purpose of aiding in the abolition of monopolies and price fixing, and preventing violations of this chapter, ((the board)) they shall determine a fair and just rate that the receiver should charge for the single and separate public performance for profit of each copyrighted work or works of said defendants, on a per piece system and basis of licensing((; and the court shall not be deemed thereby to have divested itself of any of its jurisdiction by so doing)); after determining such rate, ~~((the said anti-monopoly board))~~ they shall immediately advise the receiver of its findings, and of its fair rate, and the same shall be filed of record in the cause, and the receiver may then, if said finding is approved by the court, issue licenses for the use of said music at such approved rate on a basis of so much money per each time a piece of music is played or used in a public performance for profit; that said property shall be thus administered by the receiver for a period of one year, or until such time as the defendants, or the individual copyright owners of any combination so proceeded against take oath that they will abide by the rulings of the court and the provisions of this chapter; and all fees and funds collected by the receiver shall be turned over to the state treasurer, and no receiver's fees or attorney's fees shall be allowed, and the prosecuting attorney shall be the attorney for the receiver, and the state treasurer shall keep said money in a separate and special fund, subject to the order of the court only for whatever portion thereof that the court may order used to defray the actual expenses ((of the board and the receivership)) incurred by any prosecuting attorney or county auditor in connection with this action; at the end of one year, if the defendants and copyright owners or holders in any combination thus proceeded against, continue to wilfully disobey the court's orders, then the court shall issue an order, which shall be published in three public places, to the effect that unless the defendants obey all of the orders of the court within ten days from the date of said order, that the court will proceed to permanently deprive said defendants and each of them of their property; and the court shall then order said

defendants to show cause within ten days why they should not be involuntarily compelled to assign all of their copyrighted works to the receiver forthwith, and to show cause why all of the funds as collected in the manner aforesaid from licenses, together with all of the copyrighted works including the performing rights thereto of said defendants and members of said combine, should not escheat and be forfeited forever to the state of Washington, and be subject thereafter to administration by the state in the same manner as all other personal property belonging to the state of Washington; if any of said defendants and copyright holders, or owners, do appear before the end of said ten day period, and take oath that they will abide by the future orders of the court and the provisions of this chapter, then the court shall release their copyrighted works and order the state treasurer to return any and all of their money which has been received or seized: PROVIDED, HOWEVER, The court shall retain such jurisdiction over their persons for such time as the court may deem necessary to insure strict compliance with the terms of the court's judgment and the provisions of this chapter; if any of said defendants or copyright owners or holders shall ignore or refuse to obey the show cause order, as aforesaid, or fail to appear at the end of ten days as ordered and abide by the court's judgment, then the court shall make an order and enter judgment to the effect that all of the copyrighted works, including the performing rights thereto, of said defendants and the members of any defendant combination, shall be construed as having been escheated and forfeited to the state of Washington, and the court shall thereupon appoint some officer of the court to execute an involuntary assignment of all the legal and equitable titles to all of the copyrighted works of each of said defendants and members of any defendant combination to the receiver, in the event the defendants or any of their members fail to execute a voluntary assignment, and the receiver shall immediately file said involuntary assignment at the United States Copyright Office at Washington, D.C.; and the court shall then order the receiver to close the estate, and turn the titles to said copyrighted works over by proper assignment from the receiver to the state treasurer of the state of Washington, who shall thereafter administer, issue licenses for the use of the same in a manner consistent with this chapter, and conserve the same as state personal property in his possession, and according to law; and any funds left in the state treasury from said receivership shall escheat and be forfeited to the state and become part of the general fund(~~(: PROVIDED, FURTHER, The state treasurer shall make a report to the legislature on each biennium of the amount of money received from such licensing and the amount of property he has on hand through the enforcement of this chapter)~~).

Passed the Senate May 17, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 26, 1977.

Filed in Office of Secretary of State May 26, 1977.

## CHAPTER 83

[Engrossed Senate Bill No. 2069]  
YOUTH SERVICE CORPS ACT OF 1977

AN ACT Relating to Washington state's youth service corps and the program for youth services; providing an expiration date; and adding a new chapter to Title 50 RCW.

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

NEW SECTION. Section 1. The legislature finds and declares that:

(1) A high percentage of the young men and women of the state are left idle by unemployment and denied the opportunities for career exploration and development that should accompany entry into the labor force.

(2) The talent and energy of Washington's young people are a significant resource for the enhancement of human and community services and the conservation and development of natural resources in our state of Washington.

(3) Existing programs do not adequately meet the needs of such young people for meaningful work and self-development.

(4) The program for youth service of the department of employment security offers an alternative to unemployment to its young people which challenges their abilities and commitment while extending the services of local governmental and private agencies and organizations in meeting social and environmental needs.

Now, therefore, the legislature finds it necessary and in the public interest to hereby establish the program for youth service as a permanent activity of the department of employment security and to hereby provide for its operation through this youth service corps act of 1977.

NEW SECTION. Sec. 2. (1) There is hereby created and established the youth service corps within the employment security department which shall include the program for youth service. The commissioner shall assign thereto such supervisory and clerical personnel as may be necessary to carry out the purposes of this chapter.

(2) The commissioner of the employment security department is hereby authorized to establish the program for youth service in which the services of full time enrollees from fourteen to twenty-four years of age, inclusive, will be mobilized to serve the needs of citizens and to resolve environmental problems through contracts with state and local governmental units and private nonprofit agencies. Such contracts shall include a component of regular performance evaluation leading to a work experience credential for the enrollee.

NEW SECTION. Sec. 3. The commissioner is authorized to select and enroll in the program for youth service, any person who is over fourteen years of age or who has not yet reached his or her twenty-fifth birthday, who is a resident of the state of Washington, and who is not for medical, legal, or psychological reasons incapable of a full year of service. The commissioner may prescribe such additional standards and procedures for selection of enrollees as may be necessary and in conformance with the provisions of this chapter.

NEW SECTION. Sec. 4. Placements in the program for youth service shall include those assignments which provide for dealing with social and environmental problems, and conservation and development of our natural resources.

The commissioner is authorized to establish standards for the development of placements for program for youth service enrollees with state and local units of government and private nonprofit agencies and organizations, and to assign enrollees to such placements in accordance with those standards.

A subsistence living allowance and comprehensive medical insurance shall be paid by the commissioner in accordance with the standards and limitations of the funding appropriation.

NEW SECTION. Sec. 5. A "program for youth service enrollee" is defined as a person who has completed enrollment forms and entered into a program for youth service contract as approved by the director of the program for youth service and who has entered service and is receiving a subsistence living allowance from the employment security department. Prior to placement of the program for youth service enrollee, the commissioner shall secure a written agreement from the state or local government unit, or private nonprofit agency and the enrollee which specifies in detail the purpose, objectives, and activities to be performed by the enrollee. It shall include assurances that the conditions of this chapter are met as well as an agreement that neither party will request nor receive compensation of any form other than the minimal living allowance, listed benefits, and actual expenses incurred by the enrollee in line with his or her assignment. All parties shall agree that they will not discriminate in the providing of any of its services on the basis of race, creed, ethnic origin, sex, age, or political affiliation.

NEW SECTION. Sec. 6. If the employment security department finds that there is an opportunity for the placement of youth in a training program that will, in the opinion of the director, assist in the development of skills and talents as set forth in section 1 of this act, then the director is hereby authorized to enter into any contract with any employer in the state that offers such training program or opportunities. Contracts entered into with employers other than local governmental and private nonprofit agencies shall not be exempted from the minimum wage laws of this state, but the director shall be empowered to reimburse the employer an amount not to exceed the amount that would have been paid under section 5 of this act. The director shall only be authorized to make said payments for a maximum period of one year.

The director shall report back to the legislature by January 15, 1978, the number of contracts entered into and the number of youth employed under this section and under section 5 of this act.

NEW SECTION. Sec. 7. Program for youth service enrollees shall be eligible for the benefits under Title 51 RCW, as now or hereafter amended, relating to industrial insurance.

The employment security department shall be deemed the employer and pay all premiums, including the worker's share. The employment security department will give notice of coverage under industrial insurance of all of its program for youth service enrollees to the director of the department of labor and industries prior to

the occurrence of the injury or contraction of an occupational disease by any program for youth service enrollees.

**NEW SECTION.** Sec. 8. The assignment of program for youth service enrollees shall not result in the displacement of currently employed workers, including partial displacement such as a reduction in hours of non-overtime work, wages, or other employment benefits.

State and local governments and private nonprofit agencies that participate in the program may not terminate, lay off, or reduce the working hours of any employee for the purpose of utilizing an enrollee with funds available under this chapter.

**NEW SECTION.** Sec. 9. The provisions of chapter 49.46 RCW, the state Minimum Wage Act, shall not apply to any program for youth service enrollee serving under a youth service contract approved pursuant to the provisions of this chapter.

**NEW SECTION.** Sec. 10. In addition to any other power, duty, or function prescribed by law or regulation, the employment security department, through the youth service corps, shall be authorized to accept federal funds and grants and implement federal programs relating to youth services or employment programs, and is further authorized to enter into agreements respecting such funds or grants.

If any part of this chapter shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this chapter; the rules and regulations under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION.** Sec. 11. The provisions of this chapter shall expire on December 31, 1981.

**NEW SECTION.** Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 50 RCW.

Passed the Senate May 18, 1977.

Passed the House May 17, 1977.

Approved by the Governor May 26, 1977.

Filed in Office of Secretary of State May 26, 1977.

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## CHAPTER 84

[Engrossed Substitute Senate Bill No. 2129]

### ADMINISTRATIVE RULES—PROMULGATION—STATEMENT OF PURPOSE AND IMPLEMENTATION

AN ACT Relating to state government; and adding a new section to chapter 34.04 RCW.

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

**NEW SECTION.** Section 1. There is added to chapter 34.04 RCW a new section to read as follows:

(1) For the purpose of legislative review of agency rules filed pursuant to this chapter, any new or amendatory rule promulgated after the effective date of this act, shall be accompanied by a statement prepared by the adopting agency which generally describes the rule's purpose and how the rule is to be implemented. Such statement shall contain, but is not limited to, the following:

(a) A title, containing a description of the rule's purpose, the name of the agency, the statutory authority for the rule, and any other information which may be of assistance in identifying the rule or its purpose;

(b) A summary of the rule;

(c) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(d) The names of the proponents and opponents of the rule, if any; and

(e) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule.

(2) Upon filing the rule with the code reviser, the adopting agency shall have copies of the statement on file and available for public inspection and shall forward three copies each of the statement to the secretary of the senate and the chief clerk of the house of representatives, who will in turn forward the statement to the majority and minority caucuses and to the appropriate legislative committees.

Passed the Senate May 17, 1977.

Passed the House May 13, 1977.

Approved by the Governor May 26, 1977.

Filed in Office of Secretary of State May 26, 1977.

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## CHAPTER 85

[Substitute Senate Bill No. 2154]

### INDUSTRIAL INSURANCE—THIRD PARTY ACTIONS

AN ACT Relating to industrial insurance; adding new sections to chapter 51.24 RCW; and repealing section 51.24.010, chapter 23, Laws of 1961, section 7, chapter 274, Laws of 1961, section 37, chapter 289, Laws of 1971 ex. sess., section 93, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.24.010.

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

NEW SECTION. Section 1. There is added to chapter 51.24 RCW a new section to read as follows:

If the injury to a worker is due to the negligence or wrong of a third person not in the same employ, the injured worker or beneficiary may elect to seek damages from the third person.

NEW SECTION. Sec. 2. There is added to chapter 51.24 RCW a new section to read as follows:

The injured worker or beneficiary shall be entitled to the full compensation and benefits provided by this title regardless of any election or recovery made under this chapter.

NEW SECTION. Sec. 3. There is added to chapter 51.24 RCW a new section to read as follows:



(1) An election not to proceed against the third person operates as an assignment of the cause of action to the department or self-insurer, which may prosecute or compromise the action in its discretion in the name of the injured worker, beneficiary or legal representative.

(2) The injured worker or beneficiary shall be entitled to the remaining balance of any award or settlement recovered by the department or self-insurer after deduction of the following amounts:

(a) The expenses incurred in making the recovery including reasonable costs of legal services; and

(b) The compensation and benefits paid to or on behalf of the injured worker or beneficiary by the department or self-insurer.

(3) Thereafter no payment shall be made to or on behalf of a worker or beneficiary by the department or self-insurer for such injury until the amount of any further compensation or benefits shall equal any such remaining balance. Thereafter, such benefits shall be paid by the department or self-insurer to or on behalf of the worker or beneficiary as though no third party person claim had been made.

NEW SECTION. Sec. 4. There is added to chapter 51.24 RCW a new section to read as follows:

(1) In an action by the injured worker or beneficiary against the third person, any award or settlement shall be distributed as follows:

(a) The costs and reasonable attorneys' fees shall be paid;

(b) The injured worker or beneficiary shall be paid twenty-five percent of the balance of the award: PROVIDED, That in the event of a compromise and settlement by the parties, the injured worker or beneficiary may agree to a sum less than twenty-five percent;

(c) The department or self-insurer shall be paid the balance of the award, but only to the extent necessary to reimburse the department or self-insurer for compensation or benefits paid;

(d) Any remaining balance shall be paid to the injured worker or beneficiary;

(e) Thereafter no payment shall be made to or on behalf of a worker or beneficiary by the department or self-insurer for such injury until the amount of any further compensation or benefits shall equal any such remaining balance. Thereafter, such benefits shall be paid by the department or self-insurer to or on behalf of the worker or beneficiary as though no third party person claim had been made.

(2) The award or settlement shall be subject to a lien by the department or self-insurer for its share under this section.

NEW SECTION. Sec. 5. There is added to chapter 51.24 RCW a new section to read as follows:

(1) The department or self-insurer may require the injured worker or beneficiary to exercise the right of election under this chapter by serving a written demand by registered mail, certified mail, or personal service on the worker or beneficiary.

(2) Unless an election is made within sixty days of the receipt of the demand, and unless an action is instituted or settled within the time granted by the department or self-insurer, the injured worker or beneficiary is deemed to have assigned the action to the department or self-insurer. The department or self-insurer shall

allow the worker or beneficiary at least ninety days from the election to institute or settle the action.

(3) If an action which has been filed is not diligently prosecuted, the department or self-insurer may petition the court in which the action is pending for an order assigning the cause of action to the department or self-insurer. Upon a sufficient showing of a lack of diligent prosecution the court in its discretion may issue the order.

**NEW SECTION.** Sec. 6. There is added to chapter 51.24 RCW a new section to read as follows:

(1) If the injured worker or beneficiary elects to seek damages from the third person, notice of the election must be given to the department or self-insurer. The notice shall be by registered mail, certified mail, or personal service. If an action is filed by the injured worker or beneficiary, a copy of the complaint must be sent by registered mail to the department or self-insurer.

(2) A return showing service of the notice on the department or self-insurer shall be filed with the court but shall not be part of the record except as necessary to give notice to the defendant of the lien imposed by section 4(2).

**NEW SECTION.** Sec. 7. There is added to chapter 51.24 RCW a new section to read as follows:

Any compromise or settlement of the third party cause of action by the injured worker or beneficiary which results in less than the entitlement under this title is void unless made with the written approval of the department or self-insurer.

**NEW SECTION.** Sec. 8. There is added to chapter 51.24 RCW a new section to read as follows:

The fact that the injured worker or beneficiary is entitled to compensation under this title shall not be pleaded or admissible in evidence in any third party action under this chapter. Any challenge of the right to bring such action shall be made by supplemental pleadings only and shall be decided by the court as a matter of law.

**NEW SECTION.** Sec. 9. This 1977 amendatory act shall apply only to causes of action which arise on or after its effective date.

**NEW SECTION.** Sec. 10. Section 51.24.010, chapter 23, Laws of 1961, section 7, chapter 274, Laws of 1961, section 37, chapter 289, Laws of 1971 ex. sess., section 93, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.24.010 are each repealed.

Passed the Senate May 17, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 26, 1977.

Filed in Office of Secretary of State May 26, 1977.

## CHAPTER 86

[Engrossed Senate Bill No. 2166]

## PRINTING AND DUPLICATING MANAGEMENT CENTER CREATED—PRINTING AND DUPLICATING COMMITTEE ABOLISHED

AN ACT Relating to state government; adding new sections to chapter 43.19 RCW; repealing section 43.77.010, chapter 8, Laws of 1965 and RCW 43.77.010; repealing section 43.77.020, chapter 8, Laws of 1965, section 1, chapter 12, Laws of 1973 and RCW 43.77.020; repealing section 43.77.030, chapter 8, Laws of 1965, section 2, chapter 12, Laws of 1973 and RCW 43.77.030; repealing section 43.77.040, chapter 8, Laws of 1965 and RCW 43.77.040; repealing section 43.77.050, chapter 8, Laws of 1965 and RCW 43.77.050; and making an appropriation.

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

NEW SECTION. Section 1. There is added to chapter 43.19 RCW a new section to read as follows:

It is the intent of sections 1 through 6 of this act that the current activities of the printing and duplicating committee, presently fragmented within the department of general administration, the office of the public printer, and the office of program planning and fiscal management, be consolidated as an organizational entity, within the department of general administration, which shall expire on June 30, 1981.

NEW SECTION. Sec. 2. There is added to chapter 43.19 RCW a new section to read as follows:

The director of the department of general administration shall establish and staff an activity within the department to be known as the printing and duplicating management center. On June 30, 1981, all powers, duties, and functions of the printing and duplicating management center shall cease to exist. Not later than January 31, 1981, the director of the department of general administration shall submit to the forty-seventh legislature recommendations regarding functional disposition of the center's responsibilities.

NEW SECTION. Sec. 3. There is added to chapter 43.19 RCW a new section to read as follows:

The director of general administration, through the printing and duplicating management center, shall hereafter approve or take such other action as is deemed necessary regarding the purchase or acquisition of any printing, microfilm, or other duplicating equipment, other than typewriters, by any official or agency of the state.

The staff of the printing and duplicating management center shall develop a copier, duplicating, printing, and microfilm plan for the state, shall monitor implementation of the plan, shall recommend any necessary changes in the plan to the director, and shall develop and promulgate status reports to the governor, the legislative budget committee, and to the pertinent executive branch agencies.

NEW SECTION. Sec. 4. There is added to chapter 43.19 RCW a new section to read as follows:

Hereafter no state agency, as defined in RCW 43.19.560(2), shall acquire by purchase or otherwise any printing, microfilm, or other duplicating equipment,

other than typewriters, unless authorized by the printing and duplicating management center to so acquire.

**NEW SECTION.** Sec. 5. There is added to chapter 43.19 RCW a new section to read as follows:

The operation of the printing and duplicating management center shall be financed by the director of the department of general administration from moneys appropriated by the legislature.

The director of the department of general administration shall be responsible for establishing realistic fees to be charged for services rendered by the printing and duplicating management center. The director of the office of program planning and fiscal management shall approve any fees prior to their implementation. All fees and charges collected for services rendered by the printing and duplicating management center shall be deposited in the general fund. It is the intent of sections 1 through 6 of this act that the fees paid by the agencies and the savings experienced from the activities of the printing and duplicating management center shall more than offset the operating costs of the center.

The director of the department of general administration shall, in December of each calendar year, submit a report of all reported savings by each agency for the year to the senate committee on ways and means, the house committee on appropriations, and the legislative budget committee.

**NEW SECTION.** Sec. 6. There is added to chapter 43.19 RCW a new section to read as follows:

The state printing and duplicating committee is hereby abolished, and all powers, duties, and functions thereof are transferred to the director of the department of general administration, to be exercised through the printing and duplicating management center.

**NEW SECTION.** Sec. 7. 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. 8. The following acts or parts of acts are each hereby repealed:

- (1) Section 43.77.010, chapter 8, Laws of 1965 and RCW 43.77.010;
- (2) Section 43.77.020, chapter 8, Laws of 1965, section 1, chapter 12, Laws of 1973 and RCW 43.77.020;
- (3) Section 43.77.030, chapter 8, Laws of 1965, section 2, chapter 12, Laws of 1973 and RCW 43.77.030;
- (4) Section 43.77.040, chapter 8, Laws of 1965 and RCW 43.77.040; and
- (5) Section 43.77.050, chapter 8, Laws of 1965 and RCW 43.77.050.

**NEW SECTION.** Sec. 9. To carry out the provisions of this act there is appropriated to the department of general administration from the general fund for the biennium ending June 30, 1979, the sum of one hundred sixty-six thousand two hundred sixty-five dollars, or so much thereof as shall be necessary.

Passed the Senate May 18, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 26, 1977.

Filed in Office of Secretary of State May 26, 1977.

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 CHAPTER 87

[Substitute Senate Bill No. 2169]

## MATERIAL REMOVED FOR CHANNEL OR HARBOR IMPROVEMENT, FLOOD CONTROL—DISPOSAL

AN ACT Relating to public lands; amending section 1, chapter 47, Laws of 1965 as amended by section 1, chapter 54, Laws of 1970 ex. sess. and RCW 79.01.178; and declaring an emergency.

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

Section 1. Section 1, chapter 47, Laws of 1965 as amended by section 1, chapter 54, Laws of 1970 ex. sess. and RCW 79.01.178 are each amended to read as follows:

When gravel, rock, sand, silt or other material from the state-owned bed and shores of any navigable body of water within the state is removed by any public agency or under public contract for channel or harbor improvement, or flood control, use of such material may be authorized by the department of natural resources for a public purpose on land owned or leased by the state, or any municipality, county, or public corporation: **PROVIDED**, That when no public land site is available for deposit of such material, its deposit on private land with the landowner's permission is authorized and may be designated by the department of natural resources to be for a public purpose. Prior to removal and use, the state agency, municipality, county, or public corporation contemplating or arranging such use shall first obtain written permission from the department of natural resources. No payment of royalty shall be required for such gravel, rock, sand, silt, or other material used for such public purpose, but a charge will be made if such material is subsequently sold or used for some other purpose: **PROVIDED**, That the department may authorize such public agency or private landowner to dispose of such material without charge when necessary to implement disposal of material. No charge shall be required for any use of material obtained under the provisions of this chapter when used solely on an authorized site. Nothing in this section shall repeal or modify the provisions of RCW 75.20.100 or eliminate the necessity of obtaining a permit for such removal from other state agencies as otherwise required by law.

**NEW SECTION.** Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 17, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 26, 1977.

Filed in Office of Secretary of State May 26, 1977.

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 CHAPTER 88

[Engrossed Senate Bill No. 2437]

## INTERSTATE COMPACT FOR SCHOOL BUS SAFETY

AN ACT Relating to motor vehicles; enacting the interstate compact for school bus safety; adding a new chapter to Title 46 RCW; and making an appropriation.

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

NEW SECTION. Section 1. The "Interstate Compact for School Bus Safety" is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

INTERSTATE COMPACT FOR SCHOOL BUS SAFETY  
ARTICLE I  
FINDINGS AND PURPOSES

(a) The party states find that:

(1) School transportation is an integral part of our education systems. The increasing volume of traffic on streets and highways, with larger numbers of school children being transported each year, presents a serious problem in safety that requires regulation and control.

(2) During recent years the various states have each developed their own rules, regulations and standards which govern the operation of school buses in the individual states, thus creating vast differences in construction standards and operational procedures.

(3) Standardization by means of interstate cooperation, exchange of information, and the promulgation of uniform practices among the states can do much to mitigate present hazards and at the same time generate cost reductions and improved service.

(b) The purposes of this compact are to:

(1) Promote uniformity in regulation of and standards for school bus equipment.

(2) Secure uniformity of law and administrative practices in school bus vehicle regulation and related safety standards, incorporating desirable equipment changes in the interest of greater school bus safety.

(3) Establish a means whereby the states party to this compact shall jointly agree on certain school bus minimum standards and procedures including, without limitation by the enumeration, the following:

(i) Items which affect the motorist, such as use of lights, signs, and signaling devices that control traffic;

(ii) Procedural activities of school bus drivers in controlling traffic; and in the loading and unloading of buses;

(iii) Construction and other specifications which can lead to lower initial costs and the interchangeability of school buses among states;

(iv) A framework within which the party states may develop uniform driver training programs; and

(v) Development of accurate and uniform accident statistical reporting among the party states.

(4) Encourage and utilize research which will facilitate achievement of the foregoing purposes, with due regard for the findings set forth in subsection (a) of this Article.

(5) It is recognized that there are inherent differences in transportation needs in each of the party states. It shall not be the purpose of this compact to abridge, impair or adversely affect the jurisdiction or authority of the individual states to regulate and control their own school transportation systems.

(6) Investigate the safety and economic advantage of children being transported.

## ARTICLE II DEFINITIONS

(a) "State" means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other special commonwealth as may be established by the Government of the United States.

(b) "School bus" shall have the same meaning as provided in RCW 46.04.521.

(c) "Equipment" means the equipment required for school buses under chapter 46.37 RCW.

## ARTICLE III THE COMMISSION

(a) There is hereby created an agency of the party states to be known as the "Western States School Bus Safety Commission" (hereinafter called the Commission). The Commission shall consist of not less than one nor more than three commissioners from each State, each of whom shall be a citizen of the State from which he is appointed, and not less than one or nor more than three commissioners representing the United States Government. The commissioners from each State shall be chosen in the manner and for the terms provided by the laws of the States from which they shall be appointed, provided that at least one member shall be appointed from the State agency which has primary responsibility for pupil transportation in that State. Any commissioner may be removed or suspended from office as provided by the law of the State from which he shall be appointed. The commissioners representing the United States shall be appointed by the President of the United States, or in such other manner as may be provided by Congress. The commissioners shall serve without compensation, but shall be paid their actual expenses incurred in and incidental to the performance of their duties; but nothing herein shall prevent the appointment of an officer or employee of any State or of the United States Government.

(b) Each state delegation shall be entitled to one vote, and the presence of commissioners from a majority of the party states shall constitute a quorum for the transaction of business at any meeting of the Commission. A majority vote of the quorum will be required to adopt any measure before the Commission. The commissioners representing the United States Government shall act in an advisory capacity and shall not have voting powers.

(c) The Commission shall have a seal.

(d) The Commission shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The Commission shall appoint an Executive Director who shall serve at its pleasure and who shall also act as Secretary, and who, together with the Treasurer, shall be bonded in such amounts as the Commission may require.

(e) The Executive Director, with the approval of the Commission, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Commission's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

(f) The Commission may establish and maintain, independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. The Commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The Commission may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

(h) The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

(i) The Commission shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The Commission shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(j) The Commission annually shall make to the governor and the legislature of each party state, a report covering the activities of the Commission for the preceding year, and embodying such recommendations as may have been adopted by the Commission. The Commission may issue such additional reports as it may deem desirable.

#### ARTICLE IV FUNCTIONS AND ACTIVITIES

(a) The Commission shall have power to perform the following functions and activities that relate to school bus transportation:

(1) Recommend and encourage research, testing and training activities to the extent the Commission finds necessary.

(2) Contract for research, testing and training activities on behalf of the Commission itself or for one or more governmental agencies if they provide special funding for that purpose.

(3) Engage directly in such activities to the extent approved by the Commission.

(4) Recommend to the party states of needed changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination of school bus construction, equipment, safety programs, and school bus driver training.

(5) The Commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this article to the appropriate agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(6) Each party state, recognizing that to carry out the intent of this compact, obligates itself to adopt in identical terms, all rules, regulations and specifications which are standardized through due process to the States.

(b) The Commission may establish such advisory and technical committees as may be necessary, membership on which may include public officials and private citizens. The Commission may also cooperate with other governmental agencies and interstate organizations and with organizations representing the private sector.



ARTICLE V  
FINANCE

(a) Moneys necessary to finance the Commission in carrying out its duties shall be provided through appropriations from the states party to this compact, said payments to be in direct proportion to the number of school buses registered in the respective party states. The initial rate of payment shall be figured at \$0.50 per bus, provided that no state shall contribute less than \$500.00 per annum. The annual contribution of each state above the minimum shall be figured to the nearest one hundred dollars. Subsequent budgets shall be determined by the Commission, and the cost thereof allocated in the same proportion as the initial budget.

(b) The Commission may accept for any of its purposes under this compact any and all donations, and grants of money, equipment, supplies, materials, and services (conditional and otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize and dispose of the same.

ARTICLE VI  
ENTRY INTO FORCE AND WITHDRAWAL

(a) This compact shall enter into immediate force and effect as to any state when enacted by it into law, and such state shall thereafter be a party thereto with any and all states joining therein.

(b) It is the purpose of this compact to provide the necessary legal basis for implementation and adoption by each party state of the standardized rules, regulations and specifications as adopted by the Commission. Consistent with the laws of each party state, there shall be a "compact administrator" who, acting jointly with like officials of other party states, shall promulgate necessary rules, regulations and specifications within that state to carry out the actions and directives of the Commission.

(c) Any state party to this compact may, by legislative act after one year's notice to the Commission, withdraw from the compact. The compact may also be terminated at any time by the unanimous agreement of the several party states. Withdrawal shall not relieve a state from its obligations hereunder prior to the effective withdrawal date.

(d) If any state shall at any time default in the performance of any of its obligations assumed herein or with respect to any obligation imposed upon said state as authorized by and in compliance with the terms and provisions of this compact, all rights, privileges and benefits of such defaulting state and its members on the Commission shall be suspended after the date of such default. Such suspension shall in no manner release such defaulting state from any accrued obligation or otherwise affect this compact or the rights, duties, privileges or obligations of the remaining states thereunder.

ARTICLE VII  
SEVERABILITY

(a) The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be unconstitutional or the applicability thereof to any state, agency, person or circumstances is held invalid, the

constitutionality of the remainder of this compact and the applicability thereof to any other state, agency, person or circumstances shall not be affected thereby. It is the legislative intent that the provisions of this compact be reasonably and liberally construed.

**NEW SECTION.** Sec. 2. The Washington state commissioners to the western states school bus safety commission shall be the director of highways, the superintendent of public instruction and the chief of the Washington state patrol or their respective designees. Annually the Washington commissioners shall elect a chairman from their own membership who shall serve for one year commencing July 1. Election as chairman shall not interfere with the member's right to vote on all matters before the Washington commissioners. The Washington commissioners may by majority vote designate one of their members to represent the state on any matter coming before the Western states school bus safety commission.

**NEW SECTION.** Sec. 3. There is hereby appropriated from the general fund to the superintendent of public instruction the sum of two thousand six hundred dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1979 to carry out the purpose of this act, including payment of the proportion of the expenses of the western states school bus safety commission allocated to the state of Washington.

**NEW SECTION.** Sec. 4. Section 1 of this act shall constitute a new chapter in Title 46 RCW.

Passed the Senate May 17, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 26, 1977.

Filed in Office of Secretary of State May 26, 1977.

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## CHAPTER 89

[Engrossed Senate Bill No. 2570]

### WASHINGTON SCHOOL FACILITIES COST STABILIZATION PROGRAM

AN ACT Relating to school facilities cost stabilization; creating new sections; providing an effective date; and providing for the expiration hereof.

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

**NEW SECTION.** Section 1. The school organization and facilities section of the office of the superintendent of public instruction is hereby required to develop and implement a state school construction project known as the Washington school facilities cost stabilization program.

**NEW SECTION.** Sec. 2. As used in this act:

(1) "Director" means the director of the school organization and facilities section of the office of the superintendent of public instruction.

(2) "Systems building" means the application of a systematized approach to the programming, design and construction of a facility, with special emphasis on simplicity, repetitiveness and inter-relatedness of building subsystems in the facility design.

(3) "Building subsystem" or "subsystem" means a component of a facility defined for a specific function and comprising the necessary elements and materials to fulfill that function; examples of such subsystems are structural, ceiling-lighting, heating-ventilation-air conditioning, and interior space division subsystems.

NEW SECTION. Sec. 3. The director shall, subject to the approval of the state board of education, establish reasonable rules and regulations in accordance with chapter 34.04 RCW for the proper development and implementation of the school facilities cost stabilization program.

NEW SECTION. Sec. 4. The director shall, with the approval of the superintendent of public instruction, employ and/or contract such professional and technical assistance, including but not limited to consultants engaged in private practice, as he may see fit, and shall cause to be developed and implemented a state school facilities cost stabilization program to provide school facilities which will meet the educational needs of the children of this state. The program goals shall be:

- (1) To stabilize school construction, maintenance and operating costs;
- (2) To reduce school design/construction time;
- (3) To provide high quality schools capable of being readily and economically adapted to changing school and community needs.

NEW SECTION. Sec. 5. The Washington school facilities cost stabilization program shall:

(1) Encourage the expansion of the use of systems building in school construction and modernization by implementing the following procedures and others deemed appropriate:

(a) Develop procedural and technical guidelines to assist school officials and school designers in utilizing the systems concept within the framework of state board of education regulations for school building construction;

(b) Review and modify building subsystem specifications developed pursuant to RCW 28A.04.310 and develop and/or review specifications for additional subsystems as appropriate;

(c) Require utilization of systems building on those projects, except modernization projects, receiving state assistance in addition to the amount determined allocable under basic state support level provisions in chapter 180-30 WAC when in the judgment of the superintendent of public instruction the projects lend themselves to systems building;

(d) Provide mandatory critiques of systems project designs on those projects where systems designs are required, and critiquing as requested for districts voluntarily utilizing systems design.

(2) Investigate and/or experiment with emerging design/construction and maintenance/operation practices, and assist school districts in implementing those which hold promise of achieving one or more of the goals of the state school facilities cost stabilization program.

NEW SECTION. Sec. 6. Of the funds appropriated by the legislature to the state board of education for school building purposes from the common school construction fund for the period ending June 30, 1979, not more than two-tenths of one percent of such funds may be used by such board to carry out the purposes of this act.

NEW SECTION. Sec. 7. This state school facilities cost stabilization program shall have an effective date of July 1, 1977, and shall continue for a period to end on June 30, 1983. An evaluation of the facilities cost stabilization program based on the program goals shall be submitted by the director to the legislature no later than February 15, 1983.

Passed the Senate May 17, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 26, 1977.

Filed in Office of Secretary of State May 26, 1977.

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## CHAPTER 90

[Engrossed Senate Bill No. 3009]

### PARK AND RECREATION DISTRICTS—EXCESS LEVIES

AN ACT Relating to park and recreation districts; amending section 36.69.140, chapter 4, Laws of 1963 as last amended by section 40, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.69.140; and declaring an emergency.

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

Section 1. Section 36.69.140, chapter 4, Laws of 1963 as last amended by section 40, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.69.140 are each amended to read as follows:

A park and recreation district shall not have power to levy (~~an annual authorized~~) a regular property tax levy, but it shall have the power to levy (~~a tax~~) an excess levy upon the property included within the district, in the manner prescribed (~~for cities for the purpose of exceeding the limitations established~~) by Article VII, section 2, of the Constitution and by RCW 84.52.052. Such (~~special, voted~~) excess levy may be either for operating funds or for capital outlay, or for a cumulative reserve fund. A park and recreation district may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness equal to three-eighths of one percent of the value of the taxable property within such district, as the term "value of the taxable property" is defined in RCW 39.36.015, and may provide for the retirement thereof by levies in excess of dollar rate limitations in accordance with the provisions of RCW 84.52.056; PROVIDED, That when authorized by the voters of the district, the district may issue interest bearing warrants payable out of and to the extent of excess levies authorized in the year in which the excess levy was approved.

NEW SECTION. Sec. 2. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 17, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 26, 1977.

Filed in Office of Secretary of State May 26, 1977.

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 CHAPTER 91

[Senate Bill No. 3017]

## PORT DISTRICTS—INTERDISTRICT PROPERTY TRANSFERS

AN ACT Relating to the transfer of property owned by one port district but located in another; and adding a new section to chapter 53.04 RCW.

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

**NEW SECTION.** Section 1. There is added to chapter 53.04 RCW a new section to read as follows:

Property owned by one port district, which is both located contiguous to such port district and is also located in an adjacent port district, may be transferred to the owning port district upon unanimous resolution of the boards of commissioners of both port districts. The resolution of the port district within which such property is located shall be a resolution to make the transfer, while the resolution of the port district which owns the property shall be a resolution to accept the transferred property. Upon the filing of both official resolutions with the legislative authority and the auditor of the county or counties within which such port districts lie, together with maps showing in reasonable detail the boundary changes made, such transfer shall be effective and the commissioners of the port district receiving such property shall have jurisdiction over the whole of said enlarged port district to the same extent, and with like power and authority, as though the additional territory had been originally embraced within the boundaries of the port district.

Passed the Senate May 17, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 26, 1977.

Filed in Office of Secretary of State May 26, 1977.

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## CHAPTER 92

[Engrossed Senate Bill No. 2189]

## MOTOR VEHICLES—RECIPROCITY COMMISSION—MULTISTATE PROPORTIONAL REGISTRATION AGREEMENTS

AN ACT Relating to motor vehicles; and amending section 3, chapter 106, Laws of 1963 as last amended by section 137, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 46.85.030.

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

Section 1. Section 3, chapter 106, Laws of 1963 as last amended by section 137, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 46.85.030 are each amended to read as follows:

(1) The reciprocity commission, hereby created, shall consist of the director of motor vehicles, the chief of the Washington state patrol, a designee of the state highway commission and, ex officio, the chairman and vice chairman of the legislative transportation committee, or their duly designated representatives. Members of the western interstate highway policy committee from the state of Washington shall be advisory members of the reciprocity commission, and may attend meetings and conferences of the commission in such capacity, but shall not vote as members

thereof. The department shall provide such assistance and facilities to the commission as it may require. The members of the commission shall receive no additional compensation for their services except that they shall be allowed reimbursement for travel expenses incurred in the performance of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended to be paid from funds made available for the use of the commission. The commission shall have the authority to execute agreements, arrangements or declarations to carry out the provisions of this chapter.

(2) The reciprocity commission may enter into a multistate proportional registration agreement which prescribes a different definition of any terms defined in chapter 46.85 RCW. The agreement definition shall control unless appropriate exception is taken thereto.

If the reciprocity commission enters into a multistate proportional registration agreement which prescribes a different procedure for vehicle identification, the agreement procedures shall control.

If the reciprocity commission enters into a multistate proportional registration agreement which requires this state to perform acts in a quasi agency relationship, the reciprocity commission may collect and forward applicable registration fees and applications to other jurisdictions on behalf of the applicant or on behalf of another jurisdiction and may take such other action as will facilitate the administration of such agreement.

If the reciprocity commission enters into a multistate proportional registration agreement which prescribes procedures applicable to vehicles not specifically described in chapter 46.85 RCW, such as but not limited to "owner-operator" or "rental" vehicles, it shall promulgate rules accomplishing the procedures prescribed in such agreement.

If the reciprocity commission enters into a multistate proportional registration agreement which prohibits the collection of minimum fees provided for in this chapter or elsewhere for the ownership or operation of motor vehicles, the prohibitions contained in the agreement shall control.

It is the purpose and intent of this subsection to facilitate the membership in the International Registration Plan and at the same time allow the reciprocity commission to continue to participate in such agreements and compacts as may be necessary and desirable in addition to the International Registration Plan: PROVIDED, That prior to the reciprocity commission entering into the International Registration Plan, the commission, with the assistance of the department of motor vehicles, shall conduct a fiscal impact study and report the findings of the study to the legislative transportation committee by October 15, 1977.

Passed the Senate May 20, 1977.

Passed the House May 19, 1977.

Approved by the Governor May 26, 1977.

Filed in Office of Secretary of State May 26, 1977.

## CHAPTER 93

[Engrossed Senate Bill No. 2286]

## FUNERAL ESTABLISHMENTS, DIRECTORS, AND EMBALMERS

AN ACT Relating to funerals; amending section 1, chapter 108, Laws of 1937 as amended by section 1, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.010; amending section 11, chapter 108, Laws of 1937 and RCW 18.39.180; and adding new sections to chapter 18.39 RCW.

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

Section 1. Section 1, chapter 108, Laws of 1937 as amended by section 1, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.010 are each amended to read as follows:

The term "funeral director" as used herein is a person engaged in the profession or business of conducting funerals and supervising or directing the burial and disposal of dead human bodies.

The term "embalmer" as used herein is a person engaged in the profession or business of disinfecting, preserving or preparing for disposal or transportation dead human bodies.

A "two-year college course" as used herein means the completion of sixty semester hours or ninety quarter hours of collegiate credit from a college or university approved by the director ~~((of licenses))~~ and the state ~~((examining committee))~~ board of funeral directors and embalmers.

"Funeral establishment" means a place of business licensed in accordance with section 3 of this 1977 amendatory act, conducted at a specific street address or location, and devoted to the care and preparation for burial or disposal of dead human bodies and includes all areas of such business premises and all tools, instruments, and supplies used in preparation and embalming of dead human bodies for burial or disposal.

"Director" means the director of motor vehicles.

"Board" means the state board of funeral directors and embalmers created pursuant to section 8 of this 1977 amendatory act.

Words used in this chapter importing the singular may be applied to the plural of the person or thing, words importing the plural may be applied to the singular, and words importing the masculine gender may be applied to the female.

Sec. 2. Section 11, chapter 108, Laws of 1937 and RCW 18.39.180 are each amended to read as follows:

For the purpose of carrying out the provisions of this chapter the director of ~~((licenses and state examining committee))~~ motor vehicles in consultation with the state board of funeral directors and embalmers shall have power and it shall be their duty to adopt, promulgate and enforce reasonable rules and regulations. Said director ~~((of licenses))~~ shall have the power to suspend or revoke any license, after proper hearing and notice to the licensee, upon such licensee being found guilty of any of the following acts or omissions:

- (1) Conviction of a crime involving moral turpitude;
- (2) Unprofessional conduct which is hereby defined to include:
  - (a) Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer;

- (b) False or misleading advertising as a funeral director or embalmer;
- (c) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether such solicitation occurs after death or while death is impending: PROVIDED, This chapter shall not be deemed to prohibit general advertising or the sale of pre-need funeral plans;
- (d) Employment by the licensee of persons known as "cappers" or "steerers" or "solicitors" or other such persons to obtain funeral directing or embalming business;
- (e) Employment directly or indirectly of any apprentice, agent, assistant, embalmer, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;
- (f) The buying of business by the licensee, his agents, assistants or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants or employees, for the purpose of securing business;
- (g) Gross immorality;
- (h) Aiding or abetting an unlicensed person to practice funeral directing or embalming;
- (i) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum or cemetery;
- (j) Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of, a dead human body, without the written consent of next of kin;
- (k) Violation of any of the provisions of this chapter or the rules and regulations in support thereof;
- (l) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of dead human bodies;
- (m) Fraud or misrepresentation in obtaining a license;
- (n) Refusing to promptly surrender the custody of a dead human body, upon the express order of the person lawfully entitled to the custody thereof;
- (o) For the selling or offering for sale of shares, certificates or an interest in the business of any funeral director or embalmer or in any corporation owning or conducting an undertaking or embalming establishment, under promise of or purporting to give to the purchasers thereof a right to the services of such funeral director, embalmer or corporation at a charge or cost less than that offered or given to the public at large.

NEW SECTION. Sec. 3. The director shall issue a funeral establishment license to any person, partnership, association, corporation, or other organization to operate a funeral establishment, at specific locations only, which has met the following requirements:

- (1) The applicant has designated the name under which the funeral establishment will operate and has designated locations for which the general establishment license is to be issued;
- (2) The applicant is licensed in this state as a funeral director and as an embalmer, or employs at least one person with both such qualifications or one licensed



funeral director and one embalmer who will be in service at each designated location;

(3) The applicant has filed an application with the director as required by this chapter and paid the required filing fee therefor as fixed by the director pursuant to RCW 43.24.085.

The director shall make the determination of qualifications of all applicants within a reasonable time after the filing of an application with the director. No funeral establishment license shall be transferable, but an applicant may make application for more than one funeral establishment license so long as all of the requirements are met for each license.

NEW SECTION. Sec. 4. (1) In the event a licensed funeral establishment ceases to have a licensed funeral director and embalmer in its employ at its place of business, its license shall be canceled immediately by the director, except as provided in subsection (2) of this section.

(2) If a licensed funeral establishment constitutes any part of the assets of an estate of a deceased person upon whom such license was dependent because the deceased was a licensed funeral director, then the legal representative of the estate shall be entitled to appoint someone other than a licensed funeral director to act in the capacity of a funeral director and shall be entitled to continue to operate the licensed funeral establishment under the existing license or renewals thereof for a period not to exceed two years without the necessity of employing a licensed funeral director in addition to the required licensed embalmer.

NEW SECTION. Sec. 5. The director, in addition to other powers and duties, shall have the following powers and duties under this chapter:

(1) To determine the qualifications of applicants for all licenses under this chapter;

(2) To issue all licenses provided for under the provisions of this chapter;

(3) To annually renew licenses under this chapter;

(4) To collect all fees prescribed and required under this chapter; and

(5) To keep general books of record of all official acts, proceedings, and transactions of the department while acting under this chapter.

NEW SECTION. Sec. 6. (1) The director may initiate and conduct investigations as may be reasonably necessary to establish the existence of any alleged violations of or noncompliance with the provisions of this chapter or any rules and regulations issued hereunder. For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

(2) If any individual fails to obey a subpoena or obeys a subpoena but refuses to give evidence, any court of competent jurisdiction, upon application by the director, may issue to that person an order requiring him to appear before the court, to show cause why he should not be compelled to obey the subpoena and give evidence material to the matter under investigation. The failure to obey an order of the court may be punishable as contempt.

NEW SECTION. Sec. 7. The director may refer such evidence as may be available to him concerning violations of this chapter or of any rule or regulation adopted hereunder to the attorney general or the prosecuting attorney of the county wherein the alleged violation arose, who may, in their discretion, with or without such a reference, in addition to any other action they might commence, bring an action in the name of the state against any person to restrain and prevent the doing of any act or practice prohibited by this chapter: PROVIDED, That this chapter shall be considered in conjunction with chapters 9.04 and 19.86 RCW, as now or hereafter amended, and the powers and duties of the attorney general and the prosecuting attorney as they may appear in the aforementioned chapters, shall apply against all persons subject to this chapter.

NEW SECTION. Sec. 8. There is hereby established a state board of funeral directors and embalmers to be composed of five members appointed by the governor in accordance with this section, one of whom shall be a public member. The three members of the state examining committee for funeral directors and embalmers, which was created pursuant to RCW 43.24.060, as of the effective date of this 1977 amendatory act are hereby appointed as members of the board to serve for initial terms. The governor shall appoint two additional members of the board. Each professional member of the board shall be licensed in this state as a funeral director and embalmer and a resident of the state of Washington for a period of at least five years next preceding appointment, during which time such member shall have been continuously engaged in the practice as a funeral director or embalmer as defined in this chapter. No person shall be eligible for appointment to the board of funeral directors and embalmers who is financially interested, directly or indirectly, in any embalming college, wholesale funeral supply business, or casket manufacturing business.

All members of the board of funeral directors and embalmers shall be appointed to serve for a term of five years, to expire on July 1 of the year of termination of their term, and until their successors have been appointed and qualified: PROVIDED, That the governor is granted the power to fix the terms of office of the members of the board first appointed so that the term of office of not more than one member of the board shall terminate in any one year. In case of a vacancy occurring on the board, the governor shall appoint a qualified member for the remainder of the unexpired term of the vacant office. Any member of the board of funeral directors and embalmers who fails to properly discharge the duties of a member may be removed by the governor.

The board shall meet once annually to elect a chairman, vice chairman, and secretary and take official board action on pending matters by majority vote of all the members of the board of funeral directors and embalmers and at other times when called by the director, the chairman, or a majority of the members. A majority of the members of said board shall at all times constitute a quorum.

NEW SECTION. Sec. 9. Each member of the board of funeral directors and embalmers shall receive compensation of twenty-five dollars for each board meeting attended, together with travel expenses in connection with board duties in accordance with RCW 43.03.050 and 43.03.060.

The state board of funeral directors and embalmers shall have the following duties and responsibilities:

- (1) To be responsible for the preparation, conducting, and grading of examinations of applicants for funeral director and embalmer licenses;
- (2) To certify to the director the results of examinations of applicants and certify the applicant as having "passed" or "failed";
- (3) To make findings and recommendations to the director on any and all matters relating to the enforcement of the provisions of this chapter; and
- (4) To perform all other duties and responsibilities under this chapter, the laws of the state of Washington, and the rules and regulations promulgated in support thereof.

**NEW SECTION.** Sec. 10. The board of funeral directors and embalmers shall be responsible for determining the nature, type, and extent of examinations to be taken by applicants for a funeral director or embalmer license. However, such examinations for embalmers shall include generally the following subjects: Anatomy, chemistry, restorative art, physiology, pathology, sanitary science, and the care, disinfection, preservation, transportation, and burial, or other final disposition, of dead human bodies. The examination for funeral director shall generally include: Psychology, sanitary science, the care and transportation of dead human bodies, and operational management of funeral establishments. Both examinations shall include generally the subject of this chapter and of the law of the state of Washington relating to infectious diseases, quarantine, and the care and disposition of dead human bodies. The board shall grade the examinations and shall determine whether the applicant has passed or failed such examination. Examinations shall be written and shall be held at such times and at such places within the state of Washington as determined by the director.

**NEW SECTION.** Sec. 11. Sections 3 through 10 of this 1977 amendatory act shall be added to chapter 18.39 RCW.

**NEW SECTION.** Sec. 12. The board of funeral directors and embalmers shall cease to exist on July 1, 1981, unless extended by law for an additional fixed period of time.

Passed the Senate May 18, 1977.

Passed the House May 13, 1977.

Approved by the Governor May 26, 1977.

Filed in Office of Secretary of State May 26, 1977.

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## CHAPTER 94

[House Bill No. 927]

### HIGHER EDUCATION PERSONNEL LAW—EXEMPTED PERSONNEL

AN ACT Relating to state institutions of higher education; and amending section 4, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.040.

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

Section 1. Section 4, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.040 are each amended to read as follows:

The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(1) Members of the governing board of each institution and related boards, all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Student, part time, or temporary employees, and part time professional consultants, as defined by the higher education personnel board, employed by institutions of higher education and related boards.

(3) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(4) The personnel director of the higher education personnel board and his confidential secretary.

(5) The governing board of each institution, and related boards, may also exempt from this chapter, subject to the employees right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: **PROVIDED**, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the higher education personnel board under this provision.

Passed the House April 14, 1977.

Passed the Senate May 19, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

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## CHAPTER 95

[House Bill No. 691]

### PUBLIC DEPOSITARIES—"MAXIMUM LIABILITY"

AN ACT Relating to public depositaries; and amending section 1, chapter 193, Laws of 1969 ex. sess. as last amended by section 1, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.010.

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

Section 1. Section 1, chapter 193, Laws of 1969 ex. sess. as last amended by section 1, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.010 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Public deposit" means moneys of the state or of any county, city or town, or other political subdivision of the state or any commission, committee, board or officer thereof or any court of the state deposited in any qualified public depositary, including moneys held as trustee, agent, or bailee by the state, any county, city or town, or other political subdivision of the state, or any commission, committee,

board or office thereof or any court of the state, when deposited in any qualified public depository;

(2) "Qualified public depository" means a state bank or trust company, national banking association, or any branch of a bank engaged in the banking business in this state in accordance with RCW 30.04.300 which is located in this state and which receives or holds public deposits and segregates eligible collateral for public deposits as described in RCW 39.58.050 as now or hereafter amended;

(3) "Loss" means issuance of an order of supervisory authority restraining a qualified public depository from making payments of deposit liabilities or the appointment of a receiver for a qualified public depository;

(4) "Commission" means the Washington public deposit protection commission created under RCW 39.58.030;

(5) "Eligible collateral" means collateral which is eligible as security for public deposits pursuant to applicable state law;

(6) The "maximum liability" of a qualified public depository means a sum equal to ~~((five))~~ ten percent of (a) all public deposits held by the qualified public depository on the then most recent call report date, or (b) the average of the balances of said public deposits on the last four immediately preceding reports required pursuant to RCW 39.58.100, whichever amount is greater, less any assessments ~~((made under this chapter))~~ paid to the commission pursuant to this chapter since the then most recent call report date;

(7) "Public funds available for investment" means such public funds as are in excess of the anticipated cash needs throughout the duration of the contemplated investment period;

(8) "Investment deposits" means bank time deposits and savings deposits of public funds available for investment;

(9) "Treasurer" shall mean the state treasurer, a county treasurer, a city treasurer, a treasurer of any other municipal corporation, and the custodian of any other public funds.

Passed the House May 19, 1977.

Passed the Senate May 16, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

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## CHAPTER 96

[House Bill No. 683]

### INSURANCE—FRATERNAL BENEFIT SOCIETIES

AN ACT Relating to insurance of fraternal benefit societies; amending section .32.05, chapter 79, Laws of 1947 and RCW 48.36.050; amending section .32.09, chapter 79, Laws of 1947 and RCW 48.36.090; amending section .32.12, chapter 79, Laws of 1947 and RCW 48.36.120; and amending section .32.23, chapter 79, Laws of 1947 as amended by section 1, chapter 79, Laws of 1973 and RCW 48.36.230.

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

Section 1. Section .32.05, chapter 79, Laws of 1947 and RCW 48.36.050 are each amended to read as follows:

(1) Every society transacting business under this chapter shall provide for the payment of death benefits, and may provide for the payment of benefits in case of temporary or permanent physical disability, either as the result of disease, accident or old age: PROVIDED, That the period of life at which the payment of benefits for disability on account of old age shall commence, shall not be under seventy years, and may provide for monuments or tombstones to the memory of the deceased members and for the payment of funeral benefits. Such society shall have the power to give a member, when permanently disabled or on attaining the age of seventy, all or such portion of the face value of his certificates as the laws of the society may provide: PROVIDED, That nothing in this chapter contained shall be so construed as to prevent the issuing of benefit certificates for a term of years less than the whole of life which are payable upon the death or disability of the member occurring within the terms for which the benefit certificates may be issued. Such society shall, upon written application of the members, have the power to accept a part of the periodical contributions in cash, and charge the remainder, not exceeding one-half of the periodical contributions, against the certificate with interest payable or compounded annually at a rate not lower than four percent per annum: PROVIDED, That this privilege shall not be granted except to societies which have readjusted or may hereafter readjust their rates of contribution and to contracts affected by such readjustment.

(2) Any society which shall show by the annual valuation hereinafter provided for that it is accumulating and maintaining the reserve necessary to enable it to do so, under a table of mortality not lower than the American Experience Table and four percent interest, or under tables of mortality and interest assumptions as are authorized for use by domestic life insurers, may grant to its members, extended and paid-up protection or such withdrawal equities as its constitution and laws may provide: PROVIDED, That such grants shall in no case exceed in value the portion of the reserve to the credit of such members to whom they are made.

(3) Power and authority is hereby given to a society to divide its membership into separate classes, each class having a separate form of contract of similar or general plan and character in its purpose, and that the assets or mortuary collections made from the members of each class respectively shall be carried and maintained separate for such class, and that the required reserve accumulation of such class, if the contract therefor provides for such fund, shall be set apart and held specifically and separately for the use and benefit of such particular class, and shall not thereafter be mingled with the assets or mortuary collections of any other class of the society.

Sec. 2. Section .32.09, chapter 79, Laws of 1947 and RCW 48.36.090 are each amended to read as follows:

(1) Any society may create, maintain, invest, disburse, and apply an emergency, surplus or other similar fund in accordance with its law. Unless otherwise provided in the contract, such funds shall be held, invested, and disbursed for the use and benefit of the society, and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment or the surrender of any part thereof, except as provided in RCW 48.36.050. The funds from which benefits shall be paid and the funds from which the expenses of the society shall be defrayed, shall be derived from periodical or other payments by the members of the

society and accretions of said funds: PROVIDED, That no society, domestic or foreign, shall hereafter be incorporated or admitted to transact business in this state, which does not provide for stated periodical contributions sufficient to provide for meeting the mortuary obligations contracted, when valued upon the basis of the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress, August 23, 1899, or any higher standard with interest assumption not more than four percent per annum, or under tables of mortality and interest assumptions as are authorized for use by domestic life insurers, nor write or accept members for temporary or permanent disability benefits except upon tables based upon reliable experience, with an interest assumption not higher than four percent per annum or tables and interest assumptions as are authorized for use by domestic life insurers.

(2) Deferred payments or installments of claims shall be considered as fixed liabilities on the happening of the contingency upon which such payments or installments are thereafter to be paid. Such liability shall be the present value of such future payments or installments upon the rate of interest and mortality assumed by the society for valuation, and every society shall maintain a fund sufficient to meet such liability regardless of proposed future collections to meet any such liabilities.

Sec. 3. Section .32.12, chapter 79, Laws of 1947 and RCW 48.36.120 are each amended to read as follows:

Seven or more persons, citizens of the United States, and a majority of whom are citizens of this state, who desire to form a fraternal benefit society, as defined by this chapter, may make and sign, giving their addresses, and acknowledge before some officer competent to take acknowledgment of deeds, articles of incorporation, in which shall be stated:

First.—The proposed corporate name of the society, which shall not so closely resemble the name of any society or insurance company already transacting business in this state as to mislead the public or to lead to confusion.

Second.—The purpose for which it is formed, which shall not include more liberal powers than are granted in this chapter: PROVIDED, That any lawful social, intellectual, educational, charitable, benevolent, moral, or religious advantages may be set forth among the purposes of the society, and the mode in which its corporate powers are to be exercised.

Third.—The names, residences, and official titles of all the officers, trustees, directors, or other persons who are to have and exercise the general control and management of the affairs and funds of the society for the first year or until the ensuing election at which all such officers shall be elected by the supreme legislative or governing body, which election shall be held not later than one year from the date of issuance of the permanent certificate. Such articles of incorporation and duly certified copies of the constitution and laws, rules and regulations, and copies of all proposed forms of benefit certificates, applications therefor and circulars to be issued by such society, and a bond in the sum of five thousand dollars, with sureties approved by the commissioner, conditioned upon the return of the advanced payments, as provided in this section, to applicants, if the organization is not completed within one year, shall be filed with the commissioner, who may require such further information as he deems necessary, and if the purposes of the society conform to the requirements of this chapter, and all provisions of law have

been complied with, the commissioner shall so certify and retain and record, or file, the articles of incorporation, and furnish the incorporators a preliminary certificate authorizing said society to solicit members as hereinafter provided.

Upon receipt of said certificate from the commissioner, said society may solicit members for the purpose of completing its organization and shall collect from each applicant the amount of not less than one regular monthly payment, in accordance with its table of rates as provided by its constitution and laws, and shall issue to each such applicant, a receipt for the amount so collected. But no such society shall incur any liability other than for such advanced payments, nor issue any benefit certificate, nor pay or allow, or offer or promise to pay or allow, to any person any death or disability benefit until actual bona fide applications for death benefit certificates have been secured upon at least five hundred lives for at least one thousand dollars each, and all such applicants for death benefits shall have been regularly examined by legally qualified practicing physicians, and certificates of such examinations have been duly filed and approved by the chief medical examiner of such society, nor until there shall be established ten subordinate lodges or branches into which said five hundred applicants have been initiated, nor until there has been submitted to the commissioner, under oath of the president and secretary, or corresponding officers of such society, a list of such applicants, giving their names, addresses, date examined, date approved, date initiated, name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted, rate of stated periodical contributions which shall be sufficient to provide for meeting the mortuary obligation contracted, when valued for death benefits upon the basis of the National Fraternal Congress Table of Mortality, as adopted by the National Fraternal Congress, August 23, 1899, or any higher standard at the option of the society, or any standard authorized for use by domestic life insurers, and for disability benefits by tables based upon reliable experience and for combined death and permanent total disability benefits by tables based upon reliable experience, with an interest assumption not higher than four percent per annum, or tables and interest assumptions as are authorized for use by domestic life insurers, nor until it shall be shown to the commissioner by the sworn statement of the treasurer, or corresponding officer of such society, that at least five hundred applicants have each paid in cash at least one regular monthly payment as herein provided per one thousand dollars of indemnity to be effected, which payments in the aggregate shall amount to at least twenty-five hundred dollars, all of which shall be credited to the mortuary or disability fund on account of such applicants, and no part of which may be used for expenses.

Said advanced payments shall, during the period of organization, be held in trust, and, if the organization is not completed within one year as hereinafter provided, returned to said applicants.

The commissioner may make such examination and require such further information as he deems advisable, and upon presentation of satisfactory evidence that the society has complied with all the provisions of law, he shall issue to such society a certificate to that effect. Such certificate shall be prima facie evidence of the existence of such society at the date of such certificate. The commissioner shall cause a record of such certificate to be made and a certified copy of such record may be given in evidence with like effect as the original certificate.



No preliminary certificate granted under the provisions of this section shall be valid after one year from its date, or after such further period, not exceeding one year, as may be authorized by the commissioner, upon cause shown, unless the five hundred applicants herein required have been secured and the organization has been completed as herein provided, and the articles of incorporation and all proceedings thereunder shall become null and void in one year from the date of said preliminary certificate, or at the expiration of said extended period, unless such society shall have completed its organization and commenced business as herein provided. When any domestic society shall have discontinued business for the period of one year, or has less than four hundred members, its charter shall become null and void.

Every society shall have the power to make a constitution and bylaws for the government of the society, the admission of its members, the management of its affairs, and the fixing and readjusting of the rates of contribution of its members from time to time; and it shall have the power to change, alter, add to or amend such constitution and bylaws and shall have such other powers as are necessary and incidental to carrying into effect the objects and purposes of the society.

Sec. 4. Section .32.23, chapter 79, Laws of 1947 as amended by section 1, chapter 79, Laws of 1973 and RCW 48.36.230 are each amended to read as follows:

Every society transacting business in this state shall annually, on or before the fifteenth day of March, file with the commissioner in such form as he may require, a statement under oath of its president and secretary, or corresponding officers, of its condition and standing on the thirty-first day of December next preceding, and of its transactions for one year ending on that date, and also shall furnish such other information as the commissioner may deem necessary to a proper exhibit of its business and plan of working. The commissioner may at other times require any further statement he may deem necessary to be made relating to such society.

In addition to the annual report herein required, each society shall annually report to the commissioner in valuation of its certificates in force on the thirty-first day of December last preceding excluding those issued within the year for which the report is filed, in cases where the contributions for the first year in whole or in part are used for current mortality and expenses: PROVIDED, That the first report of valuation shall be made as of December 31, 1931. Such report of valuation shall show, as contingent liabilities, the present midyear value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation; and as contingent assets, the present midyear value of the future net contributions provided in the constitution and laws as the same are in practice actually collected. At the option of any society in lieu of the above, the valuation may show the net value of the certificates subject to valuation hereinbefore provided, and said net value, when computed in case of monthly contributions, may be the mean of the terminal values for the end of the preceding and of the current insurance years. Such valuation shall be certified by a competent accountant or actuary, or, at the request and expense of the society, verified by the actuary of the department of insurance of the home state of the society, and shall be filed with the commissioner within ninety days after the submission of the last preceding annual

report. The legal minimum standard of valuation shall be according to tables of reliable experience and in such case a separation of the funds shall not be required.

The minimum standard of valuation for all certificates shall be either such tables and interest assumptions as are authorized for use by domestic life insurers or for all certificates issued on or after June 7, 1973 shall be four percent interest and the following tables:

(a) For certificates of life insurance, American men ultimate table of mortality, with Bowerman's or Davis' extension thereof, the commissioners 1941 standard industrial mortality table, the commissioners 1961 standard industrial mortality table, the commissioners 1941 standard ordinary mortality table, or the commissioners 1958 standard ordinary mortality table using an age not more than three years younger than the actual age of the insured for female risks;

(b) For annuity certificates, including life annuities provided or available under optional modes of settlement in such certificates, the 1937 standard annuity mortality table, annuity mortality table for 1949 ultimate, or the 1971 individual annuity mortality table, or any modification of these tables approved by the commissioner;

(c) For disability benefits issued in connection with life benefit certificate, Hunter's disability table or class III disability table (1926), modified to conform to the contractual waiting period, or the tables of period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the society of actuaries with due regard to the type of benefit, any tables of which for active lives shall be combined with a mortality table permitted for calculating the reserves on life insurance certificates;

(d) For accidental death benefits issued in connection with life benefit certificate, the intercompany double indemnity mortality table or the 1959 accidental death benefits table combined with a mortality table permitted for calculating the reserves for life insurance certificates; and

(e) For accident and sickness benefits, the society shall maintain an active life reserve which shall place a sound value on its liabilities under such certificates and which shall not be less, in the aggregate than the reserve (~~according to the standards set forth in the regulations issued by the commissioner~~) required to be used by a domestic life insurer and, in no event, less than the pro rata gross unearned premium reserve for such certificates.

An annual report of such valuation and an explanation of the facts concerning the condition of the society thereby disclosed shall be printed and mailed to each beneficiary member of the society not later than June 1st of each year, or, in lieu thereof, such report of valuation and showing of the society's condition as thereby disclosed may be published in the society's official paper and the issue containing the same mailed to each beneficiary member of the society. The laws of such society shall provide that if the stated periodical contributions of its members, together with the admitted assets, are insufficient to mature its certificates in full, and to provide for the creation and maintenance of the funds required by its laws, additional, increased or extra rates of contribution shall be collected from the members to meet such deficiency; and such laws may provide that, upon the written application or consent of the member, his certificate may be charged with its proportion of

any deficiency disclosed by valuation, with interest not exceeding five percent per annum.

Passed the House April 29, 1977.

Passed the Senate May 17, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

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## CHAPTER 97

[Substitute House Bill No. 675]

### PAY TOILETS

AN ACT Relating to public health, safety, and welfare; adding new sections to chapter 70.54 RCW; and defining crimes.

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

NEW SECTION. Section 1. There is added to chapter 70.54 RCW a new section to read as follows:

(1) Every establishment which maintains restrooms for use by the public shall not discriminate in charges required between facilities used by men and facilities used by women.

(2) When coin lock controls are used, the controls shall be so allocated as to allow for a proportionate equality of free toilet units available to women as compared with those units available to men, and at least one-half of the units in any restroom shall be free of charge. As used in this section, toilet units are defined as constituting commodes and urinals.

(3) In situations involving coin locks placed on restroom entry doors, admission keys shall be readily provided without charge when requested, and notice as to the availability of the keys shall be posted on the restroom entry door.

NEW SECTION. Sec. 2. There is added to chapter 70.54 RCW a new section to read as follows:

Any owner, agent, manager, or other person charged with the responsibility of the operation of an establishment who operates such establishment in violation of section 1 of this act shall be guilty of a misdemeanor.

Passed the House April 19, 1977.

Passed the Senate May 19, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

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## CHAPTER 98

[Substitute House Bill No. 440]

### HOMESTEADS

AN ACT Relating to homesteads; amending section 2, chapter 64, Laws of 1895 as amended by section 6, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.020; amending section 30, chapter 64, Laws of 1895 as amended by section 8, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.040; amending section 24, chapter 64, Laws of 1895 as last amended by section 1, chapter 12, Laws of 1971 ex. sess. and RCW 6.12.050; amending section 31, chapter 64, Laws of 1895 as amended by section 9, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.060; and repealing section 25,

chapter 64, Laws of 1895, section 1, chapter 36, Laws of 1933, section 5, chapter 292, Laws of 1971 ex. sess., section 11, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.290; and declaring an emergency.

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

Section 1. Section 2, chapter 64, Laws of 1895 as amended by section 6, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.020 are each amended to read as follows:

If the claimant be married the homestead may be selected from the community property, or, with the consent of the husband, from his separate property, or, with the consent of the wife, from her separate property: PROVIDED, That the same premises may not be claimed separately by the husband and wife with the effect of increasing the net value of the homestead available to the marital community beyond the amount specified in RCW 6.12.050 as now or hereafter amended, either at the time the declaration of homestead is filed or at any subsequent time. When the claimant is not married(~~(, but is the head of a family within the meaning of RCW 6.12.290 as now or hereafter amended,))~~) the homestead may be selected from any of his or her property.

Sec. 2. Section 30, chapter 64, Laws of 1895 as amended by section 8, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.040 are each amended to read as follows:

In order to select a homestead the ~~((husband, wife, or other head of a family))~~ claimant must execute and acknowledge, in the same manner as a grant of real property is acknowledged, a declaration of homestead, and file the same for record.

Sec. 3. Section 24, chapter 64, Laws of 1895 as last amended by section 1, chapter 12, Laws of 1971 ex. sess. and RCW 6.12.050 are each amended to read as follows:

Homesteads may be selected and claimed in lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of ~~((ten))~~ twenty thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the claimant~~((s))~~, and shall not be devoted exclusively to any other purpose.

Sec. 4. Section 31, chapter 64, Laws of 1895 as amended by section 9, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.060 are each amended to read as follows:

The declaration of homestead must contain—

(1) ~~((A statement showing that the person making it is the head of a family. (2)))~~ A statement that the person making it is residing on the premises or has purchased the same for a homestead and intends to reside thereon and claims them as a homestead.

~~((3))~~ (2) A description of the premises.

~~((4))~~ (3) An estimate of their actual cash value.

NEW SECTION. Sec. 5. Section 25, chapter 64, Laws of 1895, section 1, chapter 36, Laws of 1933, section 5, chapter 292, Laws of 1971 ex. sess., section 11, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.290 are each repealed.

**NEW SECTION.** Sec. 6. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institution, and shall take effect immediately.

Passed the House April 4, 1977.

Passed the Senate May 19, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

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## CHAPTER 99

[Substitute House Bill No. 327]

### PUBLIC WATER SUPPLY SYSTEMS—CERTIFICATION AND REGULATION OF OPERATORS

AN ACT Relating to the certification and regulation of operators responsible for the operation of public water supply systems; adding a new chapter to Title 70 RCW; providing penalties; and making an effective date.

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

**NEW SECTION.** Section 1. The legislature declares that competent operation of a public water supply system is necessary for the protection of the consumers' health, and therefore it is of vital interest to the public. In order to protect the public health and conserve and protect the water resources of the state, it is necessary to provide for the classifying of all public water supply systems; to require the examination and certification of the persons responsible for the supervision and operation of such systems; and to provide for the promulgation of rules and regulations to carry out this chapter.

**NEW SECTION.** Sec. 2. As used in this chapter unless context requires another meaning:

(1) "Board" means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.

(2) "Certificate" means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

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

(4) "Distribution system" means that portion of a public water supply system which stores, transmits, pumps and distributes water to consumers.

(5) "Nationally recognized association of certification authorities" shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

(6) "Operator" means an individual employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington who is designated by the employing or appointing

officials to operate or assist in the operation of a water purification plant or distribution system.

(7) "Public water supply system" means any water supply system intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community or group of individuals, or is made available to the public for human consumption or domestic use, but excluding all water supply systems serving one single family residence.

(8) "Purification plant" means that portion of a public water supply system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards.

(9) "Secretary" means the secretary of the department of social and health services.

NEW SECTION. Sec. 3. (1) All public water supply systems which serve either:

(a) One hundred services in use at any one time; or

(b) Twenty-five or more persons which are supplied from a stream, lake or other surface water supply source and which are required by law to use a water filtration system;

are required to have a certified operator designated by the employing or appointing official as the person responsible for active daily technical direction and supervision. The certified operators shall be in charge of the technical direction and supervision of a public water system's operation, or an operating shift of such a system, or a major segment of a system necessary for monitoring or improving the quality of water. The operator shall be certified as provided in section 5 of this act.

(2) The amount of time that a certified operator shall be required to be present shall be based upon the time required to properly operate and maintain the public water supply system as designed and constructed in accordance with RCW 43.20.050.

(3) Operators not required to be certified by this chapter are encouraged to become certified on a voluntary basis.

NEW SECTION. Sec. 4. Nothing in this chapter shall apply to:

(1) Industrial water supply systems which do not supply water to residences for domestic use and are under the jurisdictional requirements of the Washington Industrial Safety and Health Act of 1973, chapter 49.17 RCW, as now or hereafter amended; or

(2) The preparation, distribution, or sale of bottled water or water similarly packaged.

NEW SECTION. Sec. 5. The secretary shall adopt, with the approval of the board, such rules and regulations as may be necessary for the administration of this chapter and shall enforce such rules and regulations. The rules and regulations shall include provisions establishing minimum qualifications and procedures for the certification of operators, criteria for determining the kind and nature of continued professional growth required for renewal of certification under section 10(2) of this

act, and provisions for classifying water purification plants and distribution systems.

Rules and regulations adopted under the provisions of this section shall be adopted in accordance with the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 6. The secretary shall further categorize all public water supply systems with regard to the size, type, source of water, and other relevant physical conditions affecting purification plants and distribution systems to assist in identifying the skills, knowledge and experience required for the certification of operators for each category of such systems.

NEW SECTION. Sec. 7. The secretary is authorized, when taking action pursuant to sections 5 and 6 of this act, to consider generally applicable criteria and guidelines developed by a nationally recognized association of certification authorities.

NEW SECTION. Sec. 8. For the purpose of carrying out the provisions of this chapter, the membership of the water and wastewater operator certification board of examiners established under RCW 70.95B.070, shall, pursuant to RCW 70.95B.070:

- (1) Be expanded to include two waterworks operators; and
- (2) Serve in a common capacity for the certification of both water and wastewater plant and system operators.

In addition to the powers and duties in RCW 70.95B.070, the board shall assist in the development of rules and regulations implementing this chapter, shall prepare, administer and evaluate examinations of operator competency as required in this chapter, and shall recommend the issuance or revocation of certificates. The board shall determine where and when the examinations shall be held. Such examinations shall be held at least three times annually.

NEW SECTION. Sec. 9. Certificates shall be issued without examination under the following conditions:

(1) Certificates shall be issued without application fee to operators who, on the effective date of this act, hold certificates of competency attained under the voluntary certification program sponsored jointly by the state department of social and health services, health services division, and the Pacific Northwest section of the American water works association.

(2) Certification shall be issued to persons certified by a governing body or owner of a public water supply system to have been the operators of a purification plant or distribution system on the effective date of this chapter but only to those who are required to be certified under section 3(1) of this act. A certificate so issued shall be conditioned to be valid only for operating the existing plant or system.

(3) A nonrenewable certificate, temporary in nature, may be issued to an operator for a period not to exceed twelve months to fill a vacated position required to have a certified operator. Only one such certificate may be issued subsequent to each instance of vacation of any such position.

NEW SECTION. Sec. 10. The issuance and renewal of a certificate shall be subject to the following conditions:

(1) Except as provided in section 9 of this act, a certificate shall be issued if the operator has satisfactorily passed a written examination, has paid the department

an application fee of ten dollars, and has met the requirements specified in the rules and regulations as authorized by this chapter.

(2) The terms for all certificates shall be for one year from the date of issuance. Every certificate shall be renewed annually upon the payment of a five dollar renewal fee and satisfactory evidence presented to the secretary that the operator demonstrates continued professional growth in the field.

(3) The secretary shall notify operators who fail to renew their certificates before the end of the certificate year that their certificates are temporarily valid for two months following the end of the certificate year. Certificates not renewed during the two month period shall be invalid and the secretary shall so notify the holders of such certificates.

(4) An operator who has failed to renew a certificate pursuant to the provisions of this section, may reapply for certification and the secretary may require the operator to meet the requirements established for new applicants.

NEW SECTION. Sec. 11. The secretary may, with the recommendation of the board and after hearing before the same, revoke a certificate found to have been obtained by fraud or deceit; or for gross negligence in the operation of a purification plant or distribution system; or for violating the requirements of this chapter or any lawful rules, order, or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of the final order of revocation.

NEW SECTION. Sec. 12. To carry out the provisions and purposes of this chapter, the secretary is authorized and empowered to:

(1) Receive financial and technical assistance from the federal government and other public or private agencies.

(2) Participate in related programs of the federal government, other state, interstate agencies, or other public or private agencies or organizations.

NEW SECTION. Sec. 13. On or after one year following the effective date of this act, any person, including any operator or any firm, association, corporation, municipal corporation, or other governmental subdivision or agency who, after thirty days' written notice, operates a public water supply system which is not in compliance with section 3(1) of this act, shall be guilty of a misdemeanor. Each day of such operation out of compliance with section 3(1) of this act shall constitute a separate offense. Upon conviction, violators shall be fined an amount not exceeding one hundred dollars for each offense. It shall be the duty of the prosecuting attorney or the attorney general, as appropriate to secure injunctions of continuing violations of any provisions of this chapter or the rules and regulations adopted hereunder: PROVIDED, That, except in the case of fraud, deceit, or gross negligence under section 11 of this act, no revocation, citation or charge shall be made under sections 11 and 13 of this act until a proper written notice of violation is received and a reasonable opportunity for correction has been given.

NEW SECTION. Sec. 14. Operators certified by any state under provisions that, in the judgment of the secretary, are substantially equivalent to the requirements of this chapter and any rules and regulations promulgated hereunder, may be issued, upon application, a certificate without examination.



In making determinations pursuant to this section, the secretary shall consult with the board and may consider any generally applicable criteria and guidelines developed by a nationally recognized association of certification authorities.

NEW SECTION. Sec. 15. All receipts realized in the administration of this chapter shall be paid into the general fund.

NEW SECTION. Sec. 16. Sections 1 through 15 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 17. This act shall take effect on January 1, 1978.

Passed the House May 19, 1977.

Passed the Senate May 16, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

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## CHAPTER 100

[House Bill No. 376]

### PACIFIC OFFSHORE FISHERIES—STATE REGULATIONS

AN ACT Relating to fisheries compacts; and amending section 75.40.050, chapter 12, Laws of 1955 and RCW 75.40.050.

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

Section 1. Section 75.40.050, chapter 12, Laws of 1955 and RCW 75.40.050 are each amended to read as follows:

In the event the compact set forth in RCW 75.40.030 becomes effective, the director shall have the power and he is hereby authorized from time to time to make, adopt, amend and promulgate, governing offshore fishing in the Pacific Ocean by citizens of this state, rules and regulations, prohibiting wastage of food or shellfish, establishing open and closed season for all fishing, designating areas open or closed to fishing, setting minimum and maximum sizes of fish and shellfish that may be taken, declaring the kinds of food or shellfish that may be used for bait, and regulating fishing gear to be used as to mesh, size and length of nets and number, length and size of line and hooks(~~(-PROVIDED, That no rule or regulation shall be issued governing the conduct of citizens of this state unless like rules or regulations or statutes have been made or will become effective jointly as to the citizens of the states of Oregon and California))~~ : PROVIDED, HOWEVER, That the Washington department of fisheries may adopt regulations for the waters west of the coast of the state of Washington that are consistent with the regulations adopted by the United States department of commerce for the waters three miles to two hundred miles west of the coast of the state of Washington pursuant to the National Fisheries Conservation and Management Act.

Passed the House May 19, 1977.

Passed the Senate May 18, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

## CHAPTER 101

[Substitute House Bill] No. 314]

## PHARMACY ASSISTANTS

AN ACT Relating to pharmacy assistants; adding a new chapter to Title 18 RCW; providing penalties; and declaring an emergency.

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

**NEW SECTION.** Section 1. Terms used in this chapter shall have the meaning set forth in this section unless the context clearly indicates otherwise:

- (1) "Board" means the state board of pharmacy;
- (2) "Pharmacist" means a person duly licensed by the state board of pharmacy to engage in the practice of pharmacy;
- (3) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted;
- (4) "Pharmacy assistant level A" means:
  - (a) A person who is enrolled in, or who has satisfactorily completed, a board approved training program designed to prepare persons to perform nondiscretionary functions associated with the practice of pharmacy; or
  - (b) A person who is a graduate with a degree in pharmacy or medicine of a foreign school, university, or college recognized by the board;
- (5) "Pharmacy assistant level B" means a person certified by the board to perform limited functions in the pharmacy;
- (6) "Practice of pharmacy" means the definition given in RCW 18.64.011, as now or hereafter amended.

**NEW SECTION.** Sec. 2. (1) The board shall adopt, in accordance with chapter 34.04 RCW, rules and regulations fixing the classification and qualifications and the educational and training requirements for persons who may be employed as pharmacy assistants or who may be enrolled in any pharmacy assistant training program. Such regulations shall provide that:

- (a) Licensed pharmacists shall supervise the training of pharmacy assistants; and
- (b) Training programs shall assure the competence of pharmacy assistants to aid and assist pharmacy operations. Training programs shall consist of instruction and/or practical training.

(2) The board may disapprove or revoke approval of any training program for failure to conform to board rules and regulations. In the case of the disapproval or revocation of approval of a training program by the board, a hearing shall be conducted in accordance with RCW 18.64.160 as now or hereafter amended, and appeal may be taken in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

**NEW SECTION.** Sec. 3. The board shall adopt, in accordance with chapter 34.04 RCW, rules and regulations governing the extent to which pharmacy assistants may perform services associated with the practice of pharmacy during training and after successful completion of a training course. Such regulations shall provide

for the certification of pharmacy assistants at a uniform annual fee to be determined by the board according to the following levels of classification:

(1) "Level A pharmacy assistants" may assist in performing, under the immediate supervision and control of a licensed pharmacist, manipulative, nondiscretionary functions associated with the practice of pharmacy.

(2) "Level B pharmacy assistants" may perform, under the general supervision of a licensed pharmacist, duties including but not limited to, typing of prescription labels, filing, refiling, bookkeeping, pricing, stocking, delivery, nonprofessional phone inquiries, and documentation of third party reimbursements.

**NEW SECTION. Sec. 4.** (1) A pharmacy assistant shall practice pharmacy in this state only after authorization by the board and only to the extent permitted by the board in accordance with this chapter.

(2) A pharmacist shall be assisted by a pharmacy assistant in the practice of pharmacy in this state only after authorization by the board and only to the extent permitted by the board in accordance with this chapter: **PROVIDED**, That no pharmacist may supervise more than one person performing level A pharmacy assistant duties and functions: **PROVIDED, FURTHER**, That in pharmacies operating in connection with facilities licensed pursuant to chapters 70.41 or 71.12 RCW, whether or not situated within the said facility, the ratio of pharmacists to persons performing level A pharmacy assistant duties and functions shall be as follows: in the preparation of medicine or other materials used by patients within the facility, one pharmacist supervising no more than three persons performing level A pharmacy assistant duties and functions; in the preparation of medicine or other materials dispensed to persons not patients within the facility, one pharmacist supervising not more than one person performing level A pharmacy assistant duties and functions.

**NEW SECTION. Sec. 5.** The board of pharmacy shall have the power to refuse, suspend, or revoke the certificate of any pharmacy assistant upon proof that:

(1) His or her certificate was procured through fraud, misrepresentation or deceit;

(2) He or she has been found guilty of any offense in violation of the laws of this state relating to drugs, poisons, cosmetics or drug sundries by any court of competent jurisdiction: **PROVIDED**, That nothing herein shall be construed to affect or alter the provisions of RCW 9.96A.020;

(3) He or she is unfit to perform his or her duties because of habitual intoxication or abuse of controlled substances;

(4) He or she has exhibited gross incompetency in the performance of his or her duties;

(5) He or she has wilfully or repeatedly violated any of the rules and regulations of the board of pharmacy;

(6) He or she has wilfully or repeatedly performed duties beyond the scope of his or her certificate in violation of the provisions of this chapter; or

(7) He or she has impersonated a licensed pharmacist.

In any case of the refusal, suspension or revocation of a certificate by the board, a hearing shall be conducted in accordance with RCW 18.64.160, as now or hereafter amended, and appeal may be taken in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

**NEW SECTION.** Sec. 6. No pharmacy licensed in this state shall utilize the services of pharmacy assistants without approval of the board.

Any pharmacy licensed in this state may apply to the board for permission to use the services of pharmacy assistants. The application shall be accompanied by a uniform fee to be determined by the board, shall detail the manner and extent to which the pharmacy assistants would be used and supervised, and shall provide other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of pharmacy assistants and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a uniform fee as determined by the board. Whenever it appears to the board that a pharmacy assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of approval, a hearing shall be conducted in accordance with chapter 18.64 RCW, as now or hereafter amended, and appeal may be taken in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

**NEW SECTION.** Sec. 7. (1) Persons presently assisting a pharmacist by performing the functions of a pharmacy assistant may continue to do so under the supervision of a licensed pharmacist: PROVIDED, That within eighteen months after the effective date of this act, such persons shall be in compliance with the provisions of this act.

(2) Pharmacies presently employing persons to perform the functions of a pharmacy assistant may continue to do so while obtaining board approval for the use of certified pharmacy assistants: PROVIDED, That within eighteen months after the effective date of this act, such pharmacies shall be in compliance with the provisions of this act.

**NEW SECTION.** Sec. 8. No pharmacy or pharmacist which utilizes the services of a pharmacy assistant with approval by the board, shall be considered as aiding and abetting an unlicensed person to practice pharmacy within the meaning of chapter 18.64 RCW, as now or hereafter amended: PROVIDED, HOWEVER, That the pharmacy or pharmacist shall retain responsibility for any act performed by a pharmacy assistant in the course of his or her employment.

**NEW SECTION.** Sec. 9. Sections 1 through 8 of this act are added to Title 18 RCW as a new chapter thereof.

**NEW SECTION.** Sec. 10. 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. 11. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 19, 1977.

Passed the Senate May 18, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

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CHAPTER 102  
[House Bill No. 298]  
FOREST PROTECTION

AN ACT Relating to forest protection; amending and reenacting section 2, chapter 105, Laws of 1917 as last amended by section 1, chapter 182, Laws of 1973 1st ex. sess. and by section 87, chapter 195, Laws of 1973 1st ex. sess. and RCW 76.04.360; amending section 1, chapter 58, Laws of 1951 as amended by section 1, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.010; amending section 1, chapter 105, Laws of 1917 as amended by section 2, chapter 168, Laws of 1941 and RCW 76.04.350; and amending section 11, chapter 184, Laws of 1923 as amended by section 6, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.390.

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

Section 1. Section 2, chapter 105, Laws of 1917 as last amended by section 1, chapter 182, Laws of 1973 1st ex. sess. and by section 87, chapter 195, Laws of 1973 1st ex. sess. and RCW 76.04.360 are each amended and reenacted to read as follows:

If any owner of forest land neglects or fails to provide adequate fire protection therefor as required by RCW 76.04.350, the department shall provide such protection therefor, notwithstanding the provisions of RCW 76.04.520, at a cost to the owner of not to exceed eighteen cents an acre per year on lands west of the summit of the Cascade mountains and fourteen cents an acre per year on lands east of the summit of the Cascade mountains.

For the purpose of ((this act)) chapter 76.04 RCW, the supervisor may divide the forest lands of the state, or any part thereof, into districts, for patrol and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Such cost must be justified by a showing of budgets on demand of twenty-five owners of forest land in the county concerned at public hearing. Any amounts paid or contracted to be paid by the supervisor of the department of natural resources for this purpose from any funds at his disposal shall be a lien upon the property patrolled and protected, and unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred, on which date the supervisor of the department of natural resources shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the supervisor of the department of natural resources to the assessor of the county in which the property is situated who shall extend the amounts upon the tax rolls covering the property, or the county assessor may upon authorization from the supervisor of the department of natural resources levy the forest patrol assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records and the assessor may then segregate on his records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in chapter 52.04 RCW.

The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that the next general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the supervisor of the department of natural

resources certifying them to the treasurer of the county in which the land involved is situated. Upon the collection of such assessments the county treasurer shall transmit them to the supervisor of the department of natural resources to be applied against expenses incurred in carrying out the provisions of this section.

The supervisor of the department of natural resources shall include in the assessment a sum not to exceed one-half of one cent per acre, to cover the necessary and reasonable cost of office and clerical work incurred in the enforcement of these provisions. He may also expend any sums collected from owners of forest lands or received from any other source for necessary office and clerical expense in connection with the enforcement of RCW 76.04.370.

When land against which ~~((fire))~~ forest patrol assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of sale exceed the amount of the delinquent tax judgment shall forthwith remit to the supervisor of the department of natural resources the amount of the outstanding patrol assessments.

All public bodies owning or administering forest lands shall pay the forest patrol assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.515. The forest patrol assessments and special forest fire suppression account assessments shall be payable by public bodies from any available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments shall not be a lien against the publicly owned land but shall constitute a debt by the public body to the department and shall be subject to interest charges in the same amount as other unpaid forest patrol assessments.

A public body, having failed to previously pay forest patrol assessments required of it by this section, which fails to suppress a fire on or originating from forest lands owned or administered by it shall be liable for the costs of suppression incurred by the department or its agent and shall not be entitled to reimbursement of any costs incurred by the public body in the suppression activities.

The supervisor of the department of natural resources shall furnish ~~((a good and sufficient))~~ the surety company bond ~~((running to the state, in a sum as great as the probable amount of money annually coming into his hands under the provisions of this chapter))~~ under RCW 43.30.170(6), conditioned for the faithful performance of his duties and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general.

Sec. 2. Section 1, chapter 58, Laws of 1951 as amended by section 1, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.010 are each amended to read as follows:

As used in this chapter:

"Additional fire hazard" means a condition of forest land resulting from the existence of forest debris so located and in such amounts and flammability as to readily support, intensify and/or continue the spread of fire beyond the spread that would occur in the absence of such debris or if the debris had been abated in a manner approved by the department of natural resources;

"Department" means the department of natural resources or its authorized representatives;

"Director" means the director of conservation and development as that term occurred in pre-1957 law and means the department in all subsequent law;

"Supervisor" means the supervisor of forestry as that term occurred in pre-1957 law and means the department in all subsequent law;

"Emergency fire costs" means those costs incurred or approved by the department for emergency forest fire suppression, including the employment of men, rental of equipment, and purchase of supplies over and above costs regularly budgeted and provided for nonemergency fire expenses for the biennium in which such costs occur;

"Forest debris" includes forest slashing, chopping, and any other vegetative residue resulting from activities on forest land;

"Forest fire service" includes all wardens, rangers, and other help employed especially for preventing or fighting forest fires;

"Forest land" means any land which has enough timber, standing or down, or flammable material, to constitute in the judgment of the department a fire menace to life or property: PROVIDED, That sagebrush and grass areas east of the summit of the Cascade mountains are not included unless such areas are adjacent to or intermingled with areas supporting tree growth;

"Forest landowner", "owner of forest land", "landowner", or "owner" means the owner or the person in possession of any public or private forest land defined in this section;

"Forest material" means forest slashing, chopping, woodland, or brushland;

"Landowner operation" means every activity, and supporting activities, of a forest landowner, his agents, employees, or independent contractors or permittees therewith in the management and use of forest land for the primary benefit of the owner. Such activities may include, but are not limited to, the growing and harvesting of forest products, development of transportation systems, utilization of mineral or other natural resources, disposing of forest debris, and the clearing of land: PROVIDED, That recreational and/or residential activities not associated with the above shall not be included;

"Participating landowner" means an owner of forest land, which land is subject to the forest patrol assessment provided in RCW 76.04.360 as now or hereafter amended(~~(, including publicly owned forest land paying a like amount in lieu thereof)~~);

"Suppression" means all activities involved in the containment and control of forest fires, including the patrolling thereof until such fires are extinguished or deemed by the department of natural resources to pose no further threat to life or property.

Sec. 3. Section 1, chapter 105, Laws of 1917 as amended by section 2, chapter 168, Laws of 1941 and RCW 76.04.350 are each amended to read as follows:

Every owner of forest land in the state of Washington shall furnish or provide therefor, during the season of the year when there is danger of forest fires, adequate protection against the spread of fire thereon or therefrom which shall meet with the approval of the ~~((state forest board: PROVIDED, That for the purposes of this section forest lands, lying in counties east of the summit of the Cascade~~

~~mountains, shall be deemed to be adequately protected where patrol is furnished by the United States forest service of a standard and efficiency and seasonal duration, deemed by the state forest board to be sufficient for the proper protection of the forest land of such counties))~~ department of natural resources.

Sec. 4. Section 11, chapter 184, Laws of 1923 as amended by section 6, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.390 are each amended to read as follows:

Any person, firm, or corporation negligently responsible for the starting or existence of a fire which spreads on forest land, including permitting the existence of an extreme fire hazard under RCW 76.04.370, as now or hereafter amended, after failure to abate, isolate, or reduce, as required in this 1971 amendatory act, or for the existence of forest debris subject to RCW 76.04.310 as now or hereafter amended, and which contributes to the spread of said fire, shall be liable for any expense made necessary by such negligence, incurred by the state, a municipality, or a forest protective association, in fighting such fire, together with costs of investigation and litigation including reasonable attorneys' fees and taxable court costs, provided that any such expense was authorized or subsequently approved by the department of natural resources. The department or agency incurring such expense shall have a lien for the same against any property of said person, firm, or corporation liable as above provided by filing a claim of lien naming said person, firm, or corporation describing the property against which the lien is claimed, specifying the amount expended on the lands on which the fire fighting took place and the period during which the expenses were incurred, and signed by the claimant with post office address. No claim of lien shall be valid unless filed with the county auditor of the county in which the property sought to be charged is located within a period of ninety days after the expenses of the claimant were incurred. The claimant may recover said expenses incurred in a civil action against said person, firm, or corporation liable therefor, and shall have in addition the lien remedy above provided. Said lien may be foreclosed in the same manner as a mechanic's lien is foreclosed under the statutes of the state of Washington.

Passed the House April 1, 1977.

Passed the Senate May 19, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

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## CHAPTER 103

[Substitute House Bill No. 267]

### HIGHWAYS—ACQUISITION OF PUBLIC LANDS FOR HIGHWAY ETC., PURPOSES

AN ACT Relating to public lands; amending section 47.56.100, chapter 13, Laws of 1961 and RCW 47.56.100; adding new sections to chapter 47.12 RCW; repealing section 47.12.020 chapter 13, Laws of 1961, section 1, chapter 156, Laws of 1961 and RCW 47.12.020; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 47.12 RCW a new section to read as follows:



(1) Except as provided in sections 2 and 3 of this 1977 amendatory act, whenever it is necessary to secure any lands or interests in lands for any highway purpose mentioned in RCW 47.12.010, or for the construction of any toll facility or ferry terminal or docking facility, the title to which is in the state of Washington and under the jurisdiction of the department of natural resources, the department of highways may acquire jurisdiction over such lands or interests in lands, or acquire rights to remove materials from such lands in the manner set forth in this section.

(2) At any time after the final adoption of a right of way plan or other plan requiring the acquisition of lands or interests in lands for any purpose as authorized in subsection (1) of this section, the department of highways may file with the department of natural resources a notice setting forth its intent to acquire jurisdiction of the lands or interests in lands under the jurisdiction of the department of natural resources required for right of way or other highway purposes related to the construction or improvement of such state highway, toll facility, or ferry terminal or docking facility.

(3) The department of highways at the time of filing its notice of intent as provided in subsection (2) of this section shall file therewith a written statement showing the total amount of just compensation to be paid for the property in the event of settlement. Such offer shall be based upon the department of highways approved appraisal of the fair market value of the property to be acquired. In no event may such offer of settlement be referred to or used during any arbitration proceeding or trial conducted for the purpose of determining the amount of just compensation.

(4) Just compensation and/or fair market value for the purposes of this section shall be determined in accordance with applicable federal and state constitutional, statutory, and case law relating to the condemnation of private and public property for public purposes.

(5) In the event the department of natural resources does not accept the offer of the department of highways, the department of highways may nonetheless pay to the department of natural resources the amount of its offer and obtain immediate possession and use of the property pending the determination of just compensation in the manner hereinafter provided.

(6) If the amount of just compensation is not agreed to, either the department of natural resources or the department of highways may request in writing the appointment of an arbitrator for the purpose of determining the amount of compensation to be paid by the department of highways for the acquisition of jurisdiction over such lands or interests in lands or rights therein. In such event the department of natural resources and the department of highways may jointly agree on an arbitrator to determine such compensation and his determination shall be final and conclusive upon both departments. The costs of the arbitrator shall be borne equally by the parties. If the department of natural resources and the department of highways are unable to agree on the selection of an arbitrator within thirty days after a request therefor is made, either the department of highways or the department of natural resources may file a petition with the superior court for Thurston county for the purpose of determining the amount of just compensation to be paid.

The matter shall be tried by the court pursuant to the procedures set forth in RCW 8.04.080.

(7) Whenever the department of highways shall have acquired immediate possession and use of property by payment of the amount of its offer to the department of natural resources, and the arbitration award or judgment of the court for such acquisition exceeds the payment for immediate possession and use, the department of highways shall forthwith pay the amount of such excess to the department of natural resources with interest thereon from the date it obtained immediate possession. In the event the arbitration or court award is less than the amount previously paid by the department of highways for immediate possession and use, the department of natural resources shall forthwith pay the amount of the difference to the department of highways.

(8) Upon the payment of just compensation, as agreed to by the department of highways and the department of natural resources, or as determined by arbitration or by judgment of the court, and other costs or fees as provided by statute, the department of natural resources shall cause to be executed and delivered to the department of highways an instrument transferring jurisdiction over such lands or interests in lands, or rights to remove material from such lands, to the department of highways.

(9) Except as provided in section 2 of this 1977 amendatory act, whenever the department of highways shall cease to use any lands or interests in lands acquired in the manner set forth in this section for the purposes mentioned herein, the department of natural resources may reacquire jurisdiction over such lands or interests in land by paying the fair market value thereof to the department of highways. In the event the two departments are unable to agree on the fair market value of such lands or interests in lands, such market value shall be determined and the interests therein shall be transferred in accordance with the provisions and procedures set forth in subsections (4) through (8) of this section.

NEW SECTION. Sec. 2. There is added to chapter 47.12 RCW a new section to read as follows:

(1) The department of highways may acquire an easement for highway or toll facilities right of way or for ferry terminal or docking facilities, including the right to make necessary fills, on, over, or across the beds of navigable waters which are under the jurisdiction of the department of natural resources, in accordance with the provisions of section 1 of this 1977 amendatory act, except that no charge shall be made to the department of highways for such an easement.

(2) The department of highways may obtain an easement for highway or toll facilities purposes or for ferry terminal or docking facilities on, over, or across harbor areas in accordance with the provisions of section 1 of this 1977 amendatory act but only when such areas are approved by the harbor line commission as a public place for public landings, wharves, or other public conveniences of commerce or navigation. No charge shall be made to the department of highways for such an easement.

(3) Upon the selection by the department of highways of an easement for highway or toll facilities right of way or for ferry terminal or docking facilities, as authorized in subsections (1) and (2) of this section, the department of natural resources shall cause to be executed and delivered to the department of highways an

instrument transferring such easement. Whenever the state shall no longer require such easement for highway or toll facilities right of way or for ferry terminal or docking facilities, the easement shall automatically terminate and the department of highways shall, upon request, cause to be executed an instrument relinquishing to the department of natural resources all of its interest in such lands.

(4) The department of highways, pursuant to the procedures set forth in section 1 of this 1977 amendatory act, may remove sand and gravel and borrow materials and stone from the beds of navigable waters under the jurisdiction of the department of natural resources which lie below the line of ordinary high water upon the payment of fair market value per cubic yard for such materials to be determined in the manner set forth in section 1 of this 1977 amendatory act.

(5) The department of highways may acquire full jurisdiction over lands under the jurisdiction of the department of natural resources including the beds of navigable waters which are required for the relocation of the operating tracks of any railroad which will be displaced by the acquisition of such railroad property for state highway purposes. The department of highways may exchange lands so acquired in consideration or partial consideration for the land or property rights needed for highway purposes and may cause to be executed a conveyance of such lands in the manner prescribed in RCW 47.12.150. In such event the department of highways shall pay to the department of natural resources, as just compensation for such acquisition, the fair market value of such property, including the beds of any navigable waters, to be determined in accordance with procedures set forth in section 1 of this 1977 amendatory act.

NEW SECTION. Sec. 3. There is added to chapter 47.12 RCW a new section to read as follows:

The department of highways shall not acquire jurisdiction of any lands or interest in lands under the jurisdiction of the department of natural resources for any of the purposes set forth in RCW 47.12.150, 47.12.160, 47.12.180, 47.12.250, and 47.12.270.

Sec. 4. Section 47.56.100, chapter 13, Laws of 1961 and RCW 47.56.100 are each amended to read as follows:

The right of way is hereby given, dedicated and set apart upon which to locate, construct and maintain bridges or approaches thereto or other highway crossings, and transportation facilities thereof or thereto, through, over or across any ~~((of the lands which are now or may be the property of this))~~ state~~((,-including))~~ highways, and through, over or across the streets, alleys, lanes and roads within any city, county, or other political subdivision of the state. If any property belonging to any city, county or other political subdivision of the state is required to be taken for the construction of any such bridge or approach thereto or should any such property be injured or damaged by such construction, such compensation therefor as may be proper or necessary and as shall be agreed upon may be paid by the Washington toll bridge authority to the particular county, city, or other political subdivision of the state owning such property, or condemnation proceedings may be brought for the determination of such compensation.

NEW SECTION. Sec. 5. Section 47.12.020, chapter 13, Laws of 1961, section 1, chapter 156, Laws of 1961 and RCW 47.12.020 are each repealed.

**NEW SECTION.** Sec. 6. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 14, 1977.

Passed the Senate May 19, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

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## CHAPTER 104

[Substitute House Bill No. 161]  
MUTUAL SAVINGS BANKS

AN ACT Relating to mutual savings banks; amending section 32.08.140, chapter 13, Laws of 1955 as last amended by section 2, chapter 176, Laws of 1963 and RCW 32.08.140; amending section 32.12.090, chapter 13, Laws of 1955 as last amended by section 3, chapter 55, Laws of 1969 and RCW 32.12.090; amending section 32.20.250, chapter 13, Laws of 1955 as last amended by section 6, chapter 55, Laws of 1969 and RCW 32.20.250; amending section 16, chapter 55, Laws of 1969 as amended by section 8, chapter 222, Laws of 1971 ex. sess. and RCW 32.20.255; amending section 6, chapter 41, Laws of 1959 as amended by section 9, chapter 145, Laws of 1967 and RCW 32.20.370; amending section 18, chapter 176, Laws of 1963 as last amended by section 9, chapter 55, Laws of 1969 and RCW 32.20.400; amending section 19, chapter 176, Laws of 1963 as amended by section 10, chapter 55, Laws of 1969 and RCW 32.20.410; amending section 11, chapter 145, Laws of 1967 as amended by section 11, chapter 55, Laws of 1969 and RCW 32.20.420; amending section 2, chapter 31, Laws of 1973 1st ex. sess. and RCW 32.20.460; and creating a new section.

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

Section 1. Section 32.08.140, chapter 13, Laws of 1955 as last amended by section 2, chapter 176, Laws of 1963 and RCW 32.08.140 are each amended to read as follows:

Every mutual savings bank incorporated under this title shall have, subject to the restrictions and limitations contained in this title, the following powers:

(1) To receive deposits of money, to invest the same in the property and securities prescribed in this title, to declare dividends in the manner prescribed in this title, and to exercise by its board of trustees or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of a savings bank.

(2) To issue transferable certificates showing the amounts contributed by any incorporator or trustee to the guaranty fund of such bank, or for the purpose of paying its expenses. Every such certificate shall show that it does not constitute a liability of the savings bank, except as otherwise provided in this title.

(3) To purchase, hold and convey real property as prescribed in RCW 32.20.280.

(4) To pay depositors as hereinafter provided, and when requested, pay them by drafts upon deposits to the credit of the savings bank in any city in the United States, and to charge current rates of exchange for such drafts.

(5) To borrow money in pursuance of a resolution adopted by a vote of a majority of its board of trustees duly entered upon its minutes whereon shall be recorded by ayes and noes the vote of each trustee, for the purpose of repaying

depositors, and to pledge or hypothecate securities as collateral for loans so obtained. Immediate written notice shall be given to the supervisor of all amounts so borrowed, and of all assets so pledged or hypothecated.

(6) Subject to such regulations and restrictions as the supervisor finds to be necessary and proper, to borrow money in pursuance of a resolution adopted by a vote of a majority of its board of trustees duly entered upon its minutes whereon shall be recorded by ayes and noes the vote of each trustee, for purposes other than that of repaying depositors and to pledge or hypothecate its assets as collateral for any such loans, provided that no amount shall at any time be borrowed by a savings bank pursuant to this subsection (6), if such amount, together with the amount then remaining unpaid upon prior borrowings by such savings bank pursuant to this subsection (6), exceeds ten percent of the assets of the savings bank. (~~When it shall appear to the supervisor that any bank is habitually borrowing for the purpose of reloaning, he may require the bank to pay off such borrowed money.~~)

The sale of securities or loans by a bank subject to an agreement to repurchase the securities or loans shall not be considered a borrowing. Borrowings from federal, state, or municipal governments or agencies or instrumentalities thereof shall not be subject to the limits of this subsection.

(7) To collect or protest promissory notes or bills of exchange owned by such bank or held by it as collateral, and remit the proceeds of the collections by drafts upon deposits to the credit of the savings bank in any city in the United States, and to charge the usual rates or fees for such collection and remittance for such protest.

(8) To sell gold or silver received in payment of interest or principal of obligations owned by the savings bank or from depositors in the ordinary course of business.

(9) To act as insurance agent for the purpose of writing fire insurance on property in which the bank has an insurable interest, the property to be located in the city in which the bank is situated and in the immediate contiguous suburbs, notwithstanding anything in any other statute to the contrary.

(10) To let vaults, safes, boxes or other receptacles for the safekeeping or storage of personal property, subject to laws and regulations applicable to, and with the powers possessed by, safe deposit companies.

(11) To elect or appoint in such manner as it may determine all necessary or proper officers, agents, boards, and committees, to fix their compensation, subject to the provisions of this title, and to define their powers and duties, and to remove them at will.

(12) To make and amend bylaws consistent with law for the management of its property and the conduct of its business.

(13) To wind up and liquidate its business in accordance with this title.

(14) To adopt and use a common seal and to alter the same at pleasure.

(15) To do all other acts authorized by this title.

Sec. 2. Section 32.12.090, chapter 13, Laws of 1955 as last amended by section 3, chapter 55, Laws of 1969 and RCW 32.12.090 are each amended to read as follows:

(1) Every savings bank shall regulate the rate of interest upon the amounts to the credit of depositors therewith, in such manner that depositors shall receive as

nearly as may be all the earnings of the bank after transferring the amount required by RCW 32.08.120 and such further amounts as its trustees may deem it expedient and for the security of the depositors to transfer to the guaranty fund, which to the amount of ten percent of the amount due its depositors the trustees shall gradually accumulate and hold. Such trustees may also deduct from its net earnings, and carry as reserves for losses, or other contingencies, or as undivided profits, such additional sums as they may deem wise.

(2) Every savings bank may classify its depositors according to the character, amount, regularity, or duration of their dealings with the savings bank, and may regulate the interest in such manner that each depositor shall receive the same ratable portion of interest as all others of his class.

(3) Unimpaired contributions to the initial guaranty fund and to the expense fund, made by the incorporators or trustees of a savings bank, shall be entitled to have dividends apportioned thereon, which may be credited and paid to such incorporators or trustees.

Whenever the guaranty fund of any savings bank is sufficiently large to permit the return of such contributions, the contributors may receive interest thereon not theretofore credited or paid at the same rate paid to depositors.

(4) A savings bank shall not:

(a) Declare, credit or pay any interest except as authorized by a vote of a majority of the board of trustees duly entered upon its minutes, whereon shall be recorded ~~((the))~~ by ayes and noes ~~((upon each))~~ the vote of each trustee;

(b) Pay any interest other than the regular quarterly or semiannual interest, or the interest on savings certificates of deposit, or the extra dividends prescribed elsewhere in this title: **PROVIDED**, That such bank may pay interest not less often than annually on the anniversary dates of accounts separately classified for this purpose: **PROVIDED, FURTHER**, That such bank may pay interest monthly at the rate or rates last authorized by a majority vote of the board of trustees duly entered in its minutes whereon shall be recorded by ayes and noes the vote of each trustee;

(c) Declare, credit or pay interest on any amount to the credit of a depositor for a longer period than the same has been credited: **PROVIDED**, That deposits made not later than the tenth day of any month (unless the tenth day is not a business day, in which case it may be the next succeeding business day), or withdrawn upon one of the last three business days of the month ending any quarterly or semiannual interest period, may have interest paid upon them for the whole of the period or month when they were so deposited or withdrawn: **PROVIDED FURTHER**, That if the bylaws so provide, accounts closed between interest periods may be credited with interest at the rate ~~((of the last interest))~~ determined by its board of trustees, computing from the ~~((first))~~ last interest period to the date when closed.

(5) The trustees of any savings banks whose undivided profits and guaranty fund, determined in the manner prescribed in RCW 32.12.070, amount to more than twenty-five percent of the amount due its depositors, shall at least once in three years divide equitably the accumulation beyond such twenty-five percent as an extra dividend to depositors in excess of the regular dividend authorized.

A notice posted conspicuously in a savings bank of a change in the rate of interest shall be equivalent to a personal notice.

Sec. 3. Section 32.20.250, chapter 13, Laws of 1955 as last amended by section 6, chapter 55, Laws of 1969 and RCW 32.20.250 are each amended to read as follows:

A mutual savings bank may invest its funds in loans secured by first mortgages on real estate subject to the following restrictions:

(1) In all cases of loans upon real property, a note secured by a mortgage on the real estate upon which the loan is made shall be taken by the savings bank from the borrower;

(2) The savings bank shall also be furnished by the borrower, either

~~((+))~~ (a) A complete abstract of title of the mortgaged property, which abstract shall be signed by the person or corporation furnishing the abstract of title, and which abstract shall be examined by a competent attorney and shall be accompanied by ~~((his))~~ the attorney's opinion approving the title and showing that the mortgage is a first lien; or

~~((2))~~ (b) A policy of title insurance; or

~~((3))~~ (c) A duplicate certificate of ownership issued by a registrar of titles.

(3) Where the real estate is other than ~~((a single))~~ one to four family residential property, ~~((it))~~ the real estate must be improved to such extent that the net annual income thereof or reasonable annual rental value thereof in the condition existing at the time of making the loan is sufficient to pay the annual interest accruing on such loan in addition to taxes and insurance and a reasonable amount for maintenance and upkeep commensurate with the type of property involved.

(4) No loan on real estate shall be:

~~((+))~~ (a) For an amount greater than ninety percent of the value of such real estate including improvements if it is ~~((property))~~ improved with ~~((owner-occupied single))~~ one to four family residential dwellings (including but not being limited to condominiums); or

~~((2))~~ (b) For an amount greater than eighty percent of the value of other real estate, including improvements ~~((; except that in the event such savings bank obtains, as additional collateral, an assignment of a policy or policies of life insurance issued by a company authorized to do business in this state, such loan may exceed the limits specified in (1) or (2), but such excess shall not be more than eighty percent of the cash surrender value of such assigned life insurance)), unless the savings bank obtains additional collateral, in which case such loan may exceed the limits specified in paragraph (a) or (b) of this subsection: PROVIDED, That in no event shall the loan excess exceed the value of the additional collateral.~~

(5) No mortgage loan shall be made in excess of fifty percent of the value of the security unless its terms require the payment of principal and interest in annual, semiannual, quarterly, or monthly payments, at a rate or rates which if continued would repay the loan in full in not more than thirty years after substantially all loan proceeds have been disbursed, beginning within one year after substantially all loan proceeds have been disbursed and continuing until the loan is reduced to fifty percent or less of the value of the security: PROVIDED, That:

(a) Loans secured by property improved with owner-occupied single family residential dwellings (including but not limited to condominiums) may require repayment on such a prudent basis as the bank may determine as long as all principal and interest are paid in full within forty years; and

(b) With respect to all loans made under this section, the terms may require repayment of accrued interest only on amounts disbursed for a period not to exceed five years as long as all the loans are thereafter amortized in annual, semiannual, quarterly, or monthly payments at a rate or rates which if continued would repay the loan in full in not more than thirty years after substantially all the loan proceeds have been disbursed and continuing until the loan is reduced to fifty percent or less of the value of the security.

(6) A loan may be made on real estate which is to be improved by a building or buildings to be constructed with the proceeds of such loan(;) if it is arranged that such proceeds will be used for that purpose and that when so used the property will qualify under this section.

(7) No mortgage loan, or renewal or extension thereof for a period of more than one year, shall be made except upon written application showing the date, name of the applicant, the amount of loan requested, and the security offered, nor except upon the written report of at least two members of the board of investment of the bank certifying on such application according to their best judgment the value of the property to be mortgaged; and the application and written report thereon shall be filed and preserved with the savings bank records for three years following repayment of the loan or sale of the security if the mortgage is foreclosed.

(8) Every mortgage and assignment of a mortgage taken or held by a savings bank shall be taken and held in its own name(;) and shall immediately be recorded in the office of the county auditor of the county in which the mortgaged property is located.

(9) A mortgage on real estate shall be deemed a first mortgage and lien within the meaning of this section even though:

~~((1))~~ (a) There is outstanding upon the real estate a lease to which the mortgage is subject, and two members of the board of investment of the bank deem the lease advantageous to the owner of the mortgaged property, and the mortgagee in case of foreclosure of the mortgage can compel the application upon the mortgage debt of substantially all of the rents thereafter to accrue; and/or

~~((2))~~ (b) There are outstanding nondelinquent taxes or special assessments or both, and the sum of the assessments and the amount of the loan does not exceed the limits herein specified.

Sec. 4. Section 16, chapter 55, Laws of 1969 as amended by section 8, chapter 222, Laws of 1971 ex. sess. and RCW 32.20.255 are each amended to read as follows:

A mutual savings bank may invest its funds in real estate contracts and in loans secured by real estate mortgages or deeds of trust or real estate contracts not otherwise eligible for investment by the savings bank, which are prudent real estate investments for the bank in the opinion of its board of trustees or of officers or committees designated by the board, whose action is ratified by the board at its regular meeting next following the investment. The total amount a mutual savings bank may invest pursuant to this section shall not exceed ~~((fifty))~~ ten percent of ~~((the total of its guaranty fund, undivided profits, and unallocated reserves))~~ its funds.



Sec. 5. Section 6, chapter 41, Laws of 1959 as amended by section 9, chapter 145, Laws of 1967 and RCW 32.20.370 are each amended to read as follows:

A mutual savings bank may invest its funds in bonds or other interest bearing or discounted obligations of corporations not otherwise eligible for investment by the savings bank which are prudent investments for such bank in the opinion of its board of trustees or of a committee thereof whose action is ratified by such board at its regular meeting next following such investment. The total amount a mutual savings bank may invest pursuant to this section shall not exceed ~~((fifty percent of the total of its guaranty fund, undivided profits, and unallocated reserves, or five))~~ ten percent of its ~~((deposits, whichever is less))~~ funds.

Sec. 6. Section 18, chapter 176, Laws of 1963 as last amended by section 9, chapter 55, Laws of 1969 and RCW 32.20.400 are each amended to read as follows:

A mutual savings bank may invest not to exceed ~~((five))~~ ten percent of its funds in loans for home or property repairs, alterations, appliances, improvements, or additions, home furnishings, for installation of underground utilities, for educational purposes, ~~((for mobile homes used or to be used for permanent or semi-permanent housing;))~~ or for nonbusiness family purposes: PROVIDED, That

(1) The principal amount of any loan shall not exceed ~~((five))~~ ten thousand dollars; ~~((except in the case of loans for mobile homes which shall not exceed fifteen thousand dollars;))~~

(2) The application therefor shall state that the proceeds are to be used for one of the above purposes;

(3) The term of the loan shall not exceed ~~((sixty-two))~~ eighty-five months, except in the case of loans for underground utilities ~~((, mobile homes))~~ or educational loans which may require repayment at such time and upon such terms as the bank may determine; and

(4) Nothing in this section shall permit a mutual savings bank to make secured or unsecured loans on or for inventory as that term is defined in section 9-109(4), chapter 157, Laws of 1965, RCW 62A.9-109(4).

Sec. 7. Section 19, chapter 176, Laws of 1963 as amended by section 10, chapter 55, Laws of 1969 and RCW 32.20.410 are each amended to read as follows:

The aggregate total amount a mutual savings bank may invest in the following shall not exceed ~~((eighty))~~ eighty-five percent of its funds:

- (1) Mortgages upon real estate and participations therein;
- (2) Contracts for the sale of realty;
- (3) Mortgages upon leasehold estates; and
- (4) Notes secured by pledges or assignments of first mortgages or real estate contracts.

Sec. 8. Section 11, chapter 145, Laws of 1967 as amended by section 11, chapter 55, Laws of 1969 and RCW 32.20.420 are each amended to read as follows:

A mutual savings bank may invest not to exceed ~~((five))~~ ten percent of its funds in loans on the security, and for the purpose of financing the acquisition and development, of land for primarily commercial, industrial, or residential usage. Within the ~~((five))~~ ten percent limit, and subject to the further limit hereinafter set forth, the bank may loan up to ~~((seventy-five))~~ eighty percent of the appraised value of

the land as of the completion of the development thereof into building lots or sites ready for construction thereon. Each such loan shall be repayable within a period of not more than ten years and the interest thereon shall be payable at least semi-annually. When any portion of the security is released from the lien of the mortgage, the principal amount of such loan shall be reduced in an amount at least equal to that portion of the total loan secured by the property released.

~~((No loan made hereunder may exceed a sum equal to seventy-five percent of the amount of the borrower's investment in the property given (or remaining after a release or releases) as security for such loan. The "amount of the borrower's investment" may include all sums paid for the property and improvements thereto, taxes, assessments and the like thereon plus a sum equal to six percent per annum on such amounts.))~~

A loan may be made on real estate which is to be developed with the developments to be paid for with the proceeds of such loan(;) if it is arranged that the proceeds will be used for that purpose and that when so used the property will qualify under this section.

Sec. 9. Section 2, chapter 31, Laws of 1973 1st ex. sess. and RCW 32.20.460 are each amended to read as follows:

In addition to the portions of its funds permitted to be invested in real estate loans under ~~((RCW 32.20.250 as limited by))~~ RCW 32.20.410 ~~((and in loans for home or property repairs, alterations, appliances, improvements, or additions, home furnishings, for installation of underground utilities, for educational purposes, for mobile homes used or to be used for permanent or semipermanent housing, or for nonbusiness family purposes under RCW 32.20.400))~~, a mutual savings bank may invest not to exceed ~~((five))~~ fifteen percent of its funds in loans and investments ~~((made after July 16, 1973))~~ as follows:

(1) Loans for the rehabilitation, remodeling, or expansion of existing housing, if it is arranged that the loan proceeds will be used for such purpose. Such loans may be secured by second mortgages, shall require the payment of principal and interest in annual, semiannual, quarterly, or monthly payments at a rate or rates which if continued would repay the loan in full in not more than fifteen years, and shall be in a principal amount not to exceed ~~((nine))~~ twenty thousand ~~((five hundred))~~ dollars per living unit for single family housing or ~~((seven))~~ twelve thousand five hundred dollars per living unit for multi-family housing.

(2) Loans in connection with, or participation in:

- (a) Housing programs of any agency of federal, state, or local government; and
- (b) Housing programs of any nonprofit, union, community, public, or quasi-public corporation or entity.

Such housing must be made available to all without regard to race, creed, sex, color, or national origin.

(3) Loans for purchasing or constructing factory built housing, including but not limited to mobile homes used or to be used for permanent or semipermanent housing~~((; where the principal balance of any such loan does not exceed in the case of a new mobile home one hundred percent of the manufacturer's invoice price of such mobile home (including any equipment installed by the manufacturer, or installed or to be installed by the dealer); or in the case of a used mobile home, one hundred percent of the wholesale value of such used mobile home (including any~~

~~installed equipment) as established in the dealer's market)). The bank shall determine the amount, security, and repayment basis which it considers prudent for the loans. The loan shall be secured by a first mortgage on the real estate, except that no real estate mortgage need be obtained if provision satisfactory to the bank is made for removal of the mobile home or other housing in the event of default and realization on the security.~~

(4) In mobile home chattel paper which finances the acquisition of inventory by a mobile home dealer if the inventory is to be held for sale in the ordinary course of business by the mobile home dealer, the monetary obligation evidenced by such chattel paper is the obligation of the mobile home dealer and the amount thereof does not exceed the amount allowed to be loaned on such mobile homes under subsection (3) of this section.

Passed the House March 17, 1977.

Passed the Senate May 17, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

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## CHAPTER 105

[Second Substitute House Bill No. 24]

### BUSINESS AND OCCUPATION TAX—DEDUCTIONS—MANUFACTURE OUTSIDE U.S.

AN ACT Relating to revenue and taxation; and amending section 82.04.430, chapter 15, Laws of 1961 as last amended by section 1, chapter 13, Laws of 1971 and RCW 82.04.430.

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

Section 1. Section 82.04.430, chapter 15, Laws of 1961 as last amended by section 1, chapter 13, Laws of 1971 and RCW 82.04.430 are each amended to read as follows:

In computing tax there may be deducted from the measure of tax the following items:

(1) Amounts derived by persons, other than those engaging in banking, loan, security, or other financial businesses, from investments or the use of money as such, and also amounts derived as dividends by a parent from its subsidiary corporations;

(2) Amounts derived from bona fide initiation fees, dues, contributions, donations, tuition fees, charges made for operation of privately operated kindergartens, and endowment funds. This paragraph shall not be construed to exempt any person, association, or society from tax liability upon selling tangible personal property or upon providing facilities or services for which a special charge is made to members or others. Dues which are for, or graduated upon, the amount of service rendered by the recipient thereof are not permitted as a deduction hereunder;

(3) The amount of cash discount actually taken by the purchaser. This deduction is not allowed in arriving at the taxable amount under the extractive or manufacturing classifications with respect to articles produced or manufactured, the reported values of which, for the purposes of this tax, have been computed according to the provisions of RCW 82.04.450;

(4) The amount of credit losses actually sustained by taxpayers whose regular books of account are kept upon an accrual basis;

(5) So much of the sale price of motor vehicle fuel as constitutes the amount of tax imposed by the state or the United States government upon the sale thereof;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived by any person as compensation for the receiving, washing, sorting, and packing of fresh perishable horticultural products and the material and supplies used therein when performed for the person exempted in RCW 82.04.330, either as agent or as independent contractor;

(8) Amounts derived as compensation for services rendered or to be rendered to patients by a hospital, as defined in chapter 70.41 RCW, devoted to the care of human beings with respect to the prevention or treatment of disease, sickness, or suffering, when such hospital is operated by the United States or any of its instrumentalities, or by the state, or any of its political subdivisions;

(9) Amounts derived as compensation for services rendered to patients by a hospital, as defined in chapter 70.41 RCW, which is operated as a nonprofit corporation, nursing homes and homes for unwed mothers operated as religious or charitable organizations, but only if no part of the net earnings received by such an institution inures directly or indirectly, to any person other than the institution entitled to deduction hereunder. In no event shall any such deduction be allowed, unless the hospital building is entitled to exemption from taxation under the property tax laws of this state;

(10) Amounts derived by a political subdivision of the state of Washington from another political subdivision of the state of Washington as compensation for services which are within the purview of RCW 82.04.290;

(11) By those engaged in banking, loan, security or other financial businesses, amounts derived from interest received on investments or loans primarily secured by first mortgages or trust deeds on nontransient residential properties;

(12) By those engaged in banking, loan, security or other financial businesses, amounts derived from interest paid on all obligations of the state of Washington, its political subdivisions, and municipal corporations organized pursuant to the laws thereof;

(13) Amounts derived as interest on loans by a lending institution which is owned exclusively by its borrowers or members and which is engaged solely in the business of making loans for agricultural production;

(14) By persons subject to payment of the tax on manufacturers pursuant to RCW 82.04.240, the value of articles to the extent of manufacturing activities completed outside the United States, if

(a) any additional processing of such articles in this state consists of minor final assembly only, and

(b) in the case of domestic manufacture of such articles, can be and normally is done at the place of initial manufacture, and

(c) the total cost of the minor final assembly does not exceed two percent of the value of the articles, and

(d) the articles are sold and shipped outside the state.

Passed the House April 28, 1977.

Passed the Senate May 24, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

## CHAPTER 106

[Engrossed Second Substitute Senate Bill No. 2104]

### FISHING VESSELS—LICENSES AND PERMITS—LIMITATIONS

AN ACT Relating to fishing; amending section 2, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.455; amending section 12, chapter 184, Laws of 1974 ex. sess. (uncodified); adding a new chapter to Title 75 RCW; creating new sections; repealing section 10, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.485; providing expiration dates; and declaring an emergency.

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

**NEW SECTION.** Section 1. The legislature finds that the wise management and economic health of the state's salmon fishery are of continued importance to the people of the state and to the economy of the state as a whole. The legislature finds that charter boats licensed by the state for use by the state's charter boat fishing industry have increased in quantity. The legislature finds that limitations on the number of licensed charter boats will tend to improve the management of the charter boat fishery and the economic health of the charter boat industry. The state therefore must use its authority to regulate the number of licensed boats in use by the state's charter boat industry in a manner provided in this chapter so that management and economic health of the salmon fishery may be improved.

**NEW SECTION.** Sec. 2. For the purposes of sections 1 through 6 of this act, the term "charter boat" shall refer only to those charter boats from which salmon are taken. On and after the effective date of this act, the department shall initiate a moratorium on the issuance of charter boat licenses by issuing such licenses only to those boats whose owners can prove by means of good and sufficient documentary evidence that the boat was licensed pursuant to RCW 75.28.095 between January 1, 1974, and January 1, 1977. No charter boat shall be entitled to more than one charter boat license.

Such boats shall be entitled to receive and renew the charter boat license for each year during the period from the effective date of this 1977 amendatory act through December 31, 1980. A charter boat license for which no application is made to the department or which is not renewed in any year automatically expires and shall not be renewed further.

Nothing herein shall be construed to be contrary to the provisions of Title 75 RCW or any rule promulgated thereunder. All such charter boat licenses shall be transferable.

**NEW SECTION.** Sec. 3. In addition to the charter boat licenses issued pursuant to section 2 of this 1977 amendatory act, the department shall issue a charter boat license to any charter boat which was under construction or purchased in good faith between April 16, 1976, and the effective date of this 1977 amendatory act.

NEW SECTION. Sec. 4. On and after the effective date of this act, the department, in cooperation with representatives of the charter boat industry, shall continually evaluate the provisions of sections 1, 2, and 3 of this 1977 amendatory act and recommend to the legislature prior to January 1, 1980, a phase II approach to regulate gear entry into this state's charter boat fishery.

NEW SECTION. Sec. 5. The director shall appoint a three member advisory board of review to hear cases as provided in section 6 of this 1977 amendatory act. The members of such review board shall be nominated by the charter boat fishing industry, shall serve without pay, and shall serve at the discretion of the director of the department of fisheries. The members of such review board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The director may promulgate rules concerning the operation of such review boards in accordance with chapter 34.04 RCW.

NEW SECTION. Sec. 6. Any person aggrieved by a decision of the department made pursuant to the terms of this chapter may voluntarily request that a board of review be impaneled to hear such person's case.

The board of review may make such other recommendations and determinations as are consistent with the terms of this chapter.

Hearings before review boards shall be informal, the rules of evidence shall not be applicable to the proceedings, and the records shall be kept thereof as provided by chapter 34.04 RCW. After the presentation of a case each review board shall inform the director and the initiating party in writing concerning whether or not the review board recommends that the charter boat license be issued and the reason for such recommendation. Upon receipt of the review board's findings the director may order such relief as the director deems appropriate under the circumstances.

Nothing in this section shall be construed: (1) To impair an aggrieved person's right to proceed under chapter 34.04 RCW; or (2) to impose any liability on members of a review board for their action pursuant to this section.

Sec. 7. Section 2, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.455 are each amended to read as follows:

On and after May 6, 1974, the department of fisheries of the state of Washington shall initiate a program to limit the number of commercial salmon vessels for each type of fishing gear and area by issuing licenses and vessel delivery permits to fish for salmon only to those vessels holding such licenses or permits in any year between January 1, 1970 and May 6, 1974: **PROVIDED**, That only those vessels which held commercial gear fishing licenses or vessel delivery permits valid for salmon during such period and can prove by means of a valid fish receiving document that salmon were caught and landed during such period shall be entitled to a valid commercial fishing license or vessel delivery permit to fish for or possess salmon for the same type of gear and area for each year of a period extending from January 1, 1975 through December 31, ~~((1977))~~ 1980: **PROVIDED, HOWEVER**, That nothing herein shall be construed to be contrary to the provisions of Title 75 RCW or any regulation promulgated thereunder. All such licenses or vessel delivery permits shall be transferable : **PROVIDED**, That in order to qualify for licenses in calendar years 1979 and 1980, a vessel must prove by means of a valid fish receiving document that food fish were caught and landed by such vessel in this

state or in another state during the previous calendar year, or during the last calendar year in which the vessel was legally eligible for licenses if the vessel's licenses were suspended or revoked during the calendar year or years previous to the year for which the licenses are being sought.

Sec. 8. Section 12, chapter 184, Laws of 1974 ex. sess. (uncodified) is amended to read as follows:

~~((The provisions of sections 1 through 9 of this act shall expire on December 31, 1977, and shall be null and void and without any further force and effect on such date without any further action by the legislature.))~~ The provisions of RCW 75.28.450, 75.28.455 as now or hereafter amended, RCW 75.28.460, 75.28.465, 75.28.470, 75.28.475, and 75.28.480 shall automatically expire on December 31, 1980, unless such expiration date be removed or extended by subsequent action of the legislature.

NEW SECTION. Sec. 9. Section 10, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.485 are each hereby repealed.

NEW SECTION. Sec. 10. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. The provisions of sections 1 through 6 of this 1977 amendatory act shall expire on December 31, 1980, and shall be null and void and without any further force and effect on such date without any further action by the legislature.

NEW SECTION. Sec. 12. Sections 1 through 6 of this 1977 amendatory act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 13. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 19, 1977.

Passed the House May 18, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

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## CHAPTER 107

[Senate Bill No. 2196]

### SUPERIOR COURT CLERKS—FEES—DISPOSITION

AN ACT Relating to superior courts; amending section 1, chapter 38, Laws of 1973 as last amended by section 1, chapter 30, Laws of 1975 and RCW 36.18.020; and adding a new section to chapter 36.18 RCW.

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

Section 1. Section 1, chapter 38, Laws of 1973 as last amended by section 1, chapter 30, Laws of 1975 and RCW 36.18.020 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of ~~((thirty-two))~~ forty-five dollars.

(2) Any party filing the first or initial paper on an appeal from justice court or on any civil appeal, shall pay, when said paper is filed, a fee of ~~((thirty-two))~~ forty-five dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a justice court in the county of issuance, shall pay at the time of filing, a fee of five dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars; if the demand is for a jury of twelve the fee shall be fifty dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(6) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in his office for which no other charge is provided by law, the clerk shall collect two dollars.

(7) For preparing, transcribing or certifying any instrument on file or of record in his office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(8) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(9) For the filing of an affidavit for garnishment, a fee of five dollars shall be charged.

(10) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(11) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of ~~((thirty-two))~~ forty-five dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated.

(12) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, there shall be paid a fee of ~~((thirty-two))~~ forty-five dollars.

(13) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(14) For the preparation of a passport application there shall be a fee of three dollars.



(15) Upon conviction or plea of guilty or upon failure to prosecute his appeal from a lower court as provided by law, a defendant in a criminal case shall be liable for a fee of thirty-two dollars.

(16) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(17) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.36.010.

NEW SECTION. Sec. 2. There is added to chapter 36.18 RCW a new section to read as follows:

The amount of the increase of thirteen dollars in each filing fee paid pursuant to subsection (1), (2), (11), and (12) of RCW 36.18.020 as amended by this 1977 amendatory act shall be paid into the county treasury and allocated as follows:

(1) For counties which were allocated an increased number of superior court judges by the forty-fifth legislature, the amount of the increase in fees shall be used to defray the salaries and expenses of the judges representing such increase in the number thereof, as needed; and

(2) For any surplus not required for purposes of subsection (1) of this section, or in counties where the number of judges was not increased, the amount of the increase in fees shall be allocated by the county legislative authority to defray the costs of maintaining juvenile and family courts.

Passed the Senate March 28, 1977.

Passed the House May 19, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

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## CHAPTER 108

[Engrossed Senate Bill No. 2081]

### MUNICIPAL COURTS—PROCESS—WARRANT SERVERS

AN ACT Relating to municipal courts; and adding a new section to chapter 35.20 RCW.

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

NEW SECTION. Section 1. There is added to chapter 35.20 RCW a new section to read as follows:

(1) The position of warrant server is hereby created within the courts created by chapter 35.20 RCW. The number and qualifications of said warrant servers shall be fixed by ordinance, and their compensation shall be paid by the city.

(2) Said warrant servers shall be vested only with the special authority to make arrests authorized by the warrants which they have been directed to serve by courts created by chapter 35.20 RCW.

(3) All criminal and civil process issuing out of courts created under this title shall be directed to the chief of police of the city served by the court and/or to the sheriff of the county in which the court is held and/or the warrant servers of the court and be by them executed according to law in any county of this state.

(4) No process of courts created under this title shall be executed outside the corporate limits of the city served by the court unless the person authorized by said process shall first contact the applicable law enforcement agency in whose jurisdiction the process is to be served.

(5) Upon a defendant being arrested in another city or county the cost of arresting or serving process thereon shall be borne by the court issuing said process including the cost of returning the defendant from any county of the state to the city.

(6) Said warrant servers shall not be entitled to death, disability or retirement benefits pursuant to chapter 41.26 RCW on the basis of service as a warrant server as described in this section.

Passed the Senate March 23, 1977.

Passed the House May 20, 1977.

Approved by the Governor May 31, 1977.

Filed in Office of Secretary of State May 31, 1977.

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## CHAPTER 109

[Engrossed Senate Bill No. 2200]

### DEPARTMENT OF NATURAL RESOURCES—PROPERTY TRANSACTIONS— RESOURCE MANAGEMENT LAND BANK

AN ACT Relating to public lands; and adding a new chapter to Title 79 RCW.

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

**NEW SECTION.** Section 1. The legislature finds that from time to time it may be desirable for the department of natural resources to sell state lands which have low potential for natural resource management or low income-generating potential or which, because of geographic location or other factors, are inefficient for the department to manage. However, it is also important to acquire lands to replace those sold so that the publicly owned land base will not be depleted. The purpose of this chapter is to provide a means to facilitate such sales and purchases.

**NEW SECTION.** Sec. 2. The department of natural resources, with the approval of the board of natural resources, is authorized to purchase property at fair market value to be held in a resource management land bank, which is hereby created within the department. Property so purchased shall be property which would be desirable for addition to the public lands of the state because of the natural resource production potential of the property. The total acreage held in the resource management land bank shall not exceed one thousand acres.

**NEW SECTION.** Sec. 3. The department of natural resources, with the approval of the board of natural resources, is authorized to:

(1) Exchange property held in the resource management land bank for any other public lands of equal value administered by the department of natural resources, including any lands held in trust.

(2) Exchange property held in the resource management land bank for property of equal or greater value which is owned publicly or privately, and which has

greater natural resource production potential or which could be more easily managed by the department, however, no power of eminent domain is hereby granted to the department; and

(3) Sell property held in the resource management land bank in the manner provided by law for the sale of state lands without any requirement of platting and to use the proceeds to acquire property for the land bank which has greater natural resource production potential or which would be more easily managed by the department.

NEW SECTION. Sec. 4. The department of natural resources may manage the property held in the resource management land bank in the same manner as state granted lands: PROVIDED, That such properties or interest in such properties shall not be withdrawn, exchanged, transferred, or sold without first obtaining payment of the fair market value of the property or interest therein or obtaining property of equal value in exchange.

NEW SECTION. Sec. 5. The legislature may authorize appropriation of funds from the forest development account in the general fund for the purposes of this chapter. Income from the sale or management of property in the resource management land bank shall be returned as a recovered expense to the forest development account and may be used to acquire property under section 2 of this act.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 79 RCW.

Passed the Senate March 15, 1977.

Passed the House May 20, 1977.

Approved by the Governor May 31, 1977.

Filed in Office of Secretary of State May 31, 1977.

## CHAPTER 110

[Engrossed Senate Bill No. 2288]

### CENSUSES—TRANSACTIONS AFFECTED BY—OPP&FM, POWERS AND DUTIES

AN ACT Relating to censuses; amending section 36.13.030, chapter 4, Laws of 1963 and RCW 36.13.030; amending section 7, chapter 175, Laws of 1957 and RCW 66.08.200; amending section 8, chapter 175, Laws of 1957 and RCW 66.08.210; amending section 11, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.110; amending section 35.04.070, chapter 7, Laws of 1965 and RCW 35.04.070; and amending section 36.13.020, chapter 4, Laws of 1963 and RCW 36.13.020.

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

Section 1. Section 36.13.030, chapter 4, Laws of 1963 and RCW 36.13.030 are each amended to read as follows:

For the purpose of making a county census, the ~~((board of county commissioners))~~ legislative authority of any county may employ one or more suitable persons. The census shall ~~((give the full name, age, and occupation, if any, of each person resident in the county as of a date to be fixed by the board. The names shall be plainly written, alphabetically arranged, and numbered in complete series. Each person employed as an enumerator shall prepare a complete list of all names taken by him and shall verify his list as true and correct before an officer authorized to administer oaths. All such lists shall be filed with the county auditor of the county~~

to which they pertain)) be conducted in accordance with standard census definitions and procedures as specified by the office of program planning and fiscal management.

Sec. 2. Section 7, chapter 175, Laws of 1957 and RCW 66.08.200 are each amended to read as follows:

With respect to the ten percent share coming to the counties, the computations for distribution shall be made by the state agency responsible for collecting the same as follows:

The share coming to each eligible county shall be determined by a division among the eligible counties according to the relation which the population of the unincorporated area of such eligible county, as ~~((shown by the last federal or official county census, whichever is the later))~~ last determined by the office of program planning and fiscal management, bears to the population of the total combined unincorporated areas of all eligible counties, as ~~((shown by such census))~~ determined by the office of program planning and fiscal management: PROVIDED, That no county in which the sale of liquor is forbidden in the unincorporated area thereof as the result of an election shall be entitled to share in such distribution. "Unincorporated area" means all that portion of any county not included within the limits of incorporated cities and towns.

When a special county census has been conducted for the purpose of determining the population base of a county's unincorporated area for use in the distribution of liquor funds, the census figure shall become effective for the purpose of distributing funds as of the official census date once the census results have been certified by the office of program planning and fiscal management and officially submitted to the office of the secretary of state.

Sec. 3. Section 8, chapter 175, Laws of 1957 and RCW 66.08.210 are each amended to read as follows:

With respect to the forty percent share coming to the incorporated cities and towns, the computations for distribution shall be made by the state agency responsible for collecting the same as follows:

The share coming to each eligible city or town shall be determined by a division among the eligible cities and towns within the state ratably on the basis of population as last determined by the ~~((board))~~ office of program planning and fiscal management: AND PROVIDED, That no city or town in which the sale of liquor is forbidden as the result of an election shall be entitled to any share in such distribution.

Sec. 4. Section 11, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.110 are each amended to read as follows:

The office of program planning and fiscal management shall:

(1) Provide technical assistance to the governor and the legislature in identifying needs and in planning to meet those needs through state programs and a plan for expenditures.

(2) Perform the comprehensive planning functions and processes necessary or advisable for state program planning and development, preparation of the budget, inter-departmental and inter-governmental coordination and cooperation, and determination of state capital improvement requirements.

(3) Provide assistance and coordination to state agencies and departments in their preparation of plans and programs.

(4) Provide general coordination and review of plans in functional areas of state government as may be necessary for receipt of federal or state funds.

(5) Participate with other states or subdivisions thereof in interstate planning.

(6) Encourage educational and research programs that further planning and provide administrative and technical services therefor.

(7) Carry out the provisions of RCW 43.62.010 through 43.62.050 relating to the state census.

(8) Be the official state participant in the federal-state cooperative program for local population estimates and as such certify all city and county special censuses to be considered in the allocation of state and federal revenues.

(9) Be the official state center for processing and dissemination of federal decennial or quinquennial census data in cooperation with other state agencies.

(10) Be the official state agency certifying annexations, incorporations, or disincorporations to the United States bureau of the census.

(11) Review all United States bureau of the census population estimates used for federal revenue sharing purposes and provide a liaison for local governments with the United States bureau of the census in adjusting or correcting revenue sharing population estimates.

Sec. 5. Section 35.04.070, chapter 7, Laws of 1965 and RCW 35.04.070 are each amended to read as follows:

For the purpose of the type of incorporation provided for in this chapter, the population shall be determined as follows:

A count shall be made by ~~((, or under the direction of, each board of each county in which a portion of the proposed corporation is located, of the number of dwelling units in that area at the time of incorporation or with respect to any area to be annexed thereto later, multiplied by a factor of 2.95, and))~~ the legislative authority of each county in which a portion of the proposed corporation is located to determine the population and number of housing units in that area at the time of the incorporation. The count shall be made under the direction of, and certified by, the office of program planning and fiscal management. The population so determined shall constitute the official population of the proposed corporation and subtracted from the official population of the unincorporated area of each of the counties in which the proposed corporation is located. ((In the event unincorporated territory is annexed to such corporation, the same procedures with respect to population shall be applicable.))

Sec. 6. Section 36.13.020, chapter 4, Laws of 1963 and RCW 36.13.020 are each amended to read as follows:

Whenever the ~~((board of county commissioners))~~ legislative authority of any county determines that its county has sufficient population to entitle it to advance to a higher class, and passes a resolution setting forth its estimate as to the population and the classification to which the county is entitled by reason of such estimated population it may order a county census to be taken of all the inhabitants of the county ~~((: PROVIDED, That no county census enumeration under the provisions of RCW 36.13.020 through 36.13.070 shall be made within the three years~~

~~next preceding or within the three years next following a federal census)).~~ The expense of such census enumeration shall be paid from the county current expense fund.

Passed the Senate April 22, 1977.

Passed the House May 20, 1977.

Approved by the Governor May 31, 1977.

Filed in Office of Secretary of State May 31, 1977.

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## CHAPTER 111

[Engrossed Substitute Senate Bill No. 2399]

### LEGAL HOLIDAYS

AN ACT Relating to legal holidays; and amending section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 24, Laws of 1975-'76 2nd ex. sess. and RCW 1.16.050.

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

Section 1. Section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 24, Laws of 1975-'76 2nd ex. sess. and RCW 1.16.050 are each amended to read as follows:

The following are legal holidays: Sunday; the first day of January, commonly called New Year's Day; the twelfth day of February, being the anniversary of the birth of Abraham Lincoln; the third Monday of February, being celebrated as the anniversary of the birth of George Washington; the last Monday of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the eleventh day of November, to be known as Veterans' Day; the fourth Thursday in November, to be known as Thanksgiving Day; the day immediately following Thanksgiving Day; and the twenty-fifth day of December, commonly called Christmas Day.

Employees of the state and its political subdivisions, except employees of school districts and except those non-classified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, shall be entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for herein after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.

~~((Nothing in this section shall be construed to have the effect of adding or deleting the number of paid holidays provided for in an existing agreement between employees and employers of political subdivisions of the state.))~~

If any of the above specified state legal holidays are also federal legal holidays but observed on different dates, only the state legal holidays shall be recognized as a paid legal holiday for employees of the state and its political subdivisions except that for port districts and the law enforcement and public transit employees of

municipal corporations, either the federal or the state legal holiday, but in no case both, may be recognized as a paid legal holiday for employees.

Whenever any legal holiday, other than Sunday, falls upon a Sunday, the following Monday shall be ~~((a))~~ the legal holiday.

Whenever any legal holiday falls upon a Saturday, the preceding Friday shall be the legal holiday.

Nothing in this section shall be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority.

Passed the Senate April 21, 1977.

Passed the House May 20, 1977.

Approved by the Governor May 31, 1977.

Filed in Office of Secretary of State May 31, 1977.

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## CHAPTER 112

[Engrossed Senate Bill No. 3004]

### JUDICIAL COUNCIL—COMPOSITION—MEETINGS—DUTIES

AN ACT Relating to the judicial council; amending section 1, chapter 45, Laws of 1925 ex. sess. as last amended by section 1, chapter 18, Laws of 1973 and RCW 2.52.010; amending section 4, chapter 45, Laws of 1925 and RCW 2.52.040; and amending section 5, chapter 45, Laws of 1925 and RCW 2.52.050.

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

Section 1. Section 1, chapter 45, Laws of 1925 ex. sess. as last amended by section 1, chapter 18, Laws of 1973 and RCW 2.52.010 are each amended to read as follows:

There is hereby established a judicial council which shall consist of the following:

(1) The chief justice and one other ~~((judge))~~ justice of the supreme court, to be selected and appointed by the chief justice of the supreme court;

(2) Two judges of the court of appeals, to be selected and appointed by the three chief judges of the three divisions thereof;

(3) Two judges of the superior court, to be selected and appointed by the superior court judges' association;

(4) ~~((Three))~~ Four members of the state senate, no more than two of whom shall be members of the same political party, one of whom will be the chairman of the senate judiciary committee ~~((and the other))~~, two to be designated by the chairman, and one to be designated by the chief justice of the state supreme court; ~~((three))~~ four members of the state house of representatives, no more than two of whom shall be members of the same political party, one of whom shall be the chairman of the house judiciary committee ~~((and the other))~~, two to be designated by the chairman, and one to be designated by the chief justice of the state supreme court; unless the house judiciary committee is organized into two sections, in which case the chairman of each section shall be a member, and they shall designate the third house member, and the chief justice shall designate the fourth house member;

(5) The dean of each recognized school of law within this state;

(6) ~~((Five))~~ Eight members of the bar who are practicing law, one of whom shall be either a public defender or a legal services attorney, and at least one of whom is a prosecuting attorney, with the public defender or legal services attorney and three others to be appointed by the chief justice of the supreme court with the advice and consent of the other judges of the court, and ~~((two))~~ four to be appointed by the board of governors of the Washington state bar association from a list of nominees submitted by the legislative committee of the Washington state bar association;

(7) The attorney general;

(8) Two judges from the courts of limited jurisdiction chosen by the Washington state magistrates' association; and

(9) A county clerk to be selected and appointed by the Washington state association of county clerks.

Sec. 2. Section 4, chapter 45, Laws of 1925 and RCW 2.52.040 are each amended to read as follows:

~~((A))~~ One meeting of the council shall be held within the state ~~((at the seat of government on the second Monday of September of))~~ each year. Other regular meetings may be provided for by rule. A special meeting may be held anywhere in the state at any time upon call by the chairman or five other members of the council and upon notice given to each member in time to enable him to attend.

Sec. 3. Section 5, chapter 45, Laws of 1925 and RCW 2.52.050 are each amended to read as follows:

It shall be the duty of the council:

(1) Continuously to survey and study the operation of the judicial department of the state, the volume and condition of business in the courts, whether of record or not, the methods of procedure therein, the work accomplished, and the character of the results;

(2) To receive and consider suggestions from judges, public officers, members of the bar, and citizens as to remedies for faults in the administration of justice;

(3) To devise ways of simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in the administration of justice;

(4) To submit from time to time to the courts or the judges such suggestions as it may deem advisable for changes in rules, procedure, or methods of administration;

(5) To report biennially to the governor and the legislature ~~((on the condition of business in the courts))~~ with the council's recommendations as to needed changes in the organization of the judicial department or the courts or in judicial procedure; and

(6) To assist the judges in giving effect to Art. 4, Section 25 of the state Constitution.

Passed the Senate April 26, 1977.

Passed the House May 20, 1977.

Approved by the Governor May 31, 1977.

Filed in Office of Secretary of State May 31, 1977.



## CHAPTER 113

[Engrossed Senate Bill No. 3058]

## VOLUNTEER LAW ENFORCEMENT COVERAGE IN INDUSTRIAL INSURANCE

AN ACT Relating to volunteer law enforcement coverage in industrial insurance; and adding a new section to chapter 23, Laws of 1961 and to chapter 51.12 RCW.

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

**NEW SECTION.** Section 1. There is added to chapter 23, Laws of 1961 and to chapter 51.12 RCW a new section to read as follows:

(1) As used in this section:

(a) "Municipal corporation" means any city, town, or county authorized by law to maintain and operate a law enforcement department;

(b) "Law enforcement department" means any regularly organized police department, sheriff's department, department of public safety, or other similar organization which has as its primary purpose the enforcement of state or local penal laws and the preservation of public order, which consists wholly of volunteer law enforcement officers or a combination of volunteer and paid law enforcement officers, and which is duly organized and maintained by a municipal corporation;

(c) "Volunteer law enforcement officer" means a person who is a member of a law enforcement department and who (i) performs assigned or authorized duties for the law enforcement department by his or her own free choice; (ii) serves in a position that is not basically clerical or secretarial in nature; (iii) is registered and accepted as a volunteer by the law enforcement department; and (iv) receives no monetary remuneration other than maintenance and reimbursement for actual expenses necessarily incurred in performing assigned duties; and

(d) "Performance of duty" includes any work in and about the volunteer law enforcement officers' quarters, police station, or any other place under the direction or general orders of the officer having the authority to order a volunteer law enforcement officer to perform the work; providing law enforcement assistance; patrol; drill; and any work of an emergency nature performed in accordance with the rules of the law enforcement department.

(2) Any municipal corporation maintaining and operating a law enforcement department may elect to provide coverage under this title for all of its volunteer law enforcement officers for death or disability occurring in the performance of their duties as volunteer law enforcement officers. Any municipal corporation electing to provide the coverage shall file a written notice of coverage with the director.

(3) Coverage under this section shall be for all the applicable death, disability, and medical aid benefits of this title and shall be effective only for injuries which occur and occupational diseases which are contracted after the notice of coverage has been filed with the director.

Nothing in this subsection shall be construed to prohibit a municipal corporation from covering its volunteer law enforcement officers and other volunteers under RCW 51.12.035(2), as now or hereafter amended, for medical aid benefits only.

(4) Volunteer law enforcement officers for whom municipal corporations have given notice of coverage under this section shall be deemed workers or employees,

as the case may be, and the performance of their duties shall be deemed employment or in the course of employment, as the case may be, for all purposes of this title except where expressly excluded or where the context clearly requires otherwise.

(5) All premiums, assessments, contributions, and penalties due under this title because coverage is provided under this section shall be the obligation of and be paid by the municipal corporation giving the notice of coverage to the director.

(6) Any municipal corporation electing coverage under this section shall maintain a time log in which the number of hours worked by each of its volunteer law enforcement officers is recorded. The log shall be made available for inspection upon the request of any authorized employee of the department.

(7) Any municipal corporation electing coverage under this section may withdraw the coverage by filing a written notice of the withdrawal with the director. The withdrawal shall become effective thirty days after filing the notice or on the date of the termination of the security for payment of compensation, whichever occurs later. At least thirty days before the effective date of the withdrawal, the municipal corporation shall notify each of its volunteer law enforcement officers of the withdrawal. Withdrawal of coverage under this section shall not affect the liability of the department or self-insurer for compensation for any injury occurring during the period in which coverage was provided.

NEW SECTION. Sec. 2. 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.

Passed the Senate April 28, 1977.

Passed the House May 20, 1977.

Approved by the Governor May 31, 1977.

Filed in Office of Secretary of State May 31, 1977.

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## CHAPTER 114

[Engrossed Senate Bill No. 2400]

### OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT REDESIGNATED OFFICE OF FINANCIAL MANAGEMENT

AN ACT Relating to fiscal management; and adding a new section to chapter 239, Laws of 1969 ex. sess. and to chapter 43.41 RCW.

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

NEW SECTION. Section 1. There is added to chapter 239, Laws of 1969 ex. sess. and to chapter 43.41 RCW a new section to read as follows:

From and after the effective date of this act, the office of program planning and fiscal management shall be known and designated as the office of financial management.

Passed the Senate March 17, 1977.

Passed the House May 20, 1977.

Approved by the Governor May 31, 1977.

Filed in Office of Secretary of State May 31, 1977.

## CHAPTER 115

[Engrossed Senate Bill No. 2408]

## LIQUOR CONTROL BOARD—REGULATIONS

AN ACT Relating to intoxicating liquor; and amending section 79, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 62, Laws of 1971 and RCW 66.08.030.

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

Section 1. Section 79, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 62, Laws of 1971 and RCW 66.08.030 are each amended to read as follows:

(1) For the purpose of carrying into effect the provisions of this title according to their true intent or of supplying any deficiency therein, the board may make such regulations not inconsistent with the spirit of this title as are deemed necessary or advisable. All regulations so made shall be a public record and shall be filed in the office of the code reviser, ((together with a copy of this title, shall forthwith be published in pamphlets, which pamphlets shall be distributed free at all liquor stores and as otherwise directed by the board;)) and thereupon shall have the same force and effect as if incorporated in this title. Such regulations, together with a copy of this title, shall be published in pamphlets and shall be distributed as directed by the board.

(2) Without thereby limiting the generality of the provisions contained in subsection (1), it is declared that the power of the board to make regulations in the manner set out in that subsection shall extend to

(a) regulating the equipment and management of stores and warehouses in which state liquor is sold or kept, and prescribing the books and records to be kept therein and the reports to be made thereon to the board;

(b) prescribing the duties of the employees of the board, and regulating their conduct in the discharge of their duties;

(c) governing the purchase of liquor by the state and the furnishing of liquor to stores established under this title;

(d) determining the classes, varieties, and brands of liquor to be kept for sale at any store;

(e) prescribing, subject to RCW 66.16.080, the hours during which the state liquor stores shall be kept open for the sale of liquor;

(f) providing for the issuing and distributing of price lists showing the price to be paid by purchasers for each variety of liquor kept for sale under this title;

(g) prescribing an official seal and official labels and stamps and determining the manner in which they shall be attached to every package of liquor sold or sealed under this title, including the prescribing of different official seals or different official labels for different classes of liquor;

(h) providing for the payment by the board in whole or in part of the carrying charges on liquor shipped by freight or express;

(i) prescribing forms to be used for purposes of this title or the regulations, and the terms and conditions to be contained in permits and licenses issued under this title;

(j) prescribing the fees payable in respect of permits and licenses issued under this title for which no fees are prescribed in this title, and prescribing the fees for anything done or permitted to be done under the regulations;

(k) prescribing the kinds and quantities of liquor which may be kept on hand by the holder of a special permit for the purposes named in the permit, regulating the manner in which the same shall be kept and disposed of, and providing for the inspection of the same at any time at the instance of the board;

(l) regulating the sale of liquor kept by the holders of licenses which entitle the holder to purchase and keep liquor for sale;

(m) prescribing the records of purchases or sales of liquor kept by the holders of licenses, and the reports to be made thereon to the board, and providing for inspection of the records so kept;

(n) prescribing the kinds and quantities of liquor for which a prescription may be given, and the number of prescriptions which may be given to the same patient within a stated period;

(o) prescribing the manner of giving and serving notices required by this title or the regulations, where not otherwise provided for in this title;

(p) regulating premises in which liquor is kept for export from the state, or from which liquor is exported, prescribing the books and records to be kept therein and the reports to be made thereon to the board, and providing for the inspection of the premises and the books, records and the liquor so kept;

(q) prescribing the conditions and qualifications requisite for the obtaining of club licenses and the books and records to be kept and the returns to be made by clubs, prescribing the manner of licensing clubs in any municipality or other locality, and providing for the inspection of clubs;

(r) prescribing the conditions, accommodations and qualifications requisite for the obtaining of licenses to sell beer and wines, and regulating the sale of beer and wines thereunder;

(s) specifying and regulating the time and periods when, and the manner, methods and means by which manufacturers shall deliver liquor within the state; and the time and periods when, and the manner, methods and means by which liquor may lawfully be conveyed or carried within the state;

(t) providing for the making of returns by brewers of their sales of beer shipped within the state, or from the state, showing the gross amount of such sales and providing for the inspection of brewers' books and records, and for the checking of the accuracy of any such returns;

(u) providing for the making of returns by the wholesalers of beer whose breweries are located beyond the boundaries of the state;

(v) providing for the making of returns by any other liquor manufacturers, showing the gross amount of liquor produced or purchased, the amount sold within and exported from the state, and to whom so sold or exported, and providing for the inspection of the premises of any such liquor manufacturers, their books and records, and for the checking of any such return;

(w) providing for the giving of fidelity bonds by any or all of the employees of the board: PROVIDED, That the premiums therefor shall be paid by the board;

(x) providing for the shipment by mail or common carrier of liquor to any person holding a permit and residing in any unit which has, by election pursuant to this title, prohibited the sale of liquor therein;

(y) prescribing methods of manufacture, conditions of sanitation, standards of ingredients, quality and identity of alcoholic beverages manufactured, sold, bottled, or handled by licensees and the board; and conducting from time to time, in the interest of the public health and general welfare, scientific studies and research relating to alcoholic beverages and the use and effect thereof;

(z) seizing, confiscating and destroying all alcoholic beverages manufactured, sold or offered for sale within this state which do not conform in all respects to the standards prescribed by this title or the regulations of the board: PROVIDED, Nothing herein contained shall be construed as authorizing the liquor board to prescribe, alter, limit or in any way change the present law as to the quantity or percentage of alcohol used in the manufacturing of wine or other alcoholic beverages.

Passed the Senate March 17, 1977.

Passed the House May 20, 1977.

Approved by the Governor May 31, 1977.

Filed in Office of Secretary of State May 31, 1977.

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## CHAPTER 116

[Substitute Senate Bill No. 2489]

### PUBLIC UTILITY DISTRICTS—PURCHASING

AN ACT Relating to public utility districts; and adding a new section to chapter 54.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 54.04 RCW a new section to read as follows:

For the awarding of a contract to purchase any item, or items of the same kind of materials, equipment, or supplies in an amount exceeding five thousand dollars, but less than fifteen thousand dollars, exclusive of sales tax, the commission may, in lieu of the procedure described in RCW 54.04.070 and 54.04.080 requiring public notice to invite sealed proposals for such materials, equipment, or supplies, authorize by commission resolution a staff procedure for securing telephone and/or written quotations from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or supplies to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and shall be posted or otherwise made available at the office of the commission or any other officially designated location. Waiver of the deposit or bid bond required under RCW 54.04.080 may be authorized by the commission in securing such bid quotations.

Passed the Senate April 8, 1977.

Passed the House May 20, 1977.

Approved by the Governor May 31, 1977.

Filed in Office of Secretary of State May 31, 1977.

## CHAPTER 117

[Engrossed Substitute Senate Bill No. 2565]

UNIFORM COMMERCIAL CODE—ADMINISTRATION, TRANSFER FROM SECRETARY  
OF STATE TO DEPARTMENT OF MOTOR VEHICLES

AN ACT Relating to state government; amending section 9-302, chapter 157, Laws of 1965 ex. sess. as amended by section 4, chapter 114, Laws of 1967 and RCW 62A.9-302; amending section 9-401, chapter 157, Laws of 1965 ex. sess. and RCW 62A.9-401; amending section 9-403, chapter 157, Laws of 1965 ex. sess. as amended by section 5, chapter 114, Laws of 1967 and RCW 62A.9-403; amending section 9-404, chapter 157, Laws of 1965 ex. sess. as amended by section 6, chapter 114, Laws of 1967 and RCW 62A.9-404; amending section 9-405, chapter 157, Laws of 1965 ex. sess. as amended by section 7, chapter 114, Laws of 1967 and RCW 62A.9-405; amending section 9-406, chapter 157, Laws of 1965 ex. sess. as amended by section 9, chapter 114, Laws of 1967 and RCW 62A.9-406; amending section 12, chapter 114, Laws of 1967 and RCW 62A.9-409; adding new sections to chapter 43.07 RCW; providing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 43.07 RCW a new section to read as follows:

All powers, duties, and functions vested by law in the secretary of state relating to the Uniform Commercial Code are transferred to the department of motor vehicles.

NEW SECTION. Sec. 2. There is added to chapter 43.07 RCW a new section to read as follows:

The lawfully adopted rules of the secretary of state relating to the Uniform Commercial Code in effect on June 30, 1977, shall continue to have full force and effect and be applicable until superseded by or repealed by rules lawfully adopted by the department of motor vehicles relating to the Uniform Commercial Code.

NEW SECTION. Sec. 3. There is added to chapter 43.07 RCW a new section to read as follows:

All equipment, reports, documents, surveys, books, records, files, papers, or other writings in the possession of the secretary of state relating to the Uniform Commercial Code shall be delivered on the effective date of this 1977 amendatory act, to the custody of the department of motor vehicles.

NEW SECTION. Sec. 4. There is added to chapter 43.07 RCW a new section to read as follows:

All state officials required to maintain contact with or provide services for the secretary of state in regards to any functions transferred by section 1 of this 1977 amendatory act shall continue to perform such functions for the department of motor vehicles.

NEW SECTION. Sec. 5. There is added to chapter 43.07 RCW a new section to read as follows:

Any appropriations or portions thereof heretofore made to the secretary of state for the purpose of carrying out the powers, duties, and functions relating to the Uniform Commercial Code shall on the effective date of this 1977 amendatory act, be transferred and credited to the department of motor vehicles for the purpose of carrying out such powers, duties, and functions as are transferred to it by section 1 of this 1977 amendatory act.

All employees of the secretary of state, who exclusively or principally perform functions relating to the Uniform Commercial Code, and all funds relative to their functions, shall be transferred to the department of motor vehicles of the effective date of this 1977 amendatory act.

Sec. 6. Section 9-302, chapter 157, Laws of 1965 ex. sess. as amended by section 4, chapter 114, Laws of 1967 and RCW 62A.9-302 are each amended to read as follows:

(1) A financing statement must be filed to perfect all security interests except the following:

(a) a security interest in collateral in possession of the secured party under RCW 62A.9-305;

(b) a security interest temporarily perfected in instruments or documents without delivery under RCW 62A.9-304 or in proceeds for a ten day period under RCW 62A.9-306;

(c) a purchase money security interest in farm equipment having a purchase price not in excess of two thousand five hundred dollars; but filing is required for a fixture under RCW 62A.9-313 or for a motor vehicle required to be licensed;

(d) a purchase money security interest in consumer goods; but filing is required for a fixture under RCW 62A.9-313 or for a motor vehicle required to be licensed;

(e) an assignment of accounts or contract rights which does not alone or in conjunction with other assignments to the same assignee transfer a significant part of the outstanding accounts or contract rights of the assignor;

(f) a security interest of a collecting bank (RCW 62A.4-208) or arising under the Article on Sales (RCW 62A.9-113) or covered in subsection (3) of this section.

(2) If a secured party assigns a perfected security interest, no filing under this Article is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing provisions of this Article do not apply to a security interest in property subject to a statute

(a) of the United States which provides for a national registration or filing of all security interests in such property; or

(b) of this state which provides for central filing of, or which requires indication on a certificate of title of, such security interests in such property.

(4) A security interest in property covered by a statute described in subsection (3) can be perfected only by registration or filing under that statute or by indication of the security interest on a certificate of title or a duplicate thereof by a public official.

(5) Part 4 of this Article does not apply to a security interest in property of any description created by a deed of trust or mortgage made by any corporation primarily engaged in the railroad or street railway business, the furnishing of telephone or telegraph service, the transmission of oil, gas or petroleum products by pipe line, or the production, transmission or distribution of electricity, steam, gas or water, but such security interest may be perfected under this Article by filing such deed of trust or mortgage (~~in the office of the secretary of state~~) with the department of motor vehicles. When so filed, such instrument shall remain effective until terminated, without the need for filing a continuation statement. Assignments and releases of such instruments may also be filed (~~in the office of the secretary of~~

state)) with the department of motor vehicles. The ~~((secretary of state))~~ director of motor vehicles shall be a filing officer for the foregoing purposes, and the uniform fee for filing, indexing, and furnishing filing data pursuant to this subsection shall be five dollars.

Sec. 7. Section 9-401, chapter 157, Laws of 1965 ex. sess. and RCW 62A.9-401 are each amended to read as follows:

(1) The proper place to file in order to perfect a security interest is as follows:

(a) when the collateral is equipment used in farming operations, or farm products, or accounts, contract rights or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the auditor in the county of the debtor's residence or if the debtor is not a resident of this state then in the office of the auditor in the county where the goods are kept, and in addition when the collateral is crops in the office of the auditor in the county where the land on which the crops are growing or to be grown is located;

(b) when the collateral is goods which at the time the security interest attaches are or are to become fixtures, then in the office where a mortgage on the real estate concerned would be filed or recorded;

(c) in all other cases, ~~((in the office of the secretary of state))~~ with the department of motor vehicles.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this Article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence or place of business or the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) If collateral is brought into this state from another jurisdiction, the rules stated in RCW 62A.9-103 determine whether filing is necessary in this state.

Sec. 8. Section 9-403, chapter 157, Laws of 1965 ex. sess. as amended by section 5, chapter 114, Laws of 1967 and RCW 62A.9-403 are each amended to read as follows:

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this Article.

(2) A filed financing statement which states a maturity date of the obligation secured of five years or less is effective until such maturity date and thereafter for a period of sixty days. Any other filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of such sixty day period after a stated maturity date or on the expiration of such five year period, as the case may be, unless a continuation statement is filed prior to the lapse. Upon such lapse the security interest becomes unperfected. A filed financing statement which states that the obligation secured is payable on demand is effective for five years from the date of filing.

(3) A continuation statement may be filed by the secured party (i) within six months before and sixty days after a stated maturity date of five years or less, and



(ii) otherwise within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it.

(4) A filing officer shall mark each statement with a consecutive file number and with the date and hour of filing and shall hold the statement for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The uniform fee for filing, indexing, and furnishing filing data for an original or a continuation statement on a form conforming to standards prescribed by the ~~((secretary of state))~~ department of motor vehicles shall be three dollars, but if the form of the statement does not conform to the standards prescribed by the ~~((secretary of state))~~ department the uniform fee shall be five dollars.

Sec. 9. Section 9-404, chapter 157, Laws of 1965 ex. sess. as amended by section 6, chapter 114, Laws of 1967 and RCW 62A.9-404 are each amended to read as follows:

(1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must include or be accompanied by the assignment or a statement by the secured party of record that he has assigned the security interest to the signer of the termination statement. The uniform fee for filing and indexing such an assignment or statement thereof on a form conforming to standards prescribed by the ~~((secretary of state))~~ department of motor vehicles shall be one dollar, but if the form of the statement does not conform to the standards prescribed by the ~~((secretary of state))~~ department the uniform fee shall be two dollars. If the affected secured party fails to send such a termination statement within ten days after proper demand therefor he shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must note it in the index. The filing officer shall remove from the files, mark "terminated" and send or deliver to the secured party the financing statement and any continuation statement, statement of assignment or statement of release pertaining thereto.

(3) There shall be no fee for filing and indexing a termination statement including sending or delivering the financing statement.

Sec. 10. Section 9-405, chapter 157, Laws of 1965 ex. sess. as amended by section 7, chapter 114, Laws of 1967 and RCW 62A.9-405 are each amended to read as follows:

(1) A financing statement may disclose an assignment of a security interest in the collateral described in the statement by indication in the statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. Either the original secured party or the assignee may sign this statement as the secured party. On presentation to the filing officer of such a financing statement, the filing officer shall mark, hold, and index the same as provided in RCW 62A.9-403(4), and shall note the assignment on the index of the financing statement. The uniform fee for filing, indexing, and furnishing filing data for a financing statement so indicating an assignment on a form conforming to standards prescribed by the ~~((secretary of state))~~ department of motor vehicles shall be three dollars, but if the form of the financing statement does not conform to the standards prescribed by the ~~((secretary of state))~~ department the uniform fee shall be five dollars.

(2) A secured party may assign of record all or a part of his rights under a financing statement by the filing of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement. The uniform fee for filing, indexing and furnishing filing data about such a separate statement of assignment on a form conforming to standards prescribed by the ~~((secretary of state))~~ department shall be one dollar, but if the form of the financing statement does not conform to the standards prescribed by the ~~((secretary of state))~~ department the uniform fee shall be two dollars.

(3) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.

Sec. 11. Section 9-406, chapter 157, Laws of 1965 ex. sess. as amended by section 9, chapter 114, Laws of 1967 and RCW 62A.9-406 are each amended to read as follows:

A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. Upon presentation of such a statement to the filing officer he shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. The uniform fee for filing and noting such a statement of release on a form conforming to standards prescribed by the ~~((secretary of state))~~ department of motor vehicles shall be one dollar, but if the form of the statement does not conform to

the standards prescribed by the (~~secretary of state~~) department the uniform fee shall be two dollars.

Sec. 12. Section 12, chapter 114, Laws of 1967 and RCW 62A.9-409 are each amended to read as follows:

In relation to Article 62A.9 RCW:

(1) The (~~secretary of state~~) department of motor vehicles may by rule prescribe standard filing forms and uniform procedures for filing with, and obtaining information from, filing officers.

(2) Unless a filing officer has filed with the secretary of state on or before June 1, 1967, his certificate that financing statements, as defined in RCW 62A.9-402, will not be accepted by him for filing on and after June 12, 1967, such filing officer shall accept such financing statements for filing on and after June 12, 1967. Financing statements so filed shall be received, marked, indexed, and filed as provided in chapter 157, Laws of 1965 extraordinary session. The filing fees for filing such statements shall be as provided in chapter 157, Laws of 1965 extraordinary session, as amended.

NEW SECTION. Sec. 13. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977.

Passed the Senate April 22, 1977.

Passed the House May 20, 1977.

Approved by the Governor May 31, 1977.

Filed in Office of Secretary of State May 31, 1977.

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## CHAPTER 118

[Substitute Senate Bill No. 2591]

### REGENTS AND TRUSTEES—TRAVEL EXPENSES

AN ACT Relating to postsecondary education; and amending section 28B.10.525, chapter 223, Laws of 1969 ex. sess. as amended by section 72, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.10.525.

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

Section 1. Section 28B.10.525, chapter 223, Laws of 1969 ex. sess. as amended by section 72, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.10.525 are each amended to read as follows:

Each member of a university board of regents or college board of trustees of a state institution of higher education, shall be entitled to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter

amended for each day or ((major)) portion thereof in which he or she is actually engaged in business of the board.

Passed the Senate May 4, 1977.

Passed the House May 20, 1977.

Approved by the Governor May 31, 1977.

Filed in Office of Secretary of State May 31, 1977.

## CHAPTER 119

[Engrossed Substitute Senate Bill No. 2619]

### IRRIGATION DISTRICTS—LOCAL IMPROVEMENT DISTRICTS—BONDS

AN ACT Relating to irrigation; amending section 15, page 679, Laws of 1889–90 as last amended by section 95, chapter 56, Laws of 1970 ex. sess. and RCW 87.03.200; amending section 12, chapter 162, Laws of 1917 as last amended by section 2, chapter 70, Laws of 1970 ex. sess. and RCW 87.03.490; prescribing penalties; and declaring an emergency.

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

Section 1. Section 15, page 679, Laws of 1889–90 as last amended by section 95, chapter 56, Laws of 1970 ex. sess. and RCW 87.03.200 are each amended to read as follows:

At such election shall be submitted to the electors of said district possessing the qualifications prescribed by law the question of whether or not the bonds of said district in the amount and of the maturities determined by the board of directors shall be issued. Bonds issued under the provisions of this act shall be serial bonds payable in legal currency of the United States in such series and amounts as shall be determined and declared by the board of directors in the resolution calling the election: PROVIDED, That the first series shall mature not later than ten years and the last series not later than forty years from the date thereof: PROVIDED FURTHER, That bonds, authorized by a special election held in the district under the provisions of a former statute, which has subsequent to said authorization been amended, but not issued prior to the amendment of said former statute, may be issued in the form provided in said former statute, and any such bonds heretofore or hereafter so issued and sold are hereby confirmed and validated.

Notice of such bond election must be given by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least two weeks (three times). Such notices must specify the time of holding the election, and the amount and maturities of bonds proposed to be issued; and said election must be held and the results thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of law governing the election of the district officers: PROVIDED, That no informality in conducting such election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds Yes" and "Bonds No," or words equivalent thereto. If a majority of the votes cast are cast "Bonds Yes," the board of directors shall thereupon have authority to cause bonds in said amount and maturities to be issued. If the majority of the votes cast at any bond election are "Bonds No," the result of such election shall be so declared and entered of record;

but if contract is made or is to be made with the United States as in RCW 87.03-.140 provided, and bonds are not to be deposited with the United States in connection with such contract, the question submitted at such special election shall be whether contract shall be entered into with the United States. The notice of election shall state under the terms of what act or acts of congress contract is proposed to be made, and the maximum amount of money payable to the United States for construction purposes exclusive of penalties and interest. The ballots for such election shall contain the words "Contract with the United States Yes" and "Contract with the United States No," or words equivalent thereto. And whenever thereafter said board, in its judgment, deems it for the best interest of the district that the question of issuance of bonds for said amount, or any amount, or the question of entering into a contract with the United States, shall be submitted to said electors, it shall so declare, by resolution recorded in its minutes, and may thereupon submit such question to said electors in the same manner and with like effect as at such previous election. All bonds issued under this act shall bear interest at such rate or rates as the board of directors may determine, payable semiannually on the first day of January and of July of each year. The principal and interest shall be payable at the office of the county treasurer of the county in which the office of the board of directors is situated, or if the board of directors shall so determine at the fiscal agency of the state of Washington in New York City, said place of payment to be designated in the bond. The bonds may be in such denominations as the board of directors may in its discretion determine, except that bonds other than bond number one of any issue shall be in a denomination that is a multiple of one hundred dollars. Said bonds shall be ~~((each of the denomination of not less than one hundred nor more than one thousand dollars, shall be))~~ negotiable in form, signed by the president and secretary, and the seal of the district shall be affixed thereto. The county treasurer shall register said bonds before the issuance thereof in a book kept for that purpose, and shall certify on each thereof under his seal that it has been so registered ~~((, and that the signatures thereon are the genuine signatures of the president and secretary respectively and that the seal attached is the seal of the district))~~. The printed, engraved, or lithographed facsimile signatures of the president and secretary of the district's board of directors and the county treasurer shall be sufficient signatures on the bonds or coupons: PROVIDED, That such facsimile signatures on the bonds may be used only after the filing, by the officer whose facsimile signature is to be used, with the secretary of state of his manual signature certified by him under oath, whereupon that officer's facsimile signature has the same legal effect as his manual signature: PROVIDED, FURTHER, That either the president of the board of directors' or the secretary's signature on the bonds shall be manually subscribed: AND PROVIDED FURTHER, That whenever such facsimile reproduction of the signature of any officer is used in place of the manual signature of such officer, the district's board of directors shall specify in a written order or requisition to the printer, engraver, or lithographer the number of bonds or coupons upon which such facsimile signature is to be printed, engraved, or lithographed and the manner of numbering the bonds or coupons upon which such signature shall be placed. Within ninety days after the completion of the printing, engraving, or lithographing of such bonds or coupons, the plate or plates used for the purpose of affixing the facsimile signature shall be destroyed,

and it shall be the duty of the district's board of directors, within ninety days after receipt of the completed bonds or coupons, to ascertain that such plate or plates have been destroyed. Every printer, engraver, or lithographer who, with the intent to defraud, prints, engraves, or lithographs a facsimile signature upon any bond or coupon without written order of the district's board of directors, or fails to destroy such plate or plates containing the facsimile signature upon direction of such issuing authority, shall be guilty of felony.

Whenever the electors shall vote to authorize the issuance of bonds of the district such authorization shall nullify and cancel all unsold bonds previously authorized, and if the question is submitted to and carried by the electors at the bond election, any bond issue may be exchanged in whole or in part, at par, for any or all of a valid outstanding bond issue of the district when mutually agreeable to the owner or owners thereof and the district, and the amount of said last bond issue in excess, if any, of that required for exchange purposes, may be sold as in the case of an original issue. The bonds of any issue authorized to be exchanged in whole or in part for outstanding bonds shall state on their face the amount of such issue so exchanged, and shall contain a certificate of the treasurer of the district as to the amount of the bonds exchanged, and that said outstanding bonds have been surrendered and canceled: **PROVIDED FURTHER**, That where bonds have been authorized and unsold, the board of directors may submit to the qualified voters of the district the question of canceling said previous authorization, which question shall be submitted upon the same notice and under the same regulations as govern the submission of the original question of authorizing a bond issue. At such election the ballots shall contain the words "Cancellation Yes," and "Cancellation No," or words equivalent thereto. If at such election a majority of the votes shall be "Cancellation Yes," the said issue shall be thereby canceled and no bonds may be issued thereunder. If the majority of said ballots shall be "Cancellation No," said original authorization shall continue in force with like effect as though said cancellation election had not been held: **PROVIDED**, That bonds deposited with the United States in payment or in pledge may call for the payment of such interest at such rate or rates, may be of such denominations, and call for the repayment of the principal at such times as may be agreed upon between the board and the secretary of the interior.

Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be numbered consecutively and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the president of the board and the secretary. The signatures of the president and secretary may, however, appear by ((~~lithographic~~)) printed, engraved or lithographed facsimile. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, and shall also state the number of issue of which such bonds are a part. The secretary shall keep a record of bonds sold, their number, the date of sale, the price received and the name of the purchaser. In case the money received by the sale of all bonds issued be insufficient for the completion of plans of the canals and works adopted, and additional bonds be not voted, or a contract calling for additional payment to the United States be not authorized and made, as the case may be, it shall be the duty of the board of directors to provide for the completion of said plans by levy of assessments therefor. It shall be lawful

for any irrigation districts which have heretofore issued and sold bonds under the law then in force, to issue in place thereof an amount of bonds not in excess of such previous issue, and to sell the same, or any part thereof, as hereinafter provided, or exchange the same, or any part thereof, with the holders of such previously issued bonds which may be outstanding, upon such terms as may be agreed upon between the board of directors of the district and the holders of such outstanding bonds: PROVIDED, That the question of such reissue of bonds shall have been previously voted upon favorably by the legally qualified electors of such district, in the same manner as required for the issue of original bonds, and the said board shall not exchange any such bonds for a less amount in par value of the bonds received; all of such old issue in place of which new bonds are issued shall be destroyed whenever lawfully in possession of said board. Bonds issued under the provisions of this section may, when so authorized by the electors, include a sum sufficient to pay the interest thereon for a period not exceeding the first four years. Whenever an issue of bonds shall have been authorized pursuant to law, and any of the earlier series shall have been sold, and the later series, or a portion thereof, remain unsold, the directors may sell such later series pursuant to law, or such portion thereof as shall be necessary to pay the earlier series, or said directors may exchange said later series for the earlier series at not less than the par value thereof, said sale or exchange to be made not more than six months before the maturity of said earlier series and upon said exchange being made the maturing bonds shall be disposed of as hereinbefore provided in the case of bonds authorized to be exchanged in whole or in part for outstanding bonds.

Sec. 2. Section 12, chapter 162, Laws of 1917 as last amended by section 2, chapter 70, Laws of 1970 ex. sess. and RCW 87.03.490 are each amended to read as follows:

If decision shall be rendered in favor of the improvement, the board shall enter an order establishing the boundaries of the said improvement district and shall adopt plans for the proposed improvement and determine the number of annual installments not exceeding fifty in which the cost of said improvement shall be paid. The cost of said improvement shall be provided for by the issuance of local improvement district coupon bonds of the district from time to time, therefor, either directly for the payment of the labor and material or for the securing of funds for such purpose, or by the irrigation district entering into a contract with the United States or the state of Washington, or both, to repay the cost of said improvement. Said bonds shall bear interest at a rate not to exceed eight percent per annum, payable semiannually, evidenced by coupons, and shall state upon their face that they are issued as bonds of the irrigation district; that all lands within said local improvement district shall be primarily liable to assessment for the principal and interest of said bonds and that said bonds are also a general obligation of the said district. (~~No bonds shall be issued in denomination exceeding one thousand dollars~~) The bonds may be in such denominations as the board of directors may in its discretion determine, except that bonds other than bond number one of any issue shall be in a denomination that is a multiple of one hundred dollars, and no bond shall be sold for less than par. Any contract entered into for said local improvement by the district with the United States or the state of Washington, or both although

all the lands within said local improvement district shall be primarily liable to assessment for the principal and interest thereon, shall be a general obligation of the irrigation district.

No election shall be necessary to authorize the issuance of such local improvement bonds or the entering into of such a contract. Such bonds, when issued, shall be signed by the president and secretary of the irrigation district with the seal of said district affixed and shall be registered by the treasurer of the irrigation district with his seal affixed. The printed, engraved, or lithographed facsimile signatures of the president and secretary of the district's board of directors shall be sufficient signatures on the bonds or coupons: PROVIDED, That such facsimile signatures on the bonds may be used only after the filing, by the officer whose facsimile signature is to be used, with the secretary of state of his manual signature certified by him under oath, whereupon that officer's facsimile signature has the same legal effect as his manual signature: PROVIDED, FURTHER, That either the president of the board of directors' or the secretary's signature on the bonds shall be manually subscribed: AND PROVIDED FURTHER, That whenever such facsimile reproduction of the signature of any officer is used in place of the manual signature of such officer, the district's board of directors shall specify in a written order or requisition to the printer, engraver, or lithographer the number of bonds or coupons upon which such facsimile signature is to be printed, engraved, or lithographed and the manner of numbering the bonds or coupons upon which such signature shall be placed. Within ninety days after the completion of the printing, engraving, or lithographing of such bonds or coupons, the plate or plates used for the purpose of affixing the facsimile signature shall be destroyed, and it shall be the duty of the district's board of directors, within ninety days after receipt of the completed bonds or coupons, to ascertain that such plate or plates have been destroyed. Every printer, engraver, or lithographer who, with the intent to defraud, prints, engraves, or lithographs a facsimile signature upon any bond or coupon without written order of the district's board of directors, or fails to destroy such plate or plates containing the facsimile signature upon direction of such issuing authority, shall be guilty of felony.

The proceeds from the sale of such bonds shall be deposited with the treasurer of the district, who shall place them in a special fund designated "Construction fund of local improvement district number \_\_\_\_."

Whenever such improvement district has been organized, the boundaries thereof may be enlarged to include other lands which can be served or will be benefited by the proposed improvement upon petition of the owners thereof and the consent of the United States or the state of Washington, or both, in the event the irrigation district has contracted with the United States or the state of Washington, or both, to repay the cost of the improvement: PROVIDED, That at such time the lands so included shall pay their equitable proportion upon the basis of benefits of the improvement theretofore made by the said local improvement district and shall be liable for the indebtedness of the said local improvement district in the same proportion and same manner and subject to assessment as if said lands had been incorporated in said improvement district at the beginning of its organization.

NEW SECTION. Sec. 3. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the



state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 29, 1977.

Passed the House May 20, 1977.

Approved by the Governor May 31, 1977.

Filed in Office of Secretary of State May 31, 1977.

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## CHAPTER 120

[Senate Bill No. 2831]

### EDUCATION—SUMMONS UPON DISTRICT SUPERINTENDENT—VETERANS' DAY OBSERVANCE

AN ACT Relating to education; amending section 7, chapter 127, Laws of 1893 as last amended by section 1, chapter 11, Laws of 1967 and RCW 4.28.080; amending section 12, chapter 15, Laws of 1970 ex. sess. as amended by section 45, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A-.02.070; and creating a new section.

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

Section 1. Section 7, chapter 127, Laws of 1893 as last amended by section 1, chapter 11, Laws of 1967 and RCW 4.28.080 are each amended to read as follows:

The summons shall be served by delivering a copy thereof, as follows:

- (1) If the action be against any county in this state, to the county auditor.
- (2) If against any town or incorporated city in the state, to the mayor thereof.
- (3) If against a school district, to the ~~((clerk))~~ superintendent thereof.
- (4) If against a railroad corporation, to any station, freight, ticket or other agent thereof within this state.
- (5) If against a corporation owning or operating sleeping cars, or hotel cars, to any person having charge of any of its cars or any agent found within the state.
- (6) If against a domestic insurance company, to any agent authorized by such company to solicit insurance within this state.
- (7) If against a foreign or alien insurance company, as provided in chapter 48-.05 RCW.
- (8) If against a company or corporation doing any express business, to any agent authorized by said company or corporation to receive and deliver express matters and collect pay therefor within this state.
- (9) If the suit be against a company or corporation other than those designated in the preceding subdivisions of this section, to the president or other head of the company or corporation, secretary, cashier or managing agent thereof or to the secretary, stenographer or office assistant of the president or other head of the company or corporation, secretary, cashier or managing agent.
- (10) If the suit be against a foreign corporation or nonresident joint stock company, partnership or association doing business within this state, to any agent, cashier or secretary thereof.
- (11) If against a minor under the age of fourteen years, to such minor personally, and also to his father, mother, guardian, or if there be none within this state, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed, if such there be.

(12) If against any person for whom a guardian has been appointed for any cause, then to such guardian.

(13) If against a foreign or alien steamship company or steamship charterer, to any agent authorized by such company or charterer to solicit cargo or passengers for transportation to or from ports in the state of Washington.

(14) In all other cases, to the defendant personally, or by leaving a copy of the summons at the house of his usual abode with some person of suitable age and discretion then resident therein.

Service made in the modes provided in this section shall be taken and held to be personal service.

Sec. 2. Section 12, chapter 15, Laws of 1970 ex. sess. as amended by section 45, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.02.070 are each amended to read as follows:

On the ~~((Friday))~~ school day preceding the ~~((fourth Monday in October))~~ eleventh day of November of each year, there shall be presented in each common school as defined in RCW 28A.01.060 a program suitable to the observance of Veterans' Day.

The responsibility for the preparation and presentation of such program approximating sixty minutes in length shall be with the principal or head teacher of each school building and such program shall embrace topics tending to instill a loyalty and devotion to the institutions and laws of this state and nation.

The superintendent of public instruction and each educational service district superintendent, by advice and suggestion, shall aid in the preparation of such programs if such aid be solicited.

NEW SECTION. Sec. 3. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 22, 1977.

Passed the House May 20, 1977.

Approved by the Governor May 31, 1977.

Filed in Office of Secretary of State May 31, 1977.

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## CHAPTER 121

[Engrossed Senate Bill No. 2868]

**FIRE PROTECTION DISTRICTS—MERGER ELECTION AND COMPOSITION OF BOARD**  
AN ACT Relating to fire protection districts; and amending section 1, chapter 55, Laws of 1971 and RCW 52.24.085.

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

Section 1. Section 1, chapter 55, Laws of 1971 and RCW 52.24.085 are each amended to read as follows:

Whenever two or more fire protection districts merge, the board of fire commissioners of the merged fire protection district shall consist of ~~((the six))~~ all of the original fire commissioners. At the next three elections for fire commissioners the number of fire commissioners for the merged district shall be reduced ~~((from six to~~

~~five commissioners at the first election, from five to four commissioners in the second election, and from four to three commissioners in the third election and thereafter, the board of fire commissioners shall remain at three fire commissioners. In order to achieve this prescribed reduction of fire commissioners for the merged district, at each of the three elections referred to herein there shall be elected only one fire commissioner instead of two and thereafter, fire commissioners shall be elected in the same number as is prescribed for all of the fire protection districts of this state.~~

~~Whenever more than two fire protection districts merge, the board of fire commissioners shall consist of one commissioner from each of the original districts to be selected by the commissioners from each such original district.~~

~~At the time of the next general election occurring thirty or more days after the merger, three commissioners shall be elected. The candidate receiving the highest number of votes shall serve for a term of six years, the candidate receiving the next highest number of votes shall serve for a term of four years, and the candidate receiving the next highest number of votes shall serve for a term of two years. Thereafter fire commissioners shall be elected in the same manner as is prescribed for all fire protection districts of this state)) as follows, notwithstanding the number of fire commissioners whose terms expire:~~

In the first election after the merger, only one position shall be filled, whether the new fire protection district be a three member district or a five member district pursuant to RCW 52.12.015.

In each of the two subsequent elections, one position shall be filled if the new fire protection district is a three member district and two positions shall be filled if the new fire protection district is a five member district pursuant to RCW 52.12.015.

Thereafter, the fire commissioners shall be elected in the same manner as prescribed for such fire protection districts of the state.

Passed the Senate April 5, 1977.

Passed the House May 20, 1977.

Approved by the Governor May 31, 1977.

Filed in Office of Secretary of State May 31, 1977.

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## CHAPTER 122

[Engrossed Senate Bill No. 2241]

### LAETRILE—PRESCRIPTION OR ADMINISTRATION

AN ACT Relating to interference with physician/patient relationships; and adding new sections to chapter 70.54 RCW.

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

NEW SECTION. Section 1. There is added to chapter 70.54 RCW a new section to read as follows:

It is the intent of the legislature that passage of this act shall not constitute any endorsement whatever of the efficacy of amygdalin (Laetrile) in the treatment of cancer, but represents only the legislature's endorsement of a patient's freedom of choice, so long as the patient has been given sufficient information in writing to

make an informed decision regarding his/her treatment and the substance is not proven to be directly detrimental to health.

NEW SECTION. Sec. 2. There is added to chapter 70.54 RCW a new section to read as follows:

No hospital or health facility may interfere with the physician/patient relationship by restricting or forbidding the use of amygdalin (Laetrile) when prescribed or administered by a physician licensed pursuant to chapter 18.57 or 18.71 RCW and requested by a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

For the purposes of this act, the state board of pharmacy shall provide for the certification as to the identity of amygdalin (Laetrile) by random sample testing or other testing procedures, and shall promulgate rules and regulations necessary to implement and enforce its authority under this section.

NEW SECTION. Sec. 3. There is added to chapter 70.54 RCW a new section to read as follows:

No physician may be subject to disciplinary action by any entity of either the state of Washington or a professional association for prescribing or administering amygdalin (Laetrile) to a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

It is not the intent of this section to shield a physician from acts or omissions which otherwise would constitute unprofessional conduct as defined in RCW 18.57.170 and 18.72.030.

Passed the Senate May 23, 1977.

Passed the House May 17, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

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## CHAPTER 123

[Engrossed Senate Bill No. 2114]

### STATE PARKS AND RECREATION COMMISSION—CONCESSIONS AND LEASES

AN ACT Relating to parks and parkways; and amending section 43.51.040, chapter 8, Laws of 1965 as amended by section 1, chapter 90, Laws of 1967 ex. sess. and RCW 43.51.040.

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

Section 1. Section 43.51.040, chapter 8, Laws of 1965 as amended by section 1, chapter 90, Laws of 1967 ex. sess. and RCW 43.51.040 are each amended to read as follows:

The commission shall:

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt, promulgate, issue, and enforce rules and regulations pertaining to the use, care, and administration of state parks and parkways, which shall become effective ten days after adoption. The commission shall cause a copy of the rules and regulations to be kept posted in a conspicuous place in every state park to

which they are applicable, but failure to post or keep any rule or regulation posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules and regulations as shall be prescribed.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions or leases in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than ~~((twenty))~~ forty years, and upon such conditions as shall be approved by the commission: PROVIDED, That ((the commission may, by unanimous consent of its members grant such concessions for terms not to exceed forty years in state parks and parkways lying within the Columbia basin area in Douglas, Grant, Franklin, and Walla Walla counties and within Mount Spokane state park)) leases exceeding a twenty-year term shall require a unanimous vote of the commission: PROVIDED FURTHER, That if, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease: PROVIDED FURTHER, That television station leases shall be subject to the provisions of RCW 43.51.063, only: PROVIDED FURTHER, That the rates of such concessions or leases shall be renegotiated at five-year intervals. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary.

(7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights of way for state highways. Option agreements executed under authority of this subdivision shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition for park and parkway purposes of any area not within the limits of any city, and in the care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to the acquisition or improvement of which the state shall have contributed or in whose care, control, or supervision the state shall participate pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Investigate and report to the governor on or before the first day of January next preceding the regular session of the legislature regarding any proposed park or parkway, and make recommendations respecting other regions in the state desirable for state park or parkway purposes.

Passed the Senate May 23, 1977.

Passed the House May 19, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

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## CHAPTER 124

[Engrossed Senate Bill No. 2211]

### COMMISSION ON HARBOR LINES—AUTHORITY

AN ACT Relating to harbor lines; and amending section 1, chapter 139, Laws of 1963 (uncodified) as last amended by section 1, chapter 69, Laws of 1972 ex. sess. (uncodified).

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

Section 1. Section 1, chapter 139, Laws of 1963 (uncodified) as last amended by section 1, chapter 69, Laws of 1972 ex. sess. (uncodified) is hereby amended to read as follows:

The commission on harbor lines is hereby authorized to change, relocate, or re-establish harbor lines in Guemes Channel and Fidalgo Bay in front of the city of Anacortes, Skagit county; in Grays Harbor in front of the cities of Aberdeen, Hoquiam, and Cosmopolis, Grays Harbor county; Bellingham Bay in front of the city of Bellingham, Whatcom county; in Elliott Bay, Puget Sound and Lake Union within, and in front of the city of Seattle, King county, and within one mile of the limits of such city; Port Angeles harbor in front of the city of Port Angeles, Clallam county; in Lake Washington in front of the city of Renton, King county; Commencement Bay in front of the city of Tacoma, Pierce county; and within one mile of the limits of such city; Budd Inlet in front of the city of Olympia, Thurston county; the Columbia River in front of the city of Kalama, Cowlitz county; Port Washington Narrows and Sinclair Inlet in front of the city of Bremerton, Kitsap county; Sinclair Inlet in front of the city of Port Orchard, Kitsap county; the Columbia River in front of the city of Vancouver, Clark county; Port Townsend Bay in front of the city of Port Townsend, Jefferson county; the Swinomish Channel in front of the city of La Conner, Skagit county; and Port Gardner Bay in front of the city of Everett, Snohomish county, except no harbor lines shall be established west of the easterly shoreline of Jetty Island as presently situated or west of a line extending S 37° 09' 38" W from the Snohomish River Light (5).

Passed the Senate May 4, 1977.

Passed the House May 23, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

## CHAPTER 125

[Substitute Senate Bill No. 2244]

## MOTOR VEHICLE DEALERS—LICENSING

AN ACT Relating to motor vehicles; amending section 3, chapter 74, Laws of 1967 ex. sess. as last amended by section 2, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.011; amending section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 5, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.041; amending section 11, chapter 74, Laws of 1967 ex. sess. as last amended by section 14, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.101; amending section 16, chapter 74, Laws of 1967 ex. sess. as last amended by section 18, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.180; defining crimes; prescribing penalties; and declaring an emergency.

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

Section 1. Section 3, chapter 74, Laws of 1967 ex. sess. as last amended by section 2, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation, or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new(;) or used vehicles, or providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers: PROVIDED, That vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" shall be a vehicle dealer that deals in new and used motor vehicles;

(b) A "mobile home and travel trailer dealer" shall be a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A "miscellaneous vehicle dealer" shall be a vehicle dealer that deals in motorcycles and/or vehicles other than motor vehicles or mobile homes and travel trailers.

(4) The term "vehicle dealer" does not include:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof.

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, used for agricultural or industrial purposes.

(5) "Vehicle salesman" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) The term "department" means the department of motor vehicles which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of the department of motor vehicles.

(8) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles and shall further include the terms:

(a) "Distributor" which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch" which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and shall further include any sales promotion organization, whether the same be a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative" which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of his, its, or their vehicles or for supervising or contracting with his, its, or their dealers or prospective dealers.

(9) "Established place of business" means a permanent, enclosed commercial building located within the state of Washington easily accessible and open to the public, at all reasonable times, with an improved display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances and in which such building the public may contact the vehicle dealer or his vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books, records, and files necessary to conduct the business at such place. The established place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. A dealer operating a listing service who does not physically maintain any vehicles for display, or a vehicle dealer who merely rents or leases or licenses for use any space on a temporary basis not to exceed two days to private persons to sell their own vehicles, need not operate in a commercial building nor have such a display area.

(10) "Subagency" means any place of business of a vehicle dealer within the same county as the principal place of business of the firm which is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the same county as the principal place



of business of the firm under which he does business under a name other than the principal name of the firm, or both.

Sec. 2. Section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 5, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.041 are each amended to read as follows:

(1) Every application for a vehicle dealer or a vehicle salesman's license shall contain the following information to the extent the same is applicable to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization;

(c) The qualification and business history of the applicant, and in the case of a vehicle dealer, any partner, officer or director;

(d) Whether the applicant has been ~~((convicted of any crime within the preceding five years involving fraud, misrepresentation, or conversion))~~ adjudged guilty of a crime which directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation or conversion and in the case of a corporation or partnership, all directors, officers or partners;

(e) Any other information the department may reasonably require.

(2) If the applicant is a vehicle dealer:

(a) Name or names of new vehicles the vehicle dealer wishes to sell;

(b) The names and addresses of each manufacturer from whom the applicant has received a franchise;

(c) Whether the applicant intends to sell used vehicles, and if so, whether he has space available for servicing and repairs;

(d) A certificate by the chief of police or his deputy, or a member of the Washington state patrol or a representative of the department of motor vehicles that the applicant has an established place of business at each business location in the state of Washington: PROVIDED, That in no event shall such certificate be issued by a member of the Washington state patrol if the dealership is located in a city which has a population in excess of five thousand persons;

(e) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty: PROVIDED, That this requirement shall only apply to applicants seeking to sell, to exchange, to offer, to broker, to auction, to solicit or to advertise new or current-model vehicles with factory or distributor warranties;

(f) The class of vehicles the vehicle dealer will be buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising, or for which the dealer will be providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers

and sellers, and which classification or classifications the dealer wishes to be designated as;

(g) The applicant's financial condition or history including whether the applicant or any partner, officer or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court.

(3) If the applicant is a vehicle salesman, such application shall contain, in addition, a certification by the vehicle dealer for whom he is going to work that he has examined the background of the applicant and to the best of his knowledge is of good moral character;

(4) If the applicant is a manufacturer such application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require.

Sec. 3. Section 11, chapter 74, Laws of 1967 ex. sess. as last amended by section 14, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.101 are each amended to read as follows:

The director may by order deny, suspend or revoke the license of any vehicle dealer, vehicle manufacturer, or vehicle salesman or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if he finds that the order is in the public interest and that the applicant, or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(ii) Has been ((convicted of any crime within the preceding five years involving fraud, misrepresentation, or conversion)) adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years

in any civil action involving fraud, misrepresentation or conversion. For the purposes of this section, adjudged guilty shall mean in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Does not have an established place of business as defined in this chapter;

(v) Employs an unlicensed salesman or one whose license has been denied, revoked within the last year, or is currently suspended, the terms of which have not been fulfilled;

(vi) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records and files maintained within this state;

(vii) Sells, exchanges, offers, brokers, auctions, solicits or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor the terms of such agreement within a reasonable time or repudiates the same;

(viii) Is insolvent, either in the sense that his liabilities exceed his assets, or in the sense that he cannot meet his obligations as they mature;

(ix) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his possession any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices; or

(viii) Has engaged in practices inimical to the health or safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction or safety of vehicles;

(c) The licensee or any partner, officer, director, owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) In the case of a vehicle salesman:

(a) Was the holder of, or was a partner in a partnership, or was an officer, director, or owner involved in the management of a corporation which was the holder, of a license issued pursuant to this chapter which was revoked for cause and never reissued, or was suspended and the terms of the suspension had not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(b) Has been (~~convicted of any crime within the preceding five years involving fraud, misrepresentation, or conversion~~) adjudged guilty of a crime which directly relates to the business of a vehicle salesman and the time elapsed since the conviction is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purpose of this section, the term adjudged guilty shall mean, in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the imposition of sentence is deferred or the penalty is suspended;

(c) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto or in any matter under investigation by the department;

(d) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter (~~and~~) or any rules and regulations adopted thereunder;

(e) Has defrauded or attempted to defraud the state, or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(f) Has forged the signature of the registered or legal owner on a certificate of title;

(g) Has purchased, sold, or disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(h) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(i) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(j) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final.

(3) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with the applicable provisions of chapter 46.12 or 46-.16 RCW or this chapter ((and)) or any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state, or political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(e) Has purchased, sold, or disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department((-));

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold or distributed in this state or transferred into this state for resale by any such manufacturer((-));

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles;

(l) Is insolvent either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature.

Sec. 4. Section 16, chapter 74, Laws of 1967 ex. sess. as last amended by section 18, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.180 are each amended to read as follows:

Each of the following acts or practices is hereby declared unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for less down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle, delivered or to be delivered by the buyer as part of the purchase price, because of depreciation, obsolescence, or any other reason except substantial and latent mechanical defect that could not have been reasonably discovered at the time of the taking of said order, offer or contract: PROVIDED, That said physical damage or mechanical defect shall have occurred before the dealer took possession of the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560 and 46.37.570(;;).

(6) For any vehicle dealer or vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used vehicle offered for sale.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser prior to the delivery of the bargained-for vehicle, to commingle said "on deposit" funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding said "on deposit" funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his customary total customer deposits for vehicles for future delivery.

(10) Being a manufacturer to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which shall not have been voluntarily ordered by the said vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument shall not be deemed to constitute coercion;

(b) Cancel, or, fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his capital investment which shall include but not be limited to tools, equipment, and parts inventory, possessed by the dealer on the day he is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (1) The capital investment shall have been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (2) Said cancellation or nonrenewal was not done in good faith. Good faith shall be defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging or argument shall not be deemed to constitute a lack of good faith.

(c) Encourage, aid, abet or teach a vehicle dealer to sell vehicles through any false, deceptive or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order shall have been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation or utility services, or to any labor or production difficulty, or to any cause beyond the reasonable control of the manufacturer.

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer that any warranty claim on any item included as an integral part of the vehicle may only be made against the manufacturer of that item.

(8) Nothing in this section shall be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor shall the requirement of such performance constitute a violation of any of the provisions of this section: PROVIDED, HOWEVER, Any such contract, or the terms thereof, requiring performance, shall have been theretofore freely entered into and executed between the contracting parties.

NEW SECTION. Sec. 5. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 23, 1977.

Passed the House May 19, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

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## CHAPTER 126

[Engrossed Senate Bill No. 2273]

### INSTITUTIONS OF HIGHER EDUCATION—JOINT PROGRAMS—TUITION AND FEES

AN ACT Relating to tuition and fees for students participating in joint programs conducted by two or more institutions of higher education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

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

NEW SECTION. Section 1. There shall be added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Where students at any of the four year state colleges or universities participate in a joint program undertaken by two or more of such institutions, and which leads to a degree, the tuition and fees assessed each student participating in such joint program shall be equal.

The governing board at each state four year institution shall, where the tuition and fees which it charges resident students participating in a joint program falling



within the scope of this 1977 act would be less than those charged to any such students from any other state four year institution who participates in such joint program, impose a supplemental fee upon its resident students so participating in order to make the tuition and fees charged to them equal to the highest amount charged to any other resident student from a state four year institution who participates in the program. Such governing board shall, where the tuition and fees which it charges nonresident students participating in a joint program falling within the scope of this 1977 act would be less than those charged to any such students participating from any other state four year institution who participates in such joint program, impose a supplemental fee upon its nonresident students so participating in order to make the tuition and fees charged to them equal to the highest amount charged to any other nonresident student from a state four year institution who participates in the program.

Passed the Senate May 23, 1977.

Passed the House May 20, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

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## CHAPTER 127

[Engrossed Senate Bill No. 2310]

### SALARIES OF PUBLIC OFFICIALS

AN ACT Relating to salaries of public officials; amending section 43.03.028, chapter 8, Laws of 1965 as last amended by section 2, chapter 43, Laws of 1970 ex. sess. and RCW 43.03.028; and amending section 43.03.040, chapter 8, Laws of 1965 as amended by section 3, chapter 43, Laws of 1970 ex. sess. and RCW 43.03.040.

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

Section 1. Section 43.03.028, chapter 8, Laws of 1965 as last amended by section 2, chapter 43, Laws of 1970 ex. sess. and RCW 43.03.028 are each amended to read as follows:

(1) There is hereby created a (~~committee to be known as the~~) state committee on salaries(;) to consist of seven members, or their designees, as follows: The president of the University of Puget Sound (~~or his nominee~~); the president of Washington State University (~~or his nominee~~); the (~~chairman~~) chairperson of the State Personnel Board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association (,); and the president of the Washington State Labor Council (~~or his nominee~~). If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

((+)) (2) The committee (~~herein created~~) shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

~~The ((director of game, the director of highways, the director of aeronautics, the director of parks and recreation, the director of the veterans' rehabilitation council and the statutory assistant directors of all departments the executive head of which is an individual appointed by the governor, and to recommend)) arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the capitol historical association and museum; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the oceanographic commission; the department of personnel; the state finance committee; the state library; the traffic safety commission; the horse racing commission; the commission for vocational education; the advisory council on vocational education; the public disclosure commission; the hospital commission; the state conservation commission; the commission on Mexican-American affairs; the commission on Asian-American affairs; the state board for volunteer firemen; the urban arterial board; the data processing authority; the public employees relations commission; the forest practices appeals board; and the energy facilities site evaluation council.~~

~~The committee shall report to the governor ((the salaries to be fixed for each respective position. Such recommendations shall be submitted to the governor in writing)) or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of the legislature, its recommendations for the salaries to be fixed for each position.~~

~~((2)) (3) The committee shall also make a study of the duties and salaries of all state elective officials, including members of the supreme, appellate, superior, and district courts and ((of the)) members of the legislature((, and also a study of the duties and salaries of county elective officials;)) and report to the governor and the ((legislative council)) president of the senate and the speaker of the house not later than sixty days prior to the convening of each regular session of the legislature ((and recommend)) its recommendation for the salaries to be established for each position.~~

~~(4) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060.~~

Sec. 2. Section 43.03.040, chapter 8, Laws of 1965 as amended by section 3, chapter 43, Laws of 1970 ex. sess. and RCW 43.03.040 are each amended to read as follows:

The directors of the several departments and members of the several boards and commissions, ~~((who are subject to appointment))~~ whose salaries are fixed by the governor(;) and the ~~((director of game, the director of highways, the director of aeronautics, the director of parks and recreation, the director of the veterans' rehabilitation council and the statutory assistant directors of all departments the executive head of which is an individual appointed by the governor;))~~ chief executive officers of the agencies named in RCW 43.03.028(2) as now or hereafter amended shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor or the appropriate salary fixing authority, in an amount

not to exceed the recommendations of the committee on salaries (~~((created in RCW 43.03.028, upon the basis of official responsibility))~~).

Passed the Senate May 23, 1977.

Passed the House May 20, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

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## CHAPTER 128

[Substitute Senate Bill No. 2356]

### PRECINCTS

AN ACT Relating to precincts; amending section 29.04.040, chapter 9, Laws of 1965 as last amended by section 3, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.040; amending section 29.04.050, chapter 9, Laws of 1965 and RCW 29.04.050; amending section 1, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.130; amending section 2, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.140; adding a new section to chapter 239, Laws of 1969 ex. sess. and to chapter 43.41 RCW; and declaring an emergency.

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

Section 1. Section 29.04.040, chapter 9, Laws of 1965 as last amended by section 3, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.040 are each amended to read as follows:

(1) ~~No paper ballot precinct shall contain more than three hundred voters. ((If at any election three hundred or more votes are cast at any such voting place, the secretary of state as ex officio chief election officer, shall report that fact to the city council, if it is a precinct lying within a first class city or to the county legislative authority if it is any other precinct.)) The ((city council of the first class city or the)) county legislative authority ((as the case may be, shall)) may divide, alter, or combine precincts so that, whenever practicable ((such)), over populated precincts shall contain no more than two hundred fifty registered voters in anticipation of future growth((, subject to the requirements and limitations of subsection (2) of this section)).~~

(2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored: PROVIDED, HOWEVER, That no precinct boundaries shall be changed during the period starting as of the thirtieth day prior to the first day for candidates to file for the ((September)) primary election and ending with the day of the ((November)) general election ((held in the even-numbered years: PROVIDED FURTHER, That no precinct boundaries shall be changed nor shall any precinct be created, divided, abolished, or consolidated during the period between February 1st of any year whose last digit is seven and December 1st of any year whose last digit is one, except whose boundaries are changed due to annexation or detachment)).

(3) Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred registered voters((, subject to the requirements and limitations of subsection (2) of this section)): PROVIDED, That ((the counties shall make such changes in the size of the precincts in anticipation of future growth, subject to the requirements and limitations of subsection (2) of this

~~section. PROVIDED FURTHER, That~~) there shall be at least one voting machine or device for each three hundred registered voters or major fraction thereof when a state primary or general election is held in an even-numbered year.

~~(4) ((Each county auditor, when reporting the official election returns to the secretary of state as provided by RCW 29.62.090, shall indicate in such report which precincts are voted by paper ballots, by voting machines, or by voting devices. In the instance of a voting machine or voting device precinct, the county auditor shall also indicate the number of such machines or devices used so that the secretary of state will be able to determine that the requirements of this section are being honored:))~~

On petition of ~~((ten))~~ twenty-five or more voters resident more than ten miles from any place of election, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall establish a separate voting precinct therefor~~((; subject to the requirements and limitations of subsection (2) of this section))~~.

The county legislative authority of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the same; the county auditor shall thereupon designate the voting place for each such precinct.

Sec. 2. Section 29.04.050, chapter 9, Laws of 1965 and RCW 29.04.050 are each amended to read as follows:

(1) Every voting precinct must be established so that it lies wholly within one senatorial or representative district and wholly within one county commissioner district.

(2) Every voting precinct shall be composed, as nearly as practicable, of contiguous and compact areas.

(3) Every voting precinct within each county shall be designated consecutively by number for the purpose of preparation of maps and the tabulation of population for apportionment purposes. The county auditor may name precincts as he deems necessary for other purposes.

Sec. 3. Section 1, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.130 are each amended to read as follows:

(1) On or before July 1, 1980, each county auditor shall prepare and ((maintain a current and suitable)) transmit to the secretary of state maps of the county and of each city or town therein clearly delineating the ((geographical)) boundaries ((of)) which have been established for each precinct ((contained)) in the county ((and of the legislative and congressional districts in which each precinct is contained)) for the 1980 state primary and state general election. A ((description of the geographical boundaries of such precincts and districts shall be attached to each map)) correspondence listing of the census blocks and enumeration districts or the portions of such blocks and enumeration districts which are contained within each such precinct shall accompany each map or set of maps: PROVIDED, That whenever a precinct contains part of one or more census blocks or enumeration districts, the county auditor shall indicate on the correspondence listing his best judgment of the proportion of the total number of registered voters in the precinct who reside within such parts of census blocks or enumeration districts.

(2) ~~((On or before February 1, 1977;))~~ Each county auditor shall also send ((three copies of each current map with its descriptions to the secretary of state,

~~and)) one copy of the map of each city or town to the clerk of ((each affected) that city or town. ((Within thirty days after any changes in precinct or district boundaries, the county auditor shall file revised maps and descriptions in the same manner and number:))~~

(3) Such maps and ~~((descriptions))~~ listings shall be public records and shall be available for inspection by the public in the offices wherein they are kept during normal office hours. Copies shall be made available to the public for a fee necessary to cover the cost of reproduction.

Sec. 4. Section 2, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.140 are each amended to read as follows:

(1) With regard to functions relating to census, apportionment, and the establishment of legislative and congressional districts, the secretary of state shall:

(a) Promulgate rules pursuant to chapter 34.04 RCW governing the preparation, maintenance, distribution, and filing of precinct maps and census correspondence lists prepared pursuant to RCW 29.04.130 as now or hereafter amended;

(b) Coordinate and monitor precinct mapping functions of the county auditors and county engineers;

(c) Maintain official state base maps and correspondence lists and maintain an index of all ~~((available))~~ such maps and lists;

(d) Furnish to the United States bureau of the census as needed for the decennial census of population, current, accurate, and easily readable versions of maps of all counties, cities, towns, and other areas of this state, which ~~((shall show any streets, highways, railroads, and other physical boundaries, and shall))~~ indicate current precinct boundaries together with copies of the census correspondence lists.

(2) The secretary of state shall serve as the state liaison with the United States bureau of census on matters relating to the preparation of maps and the tabulation of population for apportionment purposes.

NEW SECTION. Sec. 5. There is added to chapter 239, Laws of 1969 ex. sess. and to chapter 43.41 RCW a new section to read as follows:

Subject to a specific appropriation for that purpose, the director of the office of program planning and fiscal management is hereby authorized and directed to contract with the United States bureau of census for collection and tabulation of block statistics in any or all cities and towns.

NEW SECTION. Sec. 6. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 23, 1977.

Passed the House May 20, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

## CHAPTER 129

[Senate Bill No. 2444]

ALCOHOLISM TREATMENT—INVOLUNTARY COMMITMENT—PETITION—  
VENUE

AN ACT Relating to involuntary commitment of alcoholics; and amending section 14, chapter 122, Laws of 1972 ex. sess. as amended by section 2, chapter 175, Laws of 1974 ex. sess. and RCW 70.96A.140.

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

Section 1. Section 14, chapter 122, Laws of 1972 ex. sess. as amended by section 2, chapter 175, Laws of 1974 ex. sess. and RCW 70.96A.140 are each amended to read as follows:

(1) When the person in charge of a treatment facility, or his designee, receives information alleging that a person is incapacitated as a result of alcoholism, the person in charge, or his designee, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court. The petition shall allege that the person is an alcoholic who is incapacitated by alcohol, or that the person has twice before in the preceding twelve months been admitted for the voluntary treatment for alcoholism pursuant to RCW 70.96A.110 and is in need of a more sustained treatment program, or that the person is an alcoholic who has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within two days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the physician's findings in support of the allegations of the petition. A physician employed by the petitioning facility or the department is not eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than five and no more than ten days after the date the petition was filed unless the person petitioned against is presently being detained by the facility, pursuant to RCW 70.96A.120, as now or hereafter amended, in which case the hearing shall be held within forty-eight hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified forty-eight hours shall be computed by including Saturdays but excluding Sundays and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his next of kin, a parent or his legal guardian if he is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony of at least one licensed physician who has examined the person whose commitment is sought. The person shall be present unless the court believes that his presence is likely to be injurious to him; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he shall be given an opportunity to be examined by a court appointed licensed physician. If he refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment facility. It shall not order commitment of a person unless it determines that an approved treatment facility is able to provide adequate and appropriate treatment for him and the treatment is likely to be beneficial.

(5) A person committed under this section shall remain in the facility for treatment for a period of thirty days unless sooner discharged. At the end of the thirty day period, he shall be discharged automatically unless the facility, before expiration of the period, files a petition for his recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged. If a person has been committed because he is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) A person recommitted under subsection (5) of this section who has not been discharged by the facility before the end of the ninety day period shall be discharged at the expiration of that period unless the facility, before expiration of the period, obtains a court order on the grounds set forth in subsection (1) of this section for recommitment for a further period not to exceed ninety days. If a person has been committed because he is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists. Only two recommitment orders under subsections (5) and (6) of this section are permitted.

(7) Upon the filing of a petition for recommitment under subsections (5) or (6) of this section, the court shall fix a date for hearing no less than five and no more than ten days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his parents or his legal guardian if he is a minor, and his attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

(8) The facility shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment facility to another if transfer is medically advisable.

(9) A person committed to the custody of a facility for treatment shall be discharged at any time before the end of the period for which he has been committed and he shall be discharged by order of the court if either of the following conditions are met:

(a) In case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon another, that he is no longer an alcoholic or the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of an alcoholic committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(10) The court shall inform the person whose commitment or recommitment is sought of his right to contest the application, be represented by counsel at every stage of any proceedings relating to his commitment and recommitment, and have counsel appointed by the court or provided by the court, if he wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him regardless of his wishes. The person shall, if he is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his right to be examined by a licensed physician of his choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

(11) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(12) The venue for proceedings under this section is the ((place)) county in which person to be committed resides or is present.

Passed the Senate April 22, 1977.

Passed the House May 20, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

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## CHAPTER 130

[Engrossed Senate Bill No. 2485]

### STATE HIGHWAYS—FUNCTIONAL CLASSIFICATION

AN ACT Relating to public highways; adding a new section to chapter 47.05 RCW; repealing section 2, chapter 173, Laws of 1963, section 2, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.020; and providing effective dates.

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

NEW SECTION. Section 1. There is added to chapter 47.05 RCW a new section to read as follows:



(1) The state highway commission is hereby directed to conduct periodic analyses of the entire state highway system, report thereon to the legislature biennially and based thereon, to subdivide, classify, and subclassify according to their function and importance all designated state highways and those added from time to time and periodically review and revise the classifications, except those highways designated as part of the national system of interstate and defense highways, into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) Those state highways which perform no arterial or collector function, which serve only local access functions, and which lack essential state highway characteristics shall be designated "local access" highways.

(3) In making the functional classification the highway commission shall adopt and give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

NEW SECTION. Sec. 2. Section 2, chapter 173, Laws of 1963, section 2, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.020 are each hereby repealed.

NEW SECTION. Sec. 3. Section 1 of this 1977 act modifying the functional classification of state highways shall apply to the long range plan for highway improvements and to the six year program for highway construction commencing July

1, 1979 and to the preparation thereof and shall take effect July 1, 1977. Section 2 of this 1977 act shall take effect July 1, 1979.

Passed the Senate May 23, 1977.

Passed the House May 20, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

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CHAPTER 131

[Engrossed Substitute Senate Bill No. 2593]

COMMUNITY COLLEGES—PROGRAMS FOR MILITARY OR DEFENSE PERSONNEL AND DEPENDENTS

AN ACT Relating to community colleges; authorizing the conduct of certain programs; and amending section 1, chapter 105, Laws of 1973 and RCW 28B.50.092.

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

Section 1. Section 1, chapter 105, Laws of 1973 and RCW 28B.50.092 are each amended to read as follows:

The state board for community college education may authorize any community college board of trustees to do all things necessary to conduct an education, training, and service program authorized by chapter 28B.50 RCW, as now or hereafter amended, for United States military personnel and their dependents, and department of defense civilians and their dependents, at any geographical location: PROVIDED, That such programs shall be limited to those colleges which conducted programs for United States military personnel prior to January 1, 1977: PROVIDED FURTHER, That any high school completion program conducted pursuant to this section shall comply with standards set forth in rules and regulations promulgated by the superintendent of public instruction and the state board of education: AND PROVIDED FURTHER, That the superintendent of public instruction shall issue the certificate or diploma in recognition of high school completion education provided pursuant to this section.

Passed the Senate April 18, 1977.

Passed the House May 23, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

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CHAPTER 132

[Substitute Senate Bill No. 2634]

COLUMBIA RIVER GORGE—ISSUANCE OF PERMITS AND VARIANCES

AN ACT Relating to the Columbia River Gorge; and amending section 4, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.005.

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

Section 1. Section 4, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97-.005 are each amended to read as follows:

The legislature finds that the unique esthetic quality of a portion of the Columbia River Gorge is among the most valuable of the state's natural resources

and that there is great concern throughout the state relating to its utilization, protection, preservation, and restoration. The legislature, therefore, declares that portion of the Columbia River Gorge beginning at the western-most boundary of the Columbia River Gorge as described in RCW 43.97.090 and extending easterly to include all of Section 17 and the west halves of Sections 9 and 4 in Township 2 North, Range 13 East, to be an area of state-wide significance, wherein preference shall be given to uses which:

- (1) Recognize and protect the state-wide interest.
- (2) Result in long term rather than short term benefit.
- (3) Protect the resources and ecology of the Gorge.
- (4) Increase public access to publicly owned areas.
- (5) Increase recreational opportunities for the public.
- (6) Explore economic utilization.

The legislature further declares that all agencies of state and local government, shall, in their planning (~~and~~), management, and issuance of permits and variances, give full consideration to the environmental protection and economic utilization of the Columbia River Gorge, and the best interests of the state and people in general, in conformity with the plan to be prepared pursuant to RCW 43.97.030.

Passed the Senate April 26, 1977.

Passed the House May 23, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

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## CHAPTER 133

[Substitute Senate Bill No. 2638]

### ON-SITE SEWAGE DISPOSAL—ALTERNATIVE METHODS

AN ACT Relating to on-site sewage disposal systems; and creating a new chapter in Title 70 RCW.

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

NEW SECTION. Section 1. The legislature finds that over one million, two hundred thousand persons in the state are not served by sanitary sewers and that they must rely on septic tank systems. The failure of large numbers of such systems has resulted in significant health hazards, loss of property values, and water quality degradation. The legislature further finds that failure of such systems could be reduced by utilization of nonwater-carried sewage disposal systems, or other alternative methods of effluent disposal, as a correctional measure. Waste water volume diminution and disposal of most of the high bacterial waste through composting or other alternative methods of effluent disposal would result in restorative improvement or correction of existing substandard systems.

NEW SECTION. Sec. 2. As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly indicates otherwise.

(1) "Nonwater-carried sewage disposal devices" means any device that stores and treats nonwater-carried human urine and feces.

(2) "Alternative methods of effluent disposal" means systems approved by the department of social and health services, including at least, mound systems, alternating drain fields, anaerobic filters, evapotranspiration systems, and aerobic systems.

(3) "Failure" means: (a) Effluent has been discharged on the surface of the ground prior to approved treatment; or (b) effluent has percolated to the surface of the ground; or (c) effluent has contaminated or threatens to contaminate a ground water supply.

NEW SECTION. Sec. 3. Local boards of health shall identify failing septic tank drainfield systems in the normal manner and will use reasonable effort to determine new failures. Discretionary judgment will be made in implementing corrections by specifying nonwater-carried sewage disposal devices or other alternative methods of treatment and effluent disposal as a measure of ameliorating existing substandard conditions. Local regulations shall be consistent with the intent and purposes stated herein.

NEW SECTION. Sec. 4. With the advice of the secretary of the department of social and health services, local boards of health are hereby authorized to waive applicable sections of local plumbing and/or building codes that might prohibit the use of an alternative method for correcting a failure.

NEW SECTION. Sec. 5. Sections 2 through 4 of this act shall constitute a new chapter in Title 70 RCW.

Passed the Senate May 23, 1977.

Passed the House May 20, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

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## CHAPTER 134

[Senate Bill No. 2675]

### MERCHANDISE—UNLAWFUL TAKING—DAMAGES—PENALTIES

AN ACT Relating to special rights of action; amending section 1, chapter 59, Laws of 1975 1st ex. sess. and RCW 4.24.230; and prescribing penalties.

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

Section 1. Section 1, chapter 59, Laws of 1975 1st ex. sess. and RCW 4.24.230 are each amended to read as follows:

(1) An adult or emancipated minor who takes possession of any goods, wares or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner or seller, and with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price thereof shall be liable in addition to actual damages, for a penalty to the owner or seller in the amount of the retail value thereof not to exceed one thousand dollars, plus ~~((costs of preparing and presenting the action))~~ an additional penalty of not less than one hundred dollars nor more than two hundred dollars.

(2) The parent or legal guardian having the custody of an unemancipated minor who takes possession of any goods, wares or merchandise displayed or offered

for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner or seller and with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price thereof, shall be liable as a penalty to the owner or seller for the retail value of such goods, wares or merchandise not to exceed five hundred dollars plus ~~((costs of preparing and presenting the action))~~ an additional penalty of not less than one hundred dollars nor more than two hundred dollars: PROVIDED, That for the purposes of this subsection, liability shall not be imposed upon any governmental entity or private agency which has been assigned responsibility for the minor child pursuant to court order or action of the department of social and health services.

(3) ~~((Claims))~~ Judgments, but not ~~((judgments))~~ claims, arising under this section may ~~((not))~~ be assigned.

(4) A conviction for violation of ~~((RCW 9.78.010 or 9.54.010))~~ chapter 9A.56 RCW shall not be a condition precedent to maintenance of a civil action authorized by this section.

Passed the Senate May 2, 1977.

Passed the House May 23, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

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## CHAPTER 135

[Senate Bill No. 2747]

### FEDERAL SURPLUS PROPERTY—ACQUISITION

AN ACT Relating to disposal of surplus property; amending section 1, chapter 205, Laws of 1945 as amended by section 1, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.010; amending section 2, chapter 205, Laws of 1945 as amended by section 2, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.020; amending section 4, chapter 205, Laws of 1945 as amended by section 4, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.035; amending section 5, chapter 205, Laws of 1945 as amended by section 5, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.040; and amending section 7, chapter 205, Laws of 1945 as amended by section 6, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.060.

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

Section 1. Section 1, chapter 205, Laws of 1945 as amended by section 1, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.010 are each amended to read as follows:

For the purposes of RCW 39.32.010 through 39.32.060:

The term "eligible ~~((institution))~~ donee" means ~~((any tax-supported medical institution, hospital, clinic, health center, school system, and nonprofit medical institution, hospital, clinic, health center, youth camp facility, school, college or university declared or held exempt from taxation under Section 501(c)(3) of the United States Internal Revenue Code of 1954, and institutions or activities as may be or are hereafter declared or held eligible under federal law to acquire surplus property:~~

The term "state department" means any office, department, commission, institution or other agency of the state of Washington authorized by law to exercise any governmental authority on behalf of the state:

~~The term "political subdivision" means any political subdivision of the state including any county, city, town, township, port district, public utility district, irrigation district or other municipal corporation or quasi-municipal corporation))~~ any public agency carrying out or promoting for the residents of a given political area one or more public purposes, such as conservation, economic development, education, parks and recreation, public health, and public safety; or nonprofit educational or public health institutions or organizations, such as medical institutions, hospitals, clinics, health centers, schools, colleges, universities, schools for the mentally retarded, schools for the physically handicapped, child care centers, radio and television stations licensed by the federal communications commission as educational radio or educational television stations, museums attended by the public, and public libraries serving all residents of a community, district, state, or region, and which are exempt from taxation under Section 501 of the Internal Revenue Code of 1954, for purposes of education or public health, including research for any such purpose.

The term "public agency" means the state or any subdivision thereof, including any unit of local government, economic development district, emergency services organization, or any instrumentality created by compact or other agreement between the state and a political subdivision, or any Indian tribe, band, group, or community located on a state reservation.

The term "surplus property" means any property, title to which is in the federal government or any department or agency thereof, and which property is to be disposed of as surplus under any act of congress heretofore or hereafter enacted providing for such disposition.

Sec. 2. Section 2, chapter 205, Laws of 1945 as amended by section 2, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.020 are each amended to read as follows:

~~The director of general administration((, through and by means of the division of purchasing;))~~ is hereby authorized to purchase, lease or otherwise acquire from the government of the United States or any surplus property disposal agency thereof surplus property to be used in accordance with the provisions of this chapter.

Sec. 3. Section 4, chapter 205, Laws of 1945 as amended by section 4, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.035 are each amended to read as follows:

The surplus property purchase revolving fund shall be administered by the director of general administration and be used for the purchase, lease or other acquisition from time to time of surplus property from any federal surplus property disposal agency. The director may purchase, lease or acquire such surplus property on the requisition of ~~((a state department or political subdivision))~~ an eligible donee and without such requisition at such time or times as he deems it advantageous to do so; and in either case he shall be responsible for the care and custody of the property purchased so long as it remains in his possession.

Sec. 4. Section 5, chapter 205, Laws of 1945 as amended by section 5, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.040 are each amended to read as follows:

In purchasing surplus property on requisition for any (~~state department or political subdivision~~) eligible donee the director may advance the purchase price thereof from the surplus property purchase revolving fund, and he shall then in due course bill the proper (~~state department or political subdivision~~) eligible donee for the amount paid by him for the property plus a reasonable amount to cover the expense incurred by him in connection with the transaction. In purchasing surplus property without requisition, the director shall be deemed to take title outright and he shall then be authorized to resell from time to time any or all of such property to such (~~state departments, political subdivisions and eligible institutions~~) eligible donees as desire to avail themselves of the privilege of purchasing. All moneys received in payment for surplus property from (~~state departments, political subdivisions and eligible institutions~~) eligible donees shall be deposited by the director in the surplus property purchase revolving fund. The director shall sell surplus property to (~~state departments, political subdivisions and eligible institutions~~) eligible donees at a price sufficient only to reimburse the surplus property purchase revolving fund for the cost of the property to the fund, plus a reasonable amount to cover expenses incurred in connection with the transaction. Where surplus property is transferred to (~~a state agency, political subdivision or eligible institution~~) an eligible donee without cost to the transferee, the director may impose a reasonable charge to cover expenses incurred in connection with the transaction. The governor, through the director of general administration, shall administer the surplus property program in the state and shall perform or supervise all those functions with respect to the program, its agencies and instrumentalities.

Sec. 5. Section 7, chapter 205, Laws of 1945 as amended by section 6, chapter 70, Laws of 1967 ex. sess. and RCW 39.32.060 are each amended to read as follows:

The director of general administration shall have power to promulgate such rules and regulations as may be necessary to effectuate the purposes of RCW 39.32.010 through 39.32.060 and to carry out the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

Passed the Senate May 23, 1977.

Passed the House May 20, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

## CHAPTER 136

[Engrossed Substitute Senate Bill No. 2851]

### STATE EMPLOYEES' INSURANCE AND HEALTH CARE

AN ACT Relating to state employees' insurance and health care; amending section 4, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.040; amending section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 4, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.050; amending section 7, chapter 39, Laws of 1970 ex. sess. as amended by section 5, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.070; amending section 8, chapter 39, Laws of 1970 ex. sess. as last amended by section 6, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.080; adding a new section to chapter 41.05 RCW; repealing section 1, chapter 6, Laws of 1977, section 34, chapter 75, Laws of 1977 and RCW 41.05.020; declaring an emergency; and prescribing an effective date.

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

NEW SECTION. Section 1. There is added to chapter 41.05 RCW a new section to read as follows:

The legislature, recognizing the desirability of maintaining a healthy work force in order to promote the efficiency and productivity of the employees and officials working for the state, declares it to be in the best interest of the state to provide comprehensive health care to state employees and officials and their dependents.

It is therefore the purpose of this chapter to establish health care plans that provide comprehensive health care for all qualified state employees and officials and their dependents, which plans will be funded by the employer to the fullest extent possible.

NEW SECTION. Sec. 2. There is added to chapter 41.05 RCW a new section to read as follows:

(1) There is hereby created a state employees' insurance board to be composed of the members of the present board holding office on the day prior to the effective date of this 1977 amendatory act, which such members shall serve until the expiration of the period of time of the term for which they were appointed and until their successors are appointed and qualified. Thereafter the board shall be composed as follows: The governor or his designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, and the representative of an employee union shall be for four years: PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. Meetings of the board shall be at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman annually. Members of the board shall receive no compensation for their services, but shall be paid for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: PROVIDED, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications,



analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: PROVIDED, That all contracts for insurance, health care plans, including panel medicine plans, or protection applying to employees covered by RCW 28B.10.660 and chapters 41.04 and 41.05 RCW shall provide that the beneficiaries of such insurance, health care plans, or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: PROVIDED FURTHER, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide as a part of the employee insurance benefit program an employee health care benefit plan which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and a plan to be provided by a panel medicine plan in its service area only when approved by the board. Except for panel medicine plans, no more than one insurance carrier or health care service contractor shall be contracted with to provide the same plan of benefits: PROVIDED, That employees may choose participation in only one of the health care benefit plans sponsored by the board. Active employees, as defined in RCW 41.05.020 (2), eligible for medicare benefits shall have the option of continuing participation in health care programs on the same basis as all other employees or participation in medicare supplemental programs as may be developed by the board. These health care benefit plans shall provide coverage for all officials and employees and their dependents without premium cost to the individual employees and officials: PROVIDED, That the employer contribution per employee for panel medicine plans shall not exceed the employer contribution provided for in the contract entered into with the regularly constituted insurance carrier or health care service contractor. Rates for self pay segments of state employee groups will be developed from the experience of the entire group. Such self pay rates will be established based on a separate rate for the employee, the spouse, and children.

Sec. 3. Section 4, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.040 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "state employees insurance fund", to be used by the trustee as a revolving fund for the deposit of contributions, dividends and refunds, and for payment of premiums for ((health care)) employee insurance benefit contracts entered into in accordance with instructions of the board and payments authorized by RCW 41.05.030(2). Moneys from the state employees insurance fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the trustee.

Sec. 4. Section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 4, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.050 are each amended to read as follows:

(1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the state employees insurance board. Such contributions, which shall be paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the state employee's insurance board to pay the administrative expenses of the board and the salaries and wages and expenses of the benefits supervisor and other necessary personnel: PROVIDED, That this administrative service charge for state employees shall not result in an employer contribution in excess of the amount authorized by the governor and the legislature as prescribed in RCW 41.05.050(2), and that the sum of an employee's insurance premiums and administrative service charge in excess of such employer contribution shall be paid by the employee. All such contributions will be paid into the state employees insurance fund to be expended in accordance with RCW 41.05.030.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the state employees insurance board, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose: PROVIDED, That nothing herein shall be a limitation on employees employed under chapter 47.64 RCW: PROVIDED FURTHER, That provision for school district personnel shall not be made under this chapter.

(3) The trustee with the assistance of the department of personnel shall annually survey private industry and public employers in the state of Washington to determine the ~~((maximum))~~ average employer contribution for group insurance programs under the jurisdiction of the state employees insurance board. Such survey shall be reported to the board for its use in setting the amount of the recommended employer contribution~~((s))~~ to the ~~((various insurance))~~ employee insurance benefit program~~((s as are))~~ covered by this chapter. The board shall transmit a recommendation for the amount of the employer contribution to the governor and the director of the office of program planning and fiscal management for inclusion in the proposed budgets submitted to the legislature.

Sec. 5. Section 7, chapter 39, Laws of 1970 ex. sess. as amended by section 5, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.070 are each amended to read as follows:

The cost of any health care insurance contracts or plans to any department, division or separate agency of state, county, municipal, or other political subdivision of state government shall be ~~((decmed additional compensation to the employees or officials covered thereby for services rendered, and))~~ paid by any officer authorized to disburse such funds ~~((shall pay))~~ to the trustee for payment of the contributions due pursuant to any such contract authorized by the board.

Sec. 6. Section 8, chapter 39, Laws of 1970 ex. sess. as last amended by section 6, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 41.05.080 are each amended to read as follows:

Retired or disabled state employees, or employees of county, municipal, or other political subdivisions covered by this chapter who are retired, may continue their

participation in insurance plans and contracts after retirement or disablement, under the qualifications, terms, conditions, and benefits set by the board: PROVIDED, That the rates charged such retired or disabled employees for health care (~~((coverage shall be identical to that charged active participants))~~) will be developed from the same experience pool as active employees: PROVIDED FURTHER, That such retired or disabled employees shall bear the full cost of premiums required to provide such coverage: PROVIDED FURTHER, That such self pay rates will be established based on a separate rate for the employee, the spouse, and the children: PROVIDED FURTHER, That rates for a retired or disabled employee, spouse, or child who is eligible for and who elects to apply for medicare will be actuarially reduced to reflect the value of Part A and Part B of medicare. The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office.

NEW SECTION. Sec. 7. Section 1, chapter 6, Laws of 1977, section 34, chapter 75, Laws of 1977 and RCW 41.05.020 are each hereby repealed.

NEW SECTION. Sec. 8. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1977: PROVIDED, That if the state operating budget appropriations act does not contain the funds necessary for the implementation of this 1977 amendatory act in an appropriated amount sufficient to fully fund the employer's contribution to the state employee insurance benefits program which is established by the board in accordance with RCW 41.05.050 (2) and (3) as now or hereafter amended, sections 1, 5, and 6 of this 1977 amendatory act shall be null and void.

Passed the Senate May 3, 1977.

Passed the House May 23, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

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## CHAPTER 137

[Substitute House Bill No. 821]

### SIDEWALK RAMPS

AN ACT Relating to sidewalks; amending section 1, chapter 83, Laws of 1973 and RCW 35.68.075; adding a new section to chapter 35.68 RCW; and declaring an emergency.

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

Section 1. Section 1, chapter 83, Laws of 1973 and RCW 35.68.075 are each amended to read as follows:

(1) The standard for construction of curbs on (~~((each side of))~~) any county, city, or town street, or any connecting street or town road for which curbs and sidewalks have been prescribed by the governing body of the county, town, or city having jurisdiction thereover, shall be not less than two ramps per lineal block on or near the crosswalks at intersections. Such ramps shall be at least thirty-six inches wide and so constructed as to allow reasonable access to the crosswalk for physically handicapped persons, without uniquely endangering blind persons.

(2) Standards set for curb ramping under subsection (1) of this section shall not apply to any curb existing upon enactment of this section but shall apply to all new curb construction and to all replacement curbs constructed at any point in a block which gives reasonable access to a crosswalk.

(3) Upon the effective date of this 1977 amendatory act, every ramp thereafter constructed under subsection (1) of this section, which serves one end of a crosswalk, shall be matched by another ramp at the other end of the crosswalk. However, no ramp shall be required at the other end of the crosswalk if there is no curb nor sidewalk at the other end of the crosswalk. Nor shall any matching ramp constructed pursuant to this subsection require a subsequent matching ramp.

NEW SECTION. Sec. 2. There is added to chapter 35.68 RCW a new section to read as follows:

By January 1, 1978, the department of general administration shall, pursuant to chapter 34.04 RCW, adopt several suggested model design, construction, or location standards to aid counties, cities, and towns in constructing curb ramps to allow reasonable access to the crosswalk for physically handicapped persons without uniquely endangering blind persons. The department of general administration shall consult with handicapped persons, blind persons, counties, cities, and the building code advisory council in adopting the suggested standards. In addition, the department of general administration shall, within thirty days of the effective date of this 1977 amendatory act and pursuant to RCW 34.04.030, adopt a suggested design or construction standard for curb ramps which may be used by counties, cities, or towns to comply with section 1 of this 1977 amendatory act in the interval between the effective date of this 1977 amendatory act and the adoption of further suggested model standards.

***\*NEW SECTION. Sec. 3. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.***

\*Sec. 3. was vetoed, see message at end of chapter.

Passed the House May 4, 1977.

Passed the Senate May 23, 1977.

Approved by the Governor June 1, 1977, with the exception of section 3 which is vetoed.

Filed in Office of Secretary of State June 1, 1977.

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

"I am returning herewith, without my approval as to one section, Substitute House Bill No. 821 entitled:

"AN ACT Relating to sidewalks; amending section 1, chapter 83, Laws of 1973 and RCW 35.68.075; adding a new section to chapter 35.68 RCW; and declaring an emergency."

Section 3 of the bill declares an emergency and provides for the act to take effect immediately. Under the Constitution, Article II, Sections 1(b) and 41, the use of an emergency clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

In this case, not only is the use of the clause unwarranted by the urgency of the situation, but the use also eliminates the adjustment period that would be helpful for affected units of local government. For these reasons, I have vetoed this section.

With the exception of section 3, which I have vetoed, the remainder of Substitute House Bill No. 821 is approved."

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CHAPTER 138

[House Bill No. 797]

HABITUAL TRAFFIC OFFENDERS

AN ACT Relating to habitual traffic offenders; amending section 11, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.090; and declaring an emergency.

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

Section 1. Section 11, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.090 are each amended to read as follows:

It shall be unlawful for any person to operate a motor vehicle in this state while the order of revocation remains in effect. Any person found to be an habitual offender under the provisions of this chapter who is thereafter convicted of operating a motor vehicle in this state while the order of the court prohibiting such operation is in effect shall be guilty of a gross misdemeanor, the punishment for which shall be confinement in the county jail for not more than one year.

For the purpose of enforcing this section, in any case in which the accused is charged with driving a motor vehicle while his license, permit, or privilege to drive is suspended or revoked or is charged with driving without a license, the court before hearing such charge shall determine whether such person has been adjudged an habitual offender and by reason of such judgment is barred from operating a motor vehicle on the highways of this state. If the court determines the accused has been so adjudged (~~it shall transfer the case to the court of record making such determination~~), the court shall have jurisdiction for trial of the charge.

NEW SECTION. Sec. 2. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 22, 1977.

Passed the Senate May 23, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

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CHAPTER 139

[Substitute Senate Bill No. 2975]

SKIING AND SKI AREAS—SAFETY AND LIABILITY

AN ACT Relating to skiing and commercial ski activity; adding a new chapter to Title 70 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. (1) The operator of any ski area shall maintain a sign system.

All signs for instruction of the public shall be bold in design with wording short, simple, and to the point. All such signs shall be prominently placed.

Entrances to all machinery, operators', and attendants' rooms shall be posted to the effect that unauthorized persons are not permitted therein.

The sign "Men Working on Lift" or a similar warning sign shall be hung on the main disconnect switch and at control points for starting the auxiliary or prime mover when men are working on the passenger tramway.

(2) The interior of each reversible aerial tramway and gondola lift shall be prominently posted to show:

(a) The maximum capacity of each reversible aerial tramway and gondola lift in pounds and number of passengers (which shall also be posted at each loading area); and

(b) Instructions for procedure in emergencies.

(3) The following signs shall be posted at all aerial lifts except gondola lifts:

(a) "Prepare to Unload" (not less than fifty feet ahead of unloading area);

(b) "Keep Ski Tips Up" (ahead of any point where skis may come in contact with a platform or the snow surface);

(c) "Unload Here";

(d) "Safety Gate" (if applicable);

(e) "Remove Pole Straps from Wrists" (at loading area); and

(f) Sign visible at all points of downhill loading, listing downhill capacity of lift.

(4) The following signs shall be posted at all surface lifts:

(a) "Prepare to Unload" (not less than fifty feet ahead of unloading area);

(b) "Stay in Track";

(c) "Unload Here";

(d) "Safety Gate"; and

(e) "Remove Pole Straps from Wrists" (at loading area).

(5) The following signs shall be posted at all tows:

(a) "No Loose Scarves

No Loose Clothing

No Long Hair Exposed"

(at loading area);

(b) "Stay in Track";

(c) "Unload Here"; and

(d) "Safety Gate".

(6) All signs required for normal daytime operation shall be in place, and those pertaining to the tramway, lift, or tow operations shall be adequately lighted for night skiing.

(7) If a particular trail or slope has been closed to the public by an operator, the operator shall place a notice thereof at the top of the trail or slope involved, and no person shall ski on a slope or trail which has been designated "Closed".

(8) An operator shall place a notice at the embarking terminal or terminals of a lift or tow which has been closed that the lift or tow has been closed and that a person embarking on such a lift or tow shall be considered to be a trespasser.

(9) An operator shall prominently place a notice containing the substance of section 3 of this act in such places as are necessary to notify the public.

(10) Any snow making machines or equipment shall be clearly visible and clearly marked.

(11) The operator of any ski area shall maintain a readily visible sign on each rope tow, wire rope tow, j-bar, t-bar, ski lift, or other similar device, advising the users of the device that:

(a) Any person not familiar with the operation of the lift shall ask the operator thereof for assistance and/or instruction; and

(b) The skiing-ability level recommended for users of the lift and the slopes served by the device shall be classified "easiest", "more difficult", and "most difficult".

NEW SECTION. Sec. 2. (1) In addition to the specific requirements of this section, all skiers shall conduct themselves within the limits of their individual ability and shall not act in a manner that may contribute to the injury of themselves or any other person.

(2) No person shall:

(a) Embark or disembark upon a ski lift except at a designated area;

(b) Throw or expel any object from any tramway, ski lift, commercial skimobile, or other similar device while riding on the device;

(c) Act in any manner while riding on a rope tow, wire rope tow, j-bar, t-bar, ski lift, or similar device that may interfere with the proper or safe operation of the lift or tow;

(d) Wilfully engage in any type of conduct which may injure any person, or place any object in the uphill ski track which may cause another to fall, while traveling uphill on a ski lift; or

(e) Cross the uphill track of a j-bar, t-bar, rope tow, wire rope tow, or other similar device except at designated locations.

(3) Every person shall maintain control of his or her speed and course at all times, and shall stay clear of any snowgrooming equipment, any vehicle, any lift tower, and any other equipment on the mountain. Snow grooming equipment or any other vehicles shall be equipped with a flashing yellow light at any time the vehicle is moving on or in the vicinity of a ski run.

(4) A person shall be the sole judge of his or her ability to negotiate any trail, slope, or uphill track and no action shall be maintained against any operator by reason of the condition of the track, trail, or slope unless the condition results from the negligence of the operator.

(5) Any person who boards a rope tow, wire rope tow, j-bar, t-bar, ski lift, or other similar device shall be presumed to have sufficient abilities to use the lift. No liability shall attach to any operator or attendant for failure to instruct the person on the use of the device, but a person shall follow any written or verbal instructions that are given regarding the use.

(6) Because of the inherent risk in the sport of skiing all persons using the ski hill shall exercise reasonable care for their own safety. However, the primary duty shall be on the person skiing downhill to avoid any collision with any person or object below him or her.

(7) Subsection (6) of this section notwithstanding, any person skiing on other than improved trails or slopes within the area shall be responsible for any injuries or losses resulting from his or her action.

(8) Subsections (6) and (7) of this section notwithstanding, any person on foot or on any type of sliding device shall be responsible for any collision whether the collision is with another person or with an object.

(9) A person embarking on a lift or tow without authority shall be considered to be a trespasser.

NEW SECTION. Sec. 3. Any person who is involved in a skiing accident and who departs from the scene of the accident without leaving personal identification or otherwise clearly identifying himself or herself before notifying the proper authorities or obtaining assistance, knowing that any other person involved in the accident is in need of medical or other assistance, shall be guilty of a misdemeanor.

NEW SECTION. Sec. 4. (1) Every tramway, ski lift, or commercial skimobile operator shall maintain liability insurance of not less than one hundred thousand dollars per person per accident and of not less than two hundred thousand dollars per accident.

(2) Every operator of a rope tow, wire rope tow, j-bar, t-bar, or similar device shall maintain liability insurance of not less than twenty-five thousand dollars per person per accident and of not less than fifty thousand dollars per accident.

(3) This section shall not apply to operators of tramways that are not open to the general public and that are operated without charge, except that this section shall apply to operators of tramways that are operated by schools, ski clubs, or similar organizations.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall constitute a new chapter in Title 70 RCW.

Passed the Senate May 23, 1977.

Passed the House May 20, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

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CHAPTER 140

[Engrossed Substitute Senate Bill No. 3098]

INSURANCE—DRIVING RECORD ABSTRACTS—LAW ENFORCEMENT OFFICERS  
OR FIRE FIGHTERS

AN ACT Relating to insurance; amending section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 1, chapter 37, Laws of 1973 1st ex. sess. and RCW 46.52.130; and prescribing penalties.

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

Section 1. Section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 1, chapter 37, Laws of 1973 1st ex. sess. and RCW 46.52.130 are each amended to read as follows:

The director shall upon request furnish any insurance company or its agent, having or considering the issuance of a policy of insurance and any employer or prospective employer of persons who drive commercial motor vehicles or school buses a certified abstract of the driving record of any person, covering a period of not more than three years last past, whenever possible, which abstract shall include an enumeration of motor vehicle accidents in which such person has been involved.



Such abstract shall indicate the total number of vehicles involved; whether the vehicles were legally parked or moving; whether such vehicles were occupied at the time of the accident; and any reported convictions or forfeitures of bail of such person upon a charge of violating any motor vehicle law. Such enumeration shall include any reports of failure to appear in response to a traffic citation served upon such person by an arresting officer. In addition thereto the director shall furnish such record to the person whose driving record is involved, upon such person's request(~~(:PROVIDED, That)~~).

The abstract herein provided to the insurance company shall have excluded therefrom any information pertaining to any occupational driver's license when the same is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has been issued such a license by reason of a conviction of a motor vehicle offense outside the scope of his principal employment, and who has during such period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom. The abstract provided to the insurance company shall also exclude any information pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty during an emergency situation if the chief of the officer's or fire fighter's department certifies on the accident report that the actions of the officer or fire fighter were reasonable under the circumstances as they existed at the time of the accident.

The director shall collect for each such abstract the sum of one dollar fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving such certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information therein contained to a third party: PROVIDED, That no policy of insurance shall be canceled on the basis of such information unless the policyholder was determined to be at fault: PROVIDED FURTHER, That no insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles shall use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any employer or prospective employer receiving such certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information therein contained to a third party.

Any violation of this section shall be a gross misdemeanor.

Passed the Senate April 28, 1977.

Passed the House May 23, 1977.

Approved by the Governor June 1, 1977.

Filed in Office of Secretary of State June 1, 1977.

## CHAPTER 141

[Engrossed Substitute Senate Bill No. 2956]

## OUTDOOR ADVERTISING—REMOVAL—COMPENSATION

AN ACT Relating to outdoor advertising; and adding a new section to chapter 47.42 RCW; and declaring an emergency.

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

**NEW SECTION.** Section 1. There is added to chapter 47.42 RCW a new section to read as follows:

(1) Just compensation shall be paid upon the removal of any existing sign pursuant to the provisions of any resolution or ordinance of any county, city, or town of the state of Washington by such county, city, or town if:

(a) Such sign was lawfully in existence on May 10, 1971 (the effective date of the Scenic Vistas Act of 1971); or

(b) Such sign was erected subsequent to May 10, 1971 (the effective date of the Scenic Vistas Act of 1971), in compliance with existing state and local law.

(2) Such compensation shall be paid in the same manner as specified in RCW 47.42.102(2) for the following:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

**NEW SECTION.** Sec. 2. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**\*NEW SECTION.** Sec. 3. *This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.*

\*Sec. 3. was vetoed, see message at end of chapter.

Passed the Senate May 24, 1977.

Passed the House May 23, 1977.

Approved by the Governor June 1, 1977, with the exception of section 3 which is vetoed.

Filed in Office of Secretary of State June 1, 1977.

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

"I am returning to you herewith without my approval as to one section, Substitute Senate Bill No. 2956, entitled:

"AN ACT Relating to outdoor advertising; and adding a new section to chapter 47.42 RCW; and declaring an emergency."

Section 3 of the bill declares an emergency and provides for the act to take effect immediately. Under the Constitution, Article II, Sections 1(b) and 41, the use of an emergency clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

Although the intent of this bill requires compensation to be paid in those situations where signs are removed, there is no true emergency involved. For these reasons, I have vetoed this section.

With the exception of section 3, which I have vetoed, the remainder of Substitute Senate Bill No. 2956 is approved."

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## CHAPTER 142

[Substitute House Bill No. 165]

### PUBLIC WATER SYSTEM COORDINATION ACT OF 1977

AN ACT Relating to public water system coordination; and adding a new chapter to Title 70 RCW.

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

**NEW SECTION.** Section 1. The legislature hereby finds that an adequate supply of potable water for domestic, commercial, and industrial use is vital to the health and well-being of the people of the state. Readily available water for use in public water systems is limited and should be developed and used efficiently with a minimum of loss or waste.

In order to maximize efficient and effective development of the state's public water supply systems, the department of social and health services shall assist water purveyors by providing a procedure to coordinate the planning of the public water supply systems.

**NEW SECTION.** Sec. 2. The purposes of this chapter are:

- (1) To provide for the establishment of critical water supply service areas related to water utility planning and development;
- (2) To provide for the development of minimum planning and design standards for critical water supply service areas to insure that water systems developed in these areas are consistent with regional needs;
- (3) To assist in the orderly and efficient administration of state financial assistance programs for public water systems; and
- (4) To assist public water systems to meet reasonable standards of quality, quantity and pressure.

**NEW SECTION.** Sec. 3. Unless the context clearly requires otherwise, the following terms when used in this chapter shall be defined as follows:

(1) "Coordinated water system plan" means a plan for public water systems within a critical water supply service area which identifies the present and future needs of the systems and sets forth means for meeting those needs in the most efficient manner possible. Such a plan shall include provisions for subsequently updating the plan. In areas where more than one water system exists, a coordinated plan may consist of either: (a) A new plan developed for the area following its designation as a critical water supply service area; or (b) a compilation of compatible water system plans existing at the time of such designation and containing such supplementary provisions as are necessary to satisfy the requirements of this chapter. Any such coordinated plan must include provisions regarding: Future service area designations; assessment of the feasibility of shared source, transmission, and storage facilities; emergency inter-ties; design standards; and other concerns related to the construction and operation of the water system facilities.

(2) "Critical water supply service area" means a geographical area which is characterized by a proliferation of small, inadequate water systems, or by water supply problems which threaten the present or future water quality or reliability of

service in such a manner that efficient and orderly development may best be achieved through coordinated planning by the water utilities in the area.

(3) "Public water system" means any system providing water intended for, or used for, human consumption or other domestic uses. It includes, but is not limited to, the source, treatment for purifying purposes only, storage, transmission, pumping, and distribution facilities where water is furnished to any community, or number of individuals, or is made available to the public for human consumption or domestic use, but excluding water systems serving one single family residence. However, systems existing on the effective date of this act which are owner operated and serve less than ten single family residences or which serve only one industrial plant shall be excluded from this definition and the provisions of this chapter.

(4) "Purveyor" means any agency or subdivision of the state or any municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity, that owns or operates for wholesale or retail service a public water system. It also means the authorized agents of any such entities.

(5) "Secretary" means the secretary of the department of social and health services or the secretary's authorized representative.

(6) "Service area" means a specific geographical area serviced or for which service is planned by a purveyor.

**NEW SECTION.** Sec. 4. (1) The secretary and the appropriate local planning agencies and purveyors, shall study geographical areas where water supply problems related to uncoordinated planning, inadequate water quality or unreliable service appear to exist. If the results of the study indicate that such water supply problems do exist, the secretary or the county legislative authority shall designate the area involved as being a critical water supply service area, consult with the appropriate local planning agencies and purveyors, and appoint a committee of not less than three representatives therefrom solely for the purpose of establishing the proposed external boundaries of the critical water supply service area. The committee shall include a representative from each purveyor serving more than fifty customers, the county legislative authority, county planning agency, and health agencies. Such proposed boundaries shall be established within six months of the appointment of the committee.

During the six month period following the establishment of the proposed external boundaries of the critical water supply services areas, the county legislative authority shall conduct public hearings on the proposed boundaries and shall modify or ratify the proposed boundaries in accordance with the findings of the public hearings. The boundaries shall reflect the existing land usage, and permitted densities in county plans, ordinances, and/or growth policies. If the proposed boundaries are not modified during the six month period, the proposed boundaries shall be automatically ratified and be the critical water supply service area.

After establishment of the external boundaries of the critical water supply service area, no new public water systems may be approved within the boundary area unless an existing water purveyor is unable to provide water service.

(2) At the time a critical water supply service area is established, the external boundaries for such area shall not include any fractional part of a purveyor's existing contiguous service area.

(3) The external boundaries of the critical water supply service area may be amended in accordance with procedures prescribed in subsection (1) of this section for the establishment of the critical water supply service areas when such amendment is necessary to accomplish the purposes of this chapter.

**NEW SECTION.** Sec. 5. (1) Each purveyor within the boundaries of a critical water supply service area shall develop a water system plan for the purveyor's future service area if such a plan has not already been developed: **PROVIDED**, That nonmunicipally owned public water systems are exempt from the planning requirements of this act, except for the establishment of service area boundaries if they: (a) were in existence as of the effective date of this act; and (b) have no plans for water service beyond their existing service area, and (c) meet minimum quality and pressure design criteria established by the state board of health: **PROVIDED FURTHER**, That if the county legislative authority permits a change in development that will increase the demand for water service of such a system beyond the existing system's ability to provide minimum water service, the purveyor shall develop a water system plan in accordance with this section. The establishment of future service area boundaries shall be in accordance with section 7 of this act.

(2) After the boundaries of a critical water supply service area have been established pursuant to section 4 of this act, the committee established in section 4 of this act shall participate in the development of a coordinated water system plan for the designated area. Such a plan shall incorporate all water system plans developed pursuant to subsection (1) of this section. The plan shall provide for maximum integration and coordination of public water system facilities consistent with the protection and enhancement of the public health and well-being.

(3) Those portions of a critical water supply service area not yet served by a public water system shall have a coordinated water system plan developed by existing purveyors based upon permitted densities in county plans, ordinances, and/or growth policies for a minimum of five years beyond the date of establishment of the boundaries of the critical water supply service area.

(4) To insure that the plan incorporates the proper designs to protect public health, the secretary shall adopt regulations pursuant to chapter 34.04 RCW concerning the scope and content of coordinated water system plans, and shall ensure, as minimum requirements, that such plans:

(a) Are reviewed by the appropriate local governmental agency to insure that the plan is not inconsistent with the land use plans, shoreline master programs, and/or developmental policies of the general purpose local government or governments whose jurisdiction the water system plan affects.

(b) Recognize all water resource plans, water quality plans, and water pollution control plans which have been adopted by units of local, regional, and state government.

(c) Incorporate the fire protection standards developed pursuant to section 8 of this act.

(d) Identify the future service area boundaries of the public water system or systems included in the plan within the critical water supply service area.

(e) Identify feasible emergency inter-ties between adjacent purveyors.

(5) If a "water general plan" for a critical water supply service area or portion thereof has been prepared pursuant to chapter 36.94 RCW and such a plan meets

the requirements of subsections (1) and (4) of this section, such a plan shall constitute the coordinated water system plan for the applicable geographical area.

(6) Prior to the submission of a coordinated water system plan to the secretary for approval of the design of the proposed facilities pursuant to section 6 of this act, the plan shall be reviewed for consistency with subsection (4) of this section by the legislative authorities of the counties in which the critical water supply service area is located. If within sixty days of receipt of the plan, the legislative authorities find any segment of a proposed service area of a purveyor's plan or any segment of the coordinated water system plan to be inconsistent with any current land use plans, shoreline master programs, and/or developmental policies of the general purpose local government or governments whose jurisdiction the water system plan affects, the secretary shall not approve that portion of the plan until the inconsistency is resolved between the local government and the purveyor. If no comments have been received from the legislative authorities within sixty days of receipt of the plan, the secretary may consider the plan for approval.

NEW SECTION. Sec. 6. (1) A coordinated water system plan shall be submitted to the secretary for design approval within two years of the establishment of the boundaries of a critical water supply service area.

(2) The secretary shall not approve those portions of a coordinated water system plan which fail to meet the requirements for future service area boundaries as set forth in section 7 of this act.

(3) Following the approval of a coordinated water system plan by the secretary:

(a) All purveyors constructing or proposing to construct public water system facilities within the area covered by the plan shall comply with the plan.

(b) No other purveyor shall establish a public water system within the area covered by the plan, unless the secretary determines that existing purveyors are unable to provide the service. If such a determination is made, the secretary may require the new public water system to be constructed in accordance with the construction standards and specifications embodied in the coordinated water system plan approved for the area.

(4) The secretary may deny proposals to establish or to expand any public water system within a critical water supply service area for which there is not an approved coordinated water system plan at any time after two years of the establishment of the critical water supply service area: PROVIDED, That service connections shall not be considered expansions.

NEW SECTION. Sec. 7. (1) The service area boundaries of public water systems within the critical water supply service area shall be determined by written agreement among the purveyors and with the approval of the appropriate legislative authority. Failure of the legislative authority to file with the secretary objections to the proposed service area boundaries within sixty days of receipt of the proposed boundary agreement may be construed as approval of the agreement.

(2) If no service area boundary agreement has been established within a reasonable period of time, or if the legislative authority has filed with the secretary objections in writing as provided in subsection (1) of this section, the secretary shall hold a public hearing thereon. The secretary shall provide notice of the hearing by certified mail to each purveyor providing service in the critical water supply service area, to each county legislative authority having jurisdiction in the area and

to the public. The secretary shall provide public notice pursuant to the provisions of chapter 65.16 RCW. Such notice shall be given at least twenty days prior to the hearing. The hearing may be continued from time to time and, at the termination thereof, the secretary may restrict the expansion of service of any purveyor within the area if the secretary finds such restriction is necessary to provide the greatest protection of the public health and well-being.

NEW SECTION. Sec. 8. The secretary shall adopt performance standards relating to fire protection to be incorporated into the design and construction of public water systems. The standards shall be consistent with recognized national standards. The secretary shall adopt regulations pertaining to the application and enforcement of the standards: PROVIDED, That the regulations shall require the application of the standards for new and expanding systems only. The standards shall apply in critical water supply service areas unless the approved coordinated plan provides for nonfire flow systems.

NEW SECTION. Sec. 9. The assumption of jurisdiction or control of any public water system or systems by a city, town, or code city, shall be subject to the provisions of chapter 35.13A RCW, and the provisions of this act shall be superseded by the provisions of chapter 35.13A RCW regarding such an assumption of jurisdiction.

NEW SECTION. Sec. 10. Nothing in this chapter shall apply to water which is bottled or otherwise packaged in a container for human consumption or domestic use, or to the treatment, storage and transportation facilities used in the processing of the bottled water or the distribution of the bottles or containers of water.

NEW SECTION. Sec. 11. Nothing in this chapter shall be construed to alter in any way the existing authority of purveyors and municipal corporations to establish, administer and apply water rates and rate provisions.

NEW SECTION. Sec. 12. This chapter shall be known and may be cited as the "Public Water System Coordination Act of 1977".

NEW SECTION. Sec. 13. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 1 through 12 of this act shall constitute a new chapter to Title 70 RCW.

Passed the House May 24, 1977.

Passed the Senate May 20, 1977.

Approved by the Governor June 2, 1977.

Filed in Office of Secretary of State June 2, 1977.

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## CHAPTER 143

[House Bill No. 313]

### BLOOD WITHDRAWAL PURSUANT TO IMPLIED CONSENT LAW—LIABILITY

AN ACT Relating to liability of persons withdrawing blood; and adding a new section to chapter 46.61 RCW.

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

NEW SECTION: Section 1. There is added to chapter 46.61 RCW a new section to read as follows:

No physician, registered nurse, qualified technician, or hospital, or duly licensed clinical laboratory employing or utilizing services of such physician, registered nurse, or qualified technician, shall incur any civil or criminal liability as a result of the act of withdrawing blood from any person when directed by a law enforcement officer to do so for the purpose of a blood test under the provisions of RCW 46.20-.308, as now or hereafter amended: PROVIDED, That nothing in this section shall relieve any physician, registered nurse, qualified technician, or hospital or duly licensed clinical laboratory from civil liability arising from the use of improper procedures or failing to exercise the required standard of care.

Passed the House March 11, 1977.

Passed the Senate May 24, 1977.

Approved by the Governor June 2, 1977.

Filed in Office of Secretary of State June 2, 1977.

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## CHAPTER 144

[Substitute House Bill No. 395]

### CLAIMS BY AND AGAINST THE STATE

AN ACT Relating to state government; amending section 4, chapter 95, Laws of 1895 as amended by section 6, chapter 159, Laws of 1963 and RCW 4.92.040; amending section 3, chapter 159, Laws of 1963 as amended by section 2, chapter 164, Laws of 1967 and RCW 4.92.100; amending section 4, chapter 159, Laws of 1963 and RCW 4.92.110; amending section 2, chapter 4, Laws of 1973 as amended by section 1, chapter 4, Laws of 1975 2nd ex. sess. and RCW 29.13.047; amending section 2, chapter 82, Laws of 1973 and RCW 29.64.080 [29.64.090]; amending section 4, chapter 8, Laws of 1971 ex. sess. as amended by section 24, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.205; amending section 43.09.050, chapter 8, Laws of 1965 as amended by section 1, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.050; amending section 77.12.280, chapter 36, Laws of 1955 as amended by section 1, chapter 177, Laws of 1957 and RCW 77.12.280; adding a new section to chapter 43.10 RCW; adding new sections to chapter 43.41 RCW; repealing section 43.09-.160, chapter 8, Laws of 1965 and RCW 43.09.160; and repealing section 1, chapter 46, Laws of 1903 and RCW 44.18.010.

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

Section 1. Section 4, chapter 95, Laws of 1895 as amended by section 6, chapter 159, Laws of 1963 and RCW 4.92.040 are each amended to read as follows:

(1) No execution shall issue against the state on any judgment.

(2) Whenever a final judgment against the state shall have been obtained in an action on a claim arising out of tortious conduct, the clerk shall make and furnish to the ~~((budget director))~~ chief fiscal officer of the executive branch a duly certified copy of said judgment and the same shall be paid out of the tort claims revolving fund.

(3) Whenever a final judgment against the state shall have been obtained in any other action, the clerk of the court shall make and furnish to the ~~((auditor of state))~~ chief fiscal officer of the executive branch a duly certified copy of such judgment; the ~~((auditor of state))~~ chief fiscal officer of the executive branch shall thereupon audit the amount of damages and costs therein awarded, and the same shall be paid ~~((out of the state treasury))~~ from appropriations specifically provided for such purposes by law.



(4) On and after the effective date of this 1977 amendatory act, all claims made to the legislature against the state of Washington for money or property, shall be accompanied by a statement of the facts on which such claim is based and such evidence as the claimant intends to offer in support of the claim and shall be filed with the chief fiscal officer of the executive branch who shall retain the same as a record. The chief fiscal officer of the executive branch shall recommend to the legislature whether such claim should be approved or rejected. The legislative committees to whom such claims are referred shall make a transcript or statement of the substance of the evidence given in support of such a claim. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law.

Sec. 2. Section 3, chapter 159, Laws of 1963 as amended by section 2, chapter 164, Laws of 1967 and RCW 4.92.100 are each amended to read as follows:

All claims against the state for damages arising out of tortious conduct shall be presented to and filed with the ~~((state auditor within one hundred twenty days from the date that the claim arose))~~ chief fiscal officer of the executive branch. All such claims shall be verified and shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing his claim ~~((in the time prescribed))~~ or if the claimant is a minor, or is a nonresident of the state ~~((absent therefrom during the time within which his claim is required to be filed))~~, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing him.

With respect to the content of such claims this section shall be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 3. Section 4, chapter 159, Laws of 1963 and RCW 4.92.110 are each amended to read as follows:

No action shall be commenced against the state for damages arising out of tortious conduct until a claim has first been presented to and filed with the ~~((state auditor))~~ chief fiscal officer of the executive branch. The requirements of this section shall not affect the applicable period of limitations within which an action must be commenced, but such period shall begin and shall continue to run as if no claim were required.

Sec. 4. Section 2, chapter 4, Laws of 1973 as amended by section 1, chapter 4, Laws of 1975 2nd ex. sess. and RCW 29.13.047 are each amended to read as follows:

Whenever state officers or measures are voted upon at a state primary or general election held in an odd-numbered year as provided for in RCW 29.13.010, the state of Washington shall assume its prorated share of such election costs. The county auditor shall apportion the state's share of such expenses when prorating election costs as provided under RCW 29.04.020 and 29.13.045 and shall file such

expense claims with the secretary of state (~~(auditor)~~). The secretary of state (~~(auditor)~~) shall ~~((compile such claims for presentation to the next succeeding legislature in the same manner as other legislative relief claims))~~ include in his biennial budget request a provision for sufficient funds to carry out the provisions of this section. Payments hereunder shall be from appropriations specifically provided for such purpose by law.

Sec. 5. Section 2, chapter 82, Laws of 1973 and RCW 29.64.080 [29.64.090] are each amended to read as follows:

Each county auditor shall file with the secretary of state (~~(auditor)~~) a statement listing only the additional expenses incurred whenever a mandatory recount of the votes cast on a state measure is made as provided in RCW 29.64.080. The secretary of state (~~(auditor)~~) shall ~~((compile such claims for presentation to the next succeeding session, regular or extraordinary, of the legislature in the same manner as other legislative relief claims))~~ include in his biennial budget request a provision for sufficient funds to carry out the provisions of this section. Payments hereunder shall be from appropriations specifically provided for such purpose by law.

Sec. 6. Section 4, chapter 8, Laws of 1971 ex. sess. as amended by section 24, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.205 are each amended to read as follows:

All claims against the state for property damages or indemnification therefor arising from emergency service related activities will be presented to and filed with the ~~((state auditor within one hundred twenty days from the date the claim arose))~~ chief fiscal officer of the executive branch. Contents of all such claims shall conform to the tort claim filing requirements found in RCW 4.92.100 as now or hereafter amended.

Sec. 7. Section 43.09.050, chapter 8, Laws of 1965 as amended by section 1, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.050 are each amended to read as follows:

The auditor shall:

~~(1) ((Audit, adjust, and settle all claims against the state, payable out of the treasury, except such as are expressly required by law to be audited and settled by other persons;~~

~~(2))~~ ~~((; settle, and adjust))~~ (2) Except as otherwise specifically provided by law, audit the accounts of all collectors of the revenue and other holders of public money required by law to pay the same into the treasury;

~~((3))~~ (2) In his discretion, inspect the books of any person charged with the receipt, safekeeping, and disbursement of public moneys;

~~((4))~~ (3) Inform the attorney general in writing of the necessity for him to direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state;

~~((5))~~ (4) Give information in writing to the legislature, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of his office;

~~((6) Require))~~ (5) Report to the chief fiscal officer of the executive branch in writing the names of all persons who have received any moneys belonging to the state, and have not accounted therefor~~((, to settle their accounts and make payment thereof))~~;

~~((7) In his discretion, require any person presenting an account for settlement to be sworn before him, and to answer, orally or in writing, as to any facts relating to it;~~

~~((8))~~ (6) Authenticate with his official seal papers issued from his office;

~~((9))~~ (7) Make his official report biennially, on or before the 31st of December, in each year, preceding the meeting of the legislature.

Sec. 8. Section 77.12.280, chapter 36, Laws of 1955 as amended by section 1, chapter 177, Laws of 1957 and RCW 77.12.280 are each amended to read as follows:

No payment of any such claim shall be made in excess of one thousand dollars, and in the event any claim is not adjusted, compromised, or settled and paid by the commission for a sum up to such amount, and within one year from the filing of such claim the same may be filed with the ~~((state auditor and referred to the legislature for settlement))~~ chief fiscal officer of the executive branch. Contents of all such claims shall conform to the tort claim filing requirements found in RCW 4.92.100 as now or hereafter amended. The chief fiscal officer of the executive branch shall recommend to the legislature whether such claims should be approved or rejected. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law. The payment of any claim by the commission shall be full and final payment upon such claim.

In the event that any valid claim for damages as provided for in RCW 77.12.270 has been refused or has not been compromised, adjusted, settled and paid by the commission within one hundred and twenty days of the filing of the claim for damages with the commission as provided for in RCW 77.12.290, either the claimant or the commission may serve upon the other personally or by registered mail a notice of an intention to arbitrate; said notice shall contain the name of a person, selected as one arbitrator. Within ten days of receiving such a notice to arbitrate the person upon whom such notice was served shall serve personally or by registered mail upon the other party the name of an arbitrator. The two arbitrators, within seven days of the naming of the second arbitrator shall select a third arbitrator, said arbitrator not to be an employee or commissioner of the state game department. In the event that the two arbitrators as selected by the parties to the dispute cannot agree upon a third arbitrator, either party to the dispute may petition the superior court in the county in which the claim arose, asking said court to select the third arbitrator and upon receiving such a petition the court shall appoint a third arbitrator. Any filing fee or court costs arising from the foregoing petition shall be shared equally by the claimant and the department of game.

The award of the arbitrators shall be advisory only; it shall be written and filed with the department of game at its office in Seattle, King county, Washington, not later than ninety days following the naming of the third arbitrator.

In the event that the parties arbitrate no payment shall be made by the commission until the arbitrators shall have made their advisory award. The payment of any claim by the commission shall be full and final payment of the claim.

In the event that any claim is not adjusted, compromised, settled and paid through arbitration or otherwise within one year from the filing of said claim the same may be filed with the ~~((state auditor and referred to the legislature for settlement))~~ chief fiscal officer of the executive branch. Contents of all such claims shall conform to the tort claim filing requirements found in RCW 4.92.100 as now or hereafter amended. The chief fiscal officer of the executive branch shall recommend to the legislature whether such claims should be approved or rejected. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law.

NEW SECTION. Sec. 9. There is added to chapter 43.10 RCW a new section to read as follows:

Upon receipt of information from the state auditor as provided in RCW 43.09.050(3) as now or hereafter amended, the attorney general shall direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state.

NEW SECTION. Sec. 10. There is added to chapter 43.41 RCW a new section to read as follows:

Upon receipt of information from the state auditor as provided in RCW 43.09.050(5) as now or hereafter amended, the chief fiscal officer of the executive branch shall require all persons who have received any moneys belonging to the state and have not accounted therefor, to settle their accounts and make payment thereof.

NEW SECTION. Sec. 11. There is added to chapter 43.41 RCW a new section to read as follows:

The chief fiscal officer of the executive branch may, in his discretion, require any person presenting an account for settlement to be sworn before him, and to answer, orally or in writing, as to any facts relating to it.

NEW SECTION. Sec. 12. There is added to chapter 43.41 RCW a new section to read as follows:

The term "chief fiscal officer of the executive branch" means the director of the office of program planning and fiscal management or his statutory successor when such term is used in: RCW 4.92.040 as now or hereafter amended; RCW 4.92.100 as now or hereafter amended; RCW 4.92.110 as now or hereafter amended; RCW 29.13.047 as now or hereafter amended; RCW 29.64.090 as now or hereafter amended; RCW 38.52.205 as now or hereafter amended; RCW 43.09.050 as now or hereafter amended; section 10 of this 1977 amendatory act; section 11 of this 1977 amendatory act; or RCW 77.12.280 as now or hereafter amended.

NEW SECTION. Sec. 13. The following acts or parts of acts are each hereby repealed:

- (1) Section 43.09.160, chapter 8, Laws of 1965 and RCW 43.09.160; and

(2) Section 1, chapter 46, Laws of 1903 and RCW 44.18.010.

Passed the House April 12, 1977.

Passed the Senate May 24, 1977.

Approved by the Governor June 2, 1977.

Filed in Office of Secretary of State June 2, 1977.

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CHAPTER 145

[House Bill No. 444]

LIABILITY OF PARENTS

AN ACT Relating to the liability of parents; and amending section 1, chapter 99, Laws of 1961 as amended by section 1, chapter 46, Laws of 1967 ex. sess. and RCW 4.24.190.

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

Section 1. Section 1, chapter 99, Laws of 1961 as amended by section 1, chapter 46, Laws of 1967 ex. sess. and RCW 4.24.190 are each amended to read as follows:

The parent or parents of any minor child under the age of eighteen years who is living with the parent or parents and who shall wilfully or maliciously destroy property, real or personal or mixed, or who shall wilfully and maliciously inflict personal injury on another person, shall be liable to the owner of such property or to the person injured in a civil action at law for damages in an amount not to exceed ~~((one))~~ three thousand dollars. This section shall in no way limit the amount of recovery against the parent or parents for their own common law negligence.

Passed the House May 24, 1977.

Passed the Senate May 19, 1977.

Approved by the Governor June 2, 1977.

Filed in Office of Secretary of State June 2, 1977.

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CHAPTER 146

[House Bill No. 753]

SEWER DISTRICTS—WATER POLLUTION CONTROL—BONDS

AN ACT Relating to sewer districts; and adding a new section to chapter 56.08 RCW.

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

NEW SECTION. Section 1. There is added to chapter 56.08 RCW a new section to read as follows:

Where a sewer district contains within its borders, abuts, or is located adjacent to any lake, stream, or other waterway within the state of Washington, by resolution the board of commissioners may provide for the reduction, minimization, or elimination of pollutants from these waters and may authorize the issuance of general obligation bonds within the limits prescribed by RCW 56.16.010, revenue bonds, local improvement district bonds, or utility local improvement bonds for the

purpose of paying all or any part of the cost of reducing, minimizing, or eliminating the pollutants from these waters.

Passed the House April 23, 1977.

Passed the Senate May 24, 1977.

Approved by the Governor June 2, 1977.

Filed in Office of Secretary of State June 2, 1977.

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## CHAPTER 147

[Substitute House Bill No. 873]

### SPECIALIZED FOREST PRODUCTS—CEDAR

AN ACT Relating to specialized forest products; amending section 3, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.020; amending section 4, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.030; amending section 5, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.040; amending section 6, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.050; amending section 7, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.060; amending section 8, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.070; amending section 11, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.100; amending section 12, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.110; amending section 13, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.120; amending section 14, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.130; adding new sections to chapter 47, Laws of 1967 ex. sess. and to chapter 76.48 RCW; defining crimes; and prescribing penalties.

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

Section 1. Section 3, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.020 are each amended to read as follows:

Unless otherwise required by the context, as used in this chapter:

(1) "Christmas trees" shall mean any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(2) "Native ornamental trees and shrubs" shall mean any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

(3) "Cut or picked evergreen foliage," commonly known as brush, shall mean evergreen boughs, huckleberry, salal, fern, Oregon grape, (~~scotchbroom~~;) rhododendron, and other cut or picked evergreen products.

(4) "~~((Split))~~ Cedar products" shall mean (~~((shakes,))~~) cedar shakeboards, shake and shingle bolts, (~~((fence posts, hop poles, pickets, or any other split cedar product))~~) and rounds one to three feet in length.

(5) "Cedar salvage" shall mean cedar chunks, slabs, stumps, and logs being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.

(6) "Processed cedar products" shall mean cedar shakes, shingles, fence posts, hop poles, pickets, stakes, or rails; or rounds less than one foot in length.

(7) "Cedar processor" shall mean any person who purchases and/or takes or retains possession of cedar products or cedar salvage following their removal and delivery from the land where harvested.

~~((5))~~ (8) "Cascara bark" shall mean the bark of a Cascara tree.

~~((6))~~ "Huckleberry" shall mean the fruit or foliage of *Vaccinium Ovatum*.

~~(7))~~ (9) "Specialized forest products" shall mean Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, ~~((split))~~ cedar products, cedar salvage, processed cedar products, and Cascara bark~~((, and huckleberry))~~.

~~((8))~~ (10) "Person" shall include the plural and all corporations foreign or domestic, copartnerships, firms, and associations of persons.

~~((9) "Operator" shall mean any person who shall engage, on behalf of himself or others, in the harvesting of any specialized forest product from any lands within the state:~~

~~(10))~~ (11) "Harvest" shall mean to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product (a) from its physical connection with or contact with the land or vegetation upon which it was or has been growing, or (b) from the position in which it has been lying upon such land.

(12) "Harvesting permit" shall mean a document in writing ~~((executed))~~ signed by a landowner, his duly authorized agent or representative, or by a lessee of land (herein referred to as "permittors") ~~((granting permission to)), and validated by the county sheriff, authorizing a designated person (herein referred to as "permittee"), who shall also have signed the permit, to ~~((cut, destroy, mutilate, pry, pick, peel, break, or remove))~~ harvest and/or transport, except while on federal lands, a designated specialized forest product from land owned or controlled ~~((by him))~~ and specified by the permittor, located in the county where such permit is issued.~~

(13) "True copy - harvesting permit" shall be a replica of a validated harvesting permit as reproduced by a copy machine capable of effectively reproducing the information contained on the permittee's copy of the harvesting permit. A copy is made true by the permittee or the permittee and permittor affixing an original signature(s) in the space provided on the face of the copy. A true copy will be effective until the expiration date of the harvesting permit unless the permittee or the permittee and permittor specify an earlier date. A permittor can require the original signature of both the permittee and permittor for executing a true copy by so indicating in the space provided on the original copy of the harvesting permit.

Sec. 2. Section 4, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.030 are each amended to read as follows:

It shall be unlawful for any person to ~~((cut, destroy, mutilate, pry, pick, peel, break, or remove))~~ harvest specialized forest products as described in RCW 76.48.020, in the quantities specified in RCW 76.48.060, without first obtaining a validated harvesting permit ~~((from the permittor))~~.

It shall also be unlawful to harvest specialized forest products in any lesser quantities than those specified in RCW 76.48.060, as now or hereafter amended, without first obtaining permission from the landowner or lessee or his duly authorized agent or representative.

Sec. 3. Section 5, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.040 are each amended to read as follows:

Agencies charged with the enforcement of this chapter shall include, but not be limited to, the Washington state patrol, county sheriffs and their deputies, municipal police forces, ~~((forest wardens and rangers))~~ and authorized personnel of the departments of natural resources and game. Primary enforcement responsibility lies in the county sheriff and his deputies.

Sec. 4. Section 6, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.050 are each amended to read as follows:

~~((A harvesting permit shall be executed by the owner, his agent or representative, or by the lessee of land on which specialized forest products are to be harvested.))~~ Harvesting permits shall consist of properly completed permit forms validated by the sheriff of the county in which the specialized forest products are to be harvested. All harvesting permits shall expire at the end of the calendar year in which issued, or sooner, at the discretion of the permittor. ((The)) A properly completed harvesting permit form shall ((specify)) include:

- (1) The date of its execution and expiration((-));
- (2) The name ((and)), address, telephone number, if any, and signature of the permittor((-));
- (3) The name ((and)), address, telephone number, if any, and signature of the permittee((-));
- (4) The type of specialized forest products to be harvested or transported((-));
- (5) The approximate amount or volume of specialized forest products to be harvested or transported((-));
- (6) The legal description of the property from which the specialized forest products are to be harvested or transported, including the name of the county;
- (7) A description by local landmarks of where the harvesting is to occur, or from where the specialized forest products are to be transported;
- (8) Any other condition or limitation which the permittor may specify.

Sec. 5. Section 7, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.060 are each amended to read as follows:

A harvesting permit ((from the owner, his agent or representative or the lessee of the land concerned)) validated by the county sheriff shall be obtained by ((the permittee)) any person prior to ((cutting, destroying, mutilating, prying, picking, peeling, breaking, or removing)) harvesting from any lands, including his own, more than five Christmas trees, more than five ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage ((or huckleberry, more than five split)), any cedar products, cedar salvage, processed cedar products, or more than five pounds of Cascara bark ((growing upon any land, including his own)). Harvesting permit forms shall be provided by the department of natural resources, and shall be made available through the office of the county sheriff to permittees or permittors in reasonable quantities. A harvesting permit form shall be completed, in triplicate, for each land ownership on which a permittee harvests specialized forest products((-, the original to be retained by)). A properly completed harvesting permit form shall be mailed or presented for validation to the sheriff of the county in which the specialized forest products are to be harvested. Before a permit form is validated by the sheriff or the sheriff's representative, sufficient personal identification may be required to reasonably identify the person mailing or presenting the permit form and the sheriff may conduct such other investigations as deemed necessary to determine the validity of the information alleged on the form. When the sheriff or sheriff's representative is reasonably satisfied as to the truth of such information, the form shall be validated with the sheriff's validation stamp provided by the department of natural resources. Upon validation, the form shall become the harvesting permit authorizing the harvesting, possession and/or transportation of



specialized forest products. One copy of the permit shall be given or mailed to the permittee, ~~((the duplicate to))~~ one copy shall be ~~((retained by))~~ given or mailed to the permittor, and the ~~((triplicate to))~~ original permit form shall be filed ~~((by the permittee))~~ in the office of the county sheriff in whose county the land is situated: PROVIDED, That in the event a single land ownership is situated in two or more counties, a harvesting permit shall be completed as to the land situated in each such county. While engaged in harvesting of specialized forest products, permittees or their agents must have in their possession a true copy of the harvesting permit.

Sec. 6. Section 8, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.070 are each amended to read as follows:

(1) Except ~~((that))~~ as provided in RCW 76.48.100 and except while on federal lands, it shall be unlawful for any person (a) to possess, and/or (b) to transport ~~((over the public roads of))~~ within the state of Washington, subject to any additional conditions specified on the harvesting permit by the permittor, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage ~~((or huckleberry, more than five pieces of split)),~~ any processed cedar products, or more than five pounds of Cascara bark which have been ~~((cut, picked, or collected))~~ harvested within the state of Washington without having in his possession a written sales invoice, bill of lading, or harvesting permit or a true copy thereof bearing an original signature of the permittee evidencing his title to or authority to have possession of specialized forest products being so possessed or so transported~~((: PROVIDED, That, with respect to specialized forest products harvested on lands under the ownership or management of an agency of the United States, such specialized forest products may be so transported under the authority of such written permit or other written document as is customarily used by the agency concerned))~~.

(2) Except while on federal lands, it shall be unlawful for any person (a) to possess and/or (b) to transport within the state of Washington any cedar products except processed cedar products, or any cedar salvage without having in his possession a harvesting permit or a true copy thereof evidencing his title to or authority to have possession of the materials being so possessed or so transported.

Sec. 7. Section 11, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.100 are each amended to read as follows:

The provisions of ~~((RCW 76.48.070, 76.48.080, and 76.48.090))~~ this chapter shall not apply to:

(1) ~~((The transportation of))~~ Nursery grown products.

(2) ~~((The transportation of))~~ Logs, poles, pilings, or other major forest products from which substantially all of the limbs and branches have been removed when harvested (a) under an approved forest practices application or notification, or (b) under a contract or permit issued by an agency of the United States government.

(3) The activities of a landowner, his agent, or representative, or of a lessee of land in carrying on noncommercial property management, maintenance, or improvements on or in connection with ~~((his land))~~ the land of such landowner or lessee.

Sec. 8. Section 12, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.110 are each amended to read as follows:

Whenever any law enforcement officer (~~(believes)~~) has probable cause to believe that a person is harvesting~~((, cutting, destroying, mutilating, prying, picking, peeling, breaking, removing,))~~ or is in possession of or transporting specialized forest products in violation of the provisions of this chapter, he may, at the time of making an arrest, seize and take possession of any such specialized forest products found. The law enforcement officer shall provide reasonable protection for the specialized forest products involved during the period of litigation or he shall ~~((set))~~ dispose of such specialized forest products at the discretion or order of the court before which the arrested person is ordered to appear.

Upon any disposition of the case by the court, the court shall make a reasonable effort to return the ~~((net))~~ specialized forest products to their rightful owner or pay the proceeds of any sale of specialized forest products ~~((sold))~~ less any reasonable expenses of such sale to the rightful owner. If for any reason, the proceeds of such sale cannot be disposed of to the rightful owner, such proceeds, less the reasonable expenses of the sale, shall be paid to the treasurer of the county in which the specialized forest products are sold. The county treasurer shall deposit the same in the county general fund. The return of the specialized forest products or the payment of the proceeds of any sale of products seized~~((;))~~ to the owner shall not preclude the court from imposing any fine or penalty upon the violator for the violation of the provisions of this chapter.

Sec. 9. Section 13, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.120 are each amended to read as follows:

It shall be unlawful for any person, upon official inquiry, investigation, or other authorized proceedings, to offer as genuine any paper, document, or other instrument in writing purporting to be a harvesting permit, or true copy thereof, sales invoice, or bill of lading, ~~((or similar documentary authority issued by an agency of the United States, as required by this chapter,))~~ or to make any representation of authority to conduct harvesting or transporting of specialized forest products, knowing the same to be in any manner false, fraudulent, ~~((or))~~ forged, or stolen.

Any person who violates this section shall be guilty of forgery, and shall be punished as a class C felony providing for imprisonment in a state correctional institution for a maximum term fixed by the court of not more than five years or by a fine of not more than five thousand dollars, or by both such imprisonment and fine.

Sec. 10. Section 14, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.130 are each amended to read as follows:

Any person who violates any provision of this chapter, other than the provisions contained in RCW 76.48.120, as now or hereafter amended, shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not ~~((less than twenty-five dollars nor))~~ more than ~~((two hundred and fifty))~~ one thousand dollars or by imprisonment in the county jail for not to exceed ~~((ninety days))~~ one year or by both such fine and imprisonment.

NEW SECTION. Sec. 11. There is added to chapter 47, Laws of 1967 ex. sess. and to chapter 76.48 RCW a new section to read as follows:

Cedar processors shall maintain a record of the purchase, taking possession, or retention of cedar products and cedar salvage for at least one year after the date of

receipt. The record shall be legible and shall include the date of delivery, the license number of the vehicle delivering the products, and the harvesting permit number.

NEW SECTION. Sec. 12. There is added to chapter 47, Laws of 1967 ex. sess. and to chapter 76.48 RCW a new section to read as follows:

It shall be unlawful for any cedar processor to purchase cedar products subsequent to the harvest and prior to the retail sale of such products, unless the supplier of such products displays either a harvesting permit which appears to be valid or what appears to be a true copy of such a permit bearing an original signature of the permittee.

NEW SECTION. Sec. 13. There is added to chapter 47, Laws of 1967 ex. sess. and to chapter 76.48 RCW a new section to read as follows:

Every cedar processor shall prominently display a valid registration certificate obtained from the department of revenue pursuant to RCW 82.32.030 at each location where such processor receives cedar products.

Permittees shall sell cedar products only to processors displaying registration certificates which appear to be valid.

NEW SECTION. Sec. 14. There is added to chapter 47, Laws of 1967 ex. sess. and to chapter 76.48 RCW a new section to read as follows:

Following the stipulated use of a true copy of a harvesting permit, an agent of a permittee shall surrender said copy to the permittee. A wilful failure to surrender the same to the permittee is a gross misdemeanor and punishable as provided by law.

NEW SECTION. Sec. 15. There is added to chapter 47, Laws of 1967 ex. sess. and to chapter 76.48 RCW a new section to read as follows:

All fines collected for violations of any provision of this 1977 amendatory act shall be paid into the general fund of the county treasury of the county in which the violation occurred.

NEW SECTION. Sec. 16. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House April 14, 1977.

Passed the Senate May 24, 1977.

Approved by the Governor June 2, 1977.

Filed in Office of Secretary of State June 2, 1977.

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## CHAPTER 148

[House Bill No. 921]

### FORK LIFTS—LICENSES—BRAKES

AN ACT Relating to fork lifts; amending section 46.16.010, chapter 12, Laws of 1961 as last amended by section 2, chapter 17, Laws of 1973 1st ex. sess. and RCW 46.16.010; and amending section 46.37.340, chapter 12, Laws of 1961 as last amended by section 49, chapter 170, Laws of 1965 ex. sess. and RCW 46.37.340.

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

Section 1. Section 46.16.010, chapter 12, Laws of 1961 as last amended by section 2, chapter 17, Laws of 1973 1st ex. sess. and RCW 46.16.010 are each amended to read as follows:

It shall be unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided: PROVIDED, That these provisions shall not apply to farm vehicle as defined in RCW 46.04.181 if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law: PROVIDED FURTHER, That these provisions shall not apply to spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of spray and fertilizer applicator rigs and not used, designed or modified primarily for the purpose of transportation: PROVIDED FURTHER, That these provisions shall not apply to fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to equipment defined as follows:

"Special highway construction equipment" is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of the legal width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (3) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Sec. 2. Section 46.37.340, chapter 12, Laws of 1961 as last amended by section 49, chapter 170, Laws of 1965 ex. sess. and RCW 46.37.340 are each amended to read as follows:

Every motor vehicle, trailer, semitrailer and pole trailer, and any combination of such vehicle operating upon a highway within this state shall be equipped with brakes in compliance with the requirements of this chapter.

(1) Service brakes—adequacy. Every such vehicle and combination of vehicles, except special mobile equipment as defined in RCW 46.04.552, shall be equipped with service brakes complying with the performance requirements of RCW 46.37.351 and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

(2) Parking brakes—adequacy. Every such vehicle and combination of vehicles, except motorcycles and motor-driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(3) Brakes on all wheels. Every vehicle shall be equipped with brakes acting on all wheels except:

(a) Trailers, semitrailers, or pole trailers of a gross weight not exceeding three thousand pounds, provided that:

(i) The total weight on and including the wheels of the trailer or trailers shall not exceed forty percent of the gross weight of the towing vehicle when connected to the trailer or trailers, and

(ii) The combination of vehicles consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of RCW 46.37.351.

(b) Trailers, semitrailers, or pole trailers manufactured and assembled prior to July 1, 1965 shall not be required to be equipped with brakes when the total weight on and including the wheels of the trailer or trailers does not exceed two thousand pounds.

(c) Any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of RCW 46.37.351.

(d) Trucks and truck-tractors having three or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. However, such trucks and truck-tractors must be capable of complying with the performance requirements of RCW 46.37.351.

(e) Special mobile equipment as defined in RCW 46.04.552.

(f) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a motor-driven cycle need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of RCW 46.37.351.

(g) For a forklift manufactured after January 1, 1970, and being towed, wheels need not have brakes except for those on the rearmost axle so long as such brakes, together with the brakes on the towing vehicle, shall be adequate to stop the combination within the stopping distance requirements of RCW 46.37.351.

(4) Automatic trailer brake application upon breakaway. Every trailer, semitrailer, and pole trailer equipped with air or vacuum actuated brakes and every trailer, semitrailer, and pole trailer with a gross weight in excess of three thousand pounds, manufactured or assembled after January 1, 1964, shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied for at least fifteen minutes, upon breakaway from the towing vehicle.

(5) Tractor brakes protected. Every motor vehicle manufactured or assembled after January 1, 1964, and used to tow a trailer, semitrailer or pole trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(6) Trailer air reservoirs safeguarded. Air brake systems installed on trailers manufactured or assembled after January 1, 1964, shall be so designed that the supply reservoir used to provide air for the brakes shall be safeguarded against backflow of air from the reservoir through the supply line.

(7) Two means of emergency brake operation.

(a) Air brakes. After January 1, 1964, every towing vehicle, when used to tow another vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, shall be equipped with two means for emergency application of the trailer brakes. One of these means shall apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure which shall be not lower than twenty pounds per square inch nor higher than forty-five pounds per square inch. The other means shall be a manually controlled device for

applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

(b) Vacuum brakes. After January 1, 1964, every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or towaway operations, shall have, in addition to the single control device required by subsection (8) of this section, a second control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic and other pressure, and independent of other controls, unless the braking system be so arranged that failure of the pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(8) Single control to operate all brakes. After January 1, 1964, every motor vehicle, trailer, semitrailer and pole trailer, and every combination of such vehicles, except motorcycles and motor-driven cycles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control in the towing vehicle.

(9) Reservoir capacity and check valve.

(a) Air brakes. Every bus, truck or truck-tractor with air operated brakes shall be equipped with at least one reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cut-out setting, a full service brake application may be made without lowering such reservoir pressure by more than twenty percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.

(b) Vacuum brakes. After January 1, 1964, every truck with three or more axles equipped with vacuum assist type brakes and every truck-tractor and truck used for towing a vehicle equipped with vacuum brakes shall be equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than forty percent.

(c) Reservoir safeguarded. All motor vehicles, trailers, semitrailers and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

(10) Warning devices.

(a) Air brakes. Every bus, truck or truck-tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle, shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the

driver, which will operate at any time the air reservoir pressure of the vehicle is below fifty percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

(b) Vacuum brakes. After January 1, 1964, every truck-tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than eight inches of mercury.

(c) Combination of warning devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement.

Passed the House April 13, 1977.

Passed the Senate May 24, 1977.

Approved by the Governor June 2, 1977.

Filed in Office of Secretary of State June 2, 1977.

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## CHAPTER 149

[Engrossed Substitute Senate Bill No. 2731]

### JOURNEYMAN OR SPECIALTY PLUMBERS—CERTIFICATE OF COMPETENCY— FEES—PENALTIES

AN ACT Relating to plumbing; amending section 1, chapter 175, Laws of 1973 1st ex. sess. as amended by section 1, chapter 71, Laws of 1975 1st ex. sess. and RCW 18.106.010; amending section 2, chapter 175, Laws of 1973 1st ex. sess. as amended by section 2, chapter 71, Laws of 1975 1st ex. sess. and RCW 18.106.020; amending section 3, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.030; amending section 4, chapter 175, Laws of 1973 1st ex. sess. as amended by section 3, chapter 71, Laws of 1975 1st ex. sess. and RCW 18.106.040; amending section 5, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.050; amending section 6, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.060; amending section 7, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.070; amending section 9, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.090; amending section 10, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.100; amending section 16, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.160; adding a new section to chapter 18.106 RCW; and prescribing penalties.

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

Section 1. Section 1, chapter 175, Laws of 1973 1st ex. sess. as amended by section 1, chapter 71, Laws of 1975 1st ex. sess. and RCW 18.106.010 are each amended to read as follows:

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

- (1) "Advisory board" means the state advisory board of plumbers;
- (2) "Department" means the department of labor and industries;
- (3) "Director" means the director of department of labor and industries;



(4) "Journeyman plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter;

(5) "Specialty plumber" means anyone who has been issued a specialty certificate of competency limited to installation, maintenance, and repair of the plumbing of single family dwellings, duplexes, and apartment buildings which do not exceed three stories;

(6) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems and liquid waste systems within a building: PROVIDED, That installation in a water system of water softening or water treatment equipment shall not be within the meaning of plumbing as used in this chapter;

~~((6))~~ (7) "Local enforcement agency" shall mean any local governmental agency involved in the enforcement of plumbing codes and the issuance and enforcement of journeyman plumbers' licenses licensing.

Sec. 2. Section 2, chapter 175, Laws of 1973 1st ex. sess. as amended by section 2, chapter 71, Laws of 1975 1st ex. sess. and RCW 18.106.020 are each amended to read as follows:

No person shall engage in the ~~((business or))~~ trade of plumbing as a journeyman or as a specialty plumber without having a current certificate of competency issued by the department in accordance with the provisions of this chapter.

Sec. 3. Section 3, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.030 are each amended to read as follows:

Any person desiring to be issued a certificate of competency as provided in this chapter shall deliver evidence in a form prescribed by the department affirming that said person has had sufficient experience in as well as demonstrated general competency in the trade of plumbing or specialty plumbing so as to qualify him to make an application for a certificate of competency as a journeyman plumber or specialty plumber: PROVIDED, That completion of a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the coordinating council on occupational education shall constitute sufficient evidence of experience and competency to enable such person to make application for a certificate of competency.

In addition to supplying the evidence as prescribed in this section, each applicant for a certificate of competency shall submit an application for such certificate on such form and in such manner as shall be prescribed by the director of the department.

Sec. 4. Section 4, chapter 175, Laws of 1973 1st ex. sess. as amended by section 3, chapter 71, Laws of 1975 1st ex. sess. and RCW 18.106.040 are each amended to read as follows:

Upon receipt of the application and evidence set forth in RCW 18.106.030, the director shall review the same and make a determination as to whether the applicant is eligible to take an examination for the certificate of competency. To be eligible to take the examination ~~((the applicant must have worked under the supervision of a journeyman plumber certified under this chapter or have))~~ each

applicant for a journeyman plumber's certificate of competency shall furnish written evidence that he has either completed a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the coordinating council on occupational education; or that he has four or more years of experience under the direct supervision of a licensed journeyman plumber. Each applicant for a specialty plumber's certificate of competency shall furnish written evidence that he has either completed a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the commission for vocational education or its designee, or that he has had at least three years practical experience in his specialty. No other requirement for eligibility may be imposed. The director shall establish reasonable rules and regulations for the examinations to be given applicants for certificates of competency. In establishing said rules, regulations, and criteria, the director shall consult with the state advisory board of plumbers as established in RCW 18.106.110. Upon determination that the applicant is eligible to take the examination, the director shall so notify him, indicating the time and place for taking the same.

Sec. 5. Section 5, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.050 are each amended to read as follows:

The department, in coordination with the advisory board, shall prepare a written examination to be administered to applicants for certificates of competency for journeyman plumber and specialty plumber. The examination shall be so constructed to determine:

(1) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that is identified with the status of journeyman plumber or specialty plumber; and

(2) Whether the applicant is sufficiently familiar with the applicable plumbing codes and the administrative rules and regulations of the department pertaining to plumbing and plumbers.

The department shall administer the examination to persons eligible to take the same under the provisions of RCW 18.106.040. All applicants shall, before taking such examination, pay to the department a (~~fifteen~~) twenty-five dollar fee: PROVIDED, That any applicant taking said examination shall pay only such additional fee as is necessary to cover the costs of administering such additional examination as determined by the advisory board.

The department shall certify the results of said examination, and shall notify the applicant whether he has passed or failed. Any applicant who has failed the examination may petition the department to retake the examination, upon such terms and after such period of time as the director, in cooperation with the advisory board, shall deem necessary and proper.

Sec. 6. Section 6, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.060 are each amended to read as follows:

Any local enforcement agency certified by the state shall hold written examinations for licensing journeyman plumbers or specialty plumbers and shall retain fifty percent of the fees collected for the administration of such examinations. All such examinations given shall be developed by the state agency and shall be uniform throughout the state. The initial issuance of licenses and renewals shall be

made by any certified local enforcement agency or the state, and fifty percent of such fees shall be retained by the certified local issuing agency.

Sec. 7. Section 7, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.070 are each amended to read as follows:

The department shall issue a certificate of competency to all applicants who have passed the examination provided in RCW 18.106.050 and 18.106.060 as now or hereafter amended, and who have otherwise complied with the provisions of this chapter and the rules and regulations promulgated thereto. The certificate shall bear the date of issuance, and shall expire on the first of July immediately following the date of issuance. The certificate shall be renewable annually, upon application, on or before the first of July. An annual renewal fee of ~~((fifteen))~~ twenty-five dollars shall be assessed for each certificate.

The certificates of competency or permits provided for in this chapter shall grant the holder the right to engage in the work of plumbing as a journeyman plumber or specialty plumber in accordance with its provisions throughout the state and within any of its political subdivisions on any job or any employment without additional proof of competency or any other license or permit or fee to engage in such work: PROVIDED, HOWEVER, That this shall not preclude employees from adhering to a union security clause in any employment where such a requirement exists.

Sec. 8. Section 9, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.090 are each amended to read as follows:

The department is authorized to grant and issue temporary permits in lieu of certificates of competency whenever a plumber coming into the state of Washington from another state requests the department for a temporary permit to engage in the ~~((business and))~~ trade of plumbing as a journeyman plumber or as a specialty plumber during the period of time between filing of an application for a certificate as provided in RCW 18.106.030 as now or hereafter amended and taking the examination provided for in RCW 18.106.050 and 18.106.060 as now or hereafter amended: PROVIDED, That no temporary permit shall be issued to:

- (1) Any person who has failed to pass the examination for a certificate of competency;
- (2) Any applicant under this section who has not furnished the department with such evidence required under RCW 18.106.030;
- (3) To any apprentice plumber.

Sec. 9. Section 10, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.100 are each amended to read as follows:

- (1) The department may revoke any certificate of competency upon the following grounds:
  - (a) The certificate was obtained through error or fraud;
  - (b) The holder thereof is judged to be incompetent to carry on the ~~((business and))~~ trade of plumbing as a journeyman plumber or specialty plumber;
  - (c) The holder thereof has violated any of the provisions of this chapter or any rule or regulation promulgated thereto.

(2) Before any certificate of competency shall be revoked, the holder thereof shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to said holder's last known address. Said notice shall enumerate the allegations against such holder, and shall give him the opportunity to request a hearing before the advisory board. At such hearing, the department and the holder shall have opportunity to produce witnesses and give testimony. The hearing shall be conducted in accordance with the provisions of chapter 34.04 RCW. The board shall render its decision based upon the testimony and evidence presented, and shall notify the parties immediately upon reaching its decision. A majority of the board shall be necessary to render a decision.

Sec. 10. Section 16, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106-.160 are each amended to read as follows:

~~((Violation of this chapter or of the department rules and regulations provided for in this chapter by a person, firm, or corporation, shall be punishable by a fine of not more than fifty dollars. Each day of such violation constitutes a separate offense))~~ The attorney general or the appropriate county prosecutor may bring a civil action in the superior court to enforce the provisions of this chapter and the rules and regulations promulgated thereunder and may recover as damages on behalf of the state of Washington a civil penalty of one hundred dollars per day of each violation, not to exceed the sum of five hundred dollars per violation.

NEW SECTION. Sec. 11. There is added to chapter 18.106 RCW a new section to read as follows:

The director may, upon payment of the appropriate fees, grant a certificate of competency without examination to any applicant who is a registered journeyman plumber or specialty plumber in any other state whose requirements for registration are at least substantially equivalent to the requirements of this state, and which extends the same privileges of reciprocity to journeymen plumbers or specialty plumbers registered in this state.

Passed the Senate May 2, 1977.

Passed the House May 24, 1977.

Approved by the Governor June 2, 1977.

Filed in Office of Secretary of State June 2, 1977.

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## CHAPTER 150

[Engrossed Senate Bill No. 2453]

### SMALL LOAN COMPANIES

AN ACT Relating to small loan companies; amending section 2, chapter 208, Laws of 1941 as amended by section 1, chapter 212, Laws of 1959 and RCW 31.08.020; amending section 3, chapter 208, Laws of 1941 as amended by section 2, chapter 212, Laws of 1959 and RCW 31.08.030; amending section 4, chapter 208, Laws of 1941 and RCW 31.08.050; amending section 6, chapter 208, Laws of 1941 and RCW 31.08.070; amending section 7, chapter 208, Laws of 1941 and RCW 31.08.080; amending section 8, chapter 208, Laws of 1941 and RCW 31.08.090; amending section 12, chapter 208, Laws of 1941 as amended by section 4, chapter 212, Laws of 1959 and RCW 31.08.150; amending section 13, chapter 208, Laws of 1941 as amended by section 5, chapter 212, Laws of 1959 and RCW 31.08.160; amending section 10, chapter 212, Laws of 1959 and RCW 31.08.173; amending section 15, chapter 208, Laws of 1941 as amended by section 7, chapter 212, Laws of 1959 and RCW 31.08.180; amending section 16, chapter 208, Laws of 1941 as amended by section

8, chapter 212, Laws of 1959 and RCW 31.08.190; and amending section 17, chapter 208, Laws of 1941 as last amended by section 1, chapter 180, Laws of 1967 and RCW 31.08.200.

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

Section 1. Section 2, chapter 208, Laws of 1941 as amended by section 1, chapter 212, Laws of 1959 and RCW 31.08.020 are each amended to read as follows:

No person shall engage in the business of making secured or unsecured loans of money, credit, goods, or things in action in the amount or of the value of ~~((one))~~ two thousand five hundred dollars or less and charge, contract for, or receive a greater rate of interest, discount, or consideration therefor than the lender would be permitted by law to charge if he were not a licensee hereunder except as authorized by this chapter and without first obtaining a license from the supervisor.

Sec. 2. Section 3, chapter 208, Laws of 1941 as amended by section 2, chapter 212, Laws of 1959 and RCW 31.08.030 are each amended to read as follows:

Application for such license shall be in writing, under oath, and in the form, if any, prescribed by the supervisor, and shall contain the name and the address (both of the residence and place of business) of the applicant, and if the applicant is a copartnership or association, of every member thereof, and if a corporation, of each officer and director thereof; also the county and municipality with street and number, if any, where the business is to be conducted and such further relevant information as the supervisor may require. Such applicant at the time of making such application shall pay to the supervisor the sum of ~~((one hundred))~~ two hundred and fifty dollars as a fee for investigating the application and the additional sum of ~~((fifty))~~ one hundred dollars as an annual license fee for a period terminating on the last day of the current calendar year ~~((:PROVIDED, That if the application is filed after June 30th in any year such additional sum shall be only twenty-five dollars))~~.

Every applicant shall also prove, in form satisfactory to the supervisor, that he or it has available for the operation of such business at the location specified in the application, liquid assets of at least ~~((ten))~~ fifty thousand dollars.

At the time of filing of the application, the applicant shall also file with the supervisor a bond to be approved by the supervisor in the penal sum of one thousand dollars, executed by the applicant as obligor and by a surety company authorized to do a surety business in this state as surety, whose liability as such surety shall not exceed the said sum in the aggregate. Such bond shall run to the state of Washington as obligee for the use and benefit of the state and of any person or persons who may have cause of action against the obligor of said bond under the provisions of this chapter. Such bond shall be conditioned that said obligor as licensee hereunder will faithfully conform to and abide by the provisions of this chapter and of all general rules and regulations lawfully made by the supervisor hereunder and will pay to the state and any such person or persons any and all moneys that may become due and owing to the state from such obligor under and by virtue of the provisions of this chapter.

Sec. 3. Section 4, chapter 208, Laws of 1941 and RCW 31.08.050 are each amended to read as follows:

Upon the filing of such application and the payment of such fees and the approval of such bond the supervisor shall investigate the facts and if he shall find

that the financial responsibility, experience, character, and general fitness of the applicant, and of the members thereof if the applicant be a copartnership or association, and of the officers and directors thereof if the applicant be a corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purposes of this chapter, and that allowing such applicant to engage in business, will promote the convenience and advantage of the community in which the business of the applicant is to be conducted, and that the applicant has available for the operation of such business at the specified location liquid assets of at least ~~((ten))~~ fifty thousand dollars, (the foregoing facts being conditions precedent to the issuance of a license under this chapter), he shall thereupon issue and deliver a license to the applicant to make loans in accordance with the provisions of this chapter at the location specified in the said application, which license shall remain in full force and effect until it is surrendered by the licensee or revoked or suspended as hereinafter provided; if the supervisor shall not so find he shall not issue such license and he shall notify the applicant of the denial and return to the applicant the bond and sum paid by the applicant as a license fee, retaining the ~~((fifty))~~ two hundred and fifty dollars investigation fee to cover the costs of investigating the application. The supervisor shall approve or deny every application for license hereunder within sixty days from the filing thereof with the said fees and the said approved bond.

If the application is denied, the supervisor shall within twenty days thereafter file with the division of banking of the department of ~~((finance, budget and business))~~ general administration his order of denial together with his findings with respect thereto and the reasons supporting the order, and forthwith serve upon the applicant a copy thereof, from which order the applicant may ~~((appeal as provided in RCW 31.08.260))~~ request a hearing and appeal pursuant to chapter 34.04 RCW.

Sec. 4. Section 6, chapter 208, Laws of 1941 and RCW 31.08.070 are each amended to read as follows:

If the supervisor shall find at any time that the bond is insecure, depleted, exhausted, or otherwise doubtful, an additional bond of the character specified in RCW 31.08.030, to be approved by him, in the sum of not more than one thousand dollars, shall be filed by the licensee within ten days after written demand upon the licensee by the supervisor.

Every licensee shall maintain at all times assets of at least ~~((ten))~~ fifty thousand dollars for each licensed place of business either in liquid form available for the operation of or actually used in the conduct of such business at the location specified in the license.

Sec. 5. Section 7, chapter 208, Laws of 1941 and RCW 31.08.080 are each amended to read as follows:

Not more than one place of business shall be maintained under the same license, but the supervisor may issue more than one license to the same licensee upon compliance with all the provisions of this chapter governing an original issuance of a license, for each such new license.

Whenever a licensee shall wish to change his place of business to a street address other than that designated in his license he shall give written notice thereof to the supervisor ~~((who))~~ and shall pay to the supervisor an investigation fee of one

hundred dollars. Upon receipt of such notice and fee the supervisor shall investigate the facts, and, if he shall find that allowing such licensee to engage in business in such new location will promote the convenience and advantage of the community in which the licensee desires to conduct his business, he shall attach to the license in writing his approval of the change and the date thereof, which shall be authority for the operation of such business under such license at such new location. If the supervisor shall not so find he shall deny the licensee permission so to change the location of his place of business, in the manner specified and subject to the provisions contained in the last paragraph of RCW 31.08.050.

Sec. 6. Section 8, chapter 208, Laws of 1941 and RCW 31.08.090 are each amended to read as follows:

Every licensee shall, for each license held by him, on or before the twentieth day of each December, pay to the supervisor the sum of ~~((fifty))~~ one hundred dollars as an annual license fee and shall at the same time file with the supervisor a bond to be approved by the supervisor in the same amount and of the same character as required by RCW 31.08.030.

Sec. 7. Section 12, chapter 208, Laws of 1941 as amended by section 4, chapter 212, Laws of 1959 and RCW 31.08.150 are each amended to read as follows:

No licensee or other person shall advertise, print, display, publish, distribute, broadcast, or televise or cause or permit to be advertised, printed, displayed, published, distributed, broadcast, or televised in any manner whatsoever any false, misleading, or deceptive statement or representation with regard to the rates, terms, or conditions for the lending of money, credit, goods, or things in action in the amount or of the value of ~~((one))~~ two thousand five hundred dollars or less. The supervisor may order any licensee to desist from any conduct which he shall find to be a violation of the foregoing provisions.

The supervisor may require that rates of charge, if stated by a licensee, be stated fully and clearly in such manner as he may deem necessary to prevent misunderstanding thereof by prospective borrowers.

No licensee shall conduct the business of making loans under this chapter within any office, room, or place of business in which any other business is solicited or transacted, or in association or conjunction therewith, if the supervisor shall find, after five days' written notice and after a hearing that the solicitation or transaction of such other business conceals evasion of this chapter by the licensee or is of such nature that such solicitation or transaction would facilitate evasion of this chapter or of the general rules and regulations lawfully made hereunder, and shall order such licensee in writing to desist from such conduct.

No licensee shall conduct, or advertise such business or make any loan provided for by this chapter under any other name or at any other place of business than that named in a license issued under this chapter.

No licensee shall take any confession of judgment or any power of attorney to confess judgment. No licensee shall take any note, promise to pay, or other obligation signed by the borrower that does not accurately disclose the actual amount of the loan, the time for which it is made, and the agreed rate of charge, nor any instrument in which blanks are left to be filled in after the proceeds of the loan are delivered. When charges are precomputed, as permitted by subsection (3) of RCW 31.08.160, the note shall disclose the amount of the precomputed charge.

Sec. 8. Section 13, chapter 208, Laws of 1941 as amended by section 5, chapter 212, Laws of 1959 and RCW 31.08.160 are each amended to read as follows:

(1) Every licensee hereunder may lend any sum of money not to exceed ~~((one))~~ two thousand five hundred dollars in amount and may charge, contract for, and receive thereon charges at a rate not exceeding ~~((three))~~ two and one-half percent per month on that part of the unpaid principal balance of any loan not in excess of ~~((three))~~ five hundred dollars, one and one-half percent per month on that part of the unpaid principal balance of any loan in excess of ~~((three))~~ five hundred dollars and not in excess of ~~((five hundred))~~ one thousand dollars, and one percent per month on any remainder of such unpaid principal balance(~~(- PROVIDED, HOWEVER, That in lieu of said charges a licensee may charge one dollar per month, or fraction thereof, when said charges computed at the said rate amount to less than one dollar. AND PROVIDED FURTHER, That such charge of one dollar shall not be collected on more than one loan nor more than once from any one borrower during any period of one month))~~).

(2) Charges on loans made under this chapter shall not be paid, deducted, discounted, or received in advance, or compounded, but the rate of charge authorized by this section may be precomputed as provided in subsection (3) of this section. Charges on loans made under this chapter, ~~((excepting the minimum charge of one dollar provided in this section and excepting))~~ except as permitted by subsection (3) hereof, (a) shall be computed and paid only as a percentage per month of the unpaid principal balance or portions thereof, and (b) shall be so expressed in every obligation signed by the borrower. For the purpose of this section a month shall be that period of time from any date in a month to the corresponding date in the next month and if there is no such corresponding date then to the last day of the next month; and a day shall be considered one-thirtieth of a month when computation is made for a fraction of a month.

(3) When the loan contract requires repayment in substantially equal and consecutive monthly installments of principal and charges combined, the charges may be precomputed at the monthly rate on scheduled unpaid principal balances according to the terms of the contract and added to the principal of the loan. Every payment may be applied to the combined total of principal and precomputed charge until the contract is fully paid. The acceptance or payment of charges on loans made under the provisions of this subsection shall not be deemed to constitute payment, deduction, or receipt thereof in advance nor compounding under subsection (2) above. Such precomputed charge shall be subject to the following adjustments:

(a) The portion of the precomputed charge applicable to any particular monthly installment period shall bear the same ratio to the total precomputed charge, excluding any adjustment made under paragraph (f) of this subsection, as the balance scheduled to be outstanding during that monthly period bears to the sum of all monthly balances scheduled originally by the contract of loan.

(b) If the loan contract is prepaid in full by cash, a new loan, refinancing, or otherwise before the final installment date, the portion of the precomputed charge applicable to the full installment periods following the installment date nearest the date of such prepayment shall be rebated. In computing any required rebate, any prepayment made on or before the fifteenth day following an installment date shall



be deemed to have been made on the installment date preceding such prepayment. If prepayment in full occurs before the first installment date an additional rebate of one-thirtieth of the portion of the precomputed charge applicable to a first installment period of one month shall be made for each day from the date of such prepayment to the first scheduled installment date. If judgment is obtained before the final installment date, the contract balance shall be reduced by the rebate of precomputed charge which would be required for prepayment in full as of the date judgment is obtained.

(c) If the payment date of all wholly unpaid installments on which no default charge has been collected is deferred one or more full months and the contract so provides, the licensee may charge and collect a deferment charge. Such deferment charge shall not exceed the portion of the precomputed charge applicable under the original contract of loan to the first month of the deferment period multiplied by the number of months in said period. The deferment period is the month or months in which no scheduled payment has been made or in which no payment is to be required by reason of the deferment. In computing any default charge, or required rebate, the portion of the precomputed charge applicable to each deferred balance and installment period following the deferment period and prior to the deferred maturity shall remain the same as that applicable to such balances and periods under the original contract of loan. Such charge may be collected at the time of deferment or at any time thereafter. If a loan is prepaid in full during a deferment period, the borrower shall receive, in addition to the rebate required under paragraph (b) of this subsection, a rebate of that portion of the deferment charge applicable to any unexpired months of the deferment period.

(d) If the payment in full of any scheduled installment is in default more than seven days and the contract so provides, the licensee may charge and collect a default charge not exceeding an amount equal to the portion of the precomputed charge applicable to the final installment period. Said charge may not be collected more than once for the same default and may be collected when such default occurs or any time thereafter. If such default charge is deducted from any payment received after default occurs and such deduction results in the default of a subsequent installment, no charge may be made for the resulting default.

(e) If two or more full installments are in default for one full month or more at any installment date and if the contract so provides, the licensee may reduce the contract balance by the rebate which would be required for prepayment in full on such installment date. Thereafter, charges may be received at the agreed rate computed on actual unpaid balances of the contract for the time outstanding until the contract is fully paid. Charges so collected shall be in lieu of any deferment or default charges which otherwise would accrue on the contract after such installment date.

(f) A licensee and borrower may agree that the first installment due date may be not more than fifteen days more than one month and the amount of such installment may be increased by one-thirtieth of the portion of the precomputed charge applicable to a first installment of one month for each extra day.

(4) No licensee shall induce or permit any borrower to split up or divide any loan, nor induce or permit any person, nor any husband or wife jointly or severally, to become obligated, directly or contingently or both, under more than one contract

of loan at the same time, for the purpose or with the result of obtaining a higher rate of charge than would otherwise be permitted by this section. If part or all of the consideration for a loan contract is the unpaid principal balance of a prior loan with the same licensee, then the principal amount payable under such loan contract shall not include any unpaid charges on the prior loan, except charges which have accrued within sixty days before the making of such loan contract and may include the balance of a precomputed contract which remains after giving the rebate required by subsection (3) hereof.

(5) No licensee shall directly or indirectly charge, contract for, or receive any charges or fees except charges authorized by this chapter and the lawful fees, if any, actually and necessarily paid out by the licensee to any public officer for the transferring of title or for filing, recording, or releasing in any public office, any instrument securing the loan, which fees may be collected when the loan is made, or at any time thereafter. A bona fide error in the calculation of charges or in the recording of such charges in any statement or receipt delivered to the borrower or in the licensee's records shall not be deemed to be a violation of this chapter if the licensee corrects the error.

Sec. 9. Section 10, chapter 212, Laws of 1959 and RCW 31.08.173 are each amended to read as follows:

No contract made by a licensee under this chapter shall provide for a final maturity more than (~~twenty-five~~) forty-eight and one-half months from the date of making such contract.

Sec. 10. Section 15, chapter 208, Laws of 1941 as amended by section 7, chapter 212, Laws of 1959 and RCW 31.08.180 are each amended to read as follows:

No licensee shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration greater than the lender would be permitted by law to charge if he were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit, of the amount or value of more than (~~one~~) two thousand five hundred dollars, exclusive of charges permitted by RCW 31.08.160.

Sec. 11. Section 16, chapter 208, Laws of 1941 as amended by section 8, chapter 212, Laws of 1959 and RCW 31.08.190 are each amended to read as follows:

The payment of (~~one~~) two thousand five hundred dollars or less in money, credit, goods, or things in action, as consideration for any sale or assignment of, or order for, the payment of wages, salary, commissions, or other compensation for services, whether earned or to be earned, shall for the purpose of regulation under this chapter be deemed a loan secured by such assignment, and the amount by which such assigned compensation retained by the assignee at the completion of the transaction exceeds the total amount of such consideration actually paid by the assignee to the assignor shall for the purpose of regulation under this chapter be deemed interest or charges upon such loan. Such transaction shall be governed by and subject to the provisions of this chapter.

Sec. 12. Section 17, chapter 208, Laws of 1941 as last amended by section 1, chapter 180, Laws of 1967 and RCW 31.08.200 are each amended to read as follows:

No person except as authorized by this chapter shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration greater than the lender would be permitted by law to charge if he were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit of the amount or value of ~~((one))~~ two thousand five hundred dollars or less.

The foregoing prohibition shall apply to any person who by any device, subterfuge, or pretense whatsoever shall charge, contract for, or receive greater interest, consideration, or charges than is authorized by this chapter for any such loan, use, or forbearance of money, goods, or things in action or for any such loan, use, or sale of credit.

Interest rates for small loans as described in RCW 31.08.160 are hereby declared to be the maximum rates permissible under the public policy of the state of Washington. With respect to any loan of the amount or value of ~~((one))~~ two thousand five hundred dollars or less for which a greater rate of interest, consideration, or charges than is permitted by RCW 31.08.160 has been charged, contracted for, or received, the lender or his successor in interest shall not be entitled to collect or receive in this state: (1) any principal, interest, consideration or charges whatsoever if any part of the loan transaction occurred in this state; or (2) any interest, consideration or charges in excess of that stated in RCW 31.08.160 if no part of the loan transaction occurred in this state.

Passed the Senate May 24, 1977.

Passed the House May 23, 1977.

Approved by the Governor June 2, 1977.

Filed in Office of Secretary of State June 2, 1977.

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## CHAPTER 151

[Engrossed Substitute Senate Bill No. 2924]  
DEPARTMENT OF TRANSPORTATION

AN ACT Relating to transportation; creating a department of transportation and prescribing its general structure, personnel, powers, duties, and functions; transferring to the jurisdiction of the department of transportation and/or the secretary of transportation certain powers, duties, and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the planning and community affairs agency, and the canal commission; transferring to the jurisdiction of the secretary of transportation certain powers, duties, and functions of certain state officials, boards, and commissions; providing the procedure for the aforesaid transfers; saving certain rights; abolishing certain state agencies and offices; renaming Title 47 RCW and adding certain code chapters thereto; amending section 1, chapter 7, Laws of 1977 and RCW 43.17.010; amending section 2, chapter 7, Laws of 1977 and RCW 43.17.020; amending section 47.01.070, chapter 13, Laws of 1961 and RCW 47.01.070; amending section 7, chapter 74, Laws of 1967 and RCW 43.63A.070; amending section 46.44.080, chapter 12, Laws of 1961 as amended by section 1, chapter 15, Laws of 1973 2nd ex. sess. and RCW 46.44.080; amending section 46.44.090, chapter 12, Laws of 1961 as amended by section 13, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.090; amending section 46.44.091, chapter 12, Laws of 1961 as last amended by section 14, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.091; amending section 46.44.092, chapter 12, Laws of 1961 as last amended by section 15, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.092; amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 17, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.095; amending section 2, chapter 16, Laws of 1963 as last amended by section 1, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.405; amending section 3, chapter 16, Laws of 1963 as last amended by section 2, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.410; amending section 4, chapter 16, Laws of 1963 as amended by section 3, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.415; amending

section 6, chapter 16, Laws of 1963 as last amended by section 1, chapter 135, Laws of 1969 and RCW 46.61.425; amending section 46.48.041, chapter 12, Laws of 1961 as amended by section 4, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.430; amending section 46.48.080, chapter 12, Laws of 1961 and RCW 46.61.450; amending section 66, chapter 155, Laws of 1965 ex. sess. as amended by section 35, chapter 62, Laws of 1975 and RCW 46.61.570; amending section 67, chapter 155, Laws of 1965 ex. sess. as amended by section 36, chapter 62, Laws of 1975 and RCW 46.61.575; amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 2, chapter 100, Laws of 1975 1st ex. sess. and RCW 46.68.120; amending section 2, chapter 173, Laws of 1963 as amended by section 2, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.020; amending section 3, chapter 173, Laws of 1963 as last amended by section 1, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.030; amending section 7, chapter 173, Laws of 1963 as amended by section 7, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.070; amending section 47.12.010, chapter 13, Laws of 1961 as amended by section 4, chapter 108, Laws of 1967 and RCW 47.12.010; amending section 47.12.060, chapter 13, Laws of 1961 and RCW 47.12.060; amending section 47.12.070, chapter 13, Laws of 1961 as last amended by section 2, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.070; amending section 47.12.080, chapter 13, Laws of 1961 as amended by section 3, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.080; amending section 47.12.120, chapter 13, Laws of 1961 as amended by section 1, chapter 91, Laws of 1969 and RCW 47.12.120; amending section 47.12.130, chapter 13, Laws of 1961 as amended by section 4, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.130; amending section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140; amending section 47.12.150, chapter 13, Laws of 1961 as amended by section 5, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.150; amending section 2, chapter 281, Laws of 1961 and RCW 47.12.190; amending section 3, chapter 281, Laws of 1961 as amended by section 2, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.200; amending section 5, chapter 281, Laws of 1961 as amended by section 4, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.220; amending section 47.24.010, chapter 13, Laws of 1961 as amended by section 3, chapter 95, Laws of 1973 and RCW 47.24.010; amending section 20, chapter 83, Laws of 1967 ex. sess. as last amended by section 140, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 47.26.140; amending section 47.28.010, chapter 13, Laws of 1961 and RCW 47.28.010; amending section 47.36.020, chapter 13, Laws of 1961 and RCW 47.36.020; amending section 47.36.030, chapter 13, Laws of 1961 and RCW 47.36.030; amending section 47.52.027, chapter 13, Laws of 1961 and RCW 47.52.027; amending section 5, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.139; amending section 47.52.150, chapter 13, Laws of 1961 as amended by section 3, chapter 103, Laws of 1963 and RCW 47.52.150; amending section 47.52.180, chapter 13, Laws of 1961 as amended by section 3, chapter 77, Laws of 1977 and RCW 47.52.180; amending section 47.56.030, chapter 13, Laws of 1961 as last amended by section 3, chapter 180, Laws of 1969 ex. sess. and RCW 47.56.030; amending section 47.56.070, chapter 13, Laws of 1961 and RCW 47.56.070; amending section 47.56.080, chapter 13, Laws of 1961 and RCW 47.56.080; amending section 47.56.090, chapter 13, Laws of 1961 and RCW 47.56.090; amending section 47.56.120, chapter 13, Laws of 1961 and RCW 47.56.120; amending section 47.56.250, chapter 13, Laws of 1961 and RCW 47.56.250; amending section 3, chapter 257, Laws of 1961 as amended by section 3, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.56.254; amending section 1, chapter 18, Laws of 1935 as amended by section 58, chapter 292, Laws of 1971 ex. sess. and RCW 88.16.010; amending section 2, chapter 18, Laws of 1935 as last amended by section 178, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 88.16.020; amending section 5, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.050; adding a new section to chapter 1.08 RCW; adding a new section to chapter 14.04 RCW; adding a new section to chapter 1, Laws of 1961 and to chapter 41.06 RCW; adding new sections to chapter 13, Laws of 1961 and to chapter 47.01 RCW; adding new sections to Title 47 RCW; creating new sections; repealing section 3, chapter 165, Laws of 1947, section 1, chapter 68, Laws of 1967, section 9, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 14.04.030; repealing section 4, chapter 165, Laws of 1947, section 1, chapter 289, Laws of 1961, section 2, chapter 68, Laws of 1967, section 10, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 14.04.040; repealing section 5, chapter 165, Laws of 1947, section 5, chapter 75, Laws of 1977 and RCW 14.04.050; repealing section 47.01.010, chapter 13, Laws of 1961 and RCW 47.01.010; repealing section 47.01.020, chapter 13, Laws of 1961 and RCW 47.01.020; repealing section 47.01.030, chapter 13, Laws of 1961, section 1, chapter 1, Laws of 1965 ex. sess. and RCW 47.01.030; repealing section 47.01.040, chapter 13, Laws of 1961, section 31, chapter 170, Laws of 1965 ex. sess., section 138, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 47.01.040; repealing section 47.01.050, chapter 13, Laws of 1961 and RCW 47.01.050; repealing section 47.01.060, chapter 13, Laws of 1961 and RCW 47.01.060; repealing section 47.01.080, chapter 13, Laws of 1961 and RCW 47.01.080; repealing section 47.01.090, chapter 13, Laws of 1961 and RCW 47.01.090; repealing section 47.01.100, chapter 13, Laws of 1961 and RCW 47.01.100; repealing section 47.01.110, chapter 13, Laws of 1961 and RCW 47.01.110; repealing section 47.01.120, chapter 13, Laws of 1961 and RCW 47.01.120; repealing section 47.01.130, chapter 13, Laws of 1961, section 10, chapter 307, Laws of 1961 and RCW 47.01.130; repealing section 1, chapter 29, Laws of 1974 ex.

sess. and RCW 47.01.160; repealing section 10, chapter 278, Laws of 1961, section 30, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.034; repealing section 2, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.020; repealing section 3, chapter 123, Laws of 1965 ex. sess., section 1, chapter 36, Laws of 1967, section 181, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 91.12.030; repealing section 4, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.040; declaring an emergency; and providing an effective date.

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

**NEW SECTION.** Section 1. There is added to Title 47 RCW a new section to read as follows:

The legislature hereby recognizes the following imperative needs within the state: To create a state-wide transportation development plan which identifies present status and sets goals for the future; to coordinate transportation modes; to promote and protect land use programs required in local, state and federal law; to coordinate transportation with the economic development of the state; to supply a broad framework in which regional, metropolitan, and local transportation needs can be related; to facilitate the supply of federal and state aid to those areas which will most benefit the state as a whole; to provide for public involvement in the transportation planning and development process; to administer programs within the jurisdiction of this title relating to the safety of the state's transportation systems; and to coordinate and implement national transportation policy with the state transportation planning program.

The legislature finds and declares that placing all elements of transportation in a single department is fully consistent with and shall in no way impair the use of moneys in the motor vehicle fund exclusively for highway purposes.

Through this chapter, a unified department of transportation is created. To the jurisdiction of this department will be transferred the present powers, duties, and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, and the canal commission, and the transportation related powers, duties, and functions of the planning and community affairs agency.

**NEW SECTION.** Sec. 2. There is added to Title 47 RCW a new section to read as follows:

As used in this title unless the context indicates otherwise:

- (1) "Department" means the department of transportation created in section 3 of this 1977 amendatory act;
- (2) "Commission" means the transportation commission created in section 5 of this 1977 amendatory act;
- (3) "Secretary" means the secretary of transportation as provided for in section 4 of this 1977 amendatory act.

**NEW SECTION.** Sec. 3. There is added to Title 47 RCW a new section to read as follows:

(1) There is created a department of state government to be known as the department of transportation.

(2) All powers, duties, and functions vested by law in the department of highways, the state highway commission, the director of highways, the Washington toll bridge authority, the aeronautics commission, the director of aeronautics, and the canal commission, and the transportation related powers, duties, and functions of the planning and community affairs agency, are transferred to the jurisdiction of

the department, except those powers, duties, and functions which are expressly directed elsewhere in this or in any other act of the 1977 legislature.

(3) The urban arterial board and the board of pilotage commissioners are transferred to the jurisdiction of the department for their staff support and administration: **PROVIDED**, That nothing in this section shall be construed as transferring any policy making powers of the urban arterial board or the board of pilotage commissioners to the transportation commission or the department of transportation.

NEW SECTION. Sec. 4. There is added to Title 47 RCW a new section to read as follows:

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the transportation commission, and shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The secretary shall be an ex officio member of the commission without a vote. The secretary shall be the chief executive officer of the commission responsible only to it, and shall be guided by policies established by it. The secretary shall serve until removed by the commission, but only for incapacity, incompetence, neglect of duty, malfeasance in office, or failure to carry out the commission's policies. Before a motion for dismissal shall be acted on by the commission, the secretary shall be granted a hearing on formal written charges before the full commission. An action by the commission to remove the secretary shall be final.

NEW SECTION. Sec. 5. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

There is hereby created a transportation commission, which shall consist of seven members appointed by the governor, with the consent of the senate. The present five members of the highway commission shall serve as five initial members of the transportation commission until their terms of office as highway commission members would have expired. The additional two members provided herein for the transportation commission shall be appointed for initial terms to expire on June 30, 1982, and June 30, 1983. Thereafter all terms shall be for six years. No elective state official or state officer or state employee shall be a member of the commission, and not more than four members of the commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. At the time of appointment or thereafter during their respective terms of office, four members of the commission shall reside in the western part of the state and three members shall reside in the eastern part of the state as divided north and south by the summit of the Cascade mountains. No more than two members of the commission shall reside in the same county. Commissioners shall not be removed from office by the governor before the expiration of their terms unless for a disqualifying change of residence or for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston county upon petition and show cause proceedings duly brought therefor in said court and directed to the commissioner in question. No member shall be appointed for more than two consecutive terms.

**NEW SECTION.** Sec. 6. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

The commission shall meet at such times as it deems advisable but at least once every month. It may adopt its own rules and regulations and may establish its own procedure. It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an administrative secretary, and shall elect one of its members chairman for a term of one year. The chairman shall be able to vote on all matters before the commission.

Each member of the commission shall receive compensation of sixty dollars per day for each day actually spent in the performance of duties, and actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the secretary of transportation, but in no event shall a commissioner be compensated in any year for more than one hundred twenty days, except the chairman of the commission who may be paid compensation for not more than one hundred fifty days. Service on the commission shall not be considered as service credit for the purposes of any public retirement system.

**NEW SECTION.** Sec. 7. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the legislature designed to assure the development and maintenance of a comprehensive and balanced state-wide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the policies shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Propose a transportation policy for the state, and after notice and public hearings, submit the proposal to the legislative transportation committee and the senate and house transportation committees by January 1, 1978, for consideration in the next legislative session;

(d) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the legislature;

(e) To integrate the state-wide transportation plan with the needs of the elderly and handicapped, and to coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To establish the policy of the department to be followed by the secretary on each of the following items:

(a) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(b) To provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(c) To provide for the administration of grants in aid and other financial assistance to counties and municipal corporations for transportation purposes;

(d) To provide for the management, sale, and lease of property or property rights owned by the department which are not required for transportation purposes;

(3) To direct the secretary to prepare and submit to the commission a comprehensive and balanced state-wide transportation plan which shall be based on the transportation policy adopted by the legislature and applicable state and federal laws. After public notice and hearings, the commission shall adopt the plan and submit it to the legislative transportation committee and to the house and senate standing committees on transportation before January 1, 1980, for consideration in the next legislative session. The plan shall be reviewed and revised at the next regular session of the legislature and biennially thereafter. A preliminary plan shall be submitted to such committees by January 1, 1979.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(4) To approve and propose to the governor and to the legislature prior to the convening of each regular session a recommended budget for the operation of the department and for carrying out the program of the department for the ensuing biennium. The proposed budget shall separately state the appropriations to be made from the motor vehicle fund for highway purposes in accordance with constitutional limitations and appropriations and expenditures to be made from the general fund, or accounts thereof, and other available sources for other operations and programs of the department;

(5) To review and authorize all departmental requests for legislation;

(6) To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;

(7) To adopt such rules, regulations, and policy directives as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

(8) To delegate any of its powers to the secretary of transportation whenever it deems it desirable for the efficient administration of the department and consistent with the purposes of this title;

(9) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

NEW SECTION. Sec. 8. There is added to Title 47 RCW a new section to read as follows:



(1) Initially the department shall be organized into divisions, including the division of highways, the division of public transportation, the division of aeronautics, the division of marine transportation, and the division of transportation planning and budget.

(2) The secretary may reorganize divisions in order to attain the maximum possible efficiency in the operation of the department. Each division shall be headed by an assistant secretary to be appointed by the secretary. The secretary may also appoint a deputy secretary as may be needed for the performance of the duties and functions vested in the department. The secretary may delegate to officers within the several divisions of the department authority to employ personnel necessary to discharge the responsibilities of the department.

(3) The officers appointed under this section shall be exempt from the provisions of the state civil service law and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

NEW SECTION. Sec. 9. There is added to Title 47 RCW a new section to read as follows:

The secretary shall establish such advisory councils as are necessary to carry out the purposes of this 1977 amendatory act, and to insure adequate public participation in the planning and development of transportation facilities. Members of such councils shall serve at the pleasure of the secretary and may receive per diem and necessary expenses, in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

NEW SECTION. Sec. 10. There is added to Title 47 RCW a new section to read as follows:

The secretary shall have the authority and it shall be his or her duty, subject to policy guidance from the commission:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules which are subject to the adoption procedures contained in the state administrative procedure act except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide full staff support to the commission to assist it in carrying out its functions, powers, and duties and to execute the policy established by the commission pursuant to its legislative authority;

(8) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

NEW SECTION. Sec. 11. There is added to Title 47 RCW a new section to read as follows:

(1) All employees and personnel of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, and the canal commission, and personnel in the planning and community affairs agency whose primary duties relate to transportation, shall, on July 1, 1977, be transferred to the jurisdiction of the department of transportation. All employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with bargaining agreements and the laws and rules governing the state merit system: PROVIDED, That the executive secretary appointed by the urban arterial board shall not be transferred to the department and shall remain subject to the control of the urban arterial board.

(2) Any officer or employee of any of the agencies mentioned hereinabove who holds an exempt position with such agency and who previously held permanent status in a classified position shall on or after July 1, 1977, have a right of reversion to the highest class of position previously held, and may continue employment in the department of transportation at such class of position subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state merit system.

NEW SECTION. Sec. 12. The lawfully adopted rules and regulations of the Washington state highway commission, the Washington toll bridge authority, the aeronautics commission, the canal commission, and those of the planning and community affairs agency which relate to transportation, in effect on June 30, 1977, shall continue to have full force and effect and be applicable until superseded by, or repealed by, rules and regulations lawfully adopted by the secretary of transportation or the transportation commission as provided in sections 6 and 10 of this 1977 amendatory act. Rules and regulations lawfully adopted by the board of pilotage commissioners pursuant to RCW 88.16.030 in effect on June 30, 1977, shall continue to have full force and effect and be applicable until suspended by, or repealed by, rules and regulations lawfully adopted by the newly constituted board of pilotage commissioners as provided for in RCW 88.16.010 as now or hereafter amended.

NEW SECTION. Sec. 13. There is added to chapter 1, Laws of 1961 and to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of transportation to the secretary, a deputy secretary, an administrative assistant to the secretary, if any, one assistant secretary for each division designated pursuant to section 8 of this 1977 amendatory act, and one confidential secretary for each of the above-named officers. The individuals appointed under this section shall be exempt from the provisions of the

state civil service law, and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for individuals exempt from the operation of the state civil service law.

NEW SECTION. Sec. 14. If on the effective date of this 1977 amendatory act, any exempt position designated hereinabove has not been filled by appointment, the person serving in the comparable exempt position, if any, in an agency whose functions are by section 3 of this 1977 amendatory act transferred to the department of transportation shall fill such exempt position until a permanent appointment thereto has been made.

NEW SECTION. Sec. 15. Nothing in this 1977 amendatory act shall be construed to affect any existing rights acquired under the sections amended or repealed herein except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, resolution, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency nor any transfer of powers, duties, and functions as provided herein, shall affect the validity of any act performed by such agency or any officer thereof prior to the effective date of this 1977 amendatory act.

NEW SECTION. Sec. 16. Nothing contained in this 1977 amendatory act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired.

NEW SECTION. Sec. 17. All reports, documents, surveys, books, records, files, papers, or other writings in the possession of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the canal commission, the board of pilotage commissioners, and such material in possession of the planning and community affairs agency which relates to transportation, shall be delivered on the effective date of this 1977 amendatory act, to the custody of the department of transportation.

All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers, duties, and functions transferred to the department of transportation by section 3 of this 1977 amendatory act shall be made available on the effective date of this 1977 amendatory act, to the department. All funds, credits, or other assets held in connection with the functions so transferred shall by such time be assigned to the department of transportation.

Any appropriations heretofore made to the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the canal commission, and the planning and community affairs agency for the purpose of carrying out the powers, duties, and functions transferred in section 3 of this 1977 amendatory act, shall on the effective date of this 1977 amendatory act, be so transferred and credited to the department of transportation for the purpose of carrying out such transferred powers, duties, and functions. Appropriations to the planning and community affairs agency hereby transferred to the department of transportation, including funds for administration of advanced planning moneys for local public transportation agencies, that are available for administration and state

level planning functions may be expended during the period July 1, 1977, through March 31, 1978, to pay that share of the administration and planning activities of the department of transportation relating to nonhighway functions of the department, pending adoption of the department's supplemental budget as provided in section 25 of this 1977 amendatory act.

Whenever any question arises as to the transfer of any funds including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under section 3 of this 1977 amendatory act, the director of the office of program planning and fiscal management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 18. All state officials required to maintain contact with or provide services for any of the departments or agencies whose functions are transferred by section 3 of this 1977 amendatory act shall continue to perform such services for the department of transportation unless otherwise directed by this title.

NEW SECTION. Sec. 19. While any bonds, whether definitive, temporary, or interim, or warrants, certificates, or receipts of any denomination, with or without coupons attached heretofore issued by the state aeronautics commission, the toll bridge authority, the highway commission, or any of the other agencies whose functions are transferred to the department of transportation by section 3 of this 1977 amendatory act, remain outstanding, the powers and duties relating thereto of such agencies or of any official or employee thereof transferred by section 11 of this 1977 amendatory act to the department of transportation, or any powers and duties of any other state official or state agency with respect to such bonds, warrants, certificates, or receipts shall not be diminished or impaired in any manner that will adversely affect the interests and rights of the holders of such bonds, warrants, certificates, or receipts. The holder of any such bond, warrant, certificate, or receipt may by mandamus or other appropriate proceeding require the performance by the department of transportation, or other appropriate state official or agency, of any of the duties heretofore imposed upon any state department, official, or employee under the terms of any such prior bond, warrant, certificate, or receipt agreement or sale: PROVIDED, That the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds, warrants, certificates, or receipts.

Sec. 20. Section 1, chapter 7, Laws of 1977 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of ~~((highways))~~ transportation, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and economic development, (11) the department of veterans affairs, (12) the department of revenue, and

(13) the department of retirement systems, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 21. Section 2, chapter 7, Laws of 1977 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the ~~((director of highways))~~ secretary of transportation, (8) the director of motor vehicles, (9) the director of general administration, (10) the director of commerce and economic development, (11) the director of veterans affairs, (12) the director of revenue, and (13) the director of retirement systems.

Such officers, except the ~~((director of highways))~~ secretary of transportation and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate ~~((, when he shall present to that body his nomination for the office))~~. The ~~((director of highways))~~ secretary of transportation shall be appointed by the ~~((state highway))~~ transportation commission as prescribed by section 4 of this 1977 amendatory act, and the director of game shall be appointed by the game commission.

NEW SECTION. Sec. 22. There is added to chapter 14.04 RCW a new section to read as follows:

Unless the language specifically indicates otherwise, or unless the context plainly requires a different interpretation:

Wherever in any provision in the Revised Code of Washington the term "Washington state aeronautics commission", "the state aeronautics commission", "the aeronautics commission of the state", "the aeronautics commission", or "the commission" (when referring to the Washington state aeronautics commission) is used, it shall mean the department of transportation created in section 3 of this 1977 amendatory act.

Wherever in any provision in the Revised Code of Washington the term "state director of aeronautics", "director of aeronautics", or "director" (when referring to the state director of aeronautics) is used, it shall mean the secretary of transportation whose office is created in section 4 of this 1977 amendatory act.

NEW SECTION. Sec. 23. There is added to Title 47 RCW a new section to read as follows:

Unless the language specifically indicates otherwise, or unless the context plainly requires a different interpretation:

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "Washington state highway commission", "the state highway commission", "the highway commission", "the commission" (when referring to the Washington state highway commission), "the department of highways", "Washington toll bridge authority", or "the authority" (when referring to the

Washington toll bridge authority) is used, it shall mean the department of transportation created in section 3 of this 1977 amendatory act.

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "director of highways" is used, it shall mean the secretary of transportation, whose office is created in section 4 of this 1977 amendatory act.

NEW SECTION. Sec. 24. There is added to chapter 1.08 RCW a new section to read as follows:

For purposes of harmonizing and clarifying the provisions of the statute sections published in the revised code of Washington, the code reviser may substitute words designating the department of transportation or the secretary of transportation, as appropriate, whenever necessary to effect the changes in meaning provided for in sections 22 and 23 of this 1977 amendatory act or any other act of the 1977 legislature.

NEW SECTION. Sec. 25. (1) The transportation commission through the secretary of transportation, and in conjunction with the legislative transportation committee and the house and senate transportation committees, shall immediately undertake a study of the proper funding of the department of transportation, the state transportation systems and the functions vested in the department. The study shall encompass alternative sources of funding of both highway and nonhighway functions of the department.

(2) The transportation commission through the secretary of transportation shall prepare a proposed budget for the operations of the department of transportation for the biennium ending June 30, 1979, and in connection therewith shall obtain such data relating to the needs of the state transportation systems and functions as may be necessary. The preliminary budget including proposed alternative sources of funding for the department of transportation for the remainder of the biennium ending June 30, 1979, shall be submitted to the house and senate transportation committees for review by November 15, 1977.

NEW SECTION. Sec. 26. The chief of the Washington state patrol, the director of the traffic safety commission, the administration engineer of the county road administration board, and the director of the department of motor vehicles are designated as official consultants to the transportation commission so that the goals and activities of their respective agencies which relate to transportation are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol, the director of the traffic safety commission, the administration engineer of the county road administration board, and the director of motor vehicles shall consult with the transportation commission and the secretary of transportation on the implications and impacts on the transportation related functions and duties of their respective agencies of any proposed comprehensive transportation plan, program, or policy.

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol, the director of the traffic safety commission, the administration engineer of the county road administration board, and the director of motor vehicles shall consult with the secretary of transportation on the matter of relative priorities during the development

of their respective agencies' plans, programs, and budgets as they pertain to transportation activities. The secretary of transportation shall provide written comments to the governor and the legislature on the extent to which the state patrol's, the traffic safety commission's, the county road administration board's, and the department of motor vehicle's final plans, programs, and budgets are compatible with the priorities established in the department of transportation's final plans, programs, and budgets.

Sec. 27. Section 47.01.070, chapter 13, Laws of 1961 and RCW 47.01.070 are each amended to read as follows:

In all situations wherein the director of highways, the director of aeronautics or any one of their designees, or any member of the highway commission, the toll bridge authority, the aeronautics commission, or the canal commission or any one of their designees was on ~~((July 1, 1951))~~ the effective date of this 1977 amendatory act, designated or serving as a member of any board, commission, committee, or authority, ~~the ((state highway commission))~~ the chairman of the transportation commission or the chairman's designee who shall be an employee of the department of transportation, shall hereafter determine who shall serve as such member.

Sec. 28. Section 7, chapter 74, Laws of 1967 and RCW 43.63A.070 are each amended to read as follows:

The planning and community affairs agency shall have the following planning functions and responsibilities:

(1) Provide technical assistance to the governor and the legislature in identifying long range goals for the state((-));

(2) Prepare a state comprehensive plan as the state's long range public declaration of intent in developmental policy, for programming its facilities and services and for guidance of private activities and public programs at all levels of government. Plan elements may include but shall not be limited to transportation, scenic highways, public facilities, recreation, open spaces, natural resources, patterns of urban and rural development, and quality of the natural and man-made environment((-): PROVIDED, That plan elements relating to transportation shall be in accord with the state-wide transportation policies and plans developed by the transportation commission pursuant to section 7 of this 1977 amendatory act;

(3) Provide assistance and coordination to other state agencies for preparation of agency plans and programs((-);

(4) Provide general coordination and review of plans in functional areas of state government as may be necessary for receipt of federal or state funds((-);

(5) Participate with other states or subdivisions thereof in interstate planning, and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions in planning((-);

(6) Assist the ~~((central budget agency))~~ office of program planning and fiscal management in capital improvement programming and other programming activities((-);

(7) Encourage educational and research programs that further planning and community development, and provide administrative and technical services therefor.

Sec. 29. Section 46.44.080, chapter 12, Laws of 1961 as amended by section 1, chapter 15, Laws of 1973 2nd ex. sess. and RCW 46.44.080 are each amended to read as follows:

Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: PROVIDED, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: PROVIDED FURTHER, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated by the ~~((state highway))~~ transportation commission as forming a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the ~~((highway commission))~~ department of transportation.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The ~~((highway commission))~~ department shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways ~~((, which rules shall be administered by the department of highways))~~. The department ~~((of highways))~~ shall give public notice of closure or restriction. The ~~((highway commission))~~ department may ~~((further authorize the department of highways to))~~ issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage.

Sec. 30. Section 46.44.090, chapter 12, Laws of 1961 as amended by section 13, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.090 are each amended to read as follows:

The ~~((state highway))~~ department of transportation, pursuant to rules adopted by the transportation commission with respect to ~~((primary and secondary))~~ state highways and local authorities with respect to public highways under their jurisdiction may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the



maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

Sec. 31. Section 46.44.091, chapter 12, Laws of 1961 as last amended by section 14, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.091 are each amended to read as follows:

(1) Except as otherwise provided in subsections (3) and (4) of this section, no special permit shall be issued for movement on any state highway or route of a state highway within the limits of any city or town where the gross weight, including load, exceeds the following limits:

(a) Twenty-two thousand pounds on a single axle or on dual axles with a wheelbase between the first and second axles of less than three feet six inches;

(b) Forty-three thousand pounds on dual axles having a wheelbase between the first and second axles of not less than three feet six inches but less than seven feet;

(c) On any group of axles or in the case of a vehicle employing two single axles with a wheel base between the first and last axle of not less than seven feet but less than ten feet, a weight in pounds determined by multiplying six thousand five hundred times the distance in feet between the center of the first axle and the center of the last axle of the group;

(d) On any group of axles with a wheel base between the first and last axle of not less than ten feet but less than thirty feet, a weight in pounds determined by multiplying two thousand two hundred times the sum of twenty and the distance in feet between the center of the first axle and the center of the last axle of the group;

(e) On any group of axles with a wheel base between the first and last axle of thirty feet or greater, a weight in pounds determined by multiplying one thousand six hundred times the sum of forty and the distance in feet between the center of the first axle and the center of the last axle of the group.

(2) The total weight of a vehicle or combination of vehicles allowable by special permit under subsection (1) of this section shall be governed by the lesser of the weights obtained by using the total number of axles as a group or any combination of axles as a group.

(3) The weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more and specially designed vehicles manufactured and certified for special permits prior to July 1, 1975.

(4) Permits may be issued for weights in excess of the limitations contained in subsection (1) of this section on highways or sections of highways which have been designed and constructed for weights in excess of such limitations, or for any shipment duly certified as necessary by military officials, or by officials of public or private power facilities, or when in the opinion of the ~~((highway commission))~~ department of transportation the movement or action is a necessary movement or action: PROVIDED, That in the judgment of the ~~((highway commission))~~ department of transportation the structures and highway surfaces on the routes involved are capable of sustaining weights in excess of such limitations and it is not

reasonable for economic or operational considerations to transport such excess weights by rail or water for any substantial distance of the total mileage applied for.

(5) Application shall be made in writing on special forms provided by the (~~highway commission~~) department of transportation and shall be submitted at least thirty-six hours in advance of the proposed movement. An application for a special permit for a gross weight of any combination of vehicles exceeding two hundred thousand pounds shall be submitted in writing to the (~~highway commission~~) department of transportation at least thirty days in advance of the proposed movement.

Sec. 32. Section 46.44.092, chapter 12, Laws of 1961 as last amended by section 15, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.092 are each amended to read as follows:

No special permit shall be issued for movement on any two lane state highway outside the limits of any city or town where the overall width of load exceeds fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for width in excess of twenty feet: PROVIDED, That (1) in the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Controlled vehicular traffic shall be maintained in one direction at all times; (b) maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when (~~in the opinion of the highway commission~~) the department of transportation, pursuant to general rules adopted by the transportation commission, determines a hardship would result, this limitation may be exceeded upon approval of the (~~commission~~) department of transportation; (c) prior to issuing a permit a qualified (~~highway~~) transportation department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made; (2) permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the (~~highway commission~~) department of transportation the movement or action is a necessary movement or action: PROVIDED FURTHER, That in the judgment of the (~~highway commission~~) department of transportation the structures and highway surfaces on the routes involved are capable of sustaining widths in excess of such limitation; (4) these limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed forty-five thousand pounds and the overall

width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the ~~((highway commission))~~ department of transportation or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 33. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 17, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.095 are each amended to read as follows:

Until December 31, 1976, a combination of vehicles lawfully licensed to a total gross weight of seventy-two thousand pounds, and a three or more axle single unit vehicle lawfully licensed to a total gross weight of forty thousand pounds, and on January 1, 1977, and thereafter, when a combination of vehicles has been lawfully licensed to a total gross weight of eighty thousand pounds and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of forty thousand pounds pursuant to provisions of RCW 46.44.041, a permit for additional gross weight may be issued by the ~~((state highway commission))~~ department of transportation upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds or fraction thereof of such additional gross weight: PROVIDED, That the tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds, and the gross load on any group of axles shall not exceed the limits set forth in RCW 46.44.041: PROVIDED FURTHER, That an additional two thousand pounds may be purchased for an amount not to exceed thirty dollars per thousand for the rear axle of a two-axle garbage truck. Such additional weight shall not be valid or permitted on any part of the federal interstate highway system where the maximum single axle load shall not exceed twenty thousand pounds.

The annual additional tonnage permits provided for in this section shall be issued ~~((under such rules and regulations and))~~ upon such terms and conditions as may be prescribed by the ~~((state highway))~~ department pursuant to general rules adopted by the transportation commission. Such permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the ~~((state highway commission))~~ department of transportation to be capable of withstanding such increased gross load without undue injury to the highway: PROVIDED, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

The annual additional tonnage permits provided for in this section shall commence on the first of January of each year. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit

from one vehicle to another a fee of five dollars shall be charged for each such duplicate issued or each such transfer. The ~~((state highway commission))~~ department of transportation shall issue such permits on a temporary basis for periods not less than five days at one dollar per day for each two thousands pounds or fraction thereof.

The fees levied in RCW 46.44.0941 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.85 RCW the fees provided for in this section shall be computed by the ~~((state highway commission))~~ department of transportation by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.85 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The ~~((state highway commission))~~ department of transportation shall prorate the fees provided in this section only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of motor vehicles. Listings furnished shall also include the percentage of mileage operated in Washington which shall be the same percentage as determined by the department of motor vehicles, for purposes of prorating license fees.

Sec. 34. Section 2, chapter 16, Laws of 1963 as last amended by section 1, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.405 are each amended to read as follows:

Whenever the ~~((state highway commission))~~ secretary of transportation shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe with respect to a state highway under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, or that a general reduction of any maximum speed hereinbefore set forth would aid in the conservation of energy resources, ~~((said commission))~~ the secretary may determine and declare a reasonable and safe lower maximum limit or a lower maximum limit which will reasonably conserve energy resources, for any state highway, the entire state highway system, or any portion thereof, which shall be effective when appropriate signs giving notice thereof are erected. The ~~((commission))~~ secretary may also fix and regulate the speed of vehicles on any state highway within the maximum speed limit allowed by this chapter for special occasions including, but not limited to, local parades and other special events. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of RCW 46.61.410, as now or hereafter amended.

Sec. 35. Section 3, chapter 16, Laws of 1963 as last amended by section 2, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.410 are each amended to read as follows:

(1) Subject to subsection (2) below the (~~(state highway commission)~~) secretary may increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour in accordance with the design speed thereof (taking into account all safety elements included therein), or whenever (~~said commission~~) the secretary determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway. The greater maximum limit so determined shall be effective, when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the (~~state highway commission~~) secretary as provided in RCW 46.61.405, as now or hereafter amended.

(3) The word "trucks" used by the (~~state highway commission~~) department on signs giving notice of maximum speed limits shall mean vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the (~~state highway commission~~) secretary shall establish maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary (~~of the state highway commission~~) shall (~~mail~~) cause to be mailed notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto transportation company or if none then its chief place of business without the state of Washington.

Sec. 36. Section 4, chapter 16, Laws of 1963 as amended by section 3, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.415 are each amended to read as follows:

(1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under (~~this act~~) RCW 46.61.400 or 46.61.440 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

- (a) Decreases the limit at intersections; or
- (b) Increases the limit but not to more than sixty miles per hour; or
- (c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.

(3) The (~~state highway commission~~) secretary of transportation is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the (~~state highway commission~~) secretary of transportation.

Sec. 37. Section 6, chapter 16, Laws of 1963 as last amended by section 1, chapter 135, Laws of 1969 and RCW 46.61.425 are each amended to read as follows:

(1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law: PROVIDED, That a person following a vehicle driving at less than the legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of RCW 46.61.120 on highways having only one lane of traffic in each direction, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

(2) Whenever the (~~state highway commission~~) secretary of transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the (~~commission~~) secretary or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law.

Sec. 38. Section 46.48.041, chapter 12, Laws of 1961 as amended by section 4, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.430 are each amended to read as follows:

Notwithstanding any law to the contrary or inconsistent herewith, the (~~Washington state highway commission~~) secretary of transportation shall have

the power and the duty to fix and regulate the speed of vehicles within the maximum speed limit allowed by law for state highways, designated as limited access facilities, regardless of whether a portion of said highway is within the corporate limits of a city or town. No governing body or authority of such city or town or other political subdivision may have the power to pass or enforce any ordinance, rule, or regulation requiring a different rate of speed, and all such ordinances, rules, and regulations contrary to or inconsistent therewith now in force are void and of no effect.

Sec. 39. Section 46.48.080, chapter 12, Laws of 1961 and RCW 46.61.450 are each amended to read as follows:

It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel, or underpass is sign posted as hereinafter provided. The ~~((state highway commission))~~ secretary of transportation, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The ~~((state highway commission))~~ secretary or the governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: PROVIDED, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the ~~((state highway))~~ transportation commission as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less than the maximum allowed by law, unless with the approval in writing of the ~~((state highway commission))~~ secretary. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

Sec. 40. Section 66, chapter 155, Laws of 1965 ex. sess. as amended by section 35, chapter 62, Laws of 1975 and RCW 46.61.570 are each amended to read as follows:

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(a) Stop, stand, or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(ii) On a sidewalk or street planting strip;

(iii) Within an intersection;

(iv) On a crosswalk;

(v) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(viii) On any railroad tracks;

(ix) In the area between roadways of a divided highway including crossovers; or

(x) At any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;

(ii) Within fifteen feet of a fire hydrant;

(iii) Within twenty feet of a crosswalk;

(iv) Within thirty feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

(v) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted; or

(vi) At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

(i) Within fifty feet of the nearest rail of a railroad crossing; or

(ii) At any place where official signs prohibit parking.

(2) Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places but such limitation and restriction shall be by city ordinance or county resolution or order of the ~~((state highway commission))~~ secretary of transportation upon highways under their respective jurisdictions.

(3) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.

(4) It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right.



Sec. 41. Section 67, chapter 155, Laws of 1965 ex. sess. as amended by section 36, chapter 62, Laws of 1975 and RCW 46.61.575 are each amended to read as follows:

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the ~~((state highway commission))~~ secretary of transportation has determined by ~~((resolution or))~~ order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The ~~((state highway commission))~~ secretary with respect to highways under ~~((its))~~ his or her jurisdiction may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where ~~((in its opinion, as evidenced by resolution or))~~ the secretary has determined by order, such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

Sec. 42. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 2, chapter 100, Laws of 1975 1st ex. sess. and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the ~~((state highway commission))~~ department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the ~~((highway))~~ transportation commission has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the director of the department of motor vehicles for the year next preceding the date of calculation of the allocation amounts. The director of the department shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the superintendent of public instruction who shall on October 1, 1955, and on October 1st of each odd-numbered year thereafter furnish the ~~((state highway))~~ transportation commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

(e) Every four years, beginning with the 1958 allocation, the ~~((highway))~~ transportation commission and the legislative transportation committee shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the ~~((board of))~~ county ((commissioners)) legislative authority. ~~((The first allocation of funds shall be based on the following prorated estimated annual costs per trunk mile for the several counties as follows:~~

Adams .....	\$1,227.00
Asotin .....	1,629.00

Benton	1,644.00
Chelan	2,224.00
Clallam	2,059.00
Clark	1,710.00
Columbia	1,391.00
Cowlitz	1,696.00
Douglas	1,603.00
Ferry	1,333.00
Franklin	1,612.00
Garfield	1,223.00
Grant	1,714.00
Grays Harbor	2,430.00
Island	1,153.00
Jefferson	2,453.00
King	2,843.00
Kitsap	1,938.00
Kittitas	1,565.00
Klickitat	1,376.00
Lewis	1,758.00
Lincoln	1,038.00
Mason	1,748.00
Okanogan	1,260.00
Pacific	2,607.00
Pend Oreille	1,753.00
Pierce	2,276.00
San Juan	1,295.00
Skagit	1,966.00
Skamania	2,023.00
Snohomish	2,269.00
Spokane	1,482.00
Stevens	1,068.00
Thurston	1,870.00
Wahkiakum	2,123.00
Walla Walla	1,729.00
Whatcom	1,738.00
Whitman	1,454.00
Yakima	1,584.00

PROVIDED, HOWEVER, That the prorated estimated annual costs per trunk mile in this subsection shall be adjusted every four years, beginning with the 1958 allocation by the highway commission on the basis of changes in the trunk and total county road mileage based on information supplied by the superintendent of public instruction, the United States postal department, and the annual reports of the county road departments:))

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as ((listed above)) provided for in subsection (e) of this subsection and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a two dollar and twenty-five cents per thousand dollars of assessed value tax levy on the valuation, as equalized by the state department of revenue for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the ~~((highway))~~ transportation commission by the state treasurer for that purpose. The department of revenue and the state treasurer shall supply the information herein requested on or before January 1, 1956, and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The ~~((state-highway))~~ transportation commission shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required: PROVIDED, That the total allocation factor composed of the sum of the four factors defined in subsections (a), (b), (c), and (d) shall be held to a level not more than five percent above or five percent below the total allocation factor in use during the previous two year period.

(h) The ~~((highway))~~ transportation commission and the legislative transportation committee shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The ~~((highway))~~ transportation commission and the legislative transportation committee shall study and report their findings and recommendations to the legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

(1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated((-);

(2) Average costs per trunk mile((-);

(3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted((-);

(4) Reassessment of bridge costs based on current information and relogging of bridges((-);

(5) The items in the list of resources used in determining the "need factor"((-);

(6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs((-);

(7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads.

Sec. 43. Section 2, chapter 173, Laws of 1963 as amended by section 2, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.020 are each amended to read as follows:

The (~~state highway commission~~) department of transportation is hereby directed to conduct periodic analyses of the entire state highway system, and based thereon, to subdivide and classify according to their function and importance all designated state highways and those added from time to time other than the national system of interstate and defense highways and periodically review and revise the classifications, into the following additional four functional classes:

(1) The "principal state highway system" which shall comprise not to exceed twenty percent of the total state highway mileage other than the interstate system((-));

(2) The "major state highway system" which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system((-);

(3) The "collector state highway system" which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system((-);

(4) The "other state highway system".

In making such functional classification the (~~highway commission~~) department shall be governed by reasonable (~~rules and regulations~~) policies adopted by the commission, and give consideration to the following criteria:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service;

(h) Reasonable spacing depending upon population density; and

(i) System continuity, except for the "other" system.

Sec. 44. Section 3, chapter 173, Laws of 1963 as last amended by section 1, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.030 are each amended to read as follows:

The (~~state highway commission~~) department of transportation shall adopt and periodically revise in accordance with policies established by the transportation commission and after consultation with the legislative transportation committee and senate and house transportation (~~and utilities~~) committees a long range plan for highway improvements, specifying highway planning objectives for each of the highway categories, "A", "B", and "C", defined in this section, based upon needs for the ensuing fourteen year advance planning period, and within the framework of revenue estimates for such period. The plan shall be based upon the improvement needs for state highways as determined by the (~~highway commission~~) department from time to time.

With such reasonable deviations as may be required to effectively utilize the available funds and to adjust to unanticipated delays in programmed projects, the ~~((highway commission))~~ department shall allocate the estimated available funds among the following described categories of highway improvements, so as to carry out the ~~((commission's))~~ department's highway planning objectives within a four-teen year advance planning period:

(1) Category A shall consist of those improvements necessary to sustain the structural, safety, and operational integrity of the existing state highway system (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations).

(2) Category B shall consist of improvements for the continued development of the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations.

(3) Category C shall consist of the development of major transportation improvements (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations) including designated but unconstructed highways which are vital to the state-wide transportation network.

Sec. 45. Section 7, chapter 173, Laws of 1963 as amended by section 7, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.070 are each amended to read as follows:

The ~~((state highway))~~ transportation commission, with the assistance of the department, shall ~~((prepare))~~ approve and present to the governor and to the legislature ~~((at the time of))~~ prior to its convening, a recommended budget for the ensuing biennium. The biennial budget shall include details of proposed expenditures, performance and public service criteria for construction, maintenance, and planning activities in consonance with the six-year comprehensive program and financial plan adopted under provisions of RCW 47.05.040.

Sec. 46. Section 47.12.010, chapter 13, Laws of 1961 as amended by section 4, chapter 108, Laws of 1967 and RCW 47.12.010 are each amended to read as follows:

Whenever it is necessary to secure any lands or interests in land for a right of way for any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to provide a visual or sound buffer between highways and adjacent properties or for the purpose of acquiring sand pits, gravel pits, borrow pits, stone quarries, or any other land for the extraction of materials for construction or maintenance or both, or for any site for the erection upon and use as a maintenance camp, of any state highway, or any site for other necessary structures or for structures for the health and accommodation of persons traveling or stopping upon the state highways of this state, or any site for the construction and maintenance of structures and facilities adjacent to, under, upon, within, or above the right of way of any state highway for exclusive or nonexclusive use by an urban public transportation system, or for any other highway purpose, together with right of way to reach such property and gain access thereto, the ~~((highway commission))~~ department of transportation is authorized to acquire such lands or interests in land in behalf of

the state by gift, purchase, or condemnation. In case of condemnation to secure such lands or interests in land, the action shall be brought in the name of the state of Washington in the manner provided for the acquiring of property for the public uses of the state, and in such action the selection of the lands or interests in land by the ~~((highway commission))~~ secretary of transportation shall, in the absence of bad faith, arbitrary, capricious, or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands or interests in land are necessary for public use for the purposes sought. The cost and expense of such lands or interests in land may be paid as a part of the cost of the state highway for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries, maintenance camp sites, and structure sites or other lands are acquired.

Sec. 47. Section 47.12.060, chapter 13, Laws of 1961 and RCW 47.12.060 are each amended to read as follows:

When a state highway is relocated and the old route is abandoned, and the new route crosses land owned by a person who owns land abutting on the old route, the ~~((Washington state highway commission))~~ department may agree with the owner to convey to ~~((him))~~ that person title to the old route or a part thereof as all or part consideration for ~~((his))~~ such land to be taken for the new route.

Whenever the state has abandoned any highway rights of way, pit sites, or stock pile sites or owns land not needed for highway purposes, the ~~((Washington state highway commission))~~ department may sell same to abutting owners for the fair market value or exchange with any person as a consideration or part consideration for lands or property rights needed by the state, or may sell same by public auction whenever it is deemed in the public interest to do so.

The ~~((Washington state highway commission shall certify the agreement to the governor with a description of the property to be conveyed, and the governor may execute and the secretary of state shall attest))~~ secretary of transportation shall execute the deed, which shall be duly acknowledged, and deliver it to the grantee.

Sec. 48. Section 47.12.070, chapter 13, Laws of 1961 as last amended by section 2, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.070 are each amended to read as follows:

If the ~~((Washington state highway commission))~~ department deems that any land is no longer required for state highway purposes and that it is in the public interest so to do, ~~((said highway commission))~~ the department may negotiate for the sale of the land to a city or county of the state. ~~((The state highway commission shall certify the agreement for the sale to the director of highways, with a description of the land and the terms of the sale, and the director of highways))~~ If a sale is agreed to, the secretary of transportation shall execute the deed, which shall be duly acknowledged, and deliver it to the grantee.

Any moneys received pursuant to the provisions of this section shall be deposited in the motor vehicle fund.

Sec. 49. Section 47.12.080, chapter 13, Laws of 1961 as amended by section 3, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.080 are each amended to read as follows:

Whenever in the construction, reconstruction, location, or improvement of any state highway it may become necessary to transfer and convey to the United States, its agencies or instrumentalities, to any municipal subdivision of this state, or to any public utility company, any unused state highway right of way or real property, and in the judgment of the ~~((highway commission))~~ secretary of transportation and the attorney general, such transfer and conveyance is consistent with public interest, the ~~((highway commission))~~ secretary may enter into agreements accordingly. Whenever the ~~((highway commission))~~ secretary shall make any such agreement for any such transfer or conveyance, and ~~((together with))~~ the attorney general concurs therein, ~~((certifies to the director of highways that such agreement has been made setting forth in such certification a description of the lands or premises involved, the director of highways))~~ the secretary shall execute and deliver unto the United States government, or its agencies or instrumentalities, unto any municipal subdivision of this state, or unto any public utility company, a deed of conveyance, easement, or other instrument, duly acknowledged, as shall be necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of Washington under any of the provisions hereof shall be deposited in the motor vehicle fund.

Sec. 50. Section 47.12.120, chapter 13, Laws of 1961 as amended by section 1, chapter 91, Laws of 1969 and RCW 47.12.120 are each amended to read as follows:

The ~~((highway commission))~~ department is authorized, subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands, improvements, or air space above or below any lands, including those used or to be used for both limited access and conventional highways which are held for highway purposes but are not presently needed, upon such terms and conditions as the ~~((highway commission))~~ department may determine.

Sec. 51. Section 47.12.130, chapter 13, Laws of 1961 as amended by section 4, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.130 are each amended to read as follows:

Whenever the ~~((state))~~ department ~~((of highways))~~ shall have title to any parcel of land acquired for highway purposes which the ~~((state highway commission))~~ secretary of transportation shall determine is not necessary for highway purposes, the ~~((commission))~~ secretary of transportation is authorized to ~~((cause))~~ deed such land ~~((to be deeded))~~ to the owner of land abutting upon such parcel in consideration, or partial consideration, for other lands owned by such property owner which the ~~((highway commission))~~ department deems to be necessary for highway purposes. ~~((The director of highways shall execute the conveyances, which shall be duly acknowledged, necessary to carry out such exchange.))~~

Sec. 52. Section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140 are each amended to read as follows:

Whenever the ~~((state highway))~~ department shall have acquired any lands for highway purposes, except state granted lands, upon which are located any structures, timber, or other thing of value attached to the land, which the ~~((state highway commission))~~ department shall deem it best to sever from the land and sell as personal property, the same may be sold by the department ~~((of highways))~~ at public auction after due notice thereof shall have been given in accordance with



general regulations (~~((prescribed))~~) adopted by the (~~((state highway commission))~~) secretary. The (~~((state highway commission))~~) department may set minimum prices that will be accepted for any item offered for sale at public auction as herein provided and may prescribe terms or conditions of sale and, in the event that any item shall be offered for sale at such auction and for which no satisfactory bids shall be received or for which the amount bid shall be less than the minimum set by the (~~((commission))~~) department, it shall be lawful for the (~~((commission))~~) department to sell such item at private sale for the best price which it deems obtainable but at not less than the highest price bid at the public auction. The proceeds of all sales under this section shall be placed in the motor vehicle fund.

Sec. 53. Section 47.12.150, chapter 13, Laws of 1961 as amended by section 5, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.150 are each amended to read as follows:

Whenever the (~~((highway commission))~~) department shall need for highway purposes land or property rights belonging to the United States government or any municipality or political subdivision of the state, or which shall be a part of the right of way of any public utility having authority to exercise powers of eminent domain, when the acquisition of such property by the state will result in the displacement of any existing right of way or facility, the (~~((state highway commission))~~) department is authorized to acquire by condemnation or otherwise such lands and property rights as shall be needed to relocate such right of way or facilities so displaced and to exchange lands or property rights so acquired in consideration or partial consideration for the land or property rights needed for highway purposes. The (~~((director of highways, at the request of the state highway commission,))~~) secretary of transportation shall execute each conveyance, which shall be duly acknowledged, necessary to accomplish such exchange.

Sec. 54. Section 2, chapter 281, Laws of 1961 and RCW 47.12.190 are each amended to read as follows:

The (~~((Washington state highway commission))~~) department, in addition to its other powers and duties as provided by law, is authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvements of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240. Condemnation actions brought hereunder shall be brought in the name of the state as provided for acquiring property for the public uses of the state, and in such actions selection of the property and property rights by the (~~((highway commission))~~) secretary of transportation is conclusive that they are necessary for the purposes sought, in the absence of bad faith, or arbitrary, capricious, or fraudulent action.

Sec. 55. Section 3, chapter 281, Laws of 1961 as amended by section 2, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.200 are each amended to read as follows:

The (~~((highway))~~) transportation commission may enter into agreements with the state finance committee for financing the acquisition, by purchase or condemnation, of real property together with engineering costs that the (~~((highway))~~) transportation commission deems will be necessary for the improvement of the state highway system. Such agreements may provide for the acquisition of an individual parcel or for

the acquisition of any number of parcels within the limits of a contemplated highway project.

Sec. 56. Section 5, chapter 281, Laws of 1961 as amended by section 4, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.220 are each amended to read as follows:

Each such agreement shall include, but shall not be limited to the following:

(1) A provision stating the term of the agreement which shall not extend more than seven years from the effective date of the agreement~~((:));~~;

(2) A designation of the specific fund or funds to be used to carry out such agreement~~((:));~~;

(3) A provision that the ~~((highway commission))~~ department of transportation may redeem warrants purchased by the state finance committee at any time prior to the letting of a highway improvement contract utilizing the property; and further, during the effective period of each such agreement the ~~((highway commission))~~ department of transportation shall redeem such warrants whenever such a highway improvement contract is let, or upon the expiration of such agreement, whichever date is earlier~~((:));~~;

(4) A provision stating the rate of interest such warrants shall bear commencing at the time of purchase by the state finance committee~~((:));~~;

(5) Any additional provisions agreed upon by the ~~((highway))~~ transportation commission and the state finance committee which are necessary to carry out the purposes of such agreement as indicated by RCW 47.12.180 through 47.12.240, as now or hereafter amended.

Sec. 57. Section 47.24.010, chapter 13, Laws of 1961 as amended by section 3, chapter 95, Laws of 1973 and RCW 47.24.010 are each amended to read as follows:

The ~~((state highway))~~ transportation commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the ~~((state highway commission))~~ department of transportation shall certify to the clerk of each city or town, by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the ~~((state highway commission))~~ department of transportation from any state funds available therefor: PROVIDED, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the ~~((state highway commission))~~ department of transportation to the state auditor and to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: PROVIDED FURTHER, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the ~~((state highway commission))~~ department

that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the (~~(state highway commission)~~) department and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year.

Sec. 58. Section 20, chapter 83, Laws of 1967 ex. sess. as last amended by section 140, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 47.26.140 are each amended to read as follows:

The (~~(assistant director of highways for state aid)~~) department of transportation shall furnish necessary staff services and facilities required by the urban arterial board. The cost of such services, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, of the members and all other lawful expenses of the board, shall be paid from the urban arterial trust account in the motor vehicle fund. The urban arterial board may appoint an executive secretary who shall serve at its pleasure and whose salary shall be set by the board and paid from the urban arterial trust account in the motor vehicle fund.

Sec. 59. Section 47.28.010, chapter 13, Laws of 1961 and RCW 47.28.010 are each amended to read as follows:

Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the (~~(highway)~~) transportation commission shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road, or secondary road or now or hereafter classified as a county road. The (~~(highway)~~) commission need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way of a certain point, this shall not require the (~~(highway)~~) commission to cause such state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The (~~(highway commission)~~) department of transportation is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated city or town.

Sec. 60. Section 47.36.020, chapter 13, Laws of 1961 and RCW 47.36.020 are each amended to read as follows:

The (~~(highway commission)~~) secretary of transportation shall adopt specifications for a uniform system of traffic control signals consistent with the provisions of this title for use upon public highways within this state. Such uniform system shall correlate with and so far as possible conform to the system current as approved by the American Association of State Highway Officials and as set out in the manual of uniform traffic control devices for streets and highways.

Sec. 61. Section 47.36.030, chapter 13, Laws of 1961 and RCW 47.36.030 are each amended to read as follows:

The ~~((highway commission))~~ secretary of transportation shall have the power and it shall be its duty to adopt and designate a uniform state standard for the manufacture, display, erection, and location of all signs, signals, signboards, guideposts, and other traffic devices erected or to be erected upon the state highways of the state of Washington for the purpose of furnishing information to persons traveling upon such state highways regarding traffic regulations, directions, distances, points of danger, and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon. Such signs shall conform as nearly as practicable to the manual of specifications for the manufacture, display, and erection of uniform traffic control devices for streets and highways and all amendments, corrections, and additions thereto. The ~~((highway commission))~~ department of transportation shall prepare plans and specifications of the uniform state standard of traffic devices so adopted and designated, showing the materials, colors, and designs thereof, and shall upon the issuance of any such plans and specifications or revisions thereof and upon request, furnish to the boards of county commissioners and the governing body of any incorporated city or town, a copy thereof. Signs, signals, signboards, guideposts, and other traffic devices erected on county roads shall conform in all respects to the specifications of color, design, and location ~~((devised))~~ approved by the ~~((highway commission))~~ secretary. Traffic devices hereafter erected within incorporated cities and towns shall conform to such uniform state standard of traffic devices so far as is practicable.

Sec. 62. Section 47.52.027, chapter 13, Laws of 1961 and RCW 47.52.027 are each amended to read as follows:

The ~~((state highway commission))~~ secretary of transportation may adopt design standards, rules, and regulations relating to construction, maintenance, and control of access of the national system of interstate and defense highways within this state as it deems advisable to properly control access thereto, to preserve the traffic-carrying capacity of such highways, and to provide the maximum degree of safety to users thereof. In adopting such standards, rules, and regulations the ~~((commission))~~ secretary shall take into account the policies, rules, and regulations of the United States secretary of commerce and the ~~((bureau of public roads))~~ federal highway administration relating to the construction, maintenance, and operation of the system of interstate and defense highways. The standards, rules, and regulations so adopted by the ~~((commission))~~ secretary shall constitute the public policy of this state and shall have the force and effect of law.

Sec. 63. Section 5, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.139 are each amended to read as follows:

Upon receipt of the findings and order adopting a plan, the county, city, or town may notify the ~~((state highway commission))~~ department of transportation of its approval of such plan in writing, in which event such plan shall be final.

In the event that a county, city, or town does not approve the plan, the county, city, or town shall file its disapproval in writing with the ~~((state highway commission))~~ secretary of transportation within thirty days after the mailing thereof to such mayor or county commissioner. Along with the written disapproval shall be filed a written request for a hearing before a board of review, hereinafter referred

to as the board. The request for hearing shall set forth the portions of the plan of the ~~((state highway commission))~~ department to which the county, city, or town objects, and shall include every issue to be considered by the board. The hearing before a board of review shall be governed by RCW 47.52.150 through 47.52.190, as now or hereafter amended.

Sec. 64. Section 47.52.150, chapter 13, Laws of 1961 as amended by section 3, chapter 103, Laws of 1963 and RCW 47.52.150 are each amended to read as follows:

Upon request for a hearing before the board by any county, city, or town, a board consisting of five members shall be appointed as follows: The mayor or the county commissioners, as the case may be shall appoint two members of the board, of which one shall be a duly elected official of the city, county, or legislative district, except that of the legislative body of the county, city, or town requesting the hearing, subject to confirmation by the legislative body of the city or town; the ~~((state highway commission))~~ secretary of transportation shall appoint two members of the board ~~((who shall not be members of such commission))~~; and one member shall be selected by the four members thus appointed. Such fifth member shall be a licensed civil engineer or a recognized professional city or town planner, who shall be chairman of the board. In the case both the county and an included city or town request a hearing, the board shall consist of nine members appointed as follows: The mayor and the county commission shall each appoint two members from the elective officials of their respective jurisdictions, and of the four thus selected no more than two thereof may be members of a legislative body of the county, city, or town. The ~~((state highway commission))~~ secretary of transportation shall appoint four members of the board ~~((who shall not be members of such commission))~~. One member shall be selected by the members thus selected, and such ninth member shall be a licensed civil engineer or a recognized city or town planner, who shall be chairman of the board. Such boards as are provided by this section shall be appointed within thirty days after ~~((the next meeting of the state highway commission immediately following))~~ the receipt of such a request by the ~~((commission))~~ secretary. In the event the ~~((state highway commission))~~ secretary or a county, city, or town shall not appoint members of the board or members thus appointed fail to appoint a fifth or ninth member of the board, as the case may be, either the ~~((state highway commission))~~ secretary or the county, city, or town may apply to the superior court of the county in which the county, city, or town is situated to appoint the member or members of the board in accordance with the provisions of this chapter.

Sec. 65. Section 47.52.180, chapter 13, Laws of 1961 as amended by section 3, chapter 77, Laws of 1977 and RCW 47.52.180 are each amended to read as follows:

At the conclusion of such hearing, the board shall consider the evidence taken and shall make specific findings with respect to the objections and issues within thirty days after the hearing, which findings shall approve, disapprove, or modify the proposed plan of the ~~((state highway commission))~~ department of transportation. Such findings shall be final and binding upon both parties. Any modification of the proposed plan of the ~~((highway commission))~~ department of transportation

made by the board of review may thereafter be modified by stipulation of the parties.

Sec. 66. Section 47.56.030, chapter 13, Laws of 1961 as last amended by section 3, chapter 180, Laws of 1969 ex. sess. and RCW 47.56.030 are each amended to read as follows:

The ~~((state highway commission))~~ department of transportation shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries ~~((that may be authorized by the Washington toll bridge authority))~~, and the operation and maintenance thereof ~~((and the collection of tolls and charges thereon))~~. The transportation commission shall determine and establish the tolls and charges thereon, and shall perform all duties and exercise all powers relating to the financing, refinancing, and fiscal management of all toll bridges and other toll facilities including the Washington state ferries, and bonded indebtedness in the manner provided by law. The ~~((commission))~~ department shall have full charge of design of all toll facilities. The ~~((commission))~~ department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The ~~((highway commission))~~ department is authorized to negotiate contracts for any amount without bid in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities.

Sec. 67. Section 47.56.070, chapter 13, Laws of 1961 and RCW 47.56.070 are each amended to read as follows:

The ~~((authority))~~ department of transportation may, with the approval of the transportation commission, provide for the establishment, construction, and operation of toll tunnels, toll roads, and other facilities necessary for their construction and connection with public highways of the state. It may cause surveys to be made to determine the propriety of their establishment, construction, and operation, and may acquire rights of way and other facilities necessary to carry out the provisions hereof; and may issue, sell, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction thereof; carry insurance thereon; and handle any other matters pertaining thereto, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the ~~((authority))~~ department, insofar as reasonably consistent and applicable. No toll facility, toll bridge, toll road, or toll tunnel, shall be combined with any other toll facility for the purpose of financing unless such facilities form a continuous project, to the end that each such facility or project be self-liquidating and self-sustaining ~~((: PROVIDED, That no toll road shall be constructed, obligations for the construction thereof entered into, or right of way acquired without prior approval of the location, plans and specifications by the Washington state highway commission))~~.

Sec. 68. Section 47.56.080, chapter 13, Laws of 1961 and RCW 47.56.080 are each amended to read as follows:

Whenever in the judgment of the ~~((highway))~~ transportation commission it is considered in the best interest of the public highways of the state that any new toll bridge or bridges be constructed upon any public highway and across any stream, body of water, gulch, navigable water, swamp, or other topographical formation and operated by the state the ~~((highway))~~ commission shall ~~((submit its recommendation to that effect to the Washington toll bridge authority together with preliminary estimates of the cost of such construction and an estimate of the amount necessary to be raised for such purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials or labor to be contributed from other sources in aid of any such construction. If the Washington toll bridge authority concurs in the recommendation of the highway commission or on its own motion determines to construct any toll bridge or toll bridges, the Washington toll bridge authority shall))~~ adopt a resolution declaring that public interest and necessity require the construction of such toll bridge or bridges and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such construction. The issuance of bonds as provided in this chapter for the construction of more than one toll bridge may at the discretion of the ~~((Washington toll bridge authority))~~ commission be included in the same authority and issue of bonds.

Sec. 69. Section 47.56.090, chapter 13, Laws of 1961 and RCW 47.56.090 are each amended to read as follows:

~~((Whenever the Washington toll bridge authority shall authorize and direct the highway commission to construct a toll bridge the highway commission))~~ The department of transportation is empowered to secure right of way ~~((therefor))~~ for toll bridges and for approaches thereto by gift or purchase, or by condemnation in the manner provided by law for the taking of private property for public highway purposes.

Sec. 70. Section 47.56.120, chapter 13, Laws of 1961 and RCW 47.56.120 are each amended to read as follows:

In the event that the ~~((Washington toll bridge authority))~~ transportation commission should determine that any toll bridge should be constructed ~~((under its authority it shall authorize and direct the highway commission to construct such toll bridge. In the event the highway commission is authorized and directed to construct such toll bridge))~~, all cost thereof including right of way, survey, and engineering shall be paid out of any funds available for payment of the cost of such toll bridge under this chapter.

Sec. 71. Section 47.56.250, chapter 13, Laws of 1961 and RCW 47.56.250 are each amended to read as follows:

Whenever a proposed toll bridge, toll road, toll tunnel, or any other toll facility of any sort is to be constructed, any city, county, or other political subdivision located in relation to such facility so as to benefit directly or indirectly thereby, may, either jointly or separately, at the request of the ~~((Washington state highway commission or the authority))~~ transportation commission advance or contribute money, or bonds, rights of way, labor, materials, and other property toward the expense of

building the toll facility, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Any such city, county, or other political subdivision may, either jointly or separately, at the request of the transportation commission (~~((or the authority))~~) advance or contribute money or bonds for the purpose of guaranteeing the payment of interest or principal on the bonds issued by the ~~((authority))~~ commission to finance the toll facility. Appropriations for such purposes may be made from any funds available, including county road funds received from or credited by the state, or funds obtained by excess tax levies made pursuant to law or the issuance of general obligation bonds for this purpose. General obligation bonds issued by a city, county, or political subdivision may with the consent of the ~~((state highway))~~ commission (~~((or the authority))~~) be placed with the ~~((Washington toll bridge authority))~~ department of transportation to be sold by the ~~((authority))~~ department to provide funds for such purpose. Money, or bonds, or property so advanced or contributed may be immediately transferred or delivered to the ~~((authority))~~ department to be used for the purpose for which contribution was made. The ~~((authority))~~ commission may enter into an agreement with a city, county, or other political subdivision to repay any money, or bonds or the value of a right of way, labor, materials, or other property so advanced or contributed. The ~~((authority))~~ commission may make such repayment to a city, county, or other political subdivision and reimburse the state for any expenditures made by it in connection with the toll facility out of tolls and other revenues for the use of the toll facility.

Sec. 72. Section 3, chapter 257, Laws of 1961 as amended by section 3, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.56.254 are each amended to read as follows:

If the ~~((authority))~~ secretary of transportation determines that any real property (including lands, improvements thereon, and any interests or estates) held by the ~~((authority))~~ department is no longer required for purposes of the ~~((authority))~~ department, the ~~((authority))~~ department shall offer it for sale as authorized by RCW 47.56.252 or ~~((in the manner and with the authority authorized to the state highway commission by))~~ RCW 47.12.280. The ~~((authority))~~ department may adopt rules further implementing this section ~~((as granted to the highway commission by RCW 47.12.280)).~~

Sec. 73. Section 1, chapter 18, Laws of 1935 as amended by section 58, chapter 292, Laws of 1971 ex. sess. and RCW 88.16.010 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of ~~((the director of labor and industries of the state of Washington, ex officio, who shall be chairman of the board, and of four))~~ six members appointed by the governor and confirmed by the senate, and the secretary of the state department of transportation, or the secretary's designee who shall be an employee of the department of transportation, who shall be chairperson. Each of said appointed members shall be appointed for a term of four years from the date of ~~((his))~~ said member's commission. No person shall be eligible for appointment to said board unless ~~((he))~~ such person be at the time of ~~((his))~~ appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of said appointed commissioners shall be pilots licensed under



this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of their appointment. Two of said appointive commissioners shall be actively engaged in the ownership, operation ~~((or))~~, and management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of their appointment. One of said ~~((shipping men))~~ commissioners shall be a representative of American and one of ~~((them for))~~ foreign shipping. The remaining appointed commissioners shall be persons interested in and concerned with pilotage, maritime safety, and marine affairs, with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative.

(2) Pilotage commissioners holding commissions on July 1, 1977, shall continue to hold their office subject to reappointment by the governor and confirmation by the senate. The appointive commissioners shall hold office for the period for which they are appointed and until their successors are appointed and qualified, ~~((and))~~ except that the governor when first appointing commissioners after July 1, 1977, shall appoint the pilot representatives to terms of two and three years respectively, the shipping representatives to terms of two and three years respectively, and the remaining commissioners to terms of three and four years respectively. Any vacancy in an appointive position on the board shall be filled by the governor for a term of four years, subject to confirmation by the senate.

(3) Five members of the board shall constitute a quorum and five votes for or against any measure shall be needed to transact business. All commissioners and the chairperson shall have a vote.

Sec. 74. Section 2, chapter 18, Laws of 1935 as last amended by section 178, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 88.16.020 are each amended to read as follows:

The office of the department of ~~((labor and industries))~~ transportation of the state of Washington shall be the office of the board and all records of the board shall be kept in said office. Each pilotage commissioner other than the secretary or the secretary's designee shall receive the sum of ~~((twenty-five))~~ forty dollars per day for each day actually engaged in the conduct of the business of the board, together with travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, to be paid out of the pilotage account on vouchers approved by the chairman of said board.

Sec. 75. Section 5, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.050 are each amended to read as follows:

~~((The commission))~~ In its capacity as successor to the canal commission, the department of transportation may:

(1) ~~((Shall))~~ Adopt rules and regulations necessary to carry out the purposes of this chapter.

(2) ~~((Shall meet not less than once every three months, and keep a complete record of all its proceedings. Special meetings may be called by the chairman of the commission, or by three members of the commission, by personal delivery of written notice thereof, or by delivery to their place of residence or business. Three members of the commission shall constitute a quorum to transact the business of the commission at either special or regular meetings.~~

~~(3) Shall employ a director and such other employees as are necessary to carry out functions of the commission. The attorney general shall be legal adviser for the commission.~~

~~(4) Shall~~) Make such investigations, surveys, and studies it deems necessary to determine the feasibility of the development of a navigation canal, or systems of navigation canals within the state of Washington.

~~((5) May))~~ (3) Construct, maintain, and/or operate any navigation canal, or navigation canal systems deemed feasible by the ((commission)) department of transportation.

~~((6) May))~~ (4) Acquire by gift, purchase, or condemnation from any person, municipal, public, or private corporation, or the state of Washington, or lease from the United States of America, any lands, rights of way, easements, or property rights in, over, or across lands or waters necessary for the construction, operation, or maintenance of any navigation canal, or navigation canal system. The acquisition of such rights is for a public use. The exercise of the right of eminent domain shall be in the manner provided by chapter 8.04 RCW, and all actions initiated thereunder shall be brought in the name of the ((canal commission)) department of transportation.

~~((7) May))~~ (5) Hold public hearings. Prior to a determination of feasibility for any proposed project, the ((commission)) department shall hold a public hearing so that members of the public may present their views thereon.

~~((8) May))~~ (6) Accept and expend moneys appropriated by the legislature or received from any public or private source, including the federal government, in carrying out the purposes of this chapter.

~~((9) May))~~ (7) Negotiate and cooperate with the United States of America for the purpose of inducing the United States to undertake the construction, operation, or maintenance of any navigation canal, or navigation canal system provided for in this chapter.

~~((10) Is authorized))~~ (8) As a local sponsor ((to)) cooperate, contract, and otherwise fully participate on behalf of the state of Washington with the United States of America, in any study relating to a determination of feasibility of a navigation canal or navigation canal system, and in any project relating to the construction, operation, or maintenance of a navigation canal, or navigation canal system to be undertaken by the United States of America.

The authority granted herein includes, but is not limited to, contributing such moneys to the United States of America as may be required and appropriated for that purpose by the legislature and furnishing without cost to the United States of America all lands, easements, and rights of way ~~((and perform)), performing~~ all necessary alterations to utilities arising from any project, and holding the United States of America free from any claims for damages arising out of the construction of any project.

NEW SECTION. Sec. 76. There is added to Title 47 RCW a new section to read as follows:

If any part of this title or any section of this 1977 amendatory act is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any department or agencies thereof, such conflicting part or section is declared to be inoperative solely to the extent of the

conflict. No such ruling shall affect the operation of the remainder of the act. Any internal reorganization carried out under the terms of this title or any section of this 1977 amendatory act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 77. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 78. The rule of strict construction shall have no application to this title, and it shall be liberally construed in order to carry out the objectives for which it is designed. Any ambiguities arising from its interpretation should be resolved consistently with the broad purposes set forth in section 1 of this 1977 amendatory act.

NEW SECTION. Sec. 79. Title 47 RCW, presently titled "Public Highways" shall, upon the implementation of this 1977 amendatory act, be known and referred to as "Public Highways and Transportation". Chapters 14.04 and 91.12 RCW shall be recodified as part of Title 47 RCW.

NEW SECTION. Sec. 80. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 165, Laws of 1947, section 1, chapter 68, Laws of 1967, section 9, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 14.04.030;

(2) Section 4, chapter 165, Laws of 1947, section 1, chapter 289, Laws of 1961, section 2, chapter 68, Laws of 1967, section 10, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 14.04.040;

(3) Section 5, chapter 165, Laws of 1947, section 5, chapter 75, Laws of 1977 and RCW 14.04.050;

(4) Section 47.01.010, chapter 13, Laws of 1961 and RCW 47.01.010;

(5) Section 47.01.020, chapter 13, Laws of 1961 and RCW 47.01.020;

(6) Section 47.01.030, chapter 13, Laws of 1961, section 1, chapter 1, Laws of 1965 ex. sess. and RCW 47.01.030;

(7) Section 47.01.040, chapter 13, Laws of 1961, section 31, chapter 170, Laws of 1965 ex. sess., section 138, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 47.01.040;

(8) Section 47.01.050, chapter 13, Laws of 1961 and RCW 47.01.050;

(9) Section 47.01.060, chapter 13, Laws of 1961 and RCW 47.01.060;

(10) Section 47.01.080, chapter 13, Laws of 1961 and RCW 47.01.080;

(11) Section 47.01.090, chapter 13, Laws of 1961 and RCW 47.01.090;

(12) Section 47.01.100, chapter 13, Laws of 1961 and RCW 47.01.100;

(13) Section 47.01.110, chapter 13, Laws of 1961 and RCW 47.01.110;

(14) Section 47.01.120, chapter 13, Laws of 1961 and RCW 47.01.120;

(15) Section 47.01.130, chapter 13, Laws of 1961, section 10, chapter 307, Laws of 1961 and RCW 47.01.130;

(16) Section 1, chapter 29, Laws of 1974 ex. sess. and RCW 47.01.160;

(17) Section 10, chapter 278, Laws of 1961, section 30, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.034;

(18) Section 2, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.020;

(19) Section 3, chapter 123, Laws of 1965 ex. sess., section 1, chapter 36, Laws of 1967, section 181, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 91.12-.030; and

(20) Section 4, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.040.

***\*NEW SECTION. Sec. 81. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1977.***

**\*Sec. 81. was vetoed, see message at end of chapter.**

Passed the Senate May 23, 1977.

Passed the House May 20, 1977.

Approved by the Governor June 2, 1977, with the exception of section 81 which is vetoed.

Filed in Office of Secretary of State June 2, 1977.

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

"I am returning herewith without my approval as to one section, Substitute Senate Bill No. 2924 entitled:

"AN ACT Relating to transportation; creating a department of transportation and prescribing its general structure, personnel, powers, duties, and functions; transferring to the jurisdiction of the department of transportation and/or the secretary of transportation certain powers, duties and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the planning and community affairs agency, and the canal commission; transferring to the jurisdiction of the secretary of transportation certain powers, duties, and functions of certain state officials, boards, and commissions; providing the procedure for the aforesaid transfers; saving certain rights; abolishing certain state agencies and offices;"

Section 81 of the bill declares an emergency and provides for the act to take effect July 1, 1977. Under the Constitution, Article II, Sections 1(b) and 41, the use of an emergency clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

This bill creates a new state agency with great responsibilities. Many provisions of the bill must be carefully studied and will require implementation. In addition, the selection of commissioners and consolidation of other agencies within the department of transportation will necessitate some time. For these reasons I see no need for the emergency clause and thus have respectfully vetoed the same. With the exception of section 81 which I have vetoed, the remainder of Substitute Senate Bill No. 2924 is approved."

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## CHAPTER 152

[Substitute Senate Bill No. 2383]

### STATE AND HIGHER EDUCATION PUBLIC EMPLOYMENT—SALARY AND FRINGE BENEFIT SURVEYS—JOB PERFORMANCE EVALUATION—TRAINING—RULES

AN ACT Relating to public employment; providing salary surveys; providing for local administration and management by institutions of higher education and related boards; mandating the higher education personnel board to adopt rules for training programs and regular increment pay increases; amending section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 75, Laws of 1973 1st ex. sess. and RCW 41.06.150; amending section 16, chapter 1, Laws of 1961 and RCW 41.06.160; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 1, chapter 122, Laws of 1975 1st ex. sess. and RCW 28B.16.100; amending section 11, chapter 36, Laws of 1969 ex. sess. as amended by section 2, chapter 122, Laws of 1975 1st ex. sess. and RCW 28B.16.110; adding new sections to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW; adding new sections to chapter 41.06 RCW; repealing section 9, chapter 1, Laws of 1961 and RCW 41.06.090; and declaring an emergency.

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

Section 1. Section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 75, Laws of 1973 1st ex. sess. and RCW 41.06.150 are each amended to read as follows:

The board shall adopt ~~((and promulgate))~~ rules ~~((and regulations))~~, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis ~~((for;))~~ and procedures to be followed for~~((;))~~:

(1) The dismissal, suspension, or demotion of an employee, and appeals therefrom;

(2) Certification of names for vacancies, including departmental promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists;

(3) Examinations for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Probationary periods of six months and rejections therein;

(6) Transfers;

(7) Sick leaves and vacations;

(8) Hours of work;

(9) Layoffs when necessary and subsequent reemployment, both according to seniority;

(10) Determination of appropriate bargaining units within any agency: **PROVIDED**, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(11) Certification and decertification of exclusive bargaining representatives~~((;))~~: **PROVIDED**, That after certification of an exclusive bargaining representative and upon said representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment shall constitute cause for dismissal: **PROVIDED FURTHER**, That no more often than once in each twelve month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: **PROVIDED FURTHER**, That for purposes of this clause membership in the certified exclusive bargaining representative shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of initiation, reinstatement, or any other fees or fines and shall include full and complete membership rights: **AND PROVIDED FURTHER**, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated

by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union sponsored insurance programs, and such employee shall not be a member of the union but shall be entitled to all the representation rights of a union member;

(12) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(13) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties;

(14) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;

(15) Allocation and reallocation of positions within the classification plan;

(16) Adoption and revision of a state salary schedule to reflect (~~not less than~~) the prevailing rates in Washington state private industries and other governmental units (~~for positions of a similar nature~~), such adoption and revision subject to approval by the (~~state budget~~) director of the office of program planning and fiscal management in accordance with the provisions of chapter 43.88 RCW;

(17) Training programs, including in-service, promotional and supervisory;

(18) (~~regular~~) Increment increases within the series of steps for each pay grade(~~(-)~~) based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

Sec. 2. Section 16, chapter 1, Laws of 1961 and RCW 41.06.160 are each amended to read as follows:

In ~~((adopting or revising))~~ preparing classification and salary schedules as set forth in RCW 41.06.150 as now or hereafter amended the ~~((board))~~ department of personnel shall give full consideration to prevailing rates in other public employment and in private employment in this state ~~((and))~~. For this purpose the department shall ~~((have made periodic wage))~~ undertake salary and fringe benefit surveys to be planned and conducted on a joint basis with the higher education personnel board, with one such survey to be conducted each year prior to the convening of each regular session of the state legislature(;;). The results of ~~((such wage))~~ each salary and fringe benefit survey ~~((to))~~ shall be forwarded with a recommended state salary schedule to the governor and ~~((state budget))~~ director of the office of program planning and fiscal management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the standing committees for appropriations of the senate and house of representatives.

The department shall furnish the following supplementary data in support of its recommended salary schedule:

(1) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data;

(2) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly on prevailing rate data obtained through the survey process and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;

(3) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the department of personnel with:

(a) Those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included; and

(b) Those department of personnel classes which are substantially the same as classes being used by the higher education personnel board clearly marked to show the commonality of the classes between the two jurisdictions;

(4) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and

(5) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary dissimilarities shall not be

included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.

It is the intention of the legislature that requests for funds to support recommendations for salary deviations from the prevailing rate survey data shall be kept to a minimum, and that the requests be fully documented when forwarded by the department of personnel. Further, it is the intention of the legislature that the department of personnel and the higher education personnel board jointly determine job classes which are substantially common to both jurisdictions and that basic salaries for these job classes shall be equal based on salary and fringe benefit survey findings.

**NEW SECTION.** Sec. 3. There is added to chapter 41.06 RCW a new section to read as follows:

(1) In the conduct of salary and fringe benefit surveys under RCW 41.06.160 as now or hereafter amended, it is the intention of the legislature that the surveys be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of the office of program planning and fiscal management, employee organizations, the standing committees for appropriations of the senate and house of representatives, and to the legislative budget committee six months before the beginning of each periodic survey required before regular legislative sessions. This comprehensive plan shall include but not be limited to the following:

(a) A complete explanation of the technical, statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from the planned statistical sample chosen for the survey and a definition of the term "prevailing rates" which is to be used in the planned survey;

(b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:

(i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;

(ii) Is representative of private and public employment in this state;

(iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and

(iv) Indicates the methodology to be used in application of survey data to job classes used by state government;

(c) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.

(2) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in addition to basic salary data. The plans prepared under this section shall be developed jointly by the department of personnel in conjunction with the higher education personnel board established under chapter 28B.16 RCW. All comprehensive salary and fringe benefit survey plans shall be submitted on a joint signature basis by the department of personnel and the higher education



personnel board. The legislative budget committee shall review and evaluate all survey plans before final implementation.

(3) Interim or special surveys conducted under RCW 41.06.160 as now or hereafter amended shall conform when possible to the statistical techniques and principles developed for regular periodic surveys under this section.

(4) The term "fringe benefits" as used in this section and in conjunction with salary surveys shall include but not be limited to compensation for:

- (a) Leave time, including vacation, holiday, civil, and personal leave;
- (b) Employer retirement contributions;
- (c) Health and insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and
- (d) Stock options, bonuses, and purchase discounts where appropriate.

NEW SECTION. Sec. 4. There is added to chapter 41.06 RCW a new section to read as follows:

Salary surveys shall be conducted according to the following criteria in addition to any other provisions under this chapter:

(1) Adjustments of state salaries to prevailing rates in Washington state private industries and other governmental units shall be determined by comparisons of weighted averages of salaries, including weighted averages of salaries from out-of-state sources when necessary to obtain statistically valid salary surveys; and

(2) Determination of state salary changes from prevailing rate data collected in salary surveys shall be based on occupational group averages containing related job classes where appropriate rather than on comparisons of survey data to individual state job classes.

NEW SECTION. Sec. 5. There is added to chapter 41.06 RCW a new section to read as follows:

The department of personnel shall undertake salary and fringe benefit surveys for officers of the Washington state patrol, with one survey to be conducted each year prior to the convening of each regular session of the state legislature. The results of each such survey shall be forwarded, after review and concurrence by the chief of the Washington state patrol, to the governor and director of the office of program planning and fiscal management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the legislative budget committee and the standing committees for appropriations of the senate and house of representatives. The office of program planning and fiscal management shall analyze the survey results and conduct investigations which may be necessary to arbitrate differences between interested parties regarding the accuracy of collected survey data and the use of such data for salary adjustment.

Surveys conducted by the department of personnel for the Washington state patrol shall be undertaken in a manner consistent with statistically accurate sampling techniques, including comparisons of weighted averages of salaries. This service performed by the department of personnel shall be on a reimbursable basis in accordance with the provisions of RCW 41.06.080 as now existing or hereafter amended.

A comprehensive salary and fringe benefits survey plan shall be submitted jointly by the department of personnel and the Washington state patrol to the director of the office of program planning and fiscal management, the committee on ways and means of the senate, the committee on appropriations of the house of representatives and to the legislative budget committee six months before the beginning of each periodic survey. The legislative budget committee shall review and evaluate the survey plan before final implementation.

NEW SECTION. Sec. 6. There is added to chapter 41.06 RCW a new section to read as follows:

After consultation with state agency heads, employee organizations, and other interested parties, the state personnel director shall develop standardized employee performance evaluation procedures and forms which shall be used by state agencies for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual agencies may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. Performance evaluation procedures shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling state agency and job objectives. A standardized performance evaluation procedure shall be instituted not later than July 1, 1978, for all employees.

NEW SECTION. Sec. 7. Section 9, chapter 1, Laws of 1961 and RCW 41.06.090 are each repealed.

Sec. 8. Section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 1, chapter 122, Laws of 1975 1st ex. sess. and RCW 28B.16.100 are each amended to read as follows:

~~((+))~~ The higher education personnel board shall adopt ~~((and promulgate))~~ rules ~~((and regulations))~~, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis ~~((for,))~~ and procedures to be followed ~~((:))~~:

(1) The dismissal, suspension, or demotion of an employee, and appeals therefrom;

(2) Certification of names for vacancies, including promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists;

(3) Examination for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Probationary periods of six months and rejections therein;

(6) Transfers~~((:))~~;

(7) Sick leaves and vacations;

(8) Hours of work;

(9) Layoffs when necessary and subsequent reemployment, both according to seniority;

(10) Determination of appropriate bargaining units within any institution or related boards: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of

collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(11) Certification and decertification of exclusive bargaining representatives(:): PROVIDED, That after certification of an exclusive bargaining representative and upon said representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such condition of employment shall constitute cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause membership in the certified exclusive bargaining representative shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of initiation, reinstatement or any other fees or fines and shall include full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but shall be entitled to all the representation rights of a union member;

(12) Agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion;

(13) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the institution and the employee organization: PROVIDED, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties;

(14) Adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;

(15) Allocation and reallocation of positions within the classification plan; ~~((training programs including in-service, promotional, and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and))~~

(16) Adoption and revision of salary schedules and compensation plans which reflect ((not less than)) the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature and which shall be competitive in the state or the locality in which the institution or related boards are located, such adoption, revision, and implementation subject to approval as to availability of funds by the director of the office of program planning and fiscal management in accordance with the provisions of chapter 43.88 RCW, and after consultation with the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community college education for the various community colleges;

(17) Training programs including in-service, promotional, and supervisory;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and

(19) Providing for veteran's preference as provided by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken higher education service, as defined by the board, the veteran's service in the military not to exceed five years of such service. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

~~((2) Rules and regulations adopted and promulgated by the higher education personnel board shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the board, of the following:~~

- ~~(a) Appointment, promotion, and transfer of employees;~~
- ~~(b) Dismissal, suspension, or demotion of an employee;~~
- ~~(c) Examinations for all positions in the competitive and noncompetitive service;~~
- ~~(d) Probationary periods of six months and rejections therein;~~
- ~~(e) Sick leaves and vacations;~~
- ~~(f) Hours of work;~~
- ~~(g) Layoffs when necessary and subsequent reemployment;~~
- ~~(h) Allocation and reallocation of positions with the classification plans;~~

- ~~(i) Training programs;~~  
~~(j) Maintenance of personnel records;))~~

NEW SECTION. Sec. 9. There is added to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW a new section to read as follows:

Rules adopted by the higher education personnel board shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the board, of the following:

- (1) Appointment, promotion, and transfer of employees;
- (2) Dismissal, suspension, or demotion of an employee;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Probationary periods of six months and rejections therein;
- (5) Sick leaves and vacations;
- (6) Hours of work;
- (7) Layoffs when necessary and subsequent reemployment;
- (8) Allocation and reallocation of positions within the classification plans;
- (9) Training programs; and
- (10) Maintenance of personnel records.

Sec. 10. Section 11, chapter 36, Laws of 1969 ex. sess. as amended by section 2, chapter 122, Laws of 1975 1st ex. sess. and RCW 28B.16.110 are each amended to read as follows:

The salary schedules and compensation plans, adopted and revised as provided in RCW 28B.16.100 as now or hereafter amended, shall reflect ~~((not less than))~~ prevailing rates in other public employment and in private ((industries and other governmental units for positions of a similar nature)) employment in this state or in the locality in which the institution or related board is located. For this purpose ~~((periodic wage))~~ salary and fringe benefit surveys shall be undertaken by the board with the assistance of the various personnel officers of the institutions of higher education and on a joint basis with the department of personnel, with one such survey to be conducted each year prior to the convening of each regular session of the state legislature. The results of such ((wage)) salary and fringe benefit survey shall be forwarded with recommended salary adjustments, which recommendations shall be advisory only, to the governor and the director of the office of program planning and fiscal management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the board to the standing committees for appropriations of the senate and house of representatives.

The board shall furnish the following supplementary data in support of its recommended salary schedule:

(1) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data;

(2) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly

on prevailing rate data obtained through the survey process and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;

(3) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the higher education personnel board with:

(a) Those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included; and

(b) Those higher education personnel board classes which are substantially the same as classes being used by the department of personnel clearly marked to show the commonality of the classes between the two jurisdictions;

(4) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and

(5) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary dissimilarities shall not be included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.

It is the intention of the legislature that requests for funds to support recommendations for salary deviations from the prevailing rate survey data shall be kept to a minimum, and that the requests be fully documented when forwarded by the board. Further, it is the intention of the legislature that the department of personnel and the higher education personnel board jointly determine job classes which are substantially common to both jurisdictions and that basic salaries for these job classes shall be equal based on salary and fringe benefit survey findings.

NEW SECTION. Sec. 11. There is added to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW a new section to read as follows:

(1) In the conduct of salary and fringe benefit surveys under RCW 28B.16.110 as now or hereafter amended, it is the intention of the legislature that the surveys be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of the office of program planning and fiscal management, employee organizations, the standing committees for appropriations in the senate and house of representatives, and to the legislative budget committee six months before the beginning of each periodic survey required before regular legislative sessions. This comprehensive plan shall include but not be limited to the following:

(a) A complete explanation of the technical, statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from

the planned statistical sample chosen for the survey and a definition of the term "prevailing rates" which is to be used in the planned survey;

(b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:

(i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;

(ii) Is representative of private and public employment in this state;

(iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and

(iv) Indicates the methodology to be used in application of survey data to job classes used by state government;

(c) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.

(2) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in addition to basic salary data. The plans prepared under this section shall be developed jointly by the higher education personnel board in conjunction with the department of personnel established under chapter 41.06 RCW. All comprehensive salary and fringe benefit survey plans shall be submitted on a joint signature basis by the higher education personnel board and the department of personnel. The legislative budget committee shall review and evaluate all survey plans before final implementation.

(3) Interim or special surveys conducted under RCW 28B.16.110 as now or hereafter amended shall conform when possible to the statistical techniques and principles developed for regular periodic surveys under this section.

(4) The term "fringe benefits" as used in this section and in conjunction with salary surveys shall include but not be limited to compensation for:

(a) Leave time, including vacation, holiday, civil, and personal leave;

(b) Employer retirement contributions;

(c) Health and insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and

(d) Stock options, bonuses, and purchase discounts where appropriate.

NEW SECTION. Sec. 12. There is added to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW a new section to read as follows:

Salary surveys shall be conducted according to the following criteria in addition to any other provisions under this chapter:

(1) Adjustments of state salaries to prevailing rates in Washington state private industries and other governmental units shall be determined by comparisons of weighted averages of salaries, including weighted averages of salaries from out-of-state sources when necessary to obtain statistically valid salary surveys; and

(2) Determination of state salary changes from prevailing rate data collected in salary surveys shall be based on occupational group averages containing related job classes where appropriate rather than on comparisons of survey data to individual state job classes.

NEW SECTION. Sec. 13. There is added to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW a new section to read as follows:

After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher learning for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives. A standardized performance evaluation procedure shall be instituted not later than July 1, 1978, for all employees.

NEW SECTION. Sec. 14. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

***\*NEW SECTION. Sec. 15. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.***

**\*Sec. 15. was vetoed, see message at end of chapter.**

Passed the Senate May 26, 1977.

Passed the House May 20, 1977.

Approved by the Governor June 3, 1977, with the exception of section 15 which is vetoed.

Filed in Office of Secretary of State June 3, 1977.

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

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 2383 entitled:

"An Act Relating to public employment; providing salary surveys; providing for local administration and management by institutions of higher education and related boards; mandating the higher education personnel board to adopt rules for training programs and regular increment pay increases."

Section 15 of the bill declares an emergency and provides for the act to take effect immediately. Under the Constitution, Article II, Sections 1(b) and 41, the use of an emergency clause does two things. First, it alters the time when a particular piece of legislation becomes effective, thereby eliminating what may be a desirable adjustment period for affected persons. Second, it excepts the legislation from the important referendum right reserved by the people. Because of these effects, the use of the clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

With the exception of Section 15, which I have vetoed, the remainder of Substitute Senate Bill No. 2383 is approved."

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## CHAPTER 153

[Reengrossed Senate Bill No. 2426]

### EMPLOYMENT SECURITY RECORDS—PRIVACY AND CONFIDENTIALITY

AN ACT Relating to employment security records; adding a new chapter to Title 50 RCW to be designated as chapter 50.13 RCW; repealing section 50, chapter 35, Laws of 1945, section 3, chapter 215, Laws of 1951, section 1, chapter 255, Laws of 1971 ex. sess. and RCW 50.12.110; and prescribing penalties.



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

NEW SECTION. Section 1. This chapter is intended to reconcile the free access to public records granted by the open government act and the discovery rights of judicial and administrative systems with the historical confidentiality of certain records of the department of employment security and the individual's right of privacy as acknowledged by the open government act.

The legislature recognizes that records and information held by the department of employment security could be misused. Therefore, this chapter defines a right of privacy and confidentiality as regards individual and employing unit records maintained by the department of employment security. The legislature further recognizes that there are situations where this right of privacy and confidentiality is outweighed by other considerations. Therefore, this chapter also defines certain exceptions to the right of privacy and confidentiality.

NEW SECTION. Sec. 2. Any information or records concerning an individual or employing unit obtained by the department of employment security pursuant to the administration of this title or other programs for which the department has responsibility shall be private and confidential, except as otherwise provided in this chapter. This chapter does not create a rule of evidence. The information or records may be released by the department of employment security when the release is required by the federal government in connection with a program being administered by the department for the federal government.

NEW SECTION. Sec. 3. The commissioner of the department of employment security shall have the authority to adopt, amend, or rescind rules interpreting and implementing the provisions of this chapter. In particular, these rules shall specify the procedure to be followed to obtain information or records to which the public has access under this chapter or chapter 42.17 RCW.

NEW SECTION. Sec. 4. An individual shall have access to all records and information concerning that individual held by the department of employment security, unless the information is exempt from disclosure under RCW 42.17.310. An employing unit shall have access to its own records and to any records and information relating to a benefit claim by an individual if the employing unit is either the individual's last employer or is the individual's base year employer. An employing unit shall have access to general summaries of benefit claims by individuals whose benefits are chargeable to the employing unit's experience rating or reimbursement account.

NEW SECTION. Sec. 5. (1) Any interested party, as defined by rule, in a proceeding before the appeal tribunal or commissioner shall have access to any information or records deemed private and confidential under this chapter if the information or records are material to the issues in that proceeding.

(2) No decisions by the commissioner or the appeals tribunal shall be deemed private and confidential under this chapter unless the decisions are based on information obtained in a closed hearing.

NEW SECTION. Sec. 6. (1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local,

or federal shall have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and:

(a) The agency submits an application in writing to the employment security department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department; and

(b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and

(c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes.

(2) The requirements of subsections (1) and (7) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW.

(3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately.

(4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws.

(5) Governmental agencies may have access to certain records or information, strictly limited to such items as names, addresses, social security numbers, and general information about benefit entitlement, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims. In those cases the governmental agency shall not be required to comply with subsection (1)(c) of this section, but the remainder of that section must be satisfied.

(6) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control.

(7) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is directly connected to the official purpose for which the records or information were obtained.

NEW SECTION. Sec. 7. Information or records deemed private and confidential under this chapter shall be available to parties to judicial or formal administrative proceedings only upon a finding by the presiding officer that the need for the information or records in the proceeding outweighs any reasons for the privacy and confidentiality of the information or records. Information or records deemed private and confidential under this chapter shall not be available in discovery proceedings unless the court in which the action has been filed has made the finding specified above. A judicial or administrative subpoena directed to the employment security department must contain this finding. A subpoena for records or information held by the department may be directed to and served upon any employee of the department, but the department may specify by rule which employee shall produce the records or information in compliance with the subpoena.

NEW SECTION. Sec. 8. The employment security department shall have the right to disclose information or records deemed private and confidential under this chapter to any private person or organization when such disclosure is necessary to permit private contracting parties to assist in the operation and management of the department in instances where certain departmental functions may be delegated to private parties to increase the department's efficiency or quality of service to the public. The private persons or organizations shall use the information or records solely for the purpose for which the information was disclosed and shall be bound by the same rules of privacy and confidentiality as employment security department employees. Nothing in this section shall be construed as limiting or restricting the effect of RCW 42.17.260(5). The misuse or unauthorized release of records or information deemed private and confidential under this chapter by any private person or organization to which access is permitted by this section shall subject the person or organization to a civil penalty of five hundred dollars. Suit to enforce this section shall be brought by the attorney general and the amount of any penalties collected shall be paid into the employment security department administrative contingency fund. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.

NEW SECTION. Sec. 9. Where the employment security department contracts to provide services to other governmental or private organizations, the department may disclose to those organizations information or records deemed private and confidential which have been acquired in the performance of the department's obligations under the contracts.

NEW SECTION. Sec. 10. Nothing in this chapter shall prevent the disclosure of information or records deemed private and confidential under this chapter if all details identifying an individual or employing unit are deleted or the individual or employing unit consents to the disclosure.

NEW SECTION. Sec. 11. Any ambiguities in this chapter shall be construed in a manner consistent with federal laws applying to the employment security department. If any provision of this chapter or the application thereof is held invalid by a final decision of any court or declared by the secretary of the department of labor of the United States to be inconsistent with federal laws upon which funding of the employment security department is contingent, the invalid or inconsistent provision shall be ineffective only to the extent necessary to insure compliance with the court decision or federal determination and the remainder of the chapter shall be given full effect.

NEW SECTION. Sec. 12. Section 50, chapter 35, Laws of 1945, section 3, chapter 215, Laws of 1951, section 1, chapter 255, Laws of 1971 ex. sess. and RCW 50.12.110 are each repealed.

NEW SECTION. Sec. 13. 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. 14. Sections 1 through 11 of this act shall constitute a new chapter in Title 50 RCW and shall be designated as chapter 50.13 RCW.

Passed the Senate May 26, 1977.

Passed the House May 20, 1977.

Approved by the Governor June 3, 1977.

Filed in Office of Secretary of State June 3, 1977.

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## CHAPTER 154

[Senate Bill No 2061]

### HOSPITALS, PROPRIETARY PROFIT-MAKING—RATES, BASIS

AN ACT Relating to hospitals; and amending section 16, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.150.

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

Section 1. Section 16, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39-.150 are each amended to read as follows:

To properly carry out its authority the commission shall:

(1) (~~Immediately upon July 16, 1973 begin to~~) Compile all relevant financial and accounting data in order to have available the statistical information necessary to properly conduct rate review and approval. Such data shall include necessary operating expenses, appropriate expenses incurred for rendering services to patients who cannot or do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The commission shall define and prescribe by rule and regulation the types and classes of charges which cannot be changed except as provided by the procedure contained in RCW 70.39.160 and it shall also obtain from each such

hospital a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require.

(2) Permit any nonprofit hospital subject to the provisions of this chapter to charge reasonable rates which will permit the hospital to render effective and efficient service in the public interest and on a solvent basis.

(3) Permit any proprietary profit-making hospital subject to the provisions of this chapter to charge reasonable rates which will permit the hospital to render effective and efficient service in the public interest and which includes an allowance for a fair return to stockholders based upon actual investment or, if the hospital elects, upon the fair value of the investment~~((, whichever is less))~~ on the effective date of this section: PROVIDED, That once the election is made it may not be changed without the approval of the commission.

(4) Take into account, in the determination of reasonable rates under this section for each hospital, the recommendations of appropriate area-wide and state comprehensive health planning agencies to ensure compliance with Washington comprehensive health planning law, chapter 70.38 RCW.

(5) Permit, in considering a request for change in or initiating a review of rate schedules or other charges, any hospital subject to the provisions of this chapter to charge rates which will in the aggregate produce sufficient total revenue for the hospital to meet all of the reasonable obligations specified in this chapter.

Passed the Senate May 26, 1977.

Passed the House May 24, 1977.

Approved by the Governor June 3, 1977.

Filed in Office of Secretary of State June 3, 1977.

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## CHAPTER 155

[Engrossed Substitute Senate Bill No. 2113]

### INSTITUTIONS OF HIGHER EDUCATION—NONIMMIGRANT ALIENS—TUITION AND FEES

AN ACT Relating to institutions of higher education; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

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

**NEW SECTION.** Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

The state's public institutions of higher education shall grant resident status for the purpose of tuition and fee payment, including operating fees and services and activities fees, to any nonimmigrant alien entering the United States under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and the foreign state of which he or she is a national, more specifically as referred to under the visa classification defined in Title 8, Section 1101(a)(15)(E)(i) under the Immigration and Nationality Act as in the Code of the United States of America, and to the spouse and children of any such alien.

**\*NEW SECTION. Sec. 2.** *There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:*

***The rights as provided for in section 1 of this act shall be restricted to the non-immigrant aliens and dependents thereof who are nationals of countries which grant the same right to residents of the state of Washington who attend in such countries institutions of higher education which are comparable to state public institutions of higher education in the state of Washington.***

\*Sec. 2. was vetoed, see message at end of chapter.

**NEW SECTION.** Sec. 3. The legislature recognizes that in extending resident tuition and fee rates at institutions of higher education to such nonimmigrant aliens and their families who are in this state to carry on business, as provided for in section 1 of this act, simple justice is being extended to such families who live in this state and pay federal, state and local taxes, contribute to the social and cultural activities within their neighborhoods, and contribute most substantially to the economic welfare of this state; thus these families should be accorded in some small measure rights coincident to that of their neighbors within their community.

**NEW SECTION.** Sec. 4. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate May 27, 1977.

Passed the House May 26, 1977.

Approved by the Governor June 6, 1977, with the exception of section 2 which is vetoed.

Filed in Office of Secretary of State June 6, 1977.

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

"I am returning herewith, without my approval as to one section, Substitute Senate Bill No. 2113 entitled:

"AN ACT Relating to institutions of Higher Education; creating new sections; and adding new sections to Chapter 223, Laws of 1969 Extraordinary Session, and to chapter 28B.15 RCW."

Section 2 of the bill restricts the resident tuition and fee classification to nonimmigrant aliens and dependents who are nationals of countries having comparable public institutions of higher education and extending the same resident tuition and fee policy to residents of the State of Washington who attend institutions of higher education in such countries. This would effectively require institutions in the State of Washington to first determine comparability and then ascertain by surveying Washington State citizens or institutions in affected foreign countries the tuition and fee rates charged to our citizens. This poses numerous measurement problems in determining comparability of foreign educational systems with our state educational system and unnecessarily increases the administrative workload associated with the enrolling and granting of residency status to the affected nonimmigrant alien.

Section 2 of the bill is also considered to be inconsistent with legislative intent as stipulated in Section 3. The main reason for extending residency status to this select group of nonimmigrant aliens and dependents is because they are viable members of the community, pay taxes, and contribute to the economic, social and cultural welfare of this state. It seems inappropriate and inconsistent to link that level of state contribution and involvement in community affairs to the higher educational system and tuition and fee policies of that person's country.

With the exception of Section 2, which I have vetoed, the remainder of Substitute Senate Bill No. 2113 is approved."

## CHAPTER 156

[Engrossed Substitute Senate Bill No. 2197]

## ESCROW

AN ACT Relating to escrow; amending section 1, chapter 153, Laws of 1965 as amended by section 1, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.010; amending section 2, chapter 153, Laws of 1965 as last amended by section 2, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.020; amending section 3, chapter 153, Laws of 1965 and RCW 18.44.030; amending section 4, chapter 153, Laws of 1965 as amended by section 3, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.040; amending section 5, chapter 153, Laws of 1965 as amended by section 4, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.050; amending section 7, chapter 153, Laws of 1965 and RCW 18.44.070; amending section 8, chapter 153, Laws of 1965 as amended by section 5, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.080; amending section 9, chapter 153, Laws of 1965 and RCW 18.44.090; amending section 13, chapter 153, Laws of 1965 and RCW 18.44.130; amending section 17, chapter 153, Laws of 1965 and RCW 18.44.160; amending section 7, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.200; amending section 8, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.210; amending section 9, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.220; amending section 11, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.240; amending section 12, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.250; amending section 13, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.260; amending section 14, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.270; adding new sections to chapter 18.44 RCW; repealing section 6, chapter 153, Laws of 1965 and RCW 18.44.060; repealing section 10, chapter 245, Laws of 1971 ex. sess., section 1, chapter 163, Laws of 1973 1st ex. sess. and RCW 18.44.230; declaring an emergency; and prescribing an effective date.

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

Section 1. Section 1, chapter 153, Laws of 1965 as amended by section 1, chapter 245, Laws of 1971 ex sess. and RCW 18.44.010 are each amended to read as follows:

Unless the context otherwise requires terms used in this chapter shall have the following meanings:

- (1) "Department" means the department of motor vehicles.
- (2) "Director" means the director of the department of motor vehicles, or his duly authorized representative.
- (3) "Escrow" means any transaction wherein any person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance, or lease of real or personal property to another person or persons, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person to be held by such third person until the happening of a specified event or the performance of a prescribed condition or conditions, when it is then to be delivered by such third person, in compliance with instructions under which he is to act, to a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee thereof.
- (4) "Escrow agent" means any ~~((person))~~ sole proprietorship, firm, association, partnership, or corporation engaged in the business of performing for compensation the duties of the third person referred to in RCW 18.44.010(3) above.
- (5) "Certificated escrow agent" means any ~~((person))~~ sole proprietorship, firm, association, partnership, or corporation holding a certificate of registration as an escrow agent under the provisions of this chapter ~~((, including corporations, firms, copartnerships and sole proprietors))~~.

(6) "Person" unless a different meaning appears from the context, includes an individual, a firm, association, partnership or corporation, or the plural thereof, whether resident, nonresident, citizen or not.

(7) "Escrow officer" means any natural person handling escrow transactions and licensed as such by the director.

(8) "Escrow commission" means the escrow commission of the state of Washington created by RCW 18.44.210.

(9) "Controlling person" is any person who owns or controls ten percent or more of the beneficial ownership of any escrow agent, regardless of the form of business organization employed and regardless of whether such interest stands in such person's true name or in the name of a nominee.

Sec. 2. Section 2, chapter 153, Laws of 1965 as last amended by section 2, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.020 are each amended to read as follows:

It shall be unlawful for any person to engage in business as an escrow agent within this state unless such person (~~has been registered with the department and issued a~~) possesses a valid certificate of registration issued by the director pursuant to this chapter: **PROVIDED**, That the registration and licensing requirements of this chapter shall not apply to:

(1) Any person doing business under the law of this state or the United States relating to banks, trust companies, mutual savings banks, savings and loan associations, credit unions, insurance companies, title insurance companies, the duly authorized agents of title insurance companies the business of which agents is exclusively devoted to the title insurance business, or any federally approved agency or lending institution under the National Housing Act.

(2) Any person licensed to practice law in this state while engaged in the performance of his professional duties.

(3) Any company, broker, or agent subject to the jurisdiction of the director while performing acts in the course of or incidental to sales or purchases of real or personal property handled or negotiated by such company, broker, or agent: **PROVIDED, HOWEVER**, That no compensation is received for escrow services.

(4) Any transaction in which money or other property is paid to, deposited with, or transferred to a joint control agent for disbursal or use in payment of the cost of labor, material, services, permits, fees, or other items of expense incurred in the construction of improvements upon real property.

(5) Any receiver, trustee in bankruptcy, executor, administrator, guardian, or other person acting under the supervision or order of any superior court of this state or of any federal court.

Sec. 3. Section 3, chapter 153, Laws of 1965 and RCW 18.44.030 are each amended to read as follows:

An application for registration as an escrow agent shall be in writing in such form as is prescribed by the director, and shall be verified on oath by the applicant. If the applicant is a corporation, the application shall include a list of the officers and directors of such corporation, and their addresses; if the applicant is a firm or ~~(copartnership))~~ partnership, the application shall include a list of the names and



addresses of the partners. The application shall include a consent to service of process, in such form as the director shall prescribe, and payment of the fee required by RCW 18.44.080.

Sec. 4. Section 4, chapter 153, Laws of 1965 as amended by section 3, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.040 are each amended to read as follows:

Each applicant shall, at the time of applying for registration, file with the director:

(1) ~~((Affidavits by any three persons listed in subsections (1) through (3) of RCW 18.44.020, stating that they are acquainted with the applicant or its principal officers and that they believe him to be of good character and reputation.))~~ The applicant's business form and place of organization.

(2) In the event the applicant is doing business under an assumed name, a certified copy of the certificate of assumed name as filed with the county clerk in the county or counties in which the applicant does business or proposes to do business, as provided in chapter 19.80 RCW.

(3) The qualification and business history including a commercial type credit and character report from a recognized credit reporting bureau satisfactory to the director on the applicant, principal officers, controlling person, or partners.

(4) Such proof as the director may require concerning the honesty, veracity, and good reputation, as well as the identity of the applicant, principal officers, controlling person, or partners. Identification of the applicant, principal officers, or partners shall include but not be limited to fingerprints.

(5) Whether the applicant, principal officers, or partners have been convicted of any crime within the preceding ten years which relate directly to the business or duties of escrow agents, or have suffered a judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion.

(6) The identity of the natural person designated as the escrow officer to supervise the agent's escrow activity.

(7) Any other information the director may reasonably require.

Sec. 5. Section 5, chapter 153, Laws of 1965 as amended by section 4, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.050 are each amended to read as follows:

At the time of filing an application as an escrow agent, or any renewal or reinstatement thereof, the applicant shall satisfy the director that it has obtained ~~((a fidelity bond providing fidelity coverage on the applicant and on each officer and employee of the applicant engaged in escrow transactions. Such applicant shall keep said bond in effect at all times while his certificate of registration is in effect. Such bond shall be a primary commercial blanket bond or its equivalent as required by the director and written by an insurer authorized to transact surety insurance business in the state of Washington. Such bond shall provide fidelity coverage in the amount of two hundred thousand dollars and may be canceled by the surety upon delivering thirty days written notice to the director and the principal.))~~ the following as evidence of financial responsibility:

(1) A fidelity bond providing coverage in the amount of two hundred thousand dollars on each officer and employee of the applicant engaged in escrow transactions; and

(2) An errors and omissions policy issued to the escrow agent providing coverage in the minimum amount of fifty thousand dollars per loss.

For the purposes of this section, a "fidelity bond" shall mean a primary commercial blanket bond or its equivalent satisfactory to the director and written by an insurer authorized to transact surety business in the state of Washington. Such bond shall provide fidelity coverage for any fraudulent or dishonest acts committed by any one or more of the employees or officers as defined in the bond, acting alone or in collusion with others. Said bond shall be for the sole benefit of the escrow agent and under no circumstances whatsoever shall the bonding company be liable under the bond to any other party. The bond shall name the escrow agent as obligee and shall protect the obligee against the loss of money or other real or personal property belonging to the obligee, or in which the obligee has a pecuniary interest, or for which the obligee is legally liable or held by the obligee in any capacity, whether the obligee is legally liable therefor or not. The bond may be canceled by the insurer upon delivery of thirty days' written notice to the director and to the escrow agent.

For the purposes of this section, an "errors and omissions policy" shall mean a group or individual insurance policy satisfactory to the director and issued by an insurer authorized to transact insurance business in the state of Washington. Such policy shall provide coverage for unintentional errors and omissions of the escrow agent and its employees, and may be canceled by the insurer upon delivery of thirty days' written notice to the director and to the escrow agent.

Except as provided in section 30 of this 1977 amendatory act, the fidelity bond and the errors and omissions policy required by this section shall be kept in full force and effect as a condition precedent to the escrow agent's authority to transact escrow business in this state, and the escrow agent shall supply the director with satisfactory evidence thereof upon request.

Sec. 6. Section 7, chapter 153, Laws of 1965 and RCW 18.44.070 are each amended to read as follows:

Every certificated escrow agent shall keep adequate records of all transactions handled by or through him including itemization of all receipts and disbursements of each transaction, which records shall be open to inspection by the director or his authorized representatives.

Every certificated agent shall keep a separate escrow fund account in a recognized Washington state depository authorized to receive funds, in which shall be kept separate and apart and segregated from the agent's own funds, all funds or moneys of clients which are being held by the agent pending the closing of a transaction and such funds shall be deposited not later than the first banking day following receipt thereof.

Violation of this section shall constitute grounds for suspension or revocation of the registration ~~((and the certificate thereof))~~ or license of any person under this chapter and such additional penalties as may be prescribed in Title 9A RCW.

Sec. 7. Section 8, chapter 153, Laws of 1965 as amended by section 5, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.080 are each amended to read as follows:

The director shall charge and collect the following fees:

(1) For filing an original or a renewal application for registration as an escrow agent, an annual fee of one hundred dollars for the first office or location and ~~((five))~~ twenty-five dollars for each additional office or location.

(2) For filing an ~~((original or a renewal application for registration as an escrow officer, an annual fee of fifty dollars))~~ application for a change of address, ten dollars for each certificate of registration and for each escrow officer license being so changed.

(3) For filing an application for a duplicate of a certificate of registration or of an escrow officer license lost, stolen, destroyed, or for replacement, ~~((five))~~ ten dollars.

(4) All fees received by the director under this chapter shall be paid by him into the state treasury to the credit of the general fund.

Sec. 8. Section 9, chapter 153, Laws of 1965 and RCW 18.44.090 are each amended to read as follows:

Upon the filing of the application for registration as an escrow agent ~~((the affidavits of character, the certificate of assumed name, if appropriate, the acceptance of the bond or other indemnity insurance, and the payment of the filing fee))~~ on a form provided by the director and satisfying the requirements as set forth in this chapter, the director shall issue and deliver to the applicant a certificate of registration to engage in the business of an escrow agent at the location ((or locations)) set forth in the certificate ((or certificates)).

Sec. 9. Section 13, chapter 153, Laws of 1965 and RCW 18.44.130 are each amended to read as follows:

The revocation, suspension, surrender or expiration of an escrow agent's certificate shall not impair or affect preexisting escrows accepted by the agent prior to such revocation, suspension, surrender or expiration: **PROVIDED, That the escrow agent shall within five work days provide written notice to all principals of such preexisting escrows of the agent's loss of registration. The notice shall include as a minimum the reason for the loss of registration, the estimated date for completing the escrow, and the condition of the agent's bond and whether it is in effect or whether notice of cancellation has been given. The notice shall afford the principals the right to withdraw the escrow without monetary loss.**

Sec. 10. Section 17, chapter 153, Laws of 1965 and RCW 18.44.160 are each amended to read as follows:

Whenever it shall appear that any person, required by this chapter to register with the department, is conducting business as an escrow agent without having applied for and obtained a certificate of registration, or that any certificated escrow agent is conducting business in a manner deemed unsafe or injurious to the public or any party having business relations with such escrow agent as a contracting party to an escrow agreement as defined in RCW 18.44.010, or in violation of any of the provisions of this chapter, the attorney general or the prosecuting attorney of the appropriate county may, after such investigation as may be necessary, apply to the appropriate court for an order enjoining the person from engaging in or continuing to engage in the activity violative of this chapter, and upon a showing that such person has engaged, or is about to engage, in any such activity, a permanent

or temporary injunction, restraining order, or other appropriate order may be issued by the court.

~~((Alternatively or in addition, the attorney general or prosecuting attorney of the appropriate county may bring an action in the superior court to revoke or suspend the registration of any person under this chapter for violation of any provision thereof.))~~

Sec. 11. Section 7, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.200 are each amended to read as follows:

No escrow agent shall engage in the business of handling escrow transactions unless such transactions are ~~((handled by an agent))~~ supervised by a licensed ((as an)) "escrow officer": PROVIDED, That (1) in the case of a partnership, one licensed partner ((may)) shall act on behalf of the partnership; (2) in the case of a corporation, one licensed officer thereof ((may)) shall act on behalf of the corporation; and (3) each branch office shall be required to have at least one licensed escrow officer designated by the escrow agent. Responsibility for the conduct of any escrow agent, escrow officers, or branch escrow officers covered by this chapter shall rest with the escrow officer having direct supervision of such person's escrow activities. The branch escrow officer shall bear responsibility for persons operating under each branch escrow officer's supervision at a branch escrow office.

Sec. 12. Section 8, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.210 are each amended to read as follows:

There is established an escrow commission of the state of Washington, consisting of the director, who shall be chairman, and four commission members who shall act in an advisory capacity to the director. ~~The commission ((shall consist of five members, which shall consist of the director who shall be chairman, and the remaining))~~ members shall be appointed by the governor for a term of four years each: PROVIDED, That one of such appointees shall be selected from persons designated by the governing authority of the escrow association of Washington, and one shall be selected from designees of the governing authority of the Washington state bar association, and the remaining two members shall be selected from persons engaged in the business of handling escrow transactions ~~((PROVIDED FURTHER, That for the first term of office, the two members selected at the governor's discretion shall serve for a term of two years each))~~.

Sec. 13. Section 9, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.220 are each amended to read as follows:

Any person desiring to be an escrow officer ~~((shall meet the requirement of RCW 18.44.040 and))~~ must successfully pass an examination ~~((, be a resident of the state of Washington and furnish such other proof as the director may require concerning his honesty, truthfulness, and good reputation))~~. The person shall make application for an escrow officer examination on a form provided by the director and pay an examination fee of twenty-five dollars. The applicant shall satisfy the director that the applicant is at least eighteen years old and is a resident of the state of Washington.

Sec. 14. Section 11, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.240 are each amended to read as follows:

The escrow officer examination ~~((given))~~ shall encompass the following:

(1) Appropriate knowledge of the English language, including reading, writing, and arithmetic((:));

(2) An understanding of the principles of real estate conveyancing, the general purposes and legal effects of deeds, mortgages, deeds of trust, contracts of sale, exchanges, rental and optional agreements, leases, earnest money agreements, personal property transfers, and encumbrances((:));

(3) An understanding of the obligations between principal and agent((:)); and

(4) An understanding of the meaning and nature of encumbrances upon real property.

The examination shall be in such form as prescribed by the director and approved by the commission, and shall be given at least annually.

~~((Upon successful completion of the examination the director shall issue an "escrow officer" license to the applicant which license shall be renewable annually.))~~

Sec. 15. Section 12, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.250 are each amended to read as follows:

The ~~((commission))~~ director shall have the authority to hold educational conferences for the benefit of the industry and shall conduct examinations for licenses as an escrow officer.

Sec. 16. Section 13, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.260 are each amended to read as follows:

The director may, ~~((upon his own motion, and shall, upon verified complaint in writing by any person, investigate the actions of any licensed escrow officer and may temporarily))~~ upon notice to the escrow agent and to the insurer providing coverage under RCW 18.44.050 as now or hereafter amended, by order deny, suspend, or ((permanently)) revoke ((or deny such license for any holder who)) the certificate of registration or license of any escrow agent or escrow officer if he finds that the applicant or any partner, officer, director, controlling person, or employee is guilty of the following:

(1) Obtaining a license or registration by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the director.

(2) Violating any of the provisions of this chapter or any lawful rules or regulations made by the director pursuant thereto.

(3) The commission of a crime against the laws of this or any other state or government, involving moral turpitude or dishonest dealings.

(4) Knowingly committing or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relying upon the word, representation, or conduct of the licensee or agent or any partner, officer, director, controlling person, or employee acts to his injury or damage.

(5) Conversion of any money, contract, deed, note, mortgage, or abstract or other evidence of title to his own use or to the use of his principal or of any other person, when delivered to him in trust or on condition, in violation of the trust or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, abstract or other evidence of title within thirty days after the owner thereof is entitled thereto, and makes demand therefor, shall be prima facie evidence of such conversion.

(6) Failing, upon demand, to disclose any information within his knowledge to, or to produce any document, book, or record in his possession for inspection of, the director or his authorized representatives (~~((acting by authority of law))~~).

(7) Committing any act of fraudulent or dishonest dealing, and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter.

(8) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for the principal.

Sec. 17. Section 14, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.270 are each amended to read as follows:

The proceedings for revocation (~~((or))~~), suspension (~~((of a license))~~), or refusal to renew (~~((a license))~~) or accept an application for renewal of an escrow agent's registration or escrow officer license, and any appeal therefrom or review thereof shall be governed by the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 18. There is added to chapter 18.44 RCW a new section to read as follows:

No escrow agent, officer, or employee shall publish or otherwise place before the public any advertisement, announcement, or statement which uses or makes reference to the existence of the financial responsibility requirements of this chapter, including but not limited to references to "bonded" or "insured".

No firm or organization engaged in escrow transactions, whether or not such firm is doing business in a corporate form, shall use in the name of such firm any reference to the financial responsibility requirements of this chapter, including but not limited to "bonded" or "insured".

NEW SECTION. Sec. 19. There is added to chapter 18.44 RCW a new section to read as follows:

Notice in writing shall be given to the director and to the insurer providing coverage under RCW 18.44.050 as now or hereafter amended of any change of business location or of branch office location. Upon the surrender of the original registration for the agent or the registration applicable to a branch office and a payment of a fee, the director shall issue a new certificate covering the new location.

NEW SECTION. Sec. 20. There is added to chapter 18.44 RCW a new section to read as follows:

If the director determines after notice and hearing that a person has:

- (1) Violated any provision of this chapter; or
- (2) Directly, or through an agent or employee, engaged in any false, deceptive, or misleading
  - (a) advertising or promotional activity, or
  - (b) business practices; or
- (3) Violated any lawful order, rule, or regulation of the director; the director may issue an order requiring the person to cease and desist from the unlawful practice and to take such affirmative action as in the judgment of the director will carry out the purposes of this chapter.

If the director makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order. Prior to issuing the temporary cease and desist order, the director, whenever possible by telephone or otherwise, shall give notice of the proposal to issue a temporary cease and desist order to the person. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held to determine whether or not the order becomes permanent.

If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this chapter, or a rule or order under this chapter, the director, with or without prior administrative proceedings, may bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter or any rule, regulation, or order under this chapter. Upon proper showing, injunctive relief or temporary restraining orders shall be granted and a receiver or conservator may be appointed. The director shall not be required to post a bond in any court proceedings.

NEW SECTION. Sec. 21. There is added to chapter 18.44 RCW a new section to read as follows:

The director may:

(1) Make necessary public or private investigations within or outside of this state to determine whether any person has violated or is about to violate this chapter or any rule, regulation, or order under this chapter, or to aid in the enforcement of this chapter or in the prescribing of rules and forms under this chapter; or

(2) Require or permit any person to file a statement in writing, under oath or otherwise as the director determines, as to all facts and circumstances concerning the matter to be investigated.

For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by him may administer oaths or affirmations, and upon his own motion or upon request of any party, may subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge or relevant facts, or any other matter reasonably calculated to lead to the discovery of material evidence.

Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the director may apply to the superior court for an order compelling compliance.

Except as otherwise provided in this chapter, all proceedings under this chapter shall be in accordance with the administrative procedure act, chapter 34.04 RCW.

NEW SECTION. Sec. 22. There is added to chapter 18.44 RCW a new section to read as follows:

Any person desiring to be an escrow officer shall meet the requirements of RCW 18.44.220 as provided in this chapter. The applicant shall make application endorsed by a certificated escrow agent to the director on a form to be prescribed and furnished by the director. Such application must be received by the director within one year of passing the escrow officer examination. With this application the applicant shall:

(1) Pay a license fee as set forth in this chapter; and

(2) Furnish such proof as the director may require concerning his honesty, truthfulness, good reputation, and identity, including but not limited to fingerprints.

NEW SECTION. Sec. 23. There is added to chapter 18.44 RCW a new section to read as follows:

Any person desiring to be an escrow officer must include with the application a license fee of fifty dollars. Every escrow officer license issued under the provisions of this chapter expires on the date one year from the date of issue which date will henceforth be the renewal date. An annual license renewal fee in the same amount must be paid on or before each renewal date: PROVIDED, That licenses issued or renewed prior to the effective date of this 1977 amendatory act shall use the existing renewal date as the date of issue. If the application for a renewal license is not received by the director on or before the renewal date such license is expired. The license may be reinstated at any time prior to the next succeeding renewal date following its expiration upon the payment to the director of the annual renewal fee then in default. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency. Licenses not renewed within one year of the renewal date then in default shall be cancelled. A new license may be obtained by satisfying the procedures and qualifications for initial licensing, including where applicable successful completion of examinations.

NEW SECTION. Sec. 24. There is added to chapter 18.44 RCW a new section to read as follows:

The license of an escrow officer shall be retained and displayed at all times by the certificated escrow agent, and when the officer ceases to represent the agent, the license shall cease to be in force. Notice of such termination shall be given by the next regular business day by the escrow agent to the director and such notice shall be accompanied by and include the surrender of the escrow officer's license. Failure to notify the director of such termination after demand by the affected escrow officer shall work a forfeiture of the escrow agent's certificate of registration.

The director may hold the escrow officer's license inactive for a period not exceeding three consecutive years upon application of the escrow officer: PROVIDED, That the escrow officer shall pay the annual renewal fee. Such license may be activated upon application of a certificated escrow agent on a form provided by the director, endorsement by an escrow officer, and the payment of a ten dollar fee. The director shall thereupon issue a new license for the unexpired term if such escrow officer is otherwise entitled thereto. An escrow officer's first license shall not be issued inactive.

NEW SECTION. Sec. 25. There is added to chapter 18.44 RCW a new section to read as follows:

The director may issue rules and regulations to govern the activities of certificated escrow agents and escrow officers. The director shall enforce all laws, rules, and regulations relative to the registration of escrow agents and licensing of escrow officers. The director may hold hearings and suspend or revoke the registration or licenses of violators and may deny, suspend, or revoke the authority of an escrow officer to act as the designated escrow officer of a person who commits violations of this chapter or of the rules and regulations.



Except as specifically provided in this chapter, the rules adopted and the hearings conducted shall be in accordance with the provisions of chapter 34.04 RCW, the administrative procedure act.

NEW SECTION. Sec. 26. There is added to chapter 18.44 RCW a new section to read as follows:

An escrow agent shall not operate an escrow business in a location other than the location set forth on the agent's certificate of registration issued by the director. The escrow agent may apply to the director for authority to establish one or more branch offices under the same name as the main office.

Any person desiring to operate a branch escrow office shall make application on a form provided by the director and pay a fee as set forth in this chapter. Such application shall identify the natural person designated as the escrow officer to supervise the agent's escrow activity at the escrow agent branch office.

No escrow agent branch office certificate of registration shall be issued until the applicant has satisfied the director that the escrow activity of said branch meets all financial responsibility requirements governing the conduct of escrow activity.

NEW SECTION. Sec. 27. There is added to chapter 18.44 RCW a new section to read as follows:

Upon the filing of the application for an escrow agent branch office and satisfying the requirements of this chapter, the director shall issue and deliver to the applicant a certificate of registration to engage in the business of an escrow agent at the branch location set forth on the certificate.

NEW SECTION. Sec. 28. There is added to chapter 18.44 RCW a new section to read as follows:

Each escrow agent and escrow agent branch office certificate of registration and each escrow officer license, when issued, shall be in the form and size prescribed by the director and shall state in addition to any other matter required by the director:

- (1) The name of the licensee or registrant;
- (2) The name under which the applicant will do business;
- (3) The address at which the applicant will do business;
- (4) The expiration date of the license or registration; and
- (5) In the case of a corporation, partnership, or branch office, the name of the natural person who is designated to act as the escrow officer on behalf thereof.

NEW SECTION. Sec. 29. There is added to chapter 18.44 RCW a new section to read as follows:

The four escrow commission members shall each receive fifty dollars per day for each day engaged in official business of the commission, plus travel expenses as provided for state officials and employees in RCW 43.03.050 and 43.03.060, when called into session by the director or when otherwise engaged in the business of the commission.

NEW SECTION. Sec. 30. There is added to chapter 18.44 RCW a new section to read as follows:

The director shall, within thirty days after the written request of the escrow commission, hold a public hearing to determine whether the fidelity bond and/or the errors and omissions policy specified in RCW 18.44.050 as now or hereafter amended is reasonably available to a substantial number of certificated escrow

agents. If the director determines and the insurance commissioner concurs that such bond and/or policy is not reasonably available, the director shall waive the requirements for such bond and/or policy for a fixed period of time not to exceed ninety days after the next regular session of the legislature.

NEW SECTION. Sec. 31. There is added to chapter 18.44 RCW a new section to read as follows:

After a written determination by the director, with the consent of the insurance commissioner, that the fidelity bond and/or the errors and omissions policy required under RCW 18.44.050 as now or hereafter amended is cost-prohibitive, or after a determination as provided in section 30 of this 1977 amendatory act that such bond or policy is not reasonably available, upon the request of an association comprised of certificated escrow agents, the director, with the consent of the insurance commissioner, may authorize such association to organize a mutual corporation pursuant to chapter 24.06 RCW, exempt from the provisions of Title 48 RCW, for the purpose of insuring or self-insuring against claims arising out of escrow transactions, if, in the director's judgment, there is a substantial likelihood that the corporation will operate for the benefit of the public and if the corporation shall have established rules, procedures, and reserves which satisfy the director that it will operate in a financially responsible manner which provides a substantial probability that it shall be able to pay any claims made against the corporation, up to the limits of financial responsibility as provided in RCW 18.44.050, as now or hereafter amended. The director, with the consent of the insurance commissioner, may limit the authority of the corporation to the insuring or self-insuring of claims which would be within the coverage specified in RCW 18.44.050. The director, with the consent of the insurance commissioner, may revoke the authority of the corporation to transact insurance or self-insurance if he determines, pursuant to chapter 34.04 RCW, that the corporation is not acting in a financially responsible manner or for the benefit of the public. Any corporation established pursuant to this section shall cease to exist, except for the payment of incurred claims, ninety days after the next regular session of the legislature unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 32. Section 10, chapter 245, Laws of 1971 ex. sess., section 1, chapter 163, Laws of 1973 1st ex. sess. and RCW 18.44.230 are each repealed.

NEW SECTION. Sec. 33. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

***\*NEW SECTION. Sec. 34. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state***

*government and its existing public institutions, and shall take effect on June 15, 1977.*

\*Sec. 34. was vetoed, see message at end of chapter.

Passed the Senate May 27, 1977.

Passed the House May 19, 1977.

Approved by the Governor June 6, 1977, with the exception of section 34 which is vetoed.

Filed in Office of Secretary of State June 6, 1977.

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

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 2197 entitled:

"AN ACT Relating to escrow"

Section 34 of the bill declares an emergency and provides for the act to take effect on June 15, 1977. Under the Constitution, Article II, Sections 1(b) and 41, the use of an emergency clause does two things. First, it alters the time when a particular piece of legislation becomes effective, thereby eliminating what may be a desirable adjustment period for affected persons. Second, it excepts the legislation from the important referendum right reserved by the people. Because of these effects, the use of the clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

With the exception of Section 34, which I have vetoed, the remainder of Substitute Senate Bill No. 2197 is approved."

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## CHAPTER 157

[Substitute Senate Bill No. 2132]

### PUBLIC UTILITY DISTRICTS—COMMISSIONERS' SALARIES

AN ACT Relating to public utility districts; and amending section 4, chapter 207, Laws of 1951 as last amended by section 5, chapter 106, Laws of 1969 and RCW 54.12.080.

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

Section 1. Section 4, chapter 207, Laws of 1951 as last amended by section 5, chapter 106, Laws of 1969 and RCW 54.12.080 are each amended to read as follows:

Each district commissioner of a district operating utility properties (~~serv~~ing more than two thousand customers) shall receive a salary (~~of one hundred fifty dollars per month~~) during a calendar year which shall depend upon the total gross revenue of the district from its distribution system and its generating system, if any, for the fiscal year ending June 30th prior to such calendar year, based upon the following schedule:

<u>REVENUE</u>	<u>SALARY</u>
<u>OVER \$15 million</u>	<u>\$500 per month</u>
<u>\$2 to 15 million</u>	<u>\$350 per month</u>

Commissioners of other districts shall serve without salary unless the district provides by resolution for the payment thereof, which however shall not exceed ~~((one))~~ two hundred ~~((fifty))~~ dollars per month for each commissioner: PROVIDED, That a commissioner serving a term of office on the effective date of this 1977 amendatory act in a district serving more than two thousand customers but with less than two million dollars gross annual revenue shall receive a salary of two

hundred dollars per month through completion of the present term of office. In addition to salary, all districts may provide by resolution for the payment of per diem compensation to each commissioner at a rate not exceeding thirty-five dollars for each day or major part thereof devoted to the business of the district, and days upon which he attends meetings of the commission of his district or meetings attended by one or more commissioners of two or more districts called to consider business common to them, but such per diem compensation paid during any one year to a commissioner shall not exceed five thousand dollars. Per diem compensation shall not be paid for services of a ministerial or professional nature.

Each district commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his subsistence and lodging and travel while away from his place of residence.

Any district providing group insurance for its employees, covering them, their immediate family and dependents, may provide insurance for its commissioner with the same coverage.

Passed the Senate April 4, 1977.

Passed the House May 26, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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CHAPTER 158

[Engrossed Senate Bill No. 2159]

ACTIONS FOR DAMAGES—MALICIOUS PROSECUTION

AN ACT Relating to claims; and adding a new section to chapter 4.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.24 RCW a new section to read as follows:

In any action for damages, whether based on tort or contract or otherwise, a claim or counterclaim for damages may be litigated in the principal action for malicious prosecution on the ground that the action was instituted with knowledge that the same was false, and unfounded, malicious and without probable cause in the filing of such action, or that the same was filed as a part of a conspiracy to misuse judicial process by filing an action known to be false and unfounded.

Passed the Senate March 14, 1977.

Passed the House May 26, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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CHAPTER 159

[Senate Bill No. 2202]

PUBLIC LANDS—FOREST DEVELOPMENT ACCOUNT—RESOURCE MANAGEMENT COST ACCOUNT

AN ACT Relating to lands under the jurisdiction and management of the department of natural resources; amending section 6, chapter 154, Laws of 1923 as last amended by section 1, chapter 314,

Laws of 1959 and RCW 76.12.110; and amending section 3, chapter 178, Laws of 1961 and RCW 79.64.030.

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

Section 1. Section 6, chapter 154, Laws of 1923 as last amended by section 1, chapter 314, Laws of 1959 and RCW 76.12.110 are each amended to read as follows:

There is created a forest development account in the state general fund. The state treasurer shall keep an account of all sums deposited therein and expended or withdrawn therefrom. Any sums placed in the account shall be pledged for the purpose of paying interest and principal on the bonds issued by the board, and for the purchase of land for growing timber. Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest. No sums for the above purposes shall be withdrawn or paid out of the account except upon approval of the board.

Appropriations may be made by the legislature from the forest development account to the department of natural resources for the purpose of carrying on the activities of the department on ((county trust and fee title forest board lands)) state forest lands, lands managed on a sustained yield basis as provided for in RCW 79.68.040, and for reimbursement of expenditures that have been made or may be made from the resource management cost account in the management of state forest lands.

Sec. 2. Section 3, chapter 178, Laws of 1961 and RCW 79.64.030 are each amended to read as follows:

Funds in the account derived from the gross proceeds of leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting school lands, university lands, agricultural college lands, scientific school lands, normal school lands, capitol building lands, or institutional lands shall be expended by the department solely for the purpose of defraying the costs and expenses necessarily incurred in managing and administering public lands of the same trust: PROVIDED, That such funds may be used for similar costs and expenses in managing and administering other lands managed by the department: PROVIDED FURTHER, That such expenditures that have been or may be made on such other lands shall be repaid to the resource management cost account together with interest at the rate provided for in RCW 79.01.216.

An accounting shall be made annually of the accrued expenditures as regards each trust. In the event the accounting determines that expenditures have been made from moneys derived from one category of trust lands for the benefit of another trust or other lands, such expenditure shall be considered a debt against the trust benefited and shall be considered an encumbrance against the property of the trust or trust funds benefited, including property held under chapter 76.12 RCW. The results of the accounting shall be reported to the legislature at the next regular session.

Passed the Senate March 15, 1977.

Passed the House May 26, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

## CHAPTER 160

[Substitute Senate Bill No. 2811]

## SCHOOL DISTRICTS—NONASSOCIATED STUDENT BODY PROGRAM FUNDS

AN ACT Relating to education; and amending section 2, chapter 284, Laws of 1975 1st ex. sess. and RCW 28A.58.120.

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

Section 1. Section 2, chapter 284, Laws of 1975 1st ex. sess. and RCW 28A.58.120 are each amended to read as follows:

There is hereby created a fund on deposit with each county treasurer for each school district of the county having an associated student body as defined in RCW 28A.58.115. Such fund shall be known as the associated student body program fund. Rules and regulations promulgated by the superintendent of public instruction under RCW 28A.58.115 shall require separate accounting for each associated student body's transactions in the school district's associated student body program fund.

All moneys generated through the programs and activities of any associated student body shall be deposited in the associated student body program fund. Such funds may be invested for the sole benefit of the associated student body program fund in items enumerated in RCW 28A.58.440 and the county treasurer may assess a fee as provided therein. Disbursements from such fund shall be under the control and supervision, and with the approval, of the board of directors of the school district, and shall be by warrant as provided in chapter 28A.66 RCW: PROVIDED, That in no case shall such warrants be issued in an amount greater than the funds on deposit with the county treasurer in the associated student body program fund. To facilitate the payment of ~~((minor or unexpected))~~ obligations, ~~((or obligations which require immediate payment,))~~ an imprest bank account or accounts may be created and replenished from the associated student body program fund.

The associated student body program fund shall be budgeted by the associated student body, subject to approval by the board of directors of the school district. All disbursements from the associated student body program fund or any imprest bank account established thereunder shall have the prior approval of the appropriate governing body representing the associated student body. Notwithstanding the provisions of RCW 43.09.210, it shall not be mandatory that expenditures from the district's general fund in support of associated student body programs and activities be reimbursed by payments from the associated student body program fund.

~~((The effective date of this section shall be July 1, 1976.))~~

Nonassociated student body program fund moneys generated and received by students for private purposes, including but not limited to use for scholarship and/or charitable purposes, may, in the discretion of the board of directors of any school district, be held in trust in one or more separate accounts within an associated student body program fund and be disbursed for such purposes: PROVIDED, That the school district shall either withhold an amount from such moneys as will

pay the district for its cost in providing the service or otherwise be compensated for its cost for such service.

Passed the Senate May 2, 1977.

Passed the House May 26, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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## CHAPTER 161

[Engrossed Senate Bill No. 3002]

### SCENIC RIVER SYSTEM

AN ACT Relating to scenic rivers; and adding a new chapter to Title 79 RCW.

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

**NEW SECTION.** Section 1. The legislature hereby finds that many rivers of this state, with their immediate environs, possess outstanding natural, scenic, historic, ecological, and recreational values of present and future benefit to the public. The legislature further finds that the policy of permitting the construction of dams and other impoundment facilities at appropriate sections of the rivers of this state needs to be complemented by a policy that would protect and preserve the natural character of such rivers and fulfill other conservation purposes. It is hereby declared to be the policy of this state that certain selected rivers of the state which, with their immediate environs, possess the aforementioned characteristics, shall be preserved in as natural a condition as practical and that overuse of such rivers, which tends to downgrade their natural condition, shall be discouraged.

The purpose of this chapter is to establish a program for managing publicly owned land on rivers included in the state's scenic river system, to indicate the river segments to be initially included in that system, to prescribe a procedure for adding additional components to the system, and to protect the rights of private property owners.

**NEW SECTION.** Sec. 2. The following terms when used in this chapter shall be defined as follows unless the context clearly requires otherwise:

(1) "Department" means state parks and recreation commission.

(2) "Committee of participating agencies" or "committee" means a committee composed of the executive head, or such executive's designee, of each of the state departments of ecology, fisheries, game, natural resources, and highways, the state parks and recreation commission, the interagency committee for outdoor recreation, the Washington state association of counties, and the association of Washington cities.

When a specific river or river segment of the state's scenic river system is being considered by the committee, a representative of each participating local government associated with that river or river segment shall serve as a member of the committee.

(3) "Participating local government" means the legislative authority of any city or county, a portion of whose territorial jurisdiction is bounded by or includes a river or river segment of the state's scenic river system.

(4) "River" means a flowing body of water or a section, segment, or portion thereof.

(5) "River area" means a river and the land area in its immediate environs as established by the participating agencies not exceeding a width of one-quarter mile landward from the streamway on either side of the river.

(6) "Scenic easement" means the negotiated right to control the use of land, including the air space above such land, for the purpose of protecting the scenic view throughout the visual corridor.

(7) "Streamway" means that stream-dependent corridor of single or multiple, wet or dry, channel or channels within which the usual seasonal or stormwater runoff peaks are contained, and within which environment the flora, fauna, soil, and topography is dependent on or influenced by the height and velocity of the fluctuating river currents.

(8) "System" means all the rivers and river areas in the state designated by the legislature for inclusion as scenic rivers but does not include tributaries of a designated river unless specifically included by the legislature. The inclusion of a river in the system does not mean that other rivers or tributaries in a drainage basin shall be required to be part of the management program developed for the system unless such rivers and tributaries within the drainage basin are specifically designated for inclusion by the legislature.

(9) "Visual corridor" means that area which can be seen in a normal summer month by a person of normal vision walking either bank of a river included in the system. Such corridor shall not exceed the river area.

**NEW SECTION.** Sec. 3. (1) The department shall develop and adopt management policies for publicly owned or leased land on the rivers designated by the legislature as being a part of the state's scenic river system and within the associated river areas. The department may adopt regulations identifying river classifications which reflect the characteristics common to various segments of scenic rivers and may adopt management policies consistent with local government's shoreline management master plans appropriate for each such river classification. All such policies shall be subject to review by the committee of participating agencies. Once such a policy has been approved by a majority vote of the committee members, it shall be adopted by the department in accordance with the provisions of chapter 34.04 RCW, as now or hereafter amended. Any variance with such a policy by any public agency shall be authorized only by the approval of the committee of participating agencies by majority vote, and shall be made only to alleviate unusual hardships unique to a given segment of the system.

(2) Any policies developed pursuant to subsection (1) of this section shall include management plans for protecting ecological, economic, recreational, aesthetic, botanical, scenic, geological, hydrological, fish and wildlife, historical, cultural, archaeological, and scientific features of the rivers designated as being in the system. Such policies shall also include management plans to encourage any non-profit group, organization, association, person, or corporation to develop and adopt programs for the purpose of increasing fish propagation.

(3) The committee of participating agencies shall, by two-thirds majority vote, identify on a river by river basis any publicly owned or leased lands which could be



included in a river area of the system but which are developed in a manner unsuitable for land to be managed as part of the system. The department shall exclude lands so identified from the provisions of any management policies implementing the provisions of this act.

(4) The committee of participating agencies, by majority vote, shall determine the boundaries which shall define the river area associated with any included river. With respect to the rivers named in section 8 of this act, the committee shall make such determination, and those determinations authorized by subsection (3) of this section, within one year of the effective date of this act.

(5) Before making a decision regarding the river area to be included in the system, a variance in policy, or the excluding of land from the provisions of the management policies, the committee shall hold hearings in accord with chapter 34.04 RCW, with at least one public hearing to be held in the general locale of the river under consideration. The department shall cause to be published in a newspaper of general circulation in the area which includes the river or rivers to be considered, a description, including a map showing such river or rivers, of the material to be considered at the public hearing. Such notice shall appear at least twice in the time period between two and four weeks prior to the public hearing.

(6) Meetings of the committee shall be called by the department or by written petition signed by five or more of the committee members. The chairman of the parks and recreation commission or the chairman's designee shall serve as the chairman of any meetings of the committee held to implement the provisions of this act.

The committee shall seek and receive comments from the public regarding potential additions to the system, shall initiate studies, and may, through the department, submit to any session of the legislature proposals for additions to the state scenic river system. These proposals shall be accompanied by a detailed report on the factors which, in the committee's judgment, make an area a worthy addition to the system.

NEW SECTION. Sec. 4. (1) The management program for the system shall be administered by the department. The department shall have the responsibility for coordinating the development of the program between affected state agencies and participating local governments, and shall develop and adopt rules and regulations, in accord with chapter 34.04 RCW, for each portion of the system, which shall implement the management policies. In developing rules and regulations for a specific river in the system, the department shall hold at least one public hearing in the general locale of the river under consideration. The department shall cause a brief summary of the proposed rules and regulations to be published twice in a newspaper of general circulation in the area which includes the river to be considered in the period of time between two and four weeks prior to the public hearing. In addition to the foregoing required publication, the department shall also provide notice of the hearings, rules, regulations, and decisions of the department to radio and television stations and major local newspapers in the areas which include the river to be considered.

(2) In addition to any other powers granted to carry out the intent of this chapter, the department is authorized, subject to approval by majority vote of the members of the committee, to: (a) Purchase, within the river area, real property in

fee or any lesser right or interest in real property including, but not limited to scenic easements and future development rights, visual corridors, wildlife habitats, unique ecological areas, historical sites, camping and picnic areas, boat launching sites, and/or easements abutting the river for the purpose of preserving or enhancing the river or facilitating the use of the river by the public for fishing, boating and other water related activities; and (b) purchase, outside of a river area, public access to the river area.

The right of eminent domain shall not be utilized in any purchase made pursuant to this section.

(3) The department is further authorized to: (a) Acquire by gift, devise, grant, or dedication the fee, an option to purchase, a right of first refusal or any other lesser right or interest in real property and upon acquisition such real property shall be held and managed within the scenic river system; and (b) accept grants, contributions, or funds from any agency, public or private, or individual for the purposes of this chapter.

(4) The department is hereby vested with the power to obtain injunctions and other appropriate relief against violations of any provisions of this chapter and any rules and regulations adopted under this section or agreements made under the provisions of this chapter.

**NEW SECTION.** Sec. 5. (1) All state government agencies and local governments are hereby directed to pursue policies with regard to their respective activities, functions, powers, and duties which are designed to conserve and enhance the conditions of rivers which have been included in the system, in accordance with the management policies and the rules and regulations adopted by the department for such rivers. Local agencies are directed to pursue such policies with respect to all lands in the river area owned or leased by such local agencies. Nothing in this chapter shall authorize the modification of a shoreline management plan adopted by a local government and approved by the state pursuant to chapter 90.58 RCW without the approval of the department of ecology and local government. The policies adopted pursuant to this chapter shall be integrated, as fully as possible, with those of the shoreline management act of 1971.

(2) Nothing in this chapter shall grant to the committee of participating agencies or the department the power to restrict the use of private land without either the specific written consent of the owner thereof or the acquisition of rights in real property authorized by section 4 of this act.

(3) Nothing in this chapter shall prohibit the department of natural resources from exercising its full responsibilities and obligations for the management of state trust lands.

**NEW SECTION.** Sec. 6. Rivers of a scenic nature are eligible for inclusion in the system. Ideally, a scenic river:

- (1) Is free-flowing without diversions that hinder recreational use;
- (2) Has a streamway that is relatively unmodified by riprapping and other stream bank protection;
- (3) Has water of sufficient quality and quantity to be deemed worthy of protection;
- (4) Has a relatively natural setting and adequate open space;

(5) Requires some coordinated plan of management in order to enhance and preserve the river area; and

(6) Has some lands along its length already in public ownership, or the possibility for purchase or dedication of public access and/or scenic easements.

NEW SECTION. Sec. 7. Nothing contained in this act shall affect the authority of the department of fisheries and the department of game to construct facilities or make improvements to facilitate the passage or propagation of fish nor shall anything in this act be construed to interfere with the powers, duties, and authority of the department of fisheries or the department of game to regulate, manage, conserve, and provide for the harvest of fish or wildlife within any area designated as being in the state's scenic river system: PROVIDED, That no hunting shall be permitted in any state park.

NEW SECTION. Sec. 8. The following rivers of the state of Washington are hereby designated as being in the scenic river system of the state of Washington:

(1) The Skykomish river from the junction of the north and south forks of the Skykomish river:

(a) Downstream approximately fourteen miles to its junction with the Sultan river;

(b) Upstream approximately twenty miles on the south fork to the junction of the Tye and Foss rivers;

(c) Upstream approximately eleven miles on the north fork to its junction with Bear creek;

(2) The Beckler river from its junction with the south fork of the Skykomish river upstream approximately eight miles to its junction with Rapid river; and

(3) The Tye river from its junction with the south fork of the Skykomish river upstream approximately fourteen miles to Tye Lake.

NEW SECTION. Sec. 9. Nothing in this chapter shall preclude a section or segment of the state's scenic rivers included in the system from becoming a part of the national wild and scenic river system.

NEW SECTION. Sec. 10. No funds shall be expended from the game fund to carry out the provisions of this chapter.

NEW SECTION. Sec. 11. All funds for the implementation of this act as now or hereafter amended shall come from the general fund.

NEW SECTION. Sec. 12. If any provision of this act, or its application to any person of legal entity or circumstances, is held invalid, the remainder of the act, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

NEW SECTION. Sec. 13. Sections 1 through 11 of this act shall constitute a new chapter in Title 79 RCW.

Passed the Senate May 26, 1977.

Passed the House May 23, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

## CHAPTER 162

[Engrossed Senate Bill No. 2199]

## DRIVERS' LICENSES—USERS OF ALCOHOLIC BEVERAGES

AN ACT Relating to motor vehicles; and amending section 4, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.031.

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

Section 1. Section 4, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.031 are each amended to read as follows:

The department shall not issue a driver's license hereunder:

- (1) To any person who is under the age of sixteen years;
- (2) To any person whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in RCW 46.20.311;
- (3) To any person when the department has been notified by a court that such person has violated his written promise to appear in court, unless the department has received a certificate from the court in which such person promised to appear, showing that the case has been adjudicated. The deposit of bail by a person charged with a violation of any law regulating the operation of motor vehicles on highways shall be deemed an appearance in court for the purpose of this section;
- (4) To any person who ~~((is an habitual drunkard, or))~~ (a) is an habitual user of narcotic drugs, or is an habitual user of any other drug to a degree which renders him incapable of safely driving a motor vehicle; or (b) habitually lacks self-control as to the use of alcoholic beverages, or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is disrupted so as to constitute a danger to other persons or property: PROVIDED, That a license may be issued if the department determines that such person is participating in an alcoholism recovery program acceptable to the department and has established control of his alcoholic condition;
- (5) To any person who has previously been adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease, and who has not at the time of application been restored to competency by the methods provided by law: PROVIDED, HOWEVER, That no person so adjudged shall be denied a license for such cause if the superior court should find him able to operate a motor vehicle with safety upon the highways during such incompetency;
- (6) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;
- (7) To any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;
- (8) To any person when the department has good and substantial evidence to reasonably conclude that such person by reason of physical or mental disability

would not be able to operate a motor vehicle with safety upon the highways; subject to review by a court of competent jurisdiction.

Passed the Senate May 27, 1977.

Passed the House May 13, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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## CHAPTER 163

[Substitute Senate Bill No. 2210]

### FUNERAL AND CEMETERY SERVICES

AN ACT Relating to the regulation of funeral and cemetery services; adding new sections to chapter 48.40 RCW; and prescribing penalties.

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

**NEW SECTION.** Section 1. (1) Notwithstanding the provisions of RCW 48.40.080, a funeral establishment licensed pursuant to chapter 18.39 RCW may enter into prearrangement funeral service contracts, subject to the provisions of this chapter.

(2) Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter:

(a) "Prearrangement funeral service contract" means any contract, other than a contract entered into by an insurance company, under which, for a specified consideration paid in advance in a lump sum or by installments, a funeral establishment promises, upon the death of a beneficiary named or implied in the contract, to furnish funeral merchandise or services.

(b) "Funeral merchandise or services" shall mean those services normally performed and merchandise normally provided by funeral establishments including the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches, or vaults.

(c) "Qualified public depository" means a depository defined by RCW 39.58-.010, a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, a savings and loan association as governed by Title 33 RCW, or a federal credit union or a federal savings and loan association organized, operated, and governed by any act of congress, in which prearrangement funeral service contract funds are deposited by any funeral establishment.

**NEW SECTION.** Sec. 2. (1) Any funeral establishment selling by prearrangement funeral service contract any funeral merchandise or services shall establish and maintain one or more prearrangement funeral service trust funds for the benefit of the beneficiary of the prearrangement funeral service contract.

(2) Fifteen percent of the cash purchase price of each prearrangement funeral service contract, excluding sales tax, may be retained by the funeral establishment. Deposits to the prearrangement funeral service trust fund shall be made not later than the twentieth day of the month following the receipt of each payment made on the last eighty-five percent of each prearrangement funeral service contract, excluding sales tax.

(3) All prearrangement funeral service trust funds shall be deposited in a qualified public depository. The account shall be designated as the prearrangement funeral service trust fund of the particular funeral establishment for the benefit of the beneficiaries named in the prearrangement funeral service contract.

(4) All interest, dividends, increases, or accretions of whatever nature earned by a trust fund shall be kept unimpaired and shall become a part of the trust fund, and adequate records shall be maintained to allocate the share thereof to each contract.

(5) A depository designated as the depository of a prearrangement funeral service trust fund shall permit withdrawal of all funds deposited under a prearrangement funeral service contract, plus accruals thereon, under the following circumstances and conditions:

(a) If the funeral establishment files a verified statement with the depository that the prearrangement funeral merchandise and services covered by the contract have been furnished and delivered in accordance therewith; or

(b) If the funeral establishment files a verified statement with the depository that the prearrangement funeral merchandise and services covered by the contract have been canceled in accordance with its terms.

(6) Any purchaser or beneficiary who has procured a prearrangement funeral service contract shall have the right to demand a refund of the entire amount paid on the contract, together with all interest, dividends, increases, or accretions to the funds.

(7) Prearrangement funeral service contracts shall automatically terminate if the funeral establishment goes out of business, becomes insolvent or bankrupt, makes an assignment for the benefit of creditors, or for any other reason is unable to fulfill the obligations under the contract. In such event, and upon demand by the purchaser or beneficiary of the prearrangement funeral service contract, the depository of the prearrangement funeral service contract funds shall refund to the purchaser or beneficiary all funds deposited under the said contract, unless otherwise ordered by a court of competent jurisdiction.

(8) Prearrangement funeral service trust funds shall not be used, directly or indirectly, for the benefit of the funeral establishment or any director, officer, agent, or employee of the funeral establishment including, but not limited to, any encumbrance, pledge, or other use of prearrangement funeral service trust funds as collateral or other security.

(9) Every prearrangement funeral service contract shall contain language which informs the purchaser of the prearrangement funeral service trust fund and the amount to be deposited in the trust fund, which may not be less than eighty-five percent of the cash purchase price of the contract.

NEW SECTION. Sec. 3. No funeral establishment shall enter into prearrangement funeral service contracts in this state unless the funeral establishment has obtained a certificate of registration issued by the commissioner and such certificate is then in force.

NEW SECTION. Sec. 4. To qualify for and hold a certificate of registration a funeral establishment must:

(1) Be licensed pursuant to chapter 18.39 RCW; and

(2) Fully comply with and qualify according to the provisions of this chapter.

**NEW SECTION.** Sec. 5. The commissioner may refuse to renew or may revoke or suspend a funeral establishment's certificate of registration, if the funeral establishment:

- (1) Fails to comply with any provisions of this chapter or any proper order or regulation of the commissioner;
- (2) Is found by the commissioner to be in such condition that further execution of prearrangement contracts could be hazardous to purchasers or beneficiaries and the people of this state;
- (3) Refuses to be examined, or refuses to submit to examination or to produce its accounts, records and files for examination by the commissioner when required; or
- (4) Is found by the commissioner after investigation or receipt of reliable information to be managed by persons who are incompetent or untrustworthy or so lacking in managerial experience as to make the proposed or continued operation hazardous to purchasers, beneficiaries, or to the public.

**NEW SECTION.** Sec. 6. To apply for an original certificate of registration, a funeral establishment must:

- (1) File with the commissioner its request showing:
  - (a) Its name, location, and organization date;
  - (b) The kinds of funeral business it proposes to transact;
  - (c) A statement of its financial condition, management, and affairs on a form satisfactory to or furnished by the commissioner; and
  - (d) Such other documents, stipulations, or information as the commissioner may reasonably require to evidence compliance with the provisions of this chapter.
- (2) Deposit with the commissioner the fees required by this chapter to be paid for filing the accompanying documents, and for the certificate of registration, if granted.

**NEW SECTION.** Sec. 7. All certificates of registration issued pursuant to this chapter shall continue in force until suspended, revoked, or renewed. A certificate shall be subject to renewal annually on the first day of July upon application by the funeral establishment and payment of the required fees.

The commissioner shall collect in advance the following fees:

- (1) Certificate of registration:
  - (a) Issuance – thirty-five dollars;
  - (b) Renewal – fifteen dollars;
- (2) Annual statement of financial condition – ten dollars.

All fees so collected shall be remitted by the commissioner to the state treasurer not later than the first business day following receipt of such funds and the funds shall be credited to the general fund.

**NEW SECTION.** Sec. 8. The commissioner shall give a funeral establishment notice of his intention to suspend, revoke, or refuse to renew the establishment's certificate of registration not less than ten days before the order of suspension, revocation or refusal is to become effective.

No funeral establishment whose certificate of registration has been suspended, revoked, or refused shall subsequently be authorized to enter into prearrangement

contracts unless the grounds for such suspension, revocation, or refusal in the opinion of the commissioner no longer exist and the funeral establishment is otherwise fully qualified.

Upon the suspension, revocation or refusal of a funeral establishment's certificate of registration, the commissioner shall give written notice of such action to the director of the department of motor vehicles.

**NEW SECTION.** Sec. 9. (1) Each authorized funeral establishment shall annually, before the first day of March, file with the commissioner a true and accurate statement of its financial condition, transactions, and affairs for the preceding calendar year. The statement shall be on such forms and shall contain such information as required by this chapter and by the commissioner.

(2) The commissioner shall suspend or revoke the certificate of registration of any funeral establishment which fails to file its annual statement when due or after any extension of time which the commissioner has, for good cause, granted.

**NEW SECTION.** Sec. 10. No prearrangement funeral contract forms shall be used without the prior approval of the commissioner.

The commissioner shall disapprove any such contract form, or withdraw prior approval when such form:

- (1) Violates or does not comply with this chapter;
- (2) Contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the merchandise or service purported to be provided in the general coverage of the contract;
- (3) Has any title, heading, or other part of its provisions which is misleading; or
- (4) Is being solicited by deceptive advertising.

**NEW SECTION.** Sec. 11. (1) The commissioner shall have the authority expressly conferred upon him by or reasonably implied from the provisions of this chapter.

(2) The commissioner may:

(a) Make reasonable rules and regulations for effectuating any provision of this chapter in accordance with chapter 34.04 RCW;

(b) Conduct investigations to determine whether any person has violated any provision of this chapter; and

(c) Conduct examinations, investigations, and hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this chapter.

**NEW SECTION.** Sec. 12. Any person who shall violate or fail to comply with, or aid or abet any person in the violation of, or failure to comply with any of the provisions of this chapter shall be guilty of a gross misdemeanor pursuant to chapter 9A.20 RCW. Any such violation shall constitute an unfair practice under chapters 19.86 and 48.30 RCW and conviction thereunder shall be grounds for license revocation under chapter 18.39 RCW. Retail installment transactions under this chapter shall be governed by chapter 63.14 RCW.

**NEW SECTION.** Sec. 13. Sections 1 through 12 are each added to chapter 48.40 RCW.



**NEW SECTION.** Sec. 14. 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.

Passed the Senate May 27, 1977.

Passed the House May 20, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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## CHAPTER 164

[Substitute Senate Bill No. 2858]

### CITIES AND TOWNS—SOLID WASTE DISPOSAL

AN ACT Relating to solid waste; amending section 1, chapter 208, Laws of 1975 1st ex. sess. and RCW 35.21.152; and amending section 2, chapter 208, Laws of 1975 1st ex. sess. and RCW 35.92.022.

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

Section 1. Section 1, chapter 208, Laws of 1975 1st ex. sess. and RCW 35.21-.152 are each amended to read as follows:

A city or town may construct, condemn, purchase, acquire, add to, and extend systems and plants for the collection and disposal of solid waste and for its processing and conversion into other valuable or useful products with full jurisdiction and authority to manage, regulate, maintain, operate and control such systems and plants, and to enter into agreements providing for the maintenance and operation of systems and plants for the processing and conversion of solid waste and for the sale of said products under such terms and conditions as may be determined by the legislative authority of said city or town: **PROVIDED HOWEVER,** That no such solid waste processing and conversion plant now in existence or hereafter constructed may be condemned: **PROVIDED FURTHER,** That ~~((contracts relating to the processing and conversion of solid waste into valuable and useful products and the sale thereof shall take place only after receipt of competitive written offerings by such city or town subject to final approval by the legislative authority of such city or town; and be it further provided that after the award of such processing, conversion or sale contract all competitive offerings and other documentary material considered in connection therewith shall become matters of public record))~~ agreements relating to the sale of solid materials recovered during the processing of solid waste shall take place only after the receipt of competitive written bids by such city or town: AND PROVIDED FURTHER, That all documentary material of any nature associated with the negotiation and formulation of agreement terms and conditions shall become matters of public record as it applies to:

- (a) The maintenance and operation of systems and plants for the processing and conversion of solid waste;
- (b) The sale of products resulting from such processing and conversion; and
- (c) Any materials recovered during the processing of solid waste.

Agreements relating to systems and plants for the processing and conversion of solid wastes to useful products and agreements relating to sale of such products shall be in compliance with RCW 35.21.120 ~~((and shall be entered into only after public advertisement and evaluation of competitive offerings))~~. Any agreement for

the sale of solid materials recovered during the processing of solid waste shall be entered into only after public advertisement and evaluation of competitive written bids.

Sec. 2. Section 2, chapter 208, Laws of 1975 1st ex. sess. and RCW 35.92.022 are each amended to read as follows:

A city or town may construct, condemn, purchase, acquire, add to, and extend systems and plants for the collection and disposal of solid waste and for its processing and conversion into other valuable or useful products with full jurisdiction and authority to manage, regulate, maintain, operate and control such systems and plants, and to enter into agreements providing for the maintenance and operation of systems and plants for the processing and conversion of solid waste and for the sale of said products under such terms and conditions as may be determined by the legislative authority of said city or town: **PROVIDED HOWEVER**, That no such solid waste processing and conversion plant now in existence or hereafter constructed may be condemned: **PROVIDED FURTHER**, That ~~((contracts relating to the processing and conversion of solid waste into valuable and useful products and the sale thereof shall take place only after receipt of competitive written offerings by such city or town subject to final approval by the legislative authority of such city or town: **AND BE IT FURTHER PROVIDED**, That after the award of such processing, conversion or sale contract all competitive offerings and other documentary material considered in connection therewith shall become matters of public record))~~ agreements relating to the sale of solid materials recovered during the processing of solid waste shall take place only after the receipt of competitive written bids by such city or town: **AND PROVIDED FURTHER**, That all documentary material of any nature associated with the negotiation and formulation of agreement terms and conditions shall become matters of public record as it applies to:

(a) The maintenance and operation of systems and plants for the processing and conversion of solid waste;

(b) The sale of products resulting from such processing and conversion; and

(c) Any materials recovered during the processing of solid waste.

Agreements relating to systems and plants for the processing and conversion of solid wastes to useful products and agreements relating to sale of such products shall be in compliance with RCW 35.21.120 ~~((and shall be entered into only after public advertisement and evaluation of competitive offerings))~~. Any agreement for the sale of solid materials recovered during the processing of solid waste shall be entered into only after public advertisement and evaluation of competitive written bids.

Passed the Senate May 3, 1977.

Passed the House May 27, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

## CHAPTER 165

[Engrossed Senate Bill No. 2990]

## GAMBLING—ANTIQUE SLOT MACHINES—GOLFING SWEEPSTAKES—BOWLING

AN ACT Relating to gambling; amending section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.030; and adding a new section to chapter 9.46 RCW.

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

NEW SECTION. Section 1. There is added to chapter 9.46 RCW a new section to read as follows:

(1) For purposes of a prosecution under RCW 9.46.230(4) or a seizure, confiscation, or destruction order under RCW 9.46.230(1), it shall be a defense that the gambling device involved is an antique slot machine and that the antique slot machine was not operated for gambling purposes while in the owner's or defendant's possession. No slot machine, having been seized under this chapter, may be altered, destroyed, or disposed of without affording the owner thereof an opportunity to present a defense under this section. If the defense is applicable, the antique slot machine shall be returned to the owner or defendant, as the court may direct.

(2) RCW 9.46.230(2) shall have no application to any antique slot machine that has not been operated for gambling purposes while in the owner's possession.

(3) For the purposes of this section, a slot machine shall be conclusively presumed to be an antique slot machine if it was manufactured prior to January 1, 1941.

Sec. 2. Section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.030 are each amended to read as follows:

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, to utilize punch boards and pull-tabs and to allow their premises and facilities to be used by members and guests only to play social card games authorized by the commission, when licensed, conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles.

(3) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of such activities are hereby authorized to

conduct bingo, raffles, and amusement games, without obtaining a license to do so from the commission but only when:

(a) Such activities are held in accordance with all other requirements of chapter 9.46 RCW as now or hereafter amended, other applicable laws, and rules of the commission; and

(b) Said activities are conducted no more than twice each calendar year over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.020(2) as now or hereafter amended; and

(c) Only bona fide members of that organization, who are not paid for such services, participate in the management or operation of the activities; and

(d) Gross revenues to the organization from all the activities together does not exceed five thousand dollars during any calendar year; and

(e) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization; and

(f) The organization gives notice at least five days in advance of the conduct of any of the activities to the local police agency of the jurisdiction within which the activities are to be conducted of the organization's intent to conduct the activities, the location of the activities, and the date or dates they will be conducted; and

(g) The organization conducting the activities maintains records for a period of one year from the date of the event which accurately show at a minimum the gross revenue from each activity, details of the expenses of conducting the activities, and details of the uses to which the gross revenue therefrom is put.

(4) The legislature hereby authorizes any person, association or organization to conduct social card games and to utilize punch boards and pull-tabs as a commercial stimulant when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(5) The legislature hereby authorizes any person to conduct or operate amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted by the commission at such locations as the commission may authorize.

(6) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct, without the necessity of obtaining a permit or license to do so from the commission, golfing sweepstakes permitting wagers of money, and the same shall not constitute such gambling or lottery as otherwise in this chapter prohibited, or be subject to civil or criminal penalties thereunder, but this only when the outcome of such golfing sweepstakes is dependent upon the score, or scores, or the playing ability, or abilities, of a golfing contest between individual players or teams of such players, conducted in the following manner:

(a) Wagers are placed by buying tickets on any players in a golfing contest to "win", "place" or "show" and those holding tickets on the three winners may receive a pay-off similar to the system of betting identified as parimutuel, such moneys placed as wagers to be used primarily as winners proceeds, except moneys used to defray the expenses of such golfing sweepstakes or otherwise used to carry out the purposes of such organization; or

(b) Participants in any golfing contest(s) pay a like sum of money into a common fund on the basis of attaining a stated number of points ascertainable from the

score of such participants, and those participants attaining such stated number of points share equally in the moneys in the common fund, without any percentage of such moneys going to the sponsoring organization; and

(c) Participation is limited to members of the sponsoring organization and their bona fide guests.

(7) The legislature hereby authorizes bowling establishments to conduct, without the necessity of obtaining a permit or license to do so, as a commercial stimulant, a bowling activity which permits bowlers to purchase tickets from the establishment for a predetermined and posted amount of money which tickets are then selected by the luck of the draw and the holder of the matching ticket so drawn has an opportunity to bowl a strike and if successful receives a predetermined and posted monetary prize: PROVIDED, That all sums collected by the establishment from the sale of tickets shall be returned to purchasers of tickets and no part of the proceeds shall inure to any person other than the participants winning in the game or a recognized charity. The tickets shall be sold, and accounted for, separately from all other sales of the establishment. The price of any single ticket shall not exceed one dollar. Accounting records shall be available for inspection during business hours by any person purchasing a chance thereon, by the commission or its representatives, or by any law enforcement agency.

(8) The legislature hereby authorizes any person, association, or organization to conduct sports pools without a license to do so from the commission but only when the outcome of which is dependent upon the score, or scores, of a certain athletic contest and which is conducted only in the following manner:

(a) A board or piece of paper is divided into one hundred equal squares, each of which constitutes a chance to win in the sports pool and each of which is offered directly to prospective contestants at one dollar or less; and

(b) The purchaser of each chance or square signs his or her name on the face of each square or chance he or she purchases; and

(c) At some time not later than prior to the start of the subject athletic contest the pool is closed and no further chances in the pool are sold; and

(d) After the pool is closed a prospective score is assigned by random drawing to each square; and

(e) All money paid by entrants to enter the pool less taxes is paid out as the prize or prizes to those persons holding squares assigned the winning score or scores from the subject athletic contest; and

(f) The sports pool board is available for inspection by any person purchasing a chance thereon, the commission, or by any law enforcement agency upon demand at all times prior to the payment of the prize; and

(g) The person or organization conducting the pool is conducting no other sports pool on the same athletic event; and

(h) The sports pool conforms to any rules and regulations of the commission applicable thereto.

The penalties provided for professional gambling in this chapter shall not apply to sports pools as described in this subsection, golfing sweepstakes and bowling activities as described in subsections (6) and (7) of this section, social card games,

bingo games, raffles, punch boards, pull-tabs, or amusement games when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

Passed the Senate May 27, 1977.

Passed the House May 23, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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## CHAPTER 166

[Engrossed Substitute Senate Bill No. 3093]

### CONSTRUCTION OF STATE FERRIES

AN ACT Relating to the construction of state ferries; amending section 3, chapter 207, Laws of 1909 as amended by section 2, chapter 28, Laws of 1915 and RCW 39.08.030; amending section 1, chapter 166, Laws of 1921 as last amended by section 1, chapter 104, Laws of 1975 1st ex. sess. and RCW 60.28.010; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030; adding a new section to chapter 39.08 RCW; adding new sections to chapter 47.60 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 47.60 RCW a new section to read as follows:

(1) The Washington state toll bridge authority shall, no later than January 1, 1980, negotiate a contract with any shipbuilding firm, which has prequalified under section 2 of this 1977 amendatory act, for the construction of one or more ferry vessels for the Washington state ferries. Whenever the toll bridge authority begins such negotiations, it shall proceed in the manner provided by this section.

(2) Whenever the Washington state toll bridge authority decides to procure one or more ferry vessels for the Washington state ferries by negotiated contract pursuant to this section, it shall determine the number of vessels to be constructed, the money available for these purposes, any performance criteria or requirements which the boat, as constructed, must meet, and any other information or requirements related to the procurement which the toll bridge authority deems pertinent.

(3) Whenever the toll bridge authority decides to negotiate a contract for the design and/or construction of one or more ferry vessels, it shall publish a notice of its intent to negotiate such a contract once a week for at least two consecutive weeks in one trade paper and one other paper, both of general circulation in the state. In addition, the authority shall mail said notice to any firm known to the authority which has expressed an interest in constructing ferries for the Washington state ferry system within the previous 10 years. The notice shall contain, but not be limited to, the following information:

(a) The number of ferry vessels to be built, their vehicular and passenger capacity, and the proposed delivery date for each vessel;

(b) A short summary of the requirements for prequalification contained in section 2 of this 1977 amendatory act, including a statement explaining that prequalification is a prerequisite to consideration by the toll bridge authority of any ferry vessel proposal;

(c) An address and telephone number which may be used to obtain the application forms for prequalification and the request for proposal.

(4) The authority shall send to any firm which shall request it a request for proposal outlining the design and construction requirements for the ferry vessels. The request for proposal shall include, but not be limited to, the following information:

(a) Solicitation of a proposal which provides complete design specifications and details sufficient for the construction of ferry vessels which meet or exceed performance criteria specified by the authority;

(b) The number of vessels to be contracted for;

(c) The proposed delivery date for each vessel, the port on Puget Sound where delivery will be taken, and the location where acceptance trials will be held;

(d) The maximum funds which can be expended for procurement and an explanation that no proposal will be considered which quotes a price greater than that amount;

(e) The amount of the contractor's bond;

(f) A copy of any contract plans and specifications for ferry vessels possessed by the department of highways which the authority determines might be useful to firms in preparing proposals;

(g) The date by which proposals for ferry vessel design and construction must be received by the authority in order to be considered;

(h) A requirement that all designs submitted shall conform to the American bureau of shipping and the United States coast guard standards for the design of passenger vessels;

(i) A statement that any proposal submitted shall constitute an offer and shall remain open until ninety days after the deadline for submitting proposals, unless the firm submitting it shall withdraw it by formal written notice received by the toll bridge authority prior to the authority's selection of the firm submitting the most advantageous proposal, together with an explanation of the requirement that all proposals submitted be accompanied by a deposit in the amount of five percent of the proposed cost; and

(j) A copy of chapter 47.60 RCW.

(5) The authority shall evaluate all timely proposals received from prequalified firms for compliance with the requirements specified in the request for proposal, and, in addition, shall estimate the operation and maintenance costs of each firm's vessel design by applying appropriate criteria developed by the authority for this purpose.

(6) Upon concluding its evaluation, the toll bridge authority shall:

(a) Select the firm presenting the proposal most advantageous to the state, taking into consideration the requirements stated in the request for proposal and the in-state preference provided in section 8 of this 1977 amendatory act, and rank the remaining firms in order of preference, judging them by the same standards; or

(b) Reject all proposals as not in compliance with the requirements contained in the request for proposals.

The authority shall immediately notify those firms, which were not selected as the firm presenting the most advantageous proposal, of the authority's decision. The authority's decision shall be conclusive unless appeal therefrom shall be taken by

an aggrieved firm to the superior court of Thurston county within five days after receiving notice of the authority's final decision. The appeal shall be heard summarily within ten days after the same is taken and on five days notice thereof to the toll bridge authority. The court shall hear any such appeal on the administrative record which was before the authority. The court may affirm the decision of the authority or it may reverse the decision if it determines the action of the authority is arbitrary or capricious.

(7) Upon selecting that firm which has presented the most advantageous proposal and ranking the remaining firms in order of preference, the authority shall:

(a) Negotiate a contract with the firm presenting the most advantageous proposal; or

(b) In the event that a final agreement cannot be negotiated with the firm presenting the most advantageous proposal which is satisfactory to the authority, the authority may then negotiate with the firm ranked next highest in order of preference. Should it be necessary, the authority may repeat this procedure and negotiate with each firm in order of rank until the list of firms has been exhausted.

(8) In negotiating such a contract for the design and/or construction of ferry vessels, the authority may, subject to the provisions of RCW 39.25.020, authorize the use of foreign made materials and components in the construction of ferries in order to minimize costs.

(9) Proposals submitted by firms pursuant to this section shall constitute an offer and shall remain open for ninety days. When submitted, each proposal shall be accompanied by a deposit in cash, certificated check, cashier's check, or surety bond in the amount equal to five percent of the amount of the proposed contract price and no proposal shall be considered unless the deposit is enclosed therewith. If the authority awards a contract to a firm pursuant to the procedure set forth in this section and the firm fails to enter into the contract and furnish a satisfactory bond as required by section 3 of this 1977 amendatory act within twenty days, exclusive of the day of the award, his deposit shall be forfeited to the state and be deposited by the state treasurer to the credit of the Puget Sound capital construction account. Upon the execution of a ferry construction contract all proposal deposits shall be returned.

(10) The authority may delegate any of the powers or duties conferred upon it by this section to the department of highways, and the department shall assume or perform those powers or duties.

NEW SECTION. Sec. 2. There is added to chapter 47.60 RCW a new section to read as follows:

The Washington state toll bridge authority shall require any firm desiring to contract for the construction of one or more ferry vessels for the Washington state ferries to prequalify for such work in the manner prescribed herein. The authority shall supply to such person, firm, or corporation a standard form of questionnaire and financial statement applicable to shipbuilders, including a complete statement of the financial ability and experience of such firm in shipbuilding. Such questionnaire shall be sworn to before a notary public. The authority shall certify as prequalified for the construction of ferry vessels only those firms which have all of the following requirements:

(1) Adequate financial resources or the ability to secure such resources;



- (2) The necessary experience, organization, and technical qualifications to construct ferry vessels;
- (3) The ability to comply with the required performance schedule taking into consideration all of the firm's existing business commitments;
- (4) A satisfactory record of performance, integrity, judgment, and skills; and
- (5) Be otherwise qualified and eligible to construct ferry vessels under applicable laws and regulations.

A refusal by the authority to certify a firm as prequalified to construct ferry vessels for the Washington state ferries shall be conclusive unless appeal therefrom to the superior court of Thurston county be taken within five days after receiving notice thereof, which appeal shall be heard summarily within ten days after the appeal is taken and on five days' notice thereof to the authority. The court shall hear any such appeal on the administrative record which was before the authority. The court may affirm the decision of the authority or it may reverse the decision if it determines the action of the authority is arbitrary or capricious. A firm may re-apply for certification after one year has elapsed from the date certification was denied.

Neither the Washington state toll bridge authority nor the department of highways shall accept any bid, or consider any proposal for a negotiated ferry vessel construction contract, from a firm which has not prequalified pursuant to this section.

The Washington state toll bridge authority may delegate to the department of highways any of the powers or duties conferred upon the authority by this section, and the department shall assume or perform those powers or duties.

NEW SECTION. Sec. 3. There is added to chapter 39.08 RCW a new section to read as follows:

The contractor's bond required by chapter 39.08 RCW in connection with any negotiated contract for the construction of one or more ferry vessels for the Washington state ferries shall be in an amount to be specified by the Washington state toll bridge authority in the request for proposal provided for in section 1 of this 1977 amendatory act. In no event shall the bond be for more than twenty-five percent of the total contract price of two or more ferry vessels nor more than fifty percent of the total contract price for a single vessel. In determining and fixing the amount of such bond the authority may take into account the financial resources required of all firms which prequalify to construct ferry vessels for the Washington state ferries, the number of vessels which may be constructed, and the time period in which the vessels are to be constructed.

The Washington state toll bridge authority may delegate to the department of highways any of the powers or duties conferred upon the authority by this section, and the department shall assume or perform those powers or duties.

Sec. 4. Section 3, chapter 207, Laws of 1909 as amended by section 2, chapter 28, Laws of 1915 and RCW 39.08.030 are each amended to read as follows:

The bond mentioned in RCW 39.08.010 shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, and shall be to the state of Washington, except as otherwise provided in section 3 of this 1977 amendatory act, and except in cases of cities and towns, in which cases such municipalities may by general ordinance fix and determine the amount of such bond and to

whom such bond shall run: PROVIDED, The same shall not be for a less amount than twenty-five percent of the contract price of any such improvement, and may designate that the same shall be payable to such city, and not to the state of Washington, and all such persons mentioned in RCW 39.08.010 shall have a right of action in his, her, or their own name or names on such bond for work done by such laborers or mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements: PROVIDED, That such persons shall not have any right of action on such bond for any sum whatever, unless within thirty days from and after the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, trustees, officer, or body acting for the state, county or municipality, or other public body, city, town or district, the laborer, mechanic or subcontractor, or materialman, or person claiming to have supplied materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board, council, commission, trustees or body acting for the state, county or municipality, or other public body, city, town or district, a notice in writing in substance as follows:

To (here insert the name of the state, county or municipality or other public body, city, town or district):

Notice is hereby given that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or materialman, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of . . . . . dollars (here insert the amount) against the bond taken from . . . . . (here insert the name of the principal and surety or sureties upon such bond) for the work of . . . . . (here insert a brief mention or description of the work concerning which said bond was taken).

(here to be signed) . . . . .

Such notice shall be signed by the person or corporation making the claim or giving the notice, and said notice, after being presented and filed, shall be a public record open to inspection by any person, and in any suit or action brought against such surety or sureties by any such person or corporation to recover for any of the items hereinbefore specified, the claimant shall be entitled to recover in addition to all other costs, attorney's fees in such sum as the court shall adjudge reasonable: PROVIDED, HOWEVER, That no attorney's fees shall be allowed in any suit or action brought or instituted before the expiration of thirty days following the date of filing of the notice hereinbefore mentioned: PROVIDED FURTHER, That any city may avail itself of the provisions of RCW 39.08.010 through 39.08.030, notwithstanding any charter provisions in conflict herewith: AND PROVIDED FURTHER, That any city or town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby, and not in conflict herewith.

Sec. 5. Section 1, chapter 166, Laws of 1921 as last amended by section 1, chapter 104, Laws of 1975 1st ex. sess. and RCW 60.28.010 are each amended to read as follows:

(1) Contracts for public improvements or work, other than for professional services, by the state, or any county, city, town, district, board, or other public

body, herein referred to as "public body", shall provide, and there shall be reserved by the public body from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum equal to ten percent of the first one hundred thousand dollars and five percent for all amounts over one hundred thousand dollars of such estimates, said sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor. Every person performing labor or furnishing supplies toward the completion of said improvement or work shall have a lien upon said moneys so reserved: PROVIDED, That such notice of the lien of such claimant shall be given in the manner and within the time provided in RCW 39.08.030 through 39.08.060 as now existing and in accordance with any amendments that may hereafter be made thereto: PROVIDED FURTHER, That the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body, at any time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments subsequently made in full; but in no event shall the amount to be retained be reduced to less than five percent of the amount of the moneys earned by the contractor.

(2) The moneys reserved under the provisions of subsection (1) of this section, at the option of the contractor, shall be:

(a) Retained in a fund by the public body until thirty days following the final acceptance of said improvement or work as completed; or

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, not subject to withdrawal until after the final acceptance of said improvement or work as completed, or until agreed to by both parties: PROVIDED, That interest on such account shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body until thirty days following the final acceptance of said improvement or work as completed.

When the moneys reserved are to be placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. Such check shall be converted into bonds and securities chosen by the contractor and approved by the public body and such bonds and securities shall be held in escrow. Interest on such bonds and securities shall be paid to the contractor as the said interest accrues.

(3) If the public body administering a contract, other than a contract governed by the provisions of RCW 60.28.070, as amended, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished

and in such case any amounts retained and accumulated under this section shall be held for a period of thirty days following such acceptance. In the event that the work shall have been terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter 60.28 RCW shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

(4) Whenever the toll bridge authority or the department of highways has contracted for the construction of two or more ferry vessels, thirty days after completion and final acceptance of each ferry vessel, the authority or the department may release and pay in full the amounts retained in connection with the construction of such vessel subject to the provisions of RCW 60.28.020: PROVIDED, That the toll bridge authority or the department of highways may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on such ferry after a period of thirty days following final acceptance of such ferry; and if such taxes are certified or claims filed, recovery may be had on such bond by the department of revenue and the materialmen and laborers filing claims.

Sec. 6. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030 are each amended to read as follows:

The tax hereby levied shall not apply to the following sales:

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16 or 82.28 RCW: PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12 RCW;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16 RCW, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36 RCW: PROVIDED, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12 RCW;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: PROVIDED, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12 RCW;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers whether owned by or leased with or without drivers and used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce whether such use is by the owner or whether such motor vehicles and trailers are leased to the user with or without drivers: PROVIDED, That the purchaser or user must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to nonresidents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be

used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the department of revenue and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the department of revenue with the regular report and a duplicate to be retained by the dealer.

(16) Sales of poultry for use in the production for sale of poultry or poultry products.

(17) Sales to nonresidents of this state for use outside of this state of machinery and implements for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the department of revenue shall require shall be made for each such sale, to be retained as a business record of the seller.

(18) Sales for use in states, territories and possessions of the United States which are not contiguous to any other state, but only when, as a necessary incident to the contract of sale, the seller delivers the subject matter of the sale to the purchaser or his designated agent at the usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in such noncontiguous states, territories and possessions.

(19) Sales to municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services rendered in respect to contracts for watershed protection and/or flood prevention. This exemption shall be limited to that portion of the selling price which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Laws 566, as amended;

(20) Sales of semen for use in the artificial insemination of livestock;

(21) Sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that he is a bona fide resident of a state

or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this subsection must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of one dollar. The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his own, or a counterfeit permit, with intent to violate the provisions of this subsection shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

(22) Sales of form lumber to any person engaged in the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof.

(23) Sales of, cost of, or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel and rock when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to sales of, cost of, or charges made for such labor and services, if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(24) Sales of wearing apparel to persons who themselves use such wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(25) Sales of pollen.

(26) Sales to one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(27) The renting or leasing of motor vehicles and trailers to a nonresident of this state for use exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and for purposes of this exemption the term "nonresident" shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state.

(28) Sales of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(29) Sales of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(30) Sales of insulin, prosthetic devices, and medically prescribed oxygen.

(31) Sales of ferry vessels to the state of Washington for use in transporting pedestrians, vehicles, and goods within or outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such ferry vessels; also sales of or charges made for labor and services rendered in respect to constructing or improving such ferry vessels.

Sec. 7. Section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030 are each amended to read as follows:

The provisions of this chapter shall not apply:

(1) In respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the



use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than thirty days prior to the time he entered this state;

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 RCW and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 RCW as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16 RCW;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by a nonresident of this state of any motor vehicle or trailer used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and in respect to the use by a nonresident of this state of any motor vehicle or trailer so registered and licensed and used within this state for a period not exceeding fifteen consecutive days under such rules as the department of revenue shall adopt: PROVIDED, That under circumstances determined to be justifiable by the department of revenue a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein, shall include a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of business in another state; and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer whether owned by or leased with or without driver to the permit holder and used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of motor vehicles pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the

use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state whether such motor vehicle or trailer is owned by or leased with or without driver to the permit holder;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36 RCW: PROVIDED, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of motor vehicles shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of poultry in the production for sale of poultry or poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to and used exclusively by a school in connection with its driver training program: PROVIDED, That this exemption and the term "school" shall apply only to (a) the University of Washington, Washington State University, the state colleges and the state community colleges or (b) any public, private or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station) or (c) any public vocational school

meeting the standards, courses and requirements established and prescribed or approved in accordance with the Community College Act of 1967 (chapter 8, Laws of 1967 first extraordinary session);

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 RCW or chapter 82.12 RCW;

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to members of the armed services called to active duty for training purposes for periods of less than six months and shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of any person from the armed services;

(16) In respect to the use of semen in the artificial insemination of livestock;

(17) In respect to the use of form lumber by any person engaged in the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof;

(18) In respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(19) In respect to the use of wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(20) In respect to the use of tangible personal property held for sale and displayed in single trade shows for a period not in excess of thirty days, the primary purpose of which is to promote the sale of products or services.

(21) In respect to the use of pollen.

(22) In respect to the use of the personal property of one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(23) In respect to the use of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than

food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(24) In respect to the use of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(25) In respect to the use of insulin, prosthetic devices, and medically prescribed oxygen.

(26) In respect to the use of ferry vessels of the state of Washington in transporting pedestrian or vehicular traffic within and outside the territorial waters of the state and in respect to the use of tangible personal property which becomes a component part of any such ferry vessel.

NEW SECTION. Sec. 8. There is added to chapter 47.60 RCW a new section to read as follows:

Whenever the Washington state toll bridge authority or department of highways shall award any ferry vessel construction contract, the authority or department shall enter into negotiations with or award the contract to the shipbuilding firm located within the state of Washington which has submitted the most advantageous proposal as determined by the authority pursuant to section 1 of this 1977 amendatory act or has submitted the lowest responsible bid, providing such bid or proposed price does not exceed by more than six percent the lowest price proposal for a negotiated contract or the lowest comparable bid of any shipbuilding firm located outside the state of Washington.

NEW SECTION. Sec. 9. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to the other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 27, 1977.

Passed the House May 20, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

## CHAPTER 167

[Substitute House Bill No. 228]

## MOTOR VEHICLES—REMOVAL FROM HIGHWAY—TOWING OPERATORS

AN ACT Relating to motor vehicles; amending section 65, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.565; adding new sections to chapter 46.61 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 46.61 RCW a new section to read as follows:

The business of operating tow trucks for the public in the transportation of disabled or damaged motor vehicles and vehicles incapable of self-propulsion due to mechanical defects or incapacity, by towing or hauling upon the highways of this state, is declared to be a business affecting the public interest. The large volume of motor vehicle traffic, vehicle accidents, congestion, and the need to keep the highways clear requires rapid and efficient service by adequately equipped and capably operated tow trucks. The fact that those persons now operating these businesses are not effectively regulated under existing law makes it necessary that more complete regulation is instituted and administered to make the highways safer for the use of the general public and to assure that adequate, economical, and efficient service, at reasonable charges without unjust discrimination, undue preferences or advantages, and unfair or destructive competitive practices, prevails in the public interest.

NEW SECTION. Sec. 2. There is added to chapter 46.61 RCW a new section to read as follows:

As used in this chapter, the following terms shall have the following meanings unless the context clearly requires otherwise:

(1) "Commission" means the state commission on equipment as defined in RCW 46.37.005;

(2) "Person" means an individual, firm, partnership, corporation, company, association, or their lessees, trustees, or receivers;

(3) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

(4) "Towing operator" means every person who engages in the towing of vehicles and motor vehicles on a highway by means of equipment affixed to a specially constructed tow truck complying with the equipment specifications and standards promulgated by the commission; and

(5) "Tow truck" means a specially constructed and equipped motor vehicle for towing vehicles and not otherwise used in transporting goods for compensation.

NEW SECTION. Sec. 3. There is added to chapter 46.61 RCW a new section to read as follows:

It shall be unlawful for any person to operate as a towing operator on a highway of this state contrary to the provisions of this chapter or the regulations promulgated pursuant thereto.

Sec. 4. Section 65, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.565 are each amended to read as follows:

(1) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of RCW 46.61.560, such officer is hereby authorized to ~~((move))~~ provide for the removal of such vehicle(;;) to a place of safety or require the driver or other person in charge of the vehicle to move the same, to a position off the main-traveled part of such highway. For the purpose of this section, a place of safety may include the business location of a towing service.

(2) Whenever any police officer finds a vehicle unattended upon any ~~((bridge or causeway or in any tunnel))~~ highway where such vehicle constitutes an obstruction to traffic or jeopardizes public safety, such officer is hereby authorized to provide for the removal of such vehicle to ~~((the nearest garage or other))~~ a place of safety.

~~(3) ((The charge for removal of a vehicle as authorized in subsections (1) and (2) above shall be fixed by the governmental agency having traffic law enforcement jurisdiction over the portion of highway where such vehicle was found. Such governmental agency may perform the removal service directly or through a private firm. A private firm providing such removal services shall post the authorized charges therefor prominently at its place of business. The costs incurred in the removal of such a vehicle shall be paid by the vehicle's owner and shall be a lien upon the vehicle until paid))~~ Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of any vehicle involved in an accident is physically or mentally incapable, or too intoxicated, to decide upon steps to be taken to protect his or her property, the officer may provide for the removal of the vehicle to a place of safety.

(4) Whenever the driver of a vehicle is arrested and taken into custody by a police officer, and the driver, because of intoxication or otherwise, is mentally incapable of deciding upon steps to be taken to safeguard his or her property, a police officer may provide for the removal of the vehicle to a place of safety.

(5) Nothing in this section shall derogate from the powers of police officers under the common law.

NEW SECTION. Sec. 5. There is added to chapter 46.61 RCW a new section to read as follows:

The Washington state patrol, under its authority to remove vehicles from the highway, may remove the vehicles directly, through towing operators appointed by the commission and called on a rotational or other basis, through contracts with towing operators, or by a combination of these methods. When removal is to be accomplished through a towing operator on a noncontractual basis, the commission may appoint any towing operator for this purpose upon the application of the operator. Each appointment shall be contingent upon the submission of an application to the commission and the making of subsequent reports in such form and frequency and compliance with such standards of equipment, performance, pricing, and practices as may be required by rule of the commission.

An appointment may be rescinded by the commission at the request of the Washington state patrol upon evidence that the appointed towing operator is not complying with the laws or rules relating to the removal and storage of vehicles from the highway. The costs of removal and storage of vehicles under this section

shall be paid by the owner or driver of the vehicle and shall be a lien upon the vehicle until paid.

Rules promulgated under this section shall be binding only upon those towing operators appointed by the commission for the purpose of performing towing services at the request of the Washington state patrol. Any person aggrieved by a decision of the commission made under this section may appeal the decision under chapter 34.04 RCW.

NEW SECTION. Sec. 6. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 29, 1977.

Passed the Senate May 26, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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## CHAPTER 168

[House Bill No. 389]

### RAILROAD CROSSING OR OVERPASS CONSTRUCTION—TRAFFIC CONTROL

AN ACT Relating to railroads; adding new sections to chapter 81.53 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. Whenever any railroad company engages in the construction, maintenance, or repair of a crossing or overpass, the company shall install and maintain traffic control devices adequate to protect the public and railroad employees, subject to the requirements of sections 2 and 3 of this act.

NEW SECTION. Sec. 2. All traffic control devices used under section 1 of this act shall be subject to the following conditions:

(1) Any traffic control devices shall be used at a repair or construction site only so long as the devices are needed or applicable. Any devices that are no longer needed or applicable shall be removed or inactivated so as to prevent confusion;

(2) All barricades, signs, and similar devices shall be constructed and installed in a workmanlike manner;

(3) Bushes, weeds, or any other material or object shall not be allowed to obscure any traffic control devices;

(4) All signs, barricades, and other control devices intended for use during hours of darkness shall be adequately illuminated or reflectorized, with precautions taken to protect motorists from glare; and

(5) Flagpersons shall be provided where necessary to adequately protect the public and railroad employees. The flagpersons shall be responsible and competent and possess at least average intelligence, vision, and hearing. They shall be neat in appearance and courteous to the public.

NEW SECTION. Sec. 3. The utilities and transportation commission shall adopt rules to implement the provisions of sections 1 and 2 of this act pursuant to chapter 34.04 RCW. The commission shall invite the participation of all interested

parties in any hearings or proceedings taken under this section, including any parties who request notice of any proceedings.

Any rules adopted under this section and any devices employed under section 2 of this act shall conform to the national standards established by the current manual, including any future revisions, on the Uniform Traffic Control Devices as approved by the American National Standards Institute as adopted by the federal highway administrator of the United States department of transportation.

Rules adopted by the commission shall specifically prescribe the duties, procedures, and equipment to be used by the flagpersons required by section 2 of this act.

Sections 1 through 3 of this act and rules adopted thereunder shall be enforced by the commission under the provisions of chapter 81.04 RCW: PROVIDED, That rules adopted by the commission shall recognize that cities with a population in excess of four hundred thousand are responsible for specific public thoroughfares and have the specific responsibility and authority for determining the practices relating to safeguarding the public during construction, repair, and maintenance activities.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall be added to chapter 81.53 RCW.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 14, 1977.

Passed the Senate May 26, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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## CHAPTER 169

[Substitute House Bill No. 472]

### REGIONAL UNIVERSITIES AND THE EVERGREEN STATE COLLEGE

AN ACT Relating to higher education; amending section 2, chapter 194, Laws of 1937 and RCW 17.08.020; amending section 6, chapter 152, Laws of 1919 and RCW 17.12.060; amending section 2, chapter 156, Laws of 1947 and RCW 17.24.110; amending section 2, chapter 216, Laws of 1941 and RCW 27.44.020; amending section 28B.10.020, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.020; amending section 4, chapter 176, Laws of 1974 ex. sess. and RCW 28B.10.025; amending section 28B.10.050, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.050; amending section 28B.10.140, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.140; amending section 28B.10.280, chapter 223, Laws of 1969 ex. sess. as last amended by section 27, chapter 15, Laws of 1970 ex. sess. and RCW 28B.10.280; amending section 10, chapter 269, Laws of 1969 ex. sess. and RCW 28B.10.290; amending section 28B.10.300, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 130, Laws of 1973 1st ex. sess. and RCW 28B.10.300; amending section 1, chapter 258, Laws of 1971 ex. sess. and RCW 28B.10.350; amending section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 212, Laws of 1975 1st ex. sess. and RCW 28B.10.400; amending section 28B.10.405, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.405; amending section 28B.10.410, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.410; amending section 28B.10.415, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.415; amending section 5, chapter 261, Laws of 1971 ex. sess. and RCW 28B.10.417; amending section 28B.10.420, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.420; amending section 28B.10.500, chapter 223,



Laws of 1969 ex. sess. and RCW 28B.10.500; amending section 28B.10.520, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.520; amending section 28B.10.525, chapter 223, Laws of 1969 ex. sess. as amended by section 72, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.10.525; amending section 28B.10.550, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.550; amending section 28B.10.560, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.560; amending section 1, chapter 81, Laws of 1975-'76 2nd ex. sess. and RCW 28B.10.567; amending section 28B.10.600, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.600; amending section 28B.10.605, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.605; amending section 28B.10.640, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.640; amending section 28B.10.650, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.650; amending section 28B.10.700, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.700; amending section 2, chapter 28, Laws of 1971 ex. sess. and RCW 28B.10.703; amending section 1, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.005; amending section 28B.15.020, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.020; amending section 3, chapter 279, Laws of 1971 ex. sess. as amended by section 1, chapter 46, Laws of 1973 1st ex. sess. and section 2, chapter 130, Laws of 1973 1st ex. sess. and RCW 28B.15.041; amending section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.100; amending section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 191, Laws of 1973 1st ex. sess. and RCW 28B.15.380; amending section 28B.15.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.400; amending section 11, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.530; amending section 28B.15.600, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.15.600; amending section 2, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.020; amending section 2, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.020; amending section 4, chapter 277, Laws of 1969 ex. sess. as amended by section 4, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.040; amending section 28B.40.010, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.010; amending section 28B.40.100, chapter 223, Laws of 1969 ex. sess. as amended by section 11, chapter 62, Laws of 1973 and RCW 28B.40.100; amending section 28B.40.105, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.105; amending section 28B.40.110, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.110; amending section 28B.40.120, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.120; amending section 28, chapter 15, Laws of 1970 ex. sess. and RCW 28B.40.190; amending section 28B.40.200, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.200; amending section 28B.40.220, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.220; amending section 28B.40.230, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.230; amending section 28B.40.300, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.300; amending section 28B.40.305, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.305; amending section 28B.40.310, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.310; amending section 28B.40.315, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.315; amending section 28B.40.350, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.350; amending section 9, chapter 269, Laws of 1969 ex. sess. as last amended by section 3, chapter 191, Laws of 1973 1st ex. sess. and RCW 28B.40.361; amending section 28B.40.370, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.370; amending section 28B.40.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 147, chapter 275, Laws of 1975 1st ex. sess. and RCW 28B.40.380; amending section 28B.40.390, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.390; amending section 28B.40.700, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.700; amending section 28B.40.710, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.710; amending section 28B.40.720, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.720; amending section 28B.40.730, chapter 223, Laws of 1969 ex. sess. as last amended by section 30, chapter 56, Laws of 1970 ex. sess. and RCW 28B.40.730; amending section 28B.40.750, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.750; amending section 28B.40.751, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.751; amending section 28B.40.760, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.760; amending section 28B.40.770, chapter 223, Laws of 1969 ex. sess. as last amended by section 31, chapter 56, Laws of 1970 ex. sess. and RCW 28B.40.770; amending section 28B.40.780, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.780; amending section 28B.40.790, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.790; amending section 7, chapter 66, Laws of 1970 ex. sess. and RCW 39.90.060; amending section 4, chapter 150, Laws of 1941 as last amended by section 1, chapter 33, Laws of 1973 and RCW 40.04.040; amending section 5, chapter 150, Laws of 1941 as amended by section 2, chapter 33, Laws of 1973 and RCW 40.04.090; amending section 4, chapter 233, Laws of 1963 and RCW 40.06.040; amending section 5, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.515; amending section 6, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.516; amending section 7, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.517; amending section 9, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.519; amending section 10, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.520; amending section 11, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.521; amending section 1, chapter 142, Laws of 1965 ex. sess. as amended by section 3, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.010; amending section 43.79.150, chapter 8, Laws of 1965

and RCW 43.79.150; amending section 43.79.180, chapter 8, Laws of 1965 and RCW 43.79.180; amending section 43.79.304, chapter 8, Laws of 1965 and RCW 43.79.304; amending section 43.79.314, chapter 8, Laws of 1965 and RCW 43.79.314; amending section 43.79.324, chapter 8, Laws of 1965 and RCW 43.79.324; amending section 1, chapter 248, Laws of 1969 ex. sess. as amended by section 9, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.88.195; amending section 69.32.030, chapter 27, Laws of 1959 and RCW 69.32.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030; amending section 5, chapter 51, Laws of 1923 and RCW 87.25.050; directing the recodification of certain sections hereof; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW as a new chapter thereto, chapter 28B.35 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; repealing section 28B.10.015, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.015; repealing section 28B.40.115, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.115; repealing section 28B.40.130, chapter 223, Laws of 1969 ex. sess., section 25, chapter 75, Laws of 1977 and RCW 28B.40.130; repealing section 1, chapter 232, Laws of 1975 1st ex. sess. and RCW 28B.40.205; repealing section 2, chapter 196, Laws of 1969 ex. sess. and RCW 28B.40.225; repealing section 28B.40.400, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.400; repealing section 43.92.050, chapter 8, Laws of 1965 and RCW 43.92.050; and repealing section 3, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.030.

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

**NEW SECTION.** Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

For the purposes of this title:

(1) "State universities" means the University of Washington and Washington State University.

(2) "Regional universities" means Western Washington University at Bellingham, Central Washington University at Ellensburg, and Eastern Washington University at Cheney.

(3) "State college" means The Evergreen State College in Thurston county.

(4) "Institutions of higher education" or "postsecondary institutions" means the state universities, the regional universities, The Evergreen State College, and the community colleges.

**NEW SECTION.** Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.35 RCW a new section to read as follows:

The primary purposes of the regional universities shall be to offer undergraduate and graduate education programs through the master's degree, including programs of a practical and applied nature, directed to the educational and professional needs of the residents of the regions they serve; to act as receiving institutions for transferring community college students; and to provide extended occupational and complementary studies programs that continue or are otherwise integrated with the educational services of the region's community colleges.

No college shall be eligible for designation as a regional university until it has been in operation for at least twenty years and has been authorized to offer master's degree programs in more than three fields.

Sec. 3. Section 2, chapter 194, Laws of 1937 and RCW 17.08.020 are each amended to read as follows:

Upon petition of registered land owners representing not less than five percent of the number of farms in the county as shown by the last United States census, the boards of county commissioners of the respective counties and the director of the state department of agriculture shall thoroughly investigate, which investigation shall include a public hearing, notice of which shall be posted under the direction of

the director of the state department of agriculture, in at least five conspicuous places within the posted area at least fifteen days prior to the hearing. If such investigation shall indicate a need therefor there shall be created, by a regularly promulgated order, a weed extermination area or areas, within their counties or within the state of Washington for the purpose of destroying, preventing, and exterminating any particular weed, weeds or plants, or all weeds or plants, which are now or may hereafter be classed by the agricultural experiment station of (~~the state college of~~) Washington State University as noxious or poison weeds or plants detrimental to agriculture or to livestock, when the boards of county commissioners and the director of the department of agriculture of the state of Washington find the creation of such an area and the extermination of noxious or poison weeds or plants growing thereon to be in the interest of the general public welfare of their respective counties or of the state of Washington, and when such investigation shows that conditions are such as to prevent the organization of a weed district in the manner prescribed in RCW 17.04.010 through (~~17.04.140~~) 17.04.070, 17.04.240 and 17.04.250. If the boards of county commissioners and the director of the state department of agriculture cannot agree on the establishment or in other matters pertaining to weed extermination areas, the decision of the director shall be final. Upon the establishing of any weed extermination area or areas as provided in this section, the boards of county commissioners and the director of the state department of agriculture shall cause this fact to be published in a newspaper published in the county in which such weed extermination area is situated and of general circulation in such county and such notice shall state the boundaries of the weed extermination area so established. A weed extermination area when established as provided herein shall be maintained as such for a period of not less than five years. Any weed district organized or reorganized as provided in RCW 17.04.010 through (~~17.04.140~~) 17.04.070, 17.04.240 and 17.04.250 is hereby authorized to maintain its status and organization and to exercise all powers and subject to the limitations granted to it in prior sections of this chapter, even when part or all of such weed district is also included in a weed extermination area.

Sec. 4. Section 6, chapter 152, Laws of 1919 and RCW 17.12.060 are each amended to read as follows:

The agricultural expert in counties having an agricultural expert, shall under the direction of (~~the state college of~~) Washington State University have general supervision of the methods and means of preventing, destroying or exterminating any animals or rodents as herein mentioned within his county, and of how the funds of any pest district shall be expended to best accomplish the purposes for which such funds were raised; in counties having no such agricultural expert each county commissioner shall be within his respective commissioner district, ex officio supervisor, or the board may designate some such person to so act, and shall fix his compensation therefor. Whenever any member of the board shall act as supervisor he shall be entitled to his actual expenses and his per diem as county commissioner the same as if he were doing other county business.

Sec. 5. Section 2, chapter 156, Laws of 1947 and RCW 17.24.110 are each amended to read as follows:

The director of agriculture and the supervisor of horticulture are authorized to cooperate with any individual, group of citizens, municipalities and counties of the

state of Washington, (~~the state college of~~) Washington State University or any of its experiment stations, and/or with the secretary of agriculture of the United States and such agencies as the secretary may designate, and/or with any other state or states, agency or group the director of agriculture may designate, to carry out the provisions of RCW 17.24.105 through 17.24.140.

Sec. 6. Section 2, chapter 216, Laws of 1941 and RCW 27.44.020 are each amended to read as follows:

Any archaeologist or interested person may copy and examine such glyptic or painted records or examine the surface of any such cairn or grave, but no such record or archaeological material from any such cairn or grave may be removed unless the same shall be destined for exhibit and perpetual preservation in a duly recognized museum and permission for scientific research and removal of specimens of such records and material has been granted by the president of the University of Washington or (~~the~~) Washington State (~~College~~) University or a duly designated member of either president's faculty.

Sec. 7. Section 28B.10.020, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.020 are each amended to read as follows:

The boards of regents of the University of Washington and Washington State University, respectively, and the boards of trustees of Central Washington (~~State College~~) University, Eastern Washington (~~State College~~) University, Western Washington (~~State College~~) University, and The Evergreen State College, respectively, shall have the power and authority to acquire by exchange, gift, purchase, lease, or condemnation in the manner provided by chapter 8.04 RCW for condemnation of property for public use, such lands, real estate and other property, and interests therein as they may deem necessary for the use of said institutions respectively.

Sec. 8. Section 4, chapter 176, Laws of 1974 ex. sess. and RCW 28B.10.025 are each amended to read as follows:

The Washington state arts commission shall, in consultation with the boards of regents of the University of Washington and Washington State University and with the boards of trustees of the regional universities, The Evergreen State College(s) and the community college districts, determine the amount to be made available for the purchases of art for each project under the supervision of such boards of regents or trustees, and payment therefor shall be made in accordance with law. The selection of, commissioning of artist for, reviewing of design, execution and placement of, and the acceptance of works of art for such project shall be the responsibility of the Washington state arts commission in consultation with the board of regents or trustees having supervision of such project.

Sec. 9. Section 28B.10.050, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.050 are each amended to read as follows:

Except as the legislature shall otherwise specifically direct, the boards of regents and the boards of trustees for the state universities, the regional universities, and The Evergreen State College(s) shall determine entrance requirements for their respective institutions of higher education.

Sec. 10. Section 28B.10.140, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.140 are each amended to read as follows:

The University of Washington, Washington State University, Central Washington (~~(State College)~~) University, Eastern Washington (~~(State College)~~) University, Western Washington (~~(State College)~~) University, and The Evergreen State College are each authorized to train teachers and other personnel for whom teaching certificates or special credentials prescribed by the state board of education are required, for any grade, level, department or position of the public schools of the state, except that the training for superintendents, over and above that required for teaching certificates and principals' credentials, shall be given by the University of Washington and Washington State University only.

Sec. 11. Section 28B.10.280, chapter 223, Laws of 1969 ex. sess. as last amended by section 27, chapter 15, Laws of 1970 ex. sess. and RCW 28B.10.280 are each amended to read as follows:

The boards of regents of the state universities and the boards of trustees of regional universities, The Evergreen State College(s), and community college districts may each create student loan funds, and qualify and participate in the National Defense Education Act of 1958 and such other similar federal student aid programs as are or may be enacted from time to time, and to that end may comply with all of the laws of the United States, and all of the rules, regulations and requirements promulgated pursuant thereto.

Sec. 12. Section 10, chapter 269, Laws of 1969 ex. sess. and RCW 28B.10.290 are each amended to read as follows:

Any state university, regional university, The Evergreen State College, or community college may honor credit cards issued by any bank within the state of Washington for tuition, fees, or any materials or supplies required for course study.

Sec. 13. Section 28B.10.300, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 130, Laws of 1973 1st ex. sess. and RCW 28B.10.300 are each amended to read as follows:

The boards of regents of the state universities and the boards of trustees of the regional universities and The Evergreen State College(s) are severally authorized to:

(1) Enter into contracts with persons, firms or corporations for the construction, installation, equipping, repairing, renovating and betterment of buildings and facilities for the following:

- (a) dormitories
- (b) hospitals
- (c) infirmaries
- (d) dining halls
- (e) student activities

(f) services of every kind for students, including, but not limited to, housing, employment, registration, financial aid, counseling, testing and offices of the dean of students

- (g) vehicular parking
- (h) student, faculty and employee housing and boarding;

(2) Purchase or lease lands and other appurtenances necessary for the construction and installation of such buildings and facilities and to purchase or lease

lands with buildings and facilities constructed or installed thereon suitable for the purposes aforesaid;

(3) Lease to any persons, firms, or corporations such portions of the campus of their respective institutions as may be necessary for the construction and installation of buildings and facilities for the purposes aforesaid and the reasonable use thereof;

(4) Borrow money to pay the cost of the acquisition of such lands and of the construction, installation, equipping, repairing, renovating, and betterment of such buildings and facilities, including interest during construction and other incidental costs, and to issue revenue bonds or other evidence of indebtedness therefor, and to refinance the same before or at maturity and to provide for the amortization of such indebtedness from services and activities fees or from the rentals, fees, charges, and other income derived through the ownership, operation and use of such lands, buildings, and facilities and any other dormitory, hospital, infirmary, dining, student activities, student services, vehicular parking, housing or boarding building or facility at the institution;

(5) Contract to pay as rental or otherwise the cost of the acquisition of such lands and of the construction and installation of such buildings and facilities on the amortization plan; the contract not to run over forty years;

(6) Expend on the amortization plan services and activities fees and/or any part of all of the fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of their respective institutions, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon, and to pledge such services and activities fees and/or the net income derived through the ownership, operation and use of any lands, buildings or facilities of the nature described in subsection (1) hereof for the payment of part or all of the rental, acquisition, construction, and installation, and the betterment, repair, and renovation or other contract charges, bonds or other evidence of indebtedness agreed to be paid on account of the acquisition, construction, installation or rental of, or the betterment, repair or renovation of, lands, buildings, facilities and equipment of the nature authorized by this section.

Sec. 14. Section 1, chapter 258, Laws of 1971 ex. sess. and RCW 28B.10.350 are each amended to read as follows:

When the cost to ~~((any))~~ The Evergreen State College, any regional university, or state university of any building, construction, renovation, remodeling or demolition other than ordinary maintenance or equipment repairs will equal or exceed the sum of ten thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids ~~((in accordance with the provisions of chapter 39.19 [43.19] RCW))~~ and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications: PROVIDED, That when the estimated cost of such building, construction, renovation, remodeling or demolition equals or exceeds the sum of ten thousand dollars, such project shall be deemed a public works and "the prevailing rate of wage", under chapter 39.12 RCW shall be applicable thereto.

In the event of any emergency when the public interest or property of The Evergreen State College, regional university, or state university would suffer material injury or damage by delay, the president of such college or university may declare the existence of such an emergency and reciting the facts constituting the same may waive the requirements of this section with reference to any contract in order to correct the condition causing the emergency: PROVIDED, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the ~~((state college or))~~ institution of higher education in the absence of prompt remedial action or a condition which immediately impairs the institution's ability to perform its educational obligations.

Sec. 15. Section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 212, Laws of 1975 1st ex. sess. and RCW 28B.10.400 are each amended to read as follows:

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College~~((s))~~, and the state board for community college education are authorized and empowered:

(1) To assist the faculties and such other employees as any such board may designate in the purchase of old age annuities or retirement income plans under such rules and regulations as any such board may prescribe. County agricultural agents, home demonstration agents, 4-H club agents, and assistant county agricultural agents paid jointly by the Washington State University and the several counties shall be deemed to be full time employees of the Washington State University for the purposes hereof;

(2) To provide, under such rules and regulations as any such board may prescribe for the faculty members or other employees under its supervision, for the retirement of any such faculty member or other employee on account of age or condition of health, retirement on account of age to be not earlier than the sixty-fifth birthday: PROVIDED, That such faculty member or such other employee may elect to retire at the earliest age specified for retirement by federal social security law: PROVIDED FURTHER, That any supplemental payment authorized by subsection (3) of this section and paid as a result of retirement earlier than age sixty-five shall be at an actuarially reduced rate;

(3) To pay to any such retired person or his surviving spouse, each year after his retirement, an amount which, when added to the amount of such annuity or retirement income plan received by him or his surviving spouse in such year, will not exceed fifty percent of the average annual salary paid to such retired person for his highest two consecutive years of full time service at an institution of higher education: PROVIDED, HOWEVER, That if such retired person prior to his retirement elected a supplemental payment survivors option, any such supplemental payments to such retired person or his surviving spouse shall be at actuarially reduced rates: PROVIDED FURTHER, That if a faculty member or other employee of the University of Washington or Washington State University who is a participant in a retirement plan authorized by this section dies, or has died before retirement but after becoming eligible for retirement on account of age, the surviving spouse shall be entitled to receive the supplemental payment authorized by this subsection (3) of this section to which such surviving spouse would have been entitled had said

deceased faculty member or other employee retired on the date of death after electing a supplemental payment survivors option.

Sec. 16. Section 28B.10.405, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.405 are each amended to read as follows:

Members of the faculties and such other employees as are designated by the boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College((s)), or the state board for community college education shall be required to contribute not less than five percent of their salaries during each year of full time service after the first two years of such service toward the purchase of such annuity or retirement income plan; such contributions may be in addition to federal social security tax contributions, if any.

Sec. 17. Section 28B.10.410, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.410 are each amended to read as follows:

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College((s)), or the state board for community college education shall pay not more than one-half of the annual premium of any annuity or retirement income plan established under the provisions of RCW 28B.10.400 as now or hereafter amended (~~(in section 1, chapter 149, Laws of 1973 1st ex. sess.)~~). Such contribution shall not exceed ten percent of the salary of the faculty member or other employee on whose behalf the contribution is made. This contribution may be in addition to federal social security tax contributions made by the boards, if any.

Sec. 18. Section 28B.10.415, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.415 are each amended to read as follows:

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College((s)), or the state board for community college education shall not pay any amount to be added to the annuity or retirement income plan of any retired person who has served for less than ten years in one or more of the state institutions of higher education. In the case of persons who have served more than ten years but less than twenty-five years no amount shall be paid in excess of four percent of the amount authorized in subdivision (3) of RCW 28B.10.400 as (~~(amended in section 1, chapter 149, Laws of 1973 1st ex. sess.)~~) now or hereafter amended, multiplied by the number of years of full time service rendered by such person.

Sec. 19. Section 5, chapter 261, Laws of 1971 ex. sess. and RCW 28B.10.417 are each amended to read as follows:

(1) A faculty member or other employee designated by the board of trustees of (~~(his respective)~~) the applicable regional university or of The Evergreen State College as being subject to an annuity or retirement income plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system, shall retain credit for such service in the Washington state teachers' retirement system and except as provided in subsection (2) of this section, shall leave his or her accumulated contributions in the teachers' retirement fund. Upon his or her



attaining eligibility for retirement under the Washington state teachers' retirement system, such faculty member or other employee shall receive from the Washington state teachers' retirement system a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his or her accumulated contributions at his or her age when becoming eligible for such retirement and a pension for each year of creditable service established and retained at the time of said designation as provided in RCW 41.32.497 as now or hereafter amended. Anyone who on July 1, 1967, was receiving pension payments from the teachers' retirement system based on thirty-five years of creditable service shall thereafter receive a pension based on the total years of creditable service established with the retirement system: PROVIDED, HOWEVER, That any such faculty member or other employee who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system, is still engaged in public educational employment, shall not be eligible to receive benefits under the Washington state teachers' retirement system until he or she ceases such public educational employment. Any retired faculty member or other employee who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: PROVIDED FURTHER, That such service may be rendered up to seventy-five days in a school year without reduction of pension.

(2) A faculty member or other employee designated by the board of trustees of ((his respective)) the applicable regional university or of The Evergreen State College as being subject to the annuity and retirement income plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system may, at his or her election and at any time, on and after midnight June 10, 1959, terminate his or her membership in the Washington state teachers' retirement system and withdraw his or her accumulated contributions and interest in the teachers' retirement fund upon written application to the board of trustees of the Washington state teachers' retirement system. Faculty members or other employees who withdraw their accumulated contributions, on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system.

Sec. 20. Section 28B.10.420, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.420 are each amended to read as follows:

Faculty members or other employees designated by the boards of regents of the state universities, the boards of trustees of the regional universities or of The Evergreen State College((s)), or the state board for community college education pursuant to RCW 28B.10.400 through 28B.10.420 as now or hereafter amended shall be retired from their employment with their institutions of higher education not later than the end of the academic year next following their seventieth birthday.

Sec. 21. Section 28B.10.500, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.500 are each amended to read as follows:

No regent of the state universities, or trustee of the regional universities or of The Evergreen State College((s)) shall be removed during the term of office for which appointed, excepting only for misconduct or malfeasance in office, and then

only in the manner hereinafter provided. Before any regent or trustee may be removed for such misconduct or malfeasance, a petition for removal, stating the nature of the misconduct or malfeasance of such regent or trustee with reasonable particularity, shall be signed and verified by the governor and served upon such regent or trustee. Said petition, together with proof of service of same upon such regent or trustee, shall forthwith be filed with the clerk of the supreme court. The chief justice of the supreme court shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member of the board by the tribunal shall disqualify such member for reappointment.

Sec. 22. Section 28B.10.520, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.520 are each amended to read as follows:

Each member of a (~~university~~) board of regents or (~~college~~) board of trustees of a university or other state institution of higher education, before entering upon his duties, shall take and subscribe an oath to discharge faithfully and honestly his duties and to perform strictly and impartially the same to the best of his ability, such oath to be filed with the secretary of state.

Sec. 23. Section 28B.10.525, chapter 223, Laws of 1969 ex. sess. as amended by section 72, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.10.525 are each amended to read as follows:

Each member of a (~~university~~) board of regents or (~~college~~) board of trustees of a university or other state institution of higher education, shall be entitled to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for each day or major portion thereof in which he is actually engaged in business of the board.

Sec. 24. Section 28B.10.550, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.550 are each amended to read as follows:

The boards of regents of the state universities, and the boards of trustees of the regional universities or of The Evergreen State College(~~s~~), acting independently and each on behalf of its own institution:

- (1) May each establish a police force for its own institution, which force shall function under such conditions and regulations as the board prescribes; and
- (2) May supply appropriate badges and uniforms indicating the positions and authority of the members of such police force.

Sec. 25. Section 28B.10.560, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.560 are each amended to read as follows:

The boards of regents of the state universities, and the boards of trustees of the regional universities and of The Evergreen State College(~~s~~), acting independently and each on behalf of its own institution, may each establish and promulgate rules and regulations governing pedestrian traffic and vehicular traffic and parking upon state lands devoted mainly to the educational or research activities of its own institution.

Sec. 26. Section 1, chapter 81, Laws of 1975-'76 2nd ex. sess. and RCW 28B.10.567 are each amended to read as follows:

The boards of regents of the state universities and board of trustees of the regional universities and the board((s)) of trustees of The Evergreen State College((s)) are authorized and empowered, under such rules and regulations as any such board may prescribe for the duly sworn police officers employed by any such board as members of a police force established pursuant to RCW 28B.10.550, to provide for the payment of death or disability benefits or medical expense reimbursement for death, disability, or injury of any such duly sworn police officer who, in the line of duty, loses his life or becomes disabled or is injured, and for the payment of such benefits to be made to any such duly sworn police officer or his surviving spouse or the legal guardian of his child or children, as defined in RCW 41.26.030(7), or his estate: PROVIDED, That the duty-related benefits authorized by this section shall in no event be greater than the benefits authorized on June 25, 1976 for duty-related death, disability, or injury of a law enforcement officer under chapter 41.26 RCW: PROVIDED FURTHER, That the duty-related benefits authorized by this section shall be reduced to the extent of any amounts received or eligible to be received on account of the duty-related death, disability, or injury to any such duly sworn police officer, his surviving spouse, the legal guardian of his child or children, or his estate, under workmen's compensation, social security including the changes incorporated under Public Law 89-97 as now or hereafter amended, or disability income insurance and health care plans under chapter 41.05 RCW.

Sec. 27. Section 28B.10.600, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.600 are each amended to read as follows:

The boards of regents of the state universities are each authorized to enter into agreements with the board of directors of any school district in this state whereby one or more of the public schools operated by such district may be used by the university for the purpose of training students at said university as teachers, supervisors, principals, or, superintendents. The boards of trustees of the regional universities and of The Evergreen State College((s)) are authorized to enter into similar agreements for the purpose of training students at (~~the state colleges~~) their institutions as teachers, supervisors, or principals.

Sec. 28. Section 28B.10.605, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.605 are each amended to read as follows:

The financing and the method of organization and administration of such a training program operated by agreement between a state university board of regents or a regional university board of trustees or The Evergreen State College board of trustees, and the board of directors of any school district, shall be determined by agreement between them.

Sec. 29. Section 28B.10.640, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.640 are each amended to read as follows:

The associated students of the University of Washington, the associated students of Washington State University, the student associations of the state community colleges and the student associations of the regional universities and of The Evergreen State College((s)) shall contract for all purchases for printing of athletic programs, athletic tickets, athletic press brochures, yearbooks, magazines, newspapers, and letting of concessions, exceeding one thousand dollars, notice of call for

bid on the same to be published in at least two newspapers of general circulation in the county wherein the institution is located two weeks prior to the award being made. The contract shall be awarded to the lowest responsible bidder, if the price bid is fair and reasonable and not greater than the market value and price, and if the bid satisfactorily covers the quality, design, performance, convenience and reliability of service of the manufacturer and/or dealer. The aforesaid student associations may require such security as they deem proper to accompany the bids submitted, and they shall also fix the amount of the bond or other security that shall be furnished by the person to whom the contract is awarded. Such student associations may reject any or all bids submitted, if for any reason it is deemed for the best interest of their organizations to do so and readvertise in accordance with the provisions of this section. The student associations may reject the bid of any person who has had a prior contract, and who did not, in its opinion, faithfully comply with its terms: PROVIDED, That nothing in this section shall apply to printing done on presses owned and operated by the associated students of the University of Washington, the associated students of Washington State University or the student associations of the regional universities or of The Evergreen State College(s) or community colleges, or to printing done on presses owned or operated by their respective institutions.

Sec. 30. Section 28B.10.650, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.650 are each amended to read as follows:

The boards of regents of the state universities and the boards of trustees of the regional universities and of The Evergreen State College(s) may grant sabbatical and other leaves to faculty members in accordance with regulations adopted by the respective governing boards and with such remunerations as the respective boards may prescribe.

Sec. 31. Section 28B.10.700, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.700 are each amended to read as follows:

The state board for community college education, the boards of trustees of the regional universities and of The Evergreen State College(s), and the boards of regents of the state universities, with appreciation of the legislature's desire to emphasize physical education courses in their respective institutions, shall provide for the same, being cognizant of legislative guide lines put forth in RCW 28A.05.040 relating to physical education courses in high schools.

Sec. 32. Section 2, chapter 28, Laws of 1971 ex. sess. and RCW 28B.10.703 are each amended to read as follows:

The governing boards of each of the state universities, the regional universities, The Evergreen State College(s), and community colleges in addition to their other duties prescribed by law shall have the power and authority to establish programs for intercollegiate athletic competition. Such competition may include participation as a member of an athletic conference or conferences, in accordance with conference rules.

Sec. 33. Section 1, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.005 are each amended to read as follows:

(1) "Colleges and universities" for the purposes of this chapter shall mean Central Washington (~~State College~~) University at Ellensburg, Eastern

Washington (~~(State College)~~) University at Cheney, Western Washington (~~(State College)~~) University at Bellingham, The Evergreen State College in Thurston county, community colleges as are provided for in chapter 28B.50 RCW, the University of Washington, and Washington State University.

(2) "State universities" for the purposes of this chapter shall mean the University of Washington and Washington State University.

(3) "Regional universities" for the purposes of this chapter shall mean Central Washington University, Eastern Washington University and Western Washington University.

Sec. 34. Section 28B.15.020, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.020 are each amended to read as follows:

The term "general tuition fees" as used in this chapter shall mean the general tuition fees charged students registering at the state's regional universities, The Evergreen State College((s)), and the state universities for quarters or semesters other than the summer session, which fees are to be used as follows: At the University of Washington, solely for the purposes provided in RCW 28B.15.210; at Washington State University, solely for the purposes provided in RCW 28B.15.310; at each of the regional universities and at The Evergreen State College((s)), solely for the purposes provided in RCW 28B.40.370; and at the community colleges, for the purposes provided in RCW 28B.50.320, 28B.50.360 and 28B.50.370 as now or hereafter amended.

Sec. 35. Section 3, chapter 279, Laws of 1971 ex. sess. as amended by section 1, chapter 46, Laws of 1973 1st ex. sess. and section 2, chapter 130, Laws of 1973 1st ex. sess. and RCW 28B.15.041 are each reenacted and amended to read as follows:

The term "services and activities fees" as used in this chapter is defined to mean fees, other than general tuition and operating fees, charged to all students registering at the state's community colleges, regional universities, The Evergreen State College((s)), and state universities. Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's community colleges, The Evergreen State College((s)), the regional universities, or the state universities for the express purpose of funding student activities and programs of their particular institution. Student activity fees, student use fees, student building use fees, special student fees, or other similar fees charged to all full time students, or to all students, as the case may be, registering at the state's colleges or universities and pledged for the payment of bonds heretofore or hereafter issued for, or other indebtedness incurred to pay, all or part of the cost of acquiring, constructing or installing any lands, buildings, or facilities of the nature described in RCW 28B.10.300 as now or hereafter amended, shall be included within and deemed to be services and activities fees.

Sec. 36. Section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.100 are each amended to read as follows:

The board of regents and board of trustees at each of the state's (~~(colleges and)~~) regional and state universities and at The Evergreen State College shall charge to and collect from each of the students registering at the particular institution such general tuition fees, operating fees, services and activities fees, and

other fees as such board shall in its discretion determine: PROVIDED, That such general tuition fees and operating fees for quarters other than summer session shall be in at least the amounts for the respective institutions as set forth in RCW 28B.15.200, 28B.15.300, 28B.15.400 and 28B.15.500 as now or hereafter amended: PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be consistent with RCW 28B.15.500 as now or hereafter amended.

Sec. 37. Section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 191, Laws of 1973 1st ex. sess. and RCW 28B.15.380 are each amended to read as follows:

In addition to any other exemptions as may be provided by law, the board of regents at the state universities may exempt the following classes of persons from the payment of general tuition fees, operating fees, or services and activities fees except for individual instruction fees: (1) All veterans as defined in RCW 41.04.005: PROVIDED, That such persons are no longer entitled to federal vocational or educational benefits conferred by virtue of their military service: AND PROVIDED FURTHER, That if any such veterans have not resided in this state for one year prior to registration said board may exempt them up to one-half of the tuition payable by other nonresident students. (2) Members of the staffs of the University of Washington and Washington State University. (3) Teachers in the public schools of the state who supervise the cadet teachers from the University of Washington. (4) Children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 38. Section 28B.15.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.400 are each amended to read as follows:

The board of trustees of Eastern Washington (~~((State College))~~ University, Central Washington (~~((State College))~~ University, Western Washington (~~((State College))~~ University and The Evergreen State College shall each quarter other than summer session charge to and collect from each of the full time students registered at the respective (~~((colleges))~~ institutions general tuition fee, operating fees, and services and activities fees as follows:

(1) Full time resident students:

(a) General tuition fee, not less than twenty-five dollars;

(b) Services and activities fees, not less than forty-eight dollars and fifty cents; and

(c) Operating fees, an amount which, together with such general tuition fee and services and activities fees, will not be more than one hundred sixty-nine dollars.

(2) Full time nonresident students:

(a) General tuition fee, not less than ninety-six dollars;

(b) Services and activities fees, not less than forty-eight dollars and fifty cents; and

(c) Operating fees, an amount which, together with such general tuition fee and services and activities fees, will not be more than four hundred fifty-three dollars.

Sec. 39. Section 11, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.530 are each amended to read as follows:

Notwithstanding any other provision of this chapter or the laws of the state, the boards of trustees or regents of each of the state's (~~(colleges)~~) regional universities, The Evergreen State College, or state universities, and the various community colleges consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, the tuition, operating, and services and activities fees for needy or disadvantaged students: PROVIDED, That a state-wide student aid advisory committee shall be appointed by the director of the state board for community college education to assist the director in the promulgation of such regulations and procedures and to provide specific advice to the director in the development of priorities recognizing need based on income levels: PROVIDED FURTHER, That the total dollar amount of such tuition and fee waivers awarded in any quarter or semester other than summer shall be not more than three percent of an amount determined by estimating total collections from tuition, operating and services and activities fees had no waivers under this section been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED FURTHER, That the total dollar amount of such tuition and fee waivers awarded by the various community colleges in any quarter other than summer shall be not more than three percent of an amount determined by estimating the total collections of all community colleges from tuition, operating and services and activities fees had no waivers under this section been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED FURTHER, That no waiver under this section shall be granted to a person who is not a "resident student" as defined in RCW 28B.15.010.

Sec. 40. Section 28B.15.600, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.15.600 are each amended to read as follows:

The boards of regents of the state's universities and the boards of trustees of the regional universities and The Evergreen State College(s) and community colleges may refund or cancel in full general tuition fees, operating fees, and services and activities fees if the student withdraws from the university or college prior to the sixth day of instruction of the quarter or semester for which said fees have been paid or are due. If the student withdraws on or after the sixth day of instruction, said boards of regents and trustees may refund or cancel up to one-half of said fees, provided such withdrawal occurs within the first thirty calendar days following the beginning of instruction. Said boards of regents and trustees may extend the refund or cancellation period for students called into the military service of the United States.

Said boards of regents and trustees may refund other fees pursuant to such rules as they may prescribe.

Sec. 41. Section 2, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.020 are each amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington (~~(State College)~~) University, Eastern Washington (~~(State College)~~) University, Western Washington (~~(State College)~~) University, The Evergreen State College, and the various state community colleges;

(2) "Board" means the higher education personnel board established under the provisions of RCW 28B.16.060;

(3) "Related boards" means the state board for community college education and the higher education personnel board; and such other boards, councils and commissions related to higher education as may be established;

(4) "Classified service" means all positions at the institutions of higher education subject to the provisions of this chapter;

(5) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

(6) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required.

Sec. 42. Section 2, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.020 are each amended to read as follows:

The words used in this chapter shall have the meaning given in this section, unless the context clearly indicates otherwise:

(1) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington (~~(State College)~~) University, Eastern Washington (~~(State College)~~) University, Western Washington (~~(State College)~~) University, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions." The various state community colleges are sometimes referred to in this chapter as "community colleges."

(2) "Rule" means any order, directive, or regulation of any institution of higher education which affects the relationship of the general public with the institution, or the relationship of particular segments of the particular educational community such as students, faculty, or other employees, with the institution or with each other, (a) the violation of which subjects a person to a penalty or administrative sanction; or (b) which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional hearings; or (c) which establishes, alters or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law. The term includes the amendment or repeal of a prior rule but does not include rules, regulations, orders, statements, or policies relating primarily to the following: Standards for admission; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aids, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under this chapter unless otherwise required by law.



(3) "Contested case" means a formal or informal proceeding before an institution of higher education, division, department, office, or designated official or representative thereof in which an opportunity for hearing is required by law, constitutional rights, or institutional policy, prior or subsequent to the determination by the institution of the legal rights, duties, or privileges of specific parties.

Sec. 43. Section 4, chapter 277, Laws of 1969 ex. sess. as amended by section 4, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.040 are each amended to read as follows:

The council shall consist of members who are truly representative of the public, including the minority community, and shall be selected as follows:

Nine citizen members to be appointed by the governor and confirmed by the senate as representatives of the public at large, one of whom shall be a full time undergraduate student at the time of his or her appointment at a postsecondary educational institution; the superintendent of public instruction; one member of the executive branch of government appointed by the governor; one president of the public state universities, regional universities, and ((four-year)) The Evergreen State College((s-of-the-state)) who is the chairman of the council of presidents; the executive director of the state board for community college education; the executive director of the commission for vocational education; one president of the state's private universities or four-year colleges and one representative of postsecondary proprietary education, each appointed by the governor.

It shall be the duty of the director of the state board for community college education to represent not only the state board for community college education, but also all the community colleges in the state and their respective governing boards and he is further directed and charged to act as a liaison between the council and the state board for community college education and boards of trustees of the community college districts in the state.

It shall be the duty of the superintendent of public instruction to represent the common school system presenting such information to the council as may be of assistance in the development of overall educational plans and articulation between the common school and postsecondary systems of education.

It shall be the duty of the executive director of the commission for vocational education to represent vocational and technical education, presenting to the council such information regarding the state plan for vocational education and other data as may be of assistance in the development of overall educational plans.

NEW SECTION. Sec. 44. The regional universities shall be located and designated as follows: At Bellingham, Western Washington University; at Cheney, Eastern Washington University; at Ellensburg, Central Washington University.

NEW SECTION. Sec. 45. The government of each of the regional universities shall be vested in a board of trustees consisting of five members. They shall be appointed by the governor with the consent of the senate and shall hold their offices for a term of six years from the second Monday in March next succeeding their appointment and until their successors are appointed and qualified. In case of a vacancy the governor shall fill the vacancy for the unexpired term of the trustee whose office has become vacant.

No more than the terms of two members will expire simultaneously on the second Monday of March in any one year.

NEW SECTION. Sec. 46. Each board of regional university trustees shall elect one of its members chairman, and it shall elect a secretary, who may or may not be a member of the board. Each board shall have power to adopt bylaws for its government and for the government of the school, which bylaws shall not be inconsistent with law, and to prescribe the duties of its officers, committees and employees. A majority of the board shall constitute a quorum for the transaction of all business.

NEW SECTION. Sec. 47. Each board of regional university trustees shall hold at least two regular meetings each year, at such times as may be provided by the board. Special meetings shall be held as may be deemed necessary, whenever called by the chairman or by a majority of the board. Public notice of all meetings shall be given in accordance with chapter 42.32 RCW.

NEW SECTION. Sec. 48. In addition to any other powers and duties prescribed by law, each board of trustees of the respective regional universities:

(1) Shall have full control of the regional university and its property of various kinds.

(2) Shall employ the president of the regional university, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the regional university, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the regional university and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the regional university.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the regional university.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to regional university purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the regional university programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the

terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the regional university.

NEW SECTION. Sec. 49. Each board of trustees of the regional universities may:

(1) Contract for such fire protection services as may be necessary for the protection and safety of the students, staff and property of the regional university;

(2) By agreement pursuant to the provisions of chapter 239, Laws of 1967 (chapter 39.34 RCW), as now or hereafter amended, join together with other agencies or political subdivisions of the state or federal government and otherwise share in the accomplishment of any of the purposes of subsection (1) of this section:

PROVIDED, HOWEVER, That neither the failure of the trustees to exercise any of its powers under this section nor anything herein shall detract from the lawful and existing powers and duties of political subdivisions of the state to provide the necessary fire protection equipment and services to persons and property within their jurisdiction.

NEW SECTION. Sec. 50. The degree of bachelor of arts or the degree of bachelor of science and/or the degree of bachelor of arts in education may be granted to any student who has completed a four-year course of study or the equivalent thereof in Central Washington University, Eastern Washington University, or Western Washington University.

NEW SECTION. Sec. 51. In addition to all other powers and duties given to them by law, Central Washington University, Eastern Washington University, and Western Washington University are hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the regional university to be appropriate for the granting of such degree: PROVIDED, That any degree authorized under this section which has no fiscal impact shall be subject to the review and recommendation of the council for postsecondary education: PROVIDED FURTHER, That any degree permitted under this section having additional fiscal impact shall not be authorized prior to review and recommendation by the council for postsecondary education and approval of the legislature.

NEW SECTION. Sec. 52. In addition to all other powers and duties given to them by law, the boards of trustees of Central Washington University, Eastern Washington University, and Western Washington University may grant an associate degree in nursing to any student who has satisfactorily completed a two-year course of study or the equivalent thereof approved by the proper accrediting state agency.

NEW SECTION. Sec. 53. Every diploma issued by a regional university shall be signed by the chairman of the board of trustees and by the president of the regional university issuing the same, and sealed with the appropriate seal. In addition

to the foregoing, teaching certificates shall be countersigned by the state superintendent of public instruction. Every certificate shall specifically state what course of study the holder has completed and for what length of time such certificate is valid in the schools of the state.

NEW SECTION. Sec. 54. A model school or schools or training departments may be provided for each regional university, in which students, before graduation, may have actual practice in teaching or courses relative thereto under the supervision and observation of critic teachers. All schools or departments involved herewith shall organize and direct their work being cognizant of public school needs.

NEW SECTION. Sec. 55. The board of trustees of any regional university having a model school or training department as authorized by section 54 of this 1977 amendatory act, shall, on or before the first Monday of September of each year, file with the board of the school district or districts in which such regional university is situated, a certified statement showing an estimate of the number of public school pupils who will be required to make up such model school and specifying the number required for each grade for which training for students is required.

NEW SECTION. Sec. 56. It shall thereupon be the duty of the board of the school district or districts with which such statement has been filed, to apportion for attendance to the said model school or training department, a sufficient number of pupils from the public schools under the supervision of said board as will furnish to such regional university the number of pupils required in order to maintain such facility: **PROVIDED**, That the president of said regional university may refuse to accept any such pupil as in his judgment would tend to reduce the efficiency of said model school or training department.

NEW SECTION. Sec. 57. Annually, on or before the date for reporting the school attendance of the school district in which said model school or training department is situated, for the purpose of taxation for the support of the common schools, the board of trustees of each such regional university having supervision over the same shall file with the board of the school district or districts, in which such model school or training department is situated, a report showing the number of common school pupils at each such model school or training department during the school year last passed, and the period of their attendance in the same form that reports of public schools are made. Any superintendent of the school district so affected shall, in reporting the attendance in said school district, segregate the attendance at said model school or training department, from the attendance in the other schools of said district: **PROVIDED**, That attendance shall be credited, if credit be given therefor, to the school district in which the pupil resides.

NEW SECTION. Sec. 58. Any student may be suspended or expelled from any regional university who is found to be guilty of an infraction of the regulations of the institution.

NEW SECTION. Sec. 59. The boards of trustees of each regional university may exempt from the payment of general tuition, operating fees, or services and activities fees, except for individual instruction fees, all veterans who served in the armed forces of the United States who have served the United States during any

period of war as defined in RCW 41.04.005 and who shall have served with evidence of conduct other than undesirable, bad conduct or dishonorable upon release from active service: PROVIDED, That such person is no longer entitled to federal vocational or educational benefits conferred by virtue of his military service, and all children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

NEW SECTION. Sec. 60. In order to assist teachers in service, candidates for certificates, and others, each regional university shall establish and maintain an extension department. The work of the department may supplement the previous training of teachers in service and comprise subjects included in the regional university curriculum, or otherwise.

In order to prevent overlapping of territory in connection with this extension work, the state board of education shall district the state making a definite assignment of territory to each institution: PROVIDED, That such assignments of territory shall not preclude any other contractual arrangements initiated by a regional university to carry out its duties under this section. The head of the extension department of each regional university, after being assigned specific territory, shall cooperate with the several educational service district superintendents or educational executive officers of the educational service districts in making public the courses or seminars available for each year, such information being forwarded by the head of the extension department to the state superintendent of public instruction.

A report of the work accomplished by any such extension department during the preceding school year shall be made by the board of trustees upon request of the governor or any member of the legislature.

NEW SECTION. Sec. 61. The president of each regional university shall have general supervision of the university and see that all laws and rules of the board of trustees are observed.

NEW SECTION. Sec. 62. It shall be the duty of the presidents of the several regional universities to meet at least once annually to consult with each other relative to the management of the regional universities.

NEW SECTION. Sec. 63. Sections 44 through 62 of this 1977 amendatory act are added to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW as a new chapter thereof, chapter 28B.35 RCW.

Sec. 64. Section 28B.40.010, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.010 are each amended to read as follows:

The only state college(~~s shall be located and designated as follows: At Bellingham, Western Washington State College; at Cheney, Eastern Washington State College; at Ellensburg, Central Washington State College;~~) in Washington shall be in Thurston county, The Evergreen State College.

Sec. 65. Section 28B.40.100, chapter 223, Laws of 1969 ex. sess. as amended by section 11, chapter 62, Laws of 1973 and RCW 28B.40.100 are each amended to read as follows:

The government of ~~((each of))~~ The Evergreen State College~~((s))~~ shall be vested in a board of trustees consisting of five members. They shall be appointed by the governor with the consent of the senate and shall hold their offices for a term of six years from the second Monday in March next succeeding their appointment and until their successors are appointed and qualified. In case of a vacancy the governor shall fill the vacancy for the unexpired term of the trustee whose office has become vacant.

No more than the terms of two members will expire simultaneously on the second Monday of March in any one year.

Sec. 66. Section 28B.40.105, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.105 are each amended to read as follows:

~~((Each))~~ The board of The Evergreen State College trustees shall elect one of its members chairman, and it shall elect a secretary, who may or may not be a member of the board. ~~((Each))~~ The board shall have power to adopt bylaws for its government and for the government of the school, which bylaws shall not be inconsistent with law, and to prescribe the duties of its officers, committees and employees. A majority of the board shall constitute a quorum for the transaction of all business.

Sec. 67. Section 28B.40.110, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.110 are each amended to read as follows:

~~((Each))~~ The board of The Evergreen State College trustees shall hold at least two regular meetings each year, at such times as may be provided by the board. Special meetings shall be held as may be deemed necessary, whenever called by the chairman or by a majority of the board. Public notice of all meetings shall be given in accordance with chapter 42.32 RCW.

Sec. 68. Section 28B.40.120, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.120 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, ~~((each))~~ the board of trustees of The ~~((respective))~~ Evergreen State College~~((s))~~:

(1) Shall have full control of the state college and its property of various kinds.  
 (2) Shall employ the president of the state college, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the state college, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the college and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the college.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the college.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to college purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the college programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the college.

Sec. 69. Section 28, chapter 15, Laws of 1970 ex. sess. and RCW 28B.40.190 are each amended to read as follows:

~~((Each))~~ The board of trustees of The Evergreen State College~~((s))~~ may:

(1) Contract for such fire protection services as may be necessary for the protection and safety of the students, staff and property of the college;

(2) By agreement pursuant to the provisions of chapter 239, Laws of 1967 (chapter 39.34 RCW), as now or hereafter amended, join together with other agencies or political subdivisions of the state or federal government and otherwise share in the accomplishment of any of the purposes of subsection (1) of this section:

PROVIDED, HOWEVER, That neither the failure of the trustees to exercise any of its powers under this section nor anything herein shall detract from the lawful and existing powers and duties of political subdivisions of the state to provide the necessary fire protection equipment and services to persons and property within their jurisdiction.

Sec. 70. Section 28B.40.200, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.200 are each amended to read as follows:

The degree of bachelor of arts or the degree of bachelor of science and/or the degree of bachelor of arts in education may be granted to any student who has completed a four-year course of study or the equivalent thereof in ~~((Central Washington State College, Eastern Washington State College, Western Washington State College or))~~ The Evergreen State College.

Sec. 71. Section 28B.40.220, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.220 are each amended to read as follows:

In addition to all other powers and duties given to them by law, the board~~((s))~~ of trustees of ~~((Central Washington State College, Eastern Washington State College, Western Washington State College, and))~~ The Evergreen State College may

grant an associate degree in nursing to any student who has satisfactorily completed a two-year course of study or the equivalent thereof approved by the proper accrediting state agency.

Sec. 72. Section 28B.40.230, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.230 are each amended to read as follows:

Every diploma issued by ~~((a))~~ The Evergreen State College shall be signed by the chairman of the board of trustees and by the president of the state college ~~((issuing the same))~~, and sealed with the appropriate seal. In addition to the foregoing, teaching certificates shall be countersigned by the state superintendent of public instruction. Every certificate shall specifically state what course of study the holder has completed and for what length of time such certificate is valid in the schools of the state.

Sec. 73. Section 28B.40.300, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.300 are each amended to read as follows:

A model school or schools or training departments may be provided for ~~((each))~~ The Evergreen State College, in which students, before graduation, may have actual practice in teaching or courses relative thereto under the supervision and observation of critic teachers. All schools or departments involved herewith shall organize and direct their work being cognizant of public school needs.

Sec. 74. Section 28B.40.305, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.305 are each amended to read as follows:

The board of trustees of ~~((any))~~ The Evergreen State College, if having a model school or training department as authorized by RCW 28B.40.300, shall, on or before the first Monday of September of each year, file with the board of the school district or districts in which such state college is situated, a certified statement showing an estimate of the number of public school pupils who will be required to make up such model school and specifying the number required for each grade for which training for students is required.

Sec. 75. Section 28B.40.310, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.310 are each amended to read as follows:

It shall thereupon be the duty of the board of the school district or districts with which such statement has been filed, to apportion for attendance to the said model school or training department, a sufficient number of pupils from the public schools under the supervision of said board as will furnish to ~~((such))~~ The Evergreen State College the number of pupils required in order to maintain such facility: PROVIDED, That the president of said state college may refuse to accept any such pupil as in his judgment would tend to reduce the efficiency of said model school or training department.

Sec. 76. Section 28B.40.315, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.315 are each amended to read as follows:

Annually, on or before the date for reporting the school attendance of the school district in which said model school or training department is situated, for the purpose of taxation for the support of the common schools, the board of trustees of ~~((each such))~~ The Evergreen State College, since having supervision over the same, shall file with the board of the school district or districts, in which such model school or training department is situated, a report showing the number of common



school pupils at each such model school or training department during the school year last passed, and the period of their attendance in the same form that reports of public schools are made. Any superintendent of the school district so affected shall, in reporting the attendance in said school district, segregate the attendance at said model school or training department, from the attendance in the other schools of said district: PROVIDED, That attendance shall be credited, if credit be given therefor, to the school district in which the pupil resides.

Sec. 77. Section 28B.40.350, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.350 are each amended to read as follows:

Any student may be suspended or expelled from ~~((any))~~ The Evergreen State College who is found to be ~~((immoral or))~~ guilty of an infraction of the regulations of the institution.

Sec. 78. Section 9, chapter 269, Laws of 1969 ex. sess. as last amended by section 3, chapter 191, Laws of 1973 1st ex. sess. and RCW 28B.40.361 are each amended to read as follows:

The boards of trustees of The Evergreen State College may exempt from the payment of general tuition, operating fees, or services and activities fees, except for individual instruction fees, all veterans who served in the armed forces of the United States who have served the United States during any period of war as defined in RCW 41.04.005 and who shall have served with evidence of conduct other than undesirable, bad conduct or dishonorable upon release from active service: PROVIDED, That such person is no longer entitled to federal vocational or educational benefits conferred by virtue of his military service, and all children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 79. Section 28B.40.370, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.370 are each amended to read as follows:

Within thirty-five days from the date of collection thereof all general tuition fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.40.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its general tuition fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all general tuition fees and above described normal school fund revenues of such ~~((college))~~ institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington ~~((State College))~~ University bond retirement fund, the Central Washington ~~((State College))~~ University bond retirement fund, the Western Washington ~~((State College))~~ University bond retirement fund, or The Evergreen State College bond retirement fund respectively, which funds are hereby created in the state treasury, such funds

for the regional universities being redesignations for the Eastern Washington State College bond retirement fund, the Central Washington State College bond retirement fund, and the Western Washington State College bond retirement fund, respectively. The amounts deposited in the respective bond retirement funds shall be used exclusively to pay and secure the payment of the principal of and interest on the tuition fee bonds issued by such ~~((colleges))~~ regional universities and The Evergreen State College as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding general tuition fee and above described normal school fund revenue bonds of its ~~((college))~~ institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All general tuition fees and above described normal school fund revenue not needed for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of general tuition fee or above described normal school fund revenue bond principal or interest shall be deposited in the Eastern Washington ~~((State College))~~ University capital projects account, the Central Washington ~~((State College))~~ University capital projects account, the Western Washington ~~((State College))~~ University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the general fund of the state treasury such funds for the regional universities being redesignations for the Eastern Washington State College capital projects account, the Central Washington State College capital projects account, and the Western Washington State College capital projects account, respectively. The sums deposited in the respective capital projects accounts shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law.

Sec. 80. Section 28B.40.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 147, chapter 275, Laws of 1975 1st ex. sess. and RCW 28B.40.380 are each amended to read as follows:

In order to assist teachers in service, candidates for certificates, and others, ~~((each))~~ The Evergreen State College shall establish and maintain an extension department. The work of the department may supplement the previous training of teachers in service and comprise subjects included in the state college curriculum, or otherwise.

In order to prevent overlapping of territory in connection with ~~((this))~~ extension work, the state board of education shall ~~((district the state making))~~ make a definite assignment of territory to ~~((each))~~ said institution: PROVIDED, That such assignment~~((s))~~ of territory shall not preclude any other contractual arrangements initiated by ~~((a))~~ The Evergreen State College to carry out its duties under this section. The head of the extension department of ~~((each))~~ the state college, after being assigned specific territory, shall cooperate with the several educational service

district superintendents or educational executive officers of the educational service districts in making public the courses or seminars available for each year, such information being forwarded by the head of the extension department to the state superintendent of public instruction.

A report of the work accomplished by any such extension department during the preceding school year shall be made by the board of trustees upon request of the governor or any member of the legislature.

Sec. 81. Section 28B.40.390, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.390 are each amended to read as follows:

The president of ~~((each))~~ The Evergreen State College shall have general supervision of the college and see that all laws and rules of the board of trustees are observed.

Sec. 82. Section 28B.40.700, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.700 are each amended to read as follows:

The boards of trustees of the ~~((state colleges))~~ regional universities and of The Evergreen State College are empowered in accordance with the provisions of RCW 28B.40.700 through 28B.40.790, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the aforementioned ~~((colleges))~~ universities and The Evergreen State College and to finance the payment thereof by bonds payable out of special funds from revenues hereafter derived from the payment of general tuition fees, gifts, bequests or grants and such additional funds as the legislature may provide.

Sec. 83. Section 28B.40.710, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.710 are each amended to read as follows:

The following terms, whenever used or referred to in RCW 28B.40.700 through 28B.40.790, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

(1) The word "boards" means the boards of trustees of the regional universities and The Evergreen State College~~((s))~~.

(2) The words "general tuition fees" mean the general tuition fees charged students registering at each college, but shall not mean the special tuition or other fees charged such students or fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of the respective colleges, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon.

(3) The words "bond retirement funds" shall mean the special funds created by law and known as the Eastern Washington ~~((State College))~~ University bond retirement fund, Central Washington ~~((State College))~~ University bond retirement fund, Western Washington ~~((State College))~~ University bond retirement fund, and The Evergreen State College bond retirement fund, all as referred to in section 79 of this 1977 amendatory act.

(4) The word "bonds" means the bonds payable out of the bond retirement funds.

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of any of the aforementioned colleges authorized by the legislature at any time and to be financed by the issuance and sale of bonds.

Sec. 84. Section 28B.40.720, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.720 are each amended to read as follows:

In addition to the powers conferred under existing law, each of the boards is authorized and shall have the power:

(1) To contract for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of such buildings or other facilities of the university or college as are authorized by the legislature to be financed by the issuance and sale of bonds.

(2) To finance the same by the issuance of bonds secured by the pledge of any or all of the general tuition fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

Sec. 85. Section 28B.40.730, chapter 223, Laws of 1969 ex. sess. as last amended by section 30, chapter 56, Laws of 1970 ex. sess. and RCW 28B.40.730 are each amended to read as follows:

For the purpose of financing the cost of any projects, each of the boards is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of the university or college or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university or college by the chairman of the board, attested by the secretary of the board, have the seal of the university or college impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.40.700 through 28B.40.790, as now or hereafter amended, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fee shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the capital projects account of the university or college issuing the bonds to the bond retirement fund of such university or college when ordered by the board of trustees in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the university or college issuing the bonds and shall be used solely for paying the costs of the projects.

Sec. 86. Section 28B.40.750, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.750 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to the respective bond retirement fund of each university or college issuing bonds, the following:

(1) Amounts derived from general tuition fees as the board shall certify as necessary to prevent default in the payments required to be paid into such bond retirement fund;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such

bonds, the board shall undertake to charge and collect general tuition fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding.

Sec. 87. Section 28B.40.751, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.751 are each amended to read as follows:

All moneys received from the lease or rental of lands set apart by the enabling act for state normal schools purposes; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel, or other valuable material thereon; and all moneys received as interest on deferred payments on contracts for the sale of such lands, shall from time to time be paid into the state treasury and credited to the Eastern Washington (~~(State College)~~) University, Central Washington (~~(State College)~~) University, Western Washington (~~(State College)~~) University and The Evergreen State College accounts as herein provided to be expended for capital projects, and bond retirement purposes as set forth in RCW 28B.40.750, as now or hereafter amended. Eastern Washington (~~(State College)~~) University, Central Washington (~~(State College)~~) University, Western Washington (~~(State College)~~) University, and The Evergreen State College shall be credited with one-fourth of the total amount: PROVIDED, That Eastern Washington (~~(State College)~~) University, Central Washington (~~(State College)~~) University and Western Washington (~~(State College)~~) University shall each be credited with one-third of the total amount for so long as there remain unpaid and outstanding any bonds which are payable in whole or in part out of the moneys, interest or income described in this section.

Sec. 88. Section 28B.40.760, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.760 are each amended to read as follows:

The board of any such university or college is hereby empowered:

- (1) To reserve the right to issue bonds later on a parity with any bonds being issued;
- (2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;
- (3) To authorize the transfer of money from the college's or universities' capital projects account to the college's or universities' bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;
- (4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds.

Sec. 89. Section 28B.40.770, chapter 223, Laws of 1969 ex. sess. as last amended by section 31, chapter 56, Laws of 1970 ex. sess. and RCW 28B.40.770 are each amended to read as follows:

Each board of trustees is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28B.40.700 through 28B.40.790 as now or hereafter amended for the issuance of bonds. The refunding bonds

shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the college or university of Washington issuing the bonds or the board thereof. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner, at such price and at such rate or rates of interest as it deems for the best interest of the college or university.

Sec. 90. Section 28B.40.780, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.780 are each amended to read as follows:

The bonds authorized to be issued pursuant to the provisions of RCW 28B.40.700 through 28B.40.790 as now or hereafter amended shall not be general obligations of the state of Washington, but shall be limited obligation bonds payable only from the special funds created for their payment. The legislature may provide additional means for raising money for the payment of interest and principal of said bonds. RCW 28B.40.700 through 28B.40.790 as now or hereafter amended shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section to provide for additional means for raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington.

Sec. 91. Section 28B.40.790, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.790 are each amended to read as follows:

RCW 28B.40.700 through 28B.40.790 as now or hereafter amended is concurrent with other legislation with reference to providing funds for the construction of buildings at the regional universities or The Evergreen State College(s) and is not to be construed as repealing or limiting any existing provision of law with reference thereto.

NEW SECTION. Sec. 92. Sections 28B.40.370 and 28B.40.700 through 28B.40.790 shall be recodified as part of chapter 28B.35 RCW and internal references therein or throughout the code thereto changed accordingly.

Sec. 93. Section 7, chapter 66, Laws of 1970 ex. sess. and RCW 39.90.060 are each amended to read as follows:

All debts, contracts and obligations heretofore made or incurred by or in favor of the state, state agencies, The Evergreen State College, community colleges, and regional and state universities, and the political subdivisions, municipal corporations and quasi municipal corporations of this state, are hereby declared to be legal and valid and of full force and effect from the date thereof, regardless of the interest rate borne by any such debts, contracts and obligations.

Sec. 94. Section 4, chapter 150, Laws of 1941 as last amended by section 1, chapter 33, Laws of 1973 and RCW 40.04.040 are each amended to read as follows:

Session laws shall be distributed, sold and/or exchanged by the state law librarian as follows:

(1) Copies shall be given as follows: One to each United States senator and representative in congress from this state; six to the Library of Congress; one to each United States executive department as defined by section 1, title 5, of the United States Code; three to the United States supreme court library; three to the library of the circuit court of appeals of the ninth circuit; one to each United States

district court room within this state; one to each office and branch office of the United States district attorneys in this state; one to each state official whose office is created by the Constitution; one to the judge advocate's office at Fort Lewis; one to each member of the legislature, session law indexer, secretary and assistant secretary of the senate, chief clerk and the assistant chief clerk of the house of representatives, the minute clerk and sergeant-at-arms of the two branches of the legislature of the sessions of which they occupied the offices and positions mentioned; one copy each to the Olympia representatives of the Associated Press and the United Press; two copies to the law library of the University of Puget Sound law school; two copies to the law library of Gonzaga University law school; and two copies to the law libraries of any accredited law schools as are hereafter established in this state.

(2) Copies, for official use only, shall be distributed as follows: One to each state department and to each division thereof; one to each state official whose office is created by the Constitution, except the governor who shall receive three copies; one each to the adjutant general, the state historical society, the state bar association, and to each state institution; one copy for each assistant attorney general who maintains his office in the attorney general's suite, and one additional copy for his stenographer's room; one copy to each prosecuting attorney and one for each of his deputies.

Sufficient copies shall be furnished for the use of the supreme court and the state law library as from time to time are needed. Eight copies shall be distributed to the University of Washington law library; one copy each to the offices of the president and the board of regents of the University of Washington, the dean of the University of Washington school of law, and to the University of Washington library; one copy to the library of each of the ~~((colleges of education (formerly called the normal schools)))~~ regional universities and to The Evergreen State College; one copy each to the president of the Washington State University and to the Washington State University library. Six copies shall be sent to the King county law library, and one copy to each of the county law libraries organized pursuant to law in the counties of the first, second and third class; one copy to each public library in cities of the first class, and one copy to the municipal reference branch of the Seattle public library.

At the convening of each session of the legislature the state law librarian shall deliver to the chief clerk of the house of representatives twenty copies, and to the secretary of the senate, ten copies, of the laws of the preceding general session and of any intervening session for the use of the legislators during the ensuing session but which shall be returned to the state law library at the expiration of the legislative session.

It shall be the duty of each county auditor biennially to submit to the state law librarian a list of county officers, including the prosecuting attorney and his regular full time deputies and the justices of the peace and superior court rooms regularly used by a justice of the peace or superior court judge, and the correct number of bound copies of the session laws necessary for the official use only of such officers and court rooms will be sent, transportation collect, to said county auditor who shall be responsible for the distribution thereof to the county officials entitled to receive them.



(3) Surplus copies of the session laws shall be sold and delivered by the state law librarian, in which case the price of the bound volumes shall be four dollars each. All moneys received from the sale of such bound volumes of session laws shall be paid into the state treasury for the general fund.

(4) The state law librarian is authorized to exchange bound copies of the session laws for similar laws or legal materials of other states, territories and governments, and to make such other and further distribution of the bound volumes as in his judgment seems proper.

Sec. 95. Section 5, chapter 150, Laws of 1941 as amended by section 2, chapter 33, Laws of 1973 and RCW 40.04.090 are each amended to read as follows:

The house and senate journals shall be distributed and/or sold by the state law librarian as follows:

(1) Sets shall be distributed as follows: One set to each member of the legislature, secretary and assistant secretary of the senate, chief clerk and assistant to the chief clerk of the house of representatives, and to each minute clerk and sergeant-at-arms of the two branches of the legislature of which they occupy the offices and positions mentioned. One to each official whose office is created by the Constitution, and one to each state department director; three copies to the University of Washington law library; two copies to the University of Washington library; one to the King county law library; one to the Washington State University library; one to the library of each of the ~~((colleges of education (formerly called the normal schools)))~~ regional universities and to The Evergreen State College; one to the law library of Gonzaga University law school; one to the law library of the University of Puget Sound law school; one to the law libraries of any accredited law school as hereafter established in this state; and one to each free public library in the state which requests it.

(2) A set of the house and senate journals of the preceding general session, and of any intervening special session, shall be placed on the desk of each legislator for his use during the ensuing session, which shall be returned to the state law library at the expiration of the legislative session; and sufficient sets shall be retained for the use of the state law library.

(3) Surplus sets of the house and senate journals shall be sold and delivered by the state law librarian, in which case the price shall be fifteen dollars for those of the general sessions, and ten dollars for those of the special sessions, when separately bound, and the proceeds therefrom shall be paid to the state treasurer for the general fund.

(4) The state law librarian is authorized to exchange copies of the house and senate journals for similar journals of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution of them as in his judgment seems proper.

Sec. 96. Section 4, chapter 233, Laws of 1963 and RCW 40.06.040 are each amended to read as follows:

The center shall enter into depository contracts with any municipal or county free library, The Evergreen State College, regional university, or state university library, the library of any privately incorporated college or university in this state,

the library of congress and the midwest inter-library center, and other state libraries. The requirements for eligibility to contract as a depository library shall be established by the state library commission upon recommendations of the state librarian. The standards shall include and take into consideration the type of library, available housing and space for the publications, the number and qualifications of personnel, and availability for public use.

Sec. 97. Section 5, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.515 are each amended to read as follows:

For the purposes of this chapter, unless a different meaning is plainly required by context:

(1) "Classified employees" shall mean all nonacademic employees of the University of Washington and the ~~((four "state colleges"))~~ regional universities and The Evergreen State College, as defined in RCW 28B.10.015 as now or hereafter amended, who are presently participating, or are presently eligible to participate, in the retirement plan of their employing education institution: PROVIDED, That the following nonacademic employees of the University of Washington shall not be included as classified employees for the purposes of this 1974 amendatory act: The president of the university; deans, directors, and chairmen of academic or research units; persons employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule; persons employed in a position primarily as an incident to and in furtherance of their education and training or the education and training of a spouse: PROVIDED FURTHER, That the following nonacademic employees of each of the ~~((four-state))~~ regional universities and The Evergreen State College((s)) shall not be included as classified employees for the purposes of this 1974 amendatory act: Presidents, academic vice presidents or provosts, deans, chairmen of academic departments, and executive heads of major academic divisions and their principal assistants.

(2) "Retirement plan" shall mean the retirement systems established by the board of regents of the University of Washington and the boards of trustees of each of the ~~((four-state))~~ regional universities and The Evergreen State College((s)) pursuant to authority heretofore conferred by law for the purpose of providing retirement income and related benefits to certain employees through private insurers.

(3) "Board" shall mean the retirement board as provided for in RCW 41.40.020, as now or hereafter amended.

(4) "Employer share" shall mean one-half or fifty percent of the total of any employee's accumulation and/or cash value in the contract(s) attributable to contributions made in accordance with the retirement plan.

(5) "Applicable income" shall mean that income which would have qualified as compensation earnable within the meaning of RCW 41.40.010(8) during each month of University of Washington, regional university, or state college service from the date of such person's initial participation in the retirement plan.

(6) "Contributing membership" shall mean that period of time during which an employee was making contributions under the retirement plan for purposes of being eligible for a retirement entitlement.

Sec. 98. Section 6, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.516 are each amended to read as follows:

(1) On and after May 6, 1974, and until January 1, 1975, classified employees presently members of the retirement plan may irrevocably transfer their years of contributing membership therein to the Washington public employees' retirement system, such transfer being subject to such conditions and limitations as hereinafter set forth in this 1974 amendatory act, including rules and regulations promulgated to effect the purposes of this 1974 amendatory act.

(2) All classified employees employed by the University of Washington or each of the ~~((four state))~~ regional universities or The Evergreen State College((s)) on and after May 6, 1974, and otherwise eligible shall become members of the Washington public employees' retirement system at such institution unless otherwise hereafter provided by law: PROVIDED, That persons who, immediately prior to the date of their hiring as classified employees, have for at least two consecutive years held membership in a retirement plan underwritten by the private insurer of the retirement plan of their respective educational institution may irrevocably elect to continue their membership in the retirement plan notwithstanding the provisions of this chapter, if such election is made within thirty days from the date of their hiring as classified employees. If such persons elect to become members of the public employees' retirement system, contributions by them and their employers shall be required from their first day of such employment.

Sec. 99. Section 7, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.517 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, upon election by a person to transfer his years of contributing membership to the Washington public employees' retirement system, as authorized in RCW 41.40.516(1), there shall be transferred from the contract(s) issued under the retirement plan to the Washington public employees' retirement system the amount which would have been paid, in employee and employer contributions, to the retirement system with interest (as computed by the retirement board) on the applicable income (as defined in RCW 41.40.515(5)) as provided by law and regulations promulgated pursuant thereto had the person been a member of the Washington public employees' retirement system during each month of contributing membership service at the University of Washington or the ~~((four))~~ regional universities or The Evergreen State College((s)) during which such person participated in the retirement plan.

(2) The board shall compute separately the employee and employer amounts that would have been paid, during the time of contributing membership, and which will now be required to be transferred to the Washington public employees' retirement system. The employee share shall be transferred from the accumulation and/or cash value in the contract(s) attributable to employee contributions made in accordance with the retirement plan. The employer share shall be transferred from the accumulation and/or cash value in the contract(s) attributable to University of Washington, regional university, or state college contributions made in accordance with the retirement plan.

Sec. 100. Section 9, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.519 are each amended to read as follows:

Any classified employee at the University of Washington, the regional universities, or The ~~((four))~~ Evergreen State College((s)) electing to transfer membership to the Washington public employees' retirement system from the retirement plan

and seeking to transfer employee contributions made to the retirement plan shall be deemed to have voluntarily relinquished any right to any refund of the amounts transferred to the Washington public employees' retirement system as an employer contribution in accordance with RCW 41.40.517 as now or hereafter amended except as otherwise provided by chapter 41.40 RCW as now or hereafter amended.

Sec. 101. Section 10, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.520 are each amended to read as follows:

Any classified employee at the University of Washington, the regional universities, or The ((four)) Evergreen State College((s)) electing to transfer to the Washington public employees' retirement system from the retirement plan and transferring his employee share in the retirement plan shall be entitled to a refund of his employee share of the total contributions made in his behalf as determined by the board upon termination of employment and withdrawal from the system prior to his death.

Sec. 102. Section 11, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.521 are each amended to read as follows:

Recognizing that it is or has been necessary for employees to serve a period of time to establish eligibility for contributing membership in the various retirement plans established by the University of Washington, the regional universities, and The ((four)) Evergreen State College((s)), any classified employee who elects to transfer to the public employees' retirement system pursuant to RCW 41.40.516(1), as now or hereafter amended may recover such service by paying, to the public employees' retirement system on or before January 1, 1975, the amount of employee and employer contributions with interest (as computed by the retirement board) which would have been made for such service had it been rendered while the employee was a member of the public employees' retirement system.

Sec. 103. Section 1, chapter 142, Laws of 1965 ex. sess. as amended by section 3, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.010 are each amended to read as follows:

As used in this chapter:

- (1) "Board" means the employee suggestion awards board.
- (2) "Employee suggestion program" means the program developed by the board under RCW 41.60.020(2).
- (3) "Secretary" means the secretary of the employee suggestion program.
- (4) "Institutions of higher learning" are the University of Washington, Washington State University, Central Washington ~~((State College))~~ University, Eastern Washington ~~((State College))~~ University, Western Washington ~~((State College))~~ University, The Evergreen State College, and the various state community college districts.

Sec. 104. Section 43.79.150, chapter 8, Laws of 1965 and RCW 43.79.150 are each amended to read as follows:

The one hundred thousand acres of land granted by the United States government to the state for state normal schools in section 17 of the enabling act are assigned to the support of the regional universities, which were formerly the state colleges of education.

Sec. 105. Section 43.79.180, chapter 8, Laws of 1965 and RCW 43.79.180 are each amended to read as follows:

There shall be paid into the state general fund for the use and support of the regional universities (formerly state colleges of education) the following moneys:

(1)—All moneys collected from the lease or rental of lands set apart by the enabling act or otherwise for the state normal schools;

(2)—All interest or income arising from the proceeds of the sale of such lands;

(3)—All moneys received or collected as interest on deferred payments on contracts for the sale of such lands.

Sec. 106. Section 43.79.304, chapter 8, Laws of 1965 and RCW 43.79.304 are each amended to read as follows:

No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Central College fund, shall be used for any purpose except the support of the Central Washington University (formerly Central Washington State College).

Sec. 107. Section 43.79.314, chapter 8, Laws of 1965 and RCW 43.79.314 are each amended to read as follows:

No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Eastern College fund, shall be used for any purpose except the support of the Eastern Washington University (formerly Eastern Washington State College).

Sec. 108. Section 43.79.324, chapter 8, Laws of 1965 and RCW 43.79.324 are each amended to read as follows:

No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Western College fund, shall be used for any purpose except the support of the Western Washington University (formerly Western Washington State College).

Sec. 109. Section 1, chapter 248, Laws of 1969 ex. sess. as amended by section 9, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.88.195 are each amended to read as follows:

After August 11, 1969, no state agency, state institution, state institution of higher education, which shall include all state universities, regional universities, The Evergreen State College((s)), and community colleges, shall establish any new accounts or funds which are to be located outside of the state treasury: PROVIDED, That the office of program planning and fiscal management shall be authorized to grant permission for the establishment of such an account or fund outside of the state treasury only when the requesting agency presents compelling reasons of economy and efficiency which could not be achieved by placing such funds in the state treasury. When the director of the office of program planning and fiscal management authorizes the creation of such fund or account, he shall forthwith give written notice of the fact to the standing committees on ways and means of the house and senate.

Sec. 110. Section 69.32.030, chapter 27, Laws of 1959 and RCW 69.32.030 are each amended to read as follows:

Nothing herein shall make unlawful or prevent the purchase by the University of Washington and Washington State University (~~and the State College of Washington~~) or the proper departments thereof, of narcotic drugs and the use thereof for experimental purposes only, when purchased, owned, held, possessed and used in compliance with the acts of congress and the rules and regulations thereunder.

Sec. 111. Section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030 are each amended to read as follows:

The provisions of this chapter shall not apply:

(1) In respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than thirty days prior to the time he entered this state;

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 RCW and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 RCW as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16 RCW;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by a nonresident of this state of any motor vehicle or trailer used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and in respect to the use by a nonresident of this state of any motor vehicle or trailer so registered and licensed and used within this state for a period not exceeding fifteen consecutive days under such rules as the department

of revenue shall adopt: PROVIDED, That under circumstances determined to be justifiable by the department of revenue a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein, shall include a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of business in another state; and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer whether owned by or leased with or without driver to the permit holder and used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of motor vehicles pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state whether such motor vehicle or trailer is owned by or leased with or without driver to the permit holder;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36 RCW: PROVIDED, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of motor vehicles shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence,

famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of poultry in the production for sale of poultry or poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to and used exclusively by a school in connection with its driver training program: **PROVIDED**, That this exemption and the term "school" shall apply only to (a) the University of Washington, Washington State University, the regional universities, The Evergreen State College((s)) and the state community colleges or (b) any public, private or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station) or (c) any public vocational school meeting the standards, courses and requirements established and prescribed or approved in accordance with the Community College Act of 1967 (chapter 8, Laws of 1967 first extraordinary session);

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 RCW or chapter 82.12 RCW;

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to members of the armed services called to active duty for training purposes for periods of less than six months and shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of any person from the armed services;

(16) In respect to the use of semen in the artificial insemination of livestock;

(17) In respect to the use of form lumber by any person engaged in the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: **PROVIDED**, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof;

(18) In respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the



county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(19) In respect to the use of wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(20) In respect to the use of tangible personal property held for sale and displayed in single trade shows for a period not in excess of thirty days, the primary purpose of which is to promote the sale of products or services.

(21) In respect to the use of pollen.

(22) In respect to the use of the personal property of one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(23) In respect to the use of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(24) In respect to the use of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(25) In respect to the use of insulin, prosthetic devices, and medically prescribed oxygen.

Sec. 112. Section 5, chapter 51, Laws of 1923 and RCW 87.25.050 are each amended to read as follows:

Attached to said report of said director shall be the following:

(1) A certificate signed by the supervisor of hydraulics certifying to the amount and sufficiency of water rights available for the project.

(2) A certificate signed by a soil expert of the Washington State (~~college~~) University, certifying as to the character of the soil and the classification of the lands in the district.

(3) A certificate signed by the supervisor of reclamation approving the general feasibility of the system of irrigation.

(4) A certificate signed by the attorney general of the state of Washington approving the legality of the organization and establishment of the district and the legality of the bond issue offered for certification.

NEW SECTION. Sec. 113. Nothing in this 1977 amendatory act shall affect the tenure of or the terms of any officials, administrative assistants, faculty members, or other employees of any institution of higher education within this state, whether such institutions have hereinabove in this 1977 amendatory act been redesignated as regional universities or otherwise. Nothing in this 1977 amendatory act shall affect any rights, whether to property or otherwise, existing on or after the effective date of this 1977 amendatory act, the intent of the legislature being solely to redesignate as regional universities certain institutions of higher education within this state.

NEW SECTION. Sec. 114. It is the intent of the legislature that after the effective date of this 1977 amendatory act, where the names "Western Washington State College", "Central Washington State College", or "Eastern Washington State College" are used in any bill enacted by the legislature or found within the Revised Code of Washington, they shall mean "Western Washington University", "Central Washington University", and "Eastern Washington University", respectively.

NEW SECTION. Sec. 115. The following acts or parts thereof are each hereby repealed:

- (1) Section 28B.10.015, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.015;
- (2) Section 28B.40.115, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.115;
- (3) Section 28B.40.130, chapter 223, Laws of 1969 ex. sess., section 25, chapter 75, Laws of 1977 and RCW 28B.40.130;
- (4) Section 1, chapter 232, Laws of 1975 1st ex. sess. and RCW 28B.40.205;
- (5) Section 2, chapter 196, Laws of 1969 ex. sess. and RCW 28B.40.225;
- (6) Section 28B.40.400, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.400;
- (7) Section 43.92.050, chapter 8, Laws of 1965 and RCW 43.92.050; and
- (8) Section 3, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.030.

NEW SECTION. Sec. 116. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House May 26, 1977.

Passed the Senate May 24, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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## CHAPTER 170

[House Bill No. 583]

### SCHOOL DISTRICT FEES—WAIVER OR REDUCTION—SENIOR CITIZENS

AN ACT Relating to school district fees; and amending section 1, chapter 284, Laws of 1975 1st ex. sess. and RCW 28A.58.113.

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

Section 1. Section 1, chapter 284, Laws of 1975 1st ex. sess. and RCW 28A-.58.113 are each amended to read as follows:

The board of directors of any common school district may establish and collect a fee from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the district which is of a cultural, social, recreational, or athletic nature: **PROVIDED**, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees and may likewise waive or reduce such fees for nonstudents of the age of sixty-five or over who, by reason of their low income, would have difficulty in paying the entire amount of such fees. An optional comprehensive fee may be established and collected for any combination or all of such events or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. Fees collected pursuant to this section shall be deposited in the associated student body program fund of the school district, and may be expended to defray the costs of optional noncredit extracurricular events of such a cultural, social, recreational, or athletic nature, or to otherwise support the activities and programs of associated student bodies.

Passed the House April 4, 1977.

Passed the Senate May 26, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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## CHAPTER 171

[House Bill No. 617]

### MUTUAL SAVINGS BANKS—EXPENSES OF MANAGEMENT AND OPERATION

AN ACT Relating to mutual savings banks; and amending section 32.04.060, chapter 13, Laws of 1955 and RCW 32.04.060.

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

Section 1. Section 32.04.060, chapter 13, Laws of 1955 and RCW 32.04.060 are each amended to read as follows:

No savings bank shall in the course of any fiscal year (which fiscal year shall be deemed to expire on the last day of December in each year) pay or become liable to pay either directly or indirectly for expenses of management and operation more than two and one-half percent of its average assets during such year: **PROVIDED**, That a mutual savings bank with less than one hundred million dollars in deposits may pay or become liable to pay either directly or indirectly for expenses of management and operation up to three and one-half percent of its average assets during the year if, during two of the three prior fiscal years, excluding the present fiscal year, its net current earnings less the sum of the interest paid to its depositors

and less the required contributions to its guaranty fund and reserves exceeded two percent of its gross current operating earnings.

Passed the House March 31, 1977.

Passed the Senate May 26, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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## CHAPTER 172

[House Bill No. 618]

### SECURITIES REGULATION

AN ACT Relating to security regulations; amending section 31, chapter 282, Laws of 1959 as amended by section 16, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.310; amending section 32, chapter 282, Laws of 1959 as last amended by section 17, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.320; amending section 34, chapter 282, Laws of 1959 as last amended by section 20, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.340; amending section 43, chapter 282, Laws of 1959 as last amended by section 24, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.430; and repealing section 26, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.335.

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

Section 1. Section 31, chapter 282, Laws of 1959 as amended by section 16, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.310 are each amended to read as follows:

RCW 21.20.140 through 21.20.300, inclusive, shall not apply to any of the following securities:

(1) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing; but this exemption shall not include any security payable solely from revenues to be received from a nongovernmental industrial or commercial enterprise unless such payments shall be made or unconditionally guaranteed by a person whose securities are exempt from registration by subsections (7) or (8) of this section.

(2) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations(~~(, if the security is recognized as a valid obligation by the issuer or guarantor)~~); but this exemption shall not include any security payable solely from revenues to be received from a nongovernmental industrial or commercial enterprise unless such payments shall be made or unconditionally guaranteed by a person whose securities are exempt from registration by subsections (7) or (8) of this section.

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank or trust company organized or supervised under the laws of any state.

(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state.

(5) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of this state and authorized to do and actually doing business in this state.

(6) Any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state.

(7) Any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is (a) subject to the jurisdiction of the interstate commerce commission; (b) a registered holding company under the public utility holding company act of 1935 or a subsidiary of such a company within the meaning of that act; (c) regulated in respect of its rates and charges by a governmental authority of the United States or any state or municipality; or (d) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province; also equipment trust certificates in respect of equipment conditionally sold or leased to a railroad or public utility, if other securities issued by such railroad or public utility would be exempt under this subsection.

(8) Any security listed or approved for listing upon notice of issuance on the New York stock exchange, the American stock exchange, the Midwest stock exchange, the Spokane stock exchange or any other stock exchange registered with the federal securities and exchange commission and approved by the director; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing. The director shall have power at any time by written order to withdraw the exemption so granted as to any particular security.

(9) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transaction, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal, when such commercial paper is sold to the banks or insurance companies.

(10) Any investment contract issued in connection with an employee's stock purchase, savings, pension, profit-sharing, or similar benefit plan if the director is notified in writing thirty days before the inception of the plan or, with respect to plans which are in effect on the effective date of this chapter, within sixty days thereafter (or within thirty days before they are reopened if they are closed on the effective date of this chapter).

Sec. 2. Section 32, chapter 282, Laws of 1959 as last amended by section 17, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.320 are each amended to read as follows:

Except as hereinafter in this section expressly provided, RCW 21.20.040, 21.20.050, 21.20.060, 21.20.070, 21.20.080, 21.20.090, 21.20.100, 21.20.110, 21.20.120, 21.20.130, 21.20.135, 21.20.140, 21.20.180, 21.20.190, 21.20.200, 21.20.210, 21.20.220, 21.20.230, 21.20.240, 21.20.250, 21.20.260, 21.20.270, 21.20.280, 21.20.290 and 21.20.300, shall not apply to any of the following transactions:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not; or any transaction effected in accordance with any rule by the director establishing a nonpublic offering exemption pursuant to this subsection where registration is not necessary or appropriate in the public interest or for the protection of investors. Every person filing notification of claim of this exemption in accordance with any rule by the director shall pay a filing fee as set forth in RCW 21.20.340(11).

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to ~~((offers directed by the issuer or the issuer's representative to offerees in this state: PROVIDED, That:~~

~~(a) The seller reasonably believes that all the buyers are purchasing for investments and for their respective accounts, and~~

~~(b) No public or general solicitation is utilized in said offers or sales, and~~

~~(c) No commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer, and~~

~~(d) The number of sales by any issuer does not exceed ten individuals in twelve consecutive months and does not exceed an aggregate amount of one hundred thousand dollars, and~~

(e) The issuer first files a notice specifying the terms of the offer as the director may prescribe by rules and regulations and the director does not by order disallow the exemption within the next ten full business days, and

(f) For the purpose of this exemption, if a limited partnership form of business is used, the general partner and not the partnership is deemed to be the issuer, and

(g) The issuer submits a list of security holders within thirty days after the end of each fiscal year it has operated under this exemption. Failure to file such report will not subject the issuer to retroactive loss of this exemption but will result in loss of this exemption during the period the list of security holders is due and not filed)) limited offers and sales by closely-held issuers effected in accordance with any rule by the director establishing a limited offering exemption pursuant to this subsection where there is no general or public advertising or solicitation and no commission or other remuneration is paid or given directly or indirectly in connection with sales of securities. Every person filing notification of claim of this exemption in accordance with any rule by the director shall pay a filing fee as set forth in RCW 21.20.340(11).

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation or sale of assets.

(15) The offer or sale by a registered broker-dealer, or a person exempted from the registration requirements pursuant to RCW 21.20.040, acting either as principal or agent, of securities previously sold and distributed to the public: PROVIDED, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in

excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

(16) Any transactions by a mutual or cooperative association issuing to its patrons any receipt, written notice, certificate of indebtedness or stock for a patronage dividend, or for contributions to capital by such patrons in the association provided that any such receipt, written notice or certificate made pursuant to this paragraph shall be nontransferable except in the case of death or by operation of law and shall so state conspicuously on its face.

The director may by order deny or revoke the exemption specified in subsection (2) of this section with respect to a specific security. Upon the entry of such an order, the director shall promptly notify all registered broker-dealers that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of an opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated this chapter by reason of any offer or sale effected after the entry of an order under this subsection if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known of the order. In any proceeding under this chapter, the burden of proving an exemption from a definition is upon the person claiming it.

Sec. 3. Section 34, chapter 282, Laws of 1959 as last amended by section 20, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.340 are each amended to read as follows:

The following fees shall be paid in advance under the provisions of this chapter:

(1) For registration of all securities other than investment trusts and securities registered by coordination the fee shall be one hundred dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars which are to be offered during that year: PROVIDED, HOWEVER, That an issuer may upon the payment of a fifty dollar fee renew for one additional twelve month period only the unsold portion for which the registration fee has been paid.

(2) For registration of securities issued by a face-amount certificate company or redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the Investment Company Act of 1940, the fee shall be one hundred dollars for the first one hundred thousand dollars of



initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars which are to be offered in this state during that year: PROVIDED, HOWEVER, That an issuer may upon the payment of a fifty dollar fee renew for an additional twelve month period the unsold portion for which the registration fee has been paid.

(3) For registration by coordination, other than investment trusts, the fee shall be one hundred dollars for initial filing fee for the first twelve month period plus one hundred dollars for each additional twelve months in which the same offering is continued.

(4) For filing annual financial statements, the fee shall be twenty-five dollars.

(5) For filing an amended offering circular after the initial registration permit has been granted the fee shall be ten dollars.

(6) For registration of a broker-dealer or investment adviser, the fee shall be one hundred fifty dollars for original registration and fifty dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(7) For registration of a salesman or investment adviser salesman, the fee shall be twenty-five dollars for original registration with each employer and fifteen dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(8) For written examination for registration as a salesman or investment adviser salesman, the fee shall be fifteen dollars. For examinations for registration as a broker-dealer or investment adviser, the fee shall be fifty dollars.

(9) If the application for a renewal license is not received by the department on or before March 5 of each year the renewal license fee for a late license for a broker-dealer or an investment adviser shall be one hundred dollars and for a salesman or investment adviser salesman shall be twenty-five dollars. Acceptance by the director of an application for renewal after March 5 shall not be a waiver of delinquency.

(10) (a) For the transfer of a broker-dealer license to a successor, the fee shall be twenty-five dollars.

(b) For the transfer of a salesman from a broker-dealer or issuer to another broker-dealer or issuer, the transfer fee shall be fifteen dollars.

(c) For the transfer of an investment adviser salesman from an investment adviser to another investment adviser, the transfer fee shall be fifteen dollars.

(d) For the transfer of an investment adviser license to a successor, the fee shall be twenty-five dollars.

(11) ((For certified copies of any documents filed with the director, the fee shall be the cost to the department.)) For the filing of notification of claim of exemption from registration pursuant to RCW 21.20.320(1), the fee shall be three hundred dollars for each filing. For the filing of notification of claim of exemption pursuant to RCW 21.20.320(9), the fee shall be fifty dollars for each filing.

(12) For rendering interpretative opinions, the fee shall be thirty-five dollars.

(13) For certified copies of any documents filed with the director, the fee shall be the cost to the department.

((+2)) All fees collected under this chapter shall be turned in to the state treasury and shall not be refundable, except as herein provided.

Sec. 4. Section 43, chapter 282, Laws of 1959 as last amended by section 24, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.430 are each amended to read as follows:

(1) Any person, who offers or sells a security in violation of any provisions of RCW 21.20.010 or 21.20.140 through ((21.20.220 and)) 21.20.230, ((or offers or sells a security by means of fraud or misrepresentation)) is liable to the person buying the security from him, who may sue either at law or in equity to recover the consideration paid for the security, together with interest at eight percent per annum from the date of payment, costs, and reasonable attorneys' fees, less the amount of any income received on the security, upon the tender of the security, or for damages if he no longer owns the security. Damages are the amount that would be recoverable upon a tender less (a) the value of the security when the buyer disposed of it and (b) interest at eight percent per annum from the date of disposition.

(2) Any person who buys a security ((by means of fraud or misrepresentation)) in violation of the provisions of RCW 21.20.010 is liable to the person selling the security to him, who may sue either at law or in equity to recover the security, together with any income received on the security, upon tender of the consideration received, costs, and reasonable attorneys' fees, or if the security cannot be recovered, ((the value of the security, any profits arising from the security, costs, and reasonable attorneys' fees)) for damages. Damages are the value of the security when the buyer disposed of it, and any income received on the security, less the consideration received for the security, plus interest at eight percent per annum from the date of disposition, costs, and reasonable attorneys' fees.

(3) Every person who directly or indirectly controls a seller or buyer liable under subsection (1) or (2) above, every partner, officer, ((or)) director ((f)) or person ((occupying)) who occupies a similar status or ((performing)) performs a similar function((s) or) of such seller or buyer, every employee of such a seller or buyer who materially aids in the transaction, and every broker-dealer, salesman or person exempt under the provisions of RCW 21.20.040 who materially aids in the transaction is also liable jointly and severally with and to the same extent as the seller or buyer, unless ((he)) such person sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. There is contribution as in cases of contract among the several persons so liable.

(4) (a) Every cause of action under this statute survives the death of any person who might have been a plaintiff or defendant.

(b) No person may sue under this section more than three years after the contract of sale for any violation of the provisions of RCW 21.20.140 through 21.20.230, or more than three years after a violation of the provisions of RCW 21.20.010, either was discovered by such person or would have been discovered by him in the exercise of reasonable care. No person may sue under this section if the buyer or seller receives a written rescission offer, which has been passed upon by the director before suit and at a time when he owned the security, to refund the consideration paid together with interest at eight percent per annum from the date of payment, less the amount of any income received on the security in the case of a buyer, or plus the amount of income received on the security in the case of a seller.

(5) No person who has made or engaged in the performance of any contract in violation of any provision of this chapter or any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit on the contract. Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of this chapter or any rule or order hereunder is void.

(6) Any tender specified in this section may be made at any time before entry of judgment.

NEW SECTION. Sec. 5. Section 26, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.335 are each repealed.

Passed the House March 31, 1977.

Passed the Senate May 26, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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## CHAPTER 173

[Substitute House Bill No. 662]

### INSTITUTIONS OF HIGHER EDUCATION—PROFESSIONAL LEAVES

AN ACT Relating to institutions of higher education; amending section 28B.10.650, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.650; amending section 7, chapter 283, Laws of 1969 ex. sess. as last amended by section 148, chapter 275, Laws of 1975 1st ex. sess. and RCW 28B.50.551; creating new sections; providing penalties; and making an effective date.

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

Section 1. Section 28B.10.650, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.650 are each amended to read as follows:

It is the intent of the legislature that when the state universities, state colleges, and community colleges grant professional leaves to faculty and exempt staff, such leaves be for the purpose of providing opportunities for study, research, and creative activities for the enhancement of the institution's instructional and research programs.

The boards of regents of the state universities ((and)), the boards of trustees of the state colleges and the board of trustees of each community college district may grant ((sabbatical and other)) remunerated professional leaves to faculty members and exempt staff, as defined in RCW 28B.16.040, in accordance with regulations adopted by the respective governing boards ((and with such remunerations as the respective boards may prescribe)) for periods not to exceed twelve consecutive months in accordance with the following provisions:

(1) The remuneration from state general funds and general local funds for any such leave granted for any academic year shall not exceed the average of the highest quartile of a rank order of salaries of all full time teaching faculty holding academic year contracts or appointments at the institution or in the district.

(2) Remunerated professional leaves for a period of more or less than an academic year shall be compensated at rates not to exceed a proportional amount of the average salary as otherwise calculated for the purposes of subsection (1) hereof.

(3) The grant of any such professional leave shall be contingent upon a signed contractual agreement between the respective governing board and the recipient providing that the recipient shall return to the granting institution or district following his or her completion of such leave and serve in a professional status for a period commensurate with the amount of leave so granted. Failure to comply with the provisions of such signed agreement shall constitute an obligation of the recipient to repay to the institution any remuneration received from the institution during the leave.

(4) The aggregate cost of remunerated professional leaves awarded at the institution or district during any year, including the cost of replacement personnel, shall not exceed the cost of salaries which otherwise would have been paid to personnel on leaves: PROVIDED, That this subsection shall not apply to any community college district with fewer than seventy-five fulltime faculty members and granting fewer than three individuals such leaves in any given year.

(5) The average number of annual remunerated professional leaves awarded at any such institution or district shall not exceed four percent of the total number of full time equivalent faculty, as defined by the office of program planning and fiscal management, who are engaged in instruction, and exempt staff as defined in RCW 28B.16.040.

(6) Negotiated agreements made in accordance with chapter 28B.52 RCW and entered into after the effective date of this 1977 amendatory act shall be in conformance with the provisions of this section.

(7) The respective institutions and districts shall annually report to the council for postsecondary education such information as the council deems necessary to determine compliance with the provisions of this section and the council for postsecondary education shall periodically report such information to the legislature.

Sec. 2. Section 7, chapter 283, Laws of 1969 ex. sess. as last amended by section 148, chapter 275, Laws of 1975 1st ex. sess. and RCW 28B.50.551 are each amended to read as follows:

The board of trustees of each community college district shall adopt for each community college under its jurisdiction written policies on granting leaves to employees of the district and those colleges, including but not limited to leaves for attendance at official or private institutions and conferences(~~(, sabbatical)~~); professional leaves for ((academic)) personnel(;) consistent with the provisions of RCW 28B.10.650; leaves for illness, injury, bereavement and emergencies, and except as otherwise in this section provided, all with such compensation as the board of trustees may prescribe, except that the board shall grant to all such persons leave with full compensation for illness, injury, bereavement and emergencies as follows:

(1) For persons under contract to be employed, or otherwise employed, for at least three quarters, at least fifteen days, commencing with the first day on which work is to be performed;

(2) Such leave entitlement may be accumulated after the first three-quarter period of employment at a minimum rate of five days per quarter for full time employees up to a maximum of one hundred eighty days, and may be taken at any time;

(3) Leave for illness, injury, bereavement and emergencies heretofore accumulated pursuant to law, rule, regulation or policy by persons presently employed by community college districts and community colleges shall be added to such leave accumulated under this section;

(4) Except as otherwise provided in this section or other law, accumulated leave under this section not taken at the time such person retires or ceases to be employed by community college districts or community colleges shall not be compensable;

(5) Accumulated leave for illness, injury, bereavement and emergencies under this section shall be transferred from one community college district or community college to another, to the state board for community college education, to the state superintendent of public instruction, to any educational service district, to any school district, or to any other institutions of higher learning of the state; and

(6) Leave accumulated by a person in a community college district or community college prior to leaving that district or college may, under the policy of the board of trustees, be granted to such person when he returns to the employment of that district or college.

**NEW SECTION.** Sec. 3. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 4. This act shall take effect on July 1, 1977.

Passed the House May 26, 1977.

Passed the Senate May 23, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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## CHAPTER 174

[Substitute House Bill No. 678]

### LIVESTOCK—"PHYSICAL DAMAGE"—THEFT—PENALTIES—CIVIL ACTION, EXEMPLARY DAMAGES

AN ACT Relating to livestock; amending section 9A.48.100, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.100; amending section 9A.56.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.080; and adding a new section to chapter 4.24 RCW.

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

Section 1. Section 9A.48.100, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.100 are each amended to read as follows:

For the purposes of RCW 9A.48.070 through 9A.48.090 inclusive, "physical damage", in addition to its ordinary meaning, shall include the alteration, damage, or erasure of records, information, data, or computer programs which are electronically recorded for use in computers and shall also include the injury or destruction of livestock.

Sec. 2. Section 9A.56.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.080 are each amended to read as follows:

(1) Every person who, without lawful authority and with intent to deprive or defraud the owner thereof, wilfully takes, leads, or transports away, conceals,

withholds, slaughters, or otherwise appropriates to his own use any horse, mule, cow, heifer, bull, steer, swine, or sheep shall be guilty of theft of livestock.

(2) Theft of livestock is a class B felony.

NEW SECTION. Sec. 3. There is added to chapter 4.24 RCW a new section to read as follows:

Any owner of livestock who suffers damages as a result of actions described in RCW 9A.48.070 through 9A.48.090 or any owner of a horse, mule, cow, heifer, bull, steer, swine, or sheep who suffers damages as a result of a wilful, unauthorized act described in RCW 9A.56.080 may bring an action against the person or persons committing the act in a court of competent jurisdiction for exemplary damages up to three times the actual damages sustained, plus attorney's fees.

Passed the House April 18, 1977.

Passed the Senate May 26, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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## CHAPTER 175

[House Bill No. 1229]

### BOILERS—INSPECTION CERTIFICATES—FEES—PRESSURE SYSTEMS SAFETY FUND

AN ACT Relating to boilers; amending section 28, chapter 32, Laws of 1951 as amended by section 1, chapter 21, Laws of 1970 ex. sess. and RCW 70.79.290; amending section 32, chapter 32, Laws of 1951 as last amended by section 2, chapter 21, Laws of 1970 ex. sess. and RCW 70.79.330; and amending section 34, chapter 32, Laws of 1951 and RCW 70.79.350.

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

Section 1. Section 28, chapter 32, Laws of 1951 as amended by section 1, chapter 21, Laws of 1970 ex. sess. and RCW 70.79.290 are each amended to read as follows:

If, upon inspection, a boiler or ~~((an unfired))~~ pressure vessel is found to comply with the rules and regulations of the board, ~~((the owner or user thereof shall pay))~~ and upon the appropriate fee payment made directly to the chief inspector ((the sum of three dollars)), ((and)) as required by RCW 70.79.160 or 70.79.330, the chief inspector~~((, or his duly authorized representative,))~~ shall issue to ~~((such))~~ the owner or user of such a boiler or pressure vessel an inspection certificate bearing the date of inspection and specifying the maximum pressure under which the boiler or ~~((unfired))~~ pressure vessel may be operated. Such inspection certificate shall be valid for not more than fourteen months from its date in the case of power boilers and twenty-six months in the case of low pressure heating boilers, and for not more than two months longer than the authorized inspection period in the case of ~~((unfired))~~ pressure vessels. Certificates shall be posted under glass in the room containing the boiler or ~~((unfired))~~ pressure vessel inspected. If the boiler or ~~((unfired))~~ pressure vessel is not located within ~~((the))~~ a building, the certificate shall be posted in a location convenient to the boiler or ~~((unfired))~~ pressure vessel inspected or, in the case of a portable boiler or ~~((unfired))~~ pressure vessel, the certificate shall be kept in a ~~((metal))~~ protective container to be fastened to the boiler

or pressure vessel or in a tool box accompanying the boiler or ((unfired)) pressure vessel.

Sec. 2. Section 32, chapter 32, Laws of 1951 as last amended by section 2, chapter 21, Laws of 1970 ex. sess. and RCW 70.79.330 are each amended to read as follows:

The owner or user of a boiler or pressure vessel required by this chapter to be inspected by the chief inspector, or his deputy inspector, shall pay directly to the chief inspector, upon completion of inspection, fees and expenses in accordance with ((the following)) a schedule((:

**Inspections:**

**Boilers:**

<del>Not to exceed 500 square feet of total heating surface</del>	<del>internal: \$10.00</del>
	<del>external: 5.00</del>
<del>From 500 square feet of total heating surface to 2500 square feet of total heating surface</del>	<del>internal: 20.00</del>
	<del>external: 10.00</del>
<del>For each additional 2500 square feet of total heating surface, or any portion thereof</del>	<del>internal: 10.00</del>
	<del>external: 5.00</del>

**Pressure Vessels:**

<del>Not to exceed 50 square feet in area as determined by multiplying the length of the shell by its diameter</del>	<del>internal: 5.00</del>
	<del>external: 5.00</del>
<del>For each additional 50 square feet in area or any portion thereof</del>	<del>internal: 5.00</del>
	<del>external: 5.00</del>

~~When it is necessary to make a special inspection or witness the application of a hydrostatic test, the applicable internal inspection fee plus expenses shall be charged.~~

~~Shop inspections, field construction inspections and secondhand or resale inspections:~~

<del>One half day</del>	<del>\$50.00 plus expenses</del>
<del>One full day</del>	<del>\$80.00 plus expenses</del>
<del>One half day: Not to exceed 3 hours on site.</del>	
<del>One full day: Not to exceed 6 hours on site.</del>	
<del>In excess of 6 hours on site: \$25.00 per hour or any portion thereof.</del>	

~~Expenses shall include:~~

~~Travel: \$5.00 per hour plus \$.10 per mile driven, or \$5.00 per hour plus actual cost of purchased transportation. Hourly travel charges shall not exceed \$50.00 for any 24-hour period.~~

~~Hotel and meals: Actual cost)) adopted by the board and approved by the director of the department of labor and industries in accordance with the requirements of the Administrative Procedure Act, chapter 34.04 RCW.~~

Sec. 3. Section 34, chapter 32, Laws of 1951 and RCW 70.79.350 are each amended to read as follows:

The chief inspector shall give an official receipt for ((said)) all fees required by chapter 70.79 RCW and shall transfer all sums so received to the treasurer of the state of Washington as ex officio custodian thereof and by him, as such custodian, shall place said sums in a special fund hereby created by this 1977 amendatory act to be designated as the "pressure systems safety fund". Said funds by him shall be paid out upon vouchers duly and regularly issued therefor and approved by the director of the department of labor and industries. The treasurer, as ex officio custodian of said fund, shall keep an accurate record of any payments into said fund, and of all disbursements therefrom. Said fund shall be used exclusively to defray only the expenses of administering chapter 70.79 RCW by the chief inspector as authorized by law and the expenses incident to the maintenance of his office. The fund shall be charged with its pro rata share of the cost of administering said fund which is to be determined by the director of the office of program planning and fiscal management and by the director of the department of labor and industries.

Passed the House April 19, 1977.

Passed the Senate May 24, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

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## CHAPTER 176

[House Bill No. 779]

### LABOR LIENS ON FRANCHISES, EARNING, AND PROPERTY OF CERTAIN COMPANIES—NOTICE—MULTIPLE CLAIMANTS

AN ACT Relating to liens; and amending section 2, chapter 43, Laws of 1897 and RCW 60.32.020.

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

Section 1. Section 2, chapter 43, Laws of 1897 and RCW 60.32.020 are each amended to read as follows:

No person shall be entitled to the lien given by RCW 60.32.010, unless he shall, within ninety days after he has ceased to perform labor for such person, company or corporation, filed for record with the county auditor of the county in which said labor was performed, or in which is located the principal office of such person, company or corporation in this state, a notice of claim, containing a statement of his demand, after deducting all just credits and offsets, the name of the person, company or corporation, and the name of the person or persons employing claimant, if known, with the statement of the terms and conditions of his contract, if any, and the time he commenced the employment, and the date of his last service, and shall serve a copy thereof on said person, company or corporation within thirty days after the same is so filed for record.

Any number of claimants may join in the same notice for the purpose of filing and enforcing their liens, but the amount claimed by each claimant shall be separately stated.

Passed the House March 31, 1977.

Passed the Senate May 26, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.



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 CHAPTER 177

[House Bill No. 150]

## PUBLIC WORKS—PREVAILING WAGE

AN ACT Relating to public work; and amending section 1, chapter 183, Laws of 1923 and RCW 39.04.010.

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

Section 1. Section 1, chapter 183, Laws of 1923 and RCW 39.04.010 are each amended to read as follows:

The term state shall include the state of Washington and all departments, supervisors, commissioners and agencies thereof.

The term municipality shall include every city, county, town, district or other public agency thereof which is authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts or any such other districts as shall from time to time be authorized by law for the reclamation or development of waste or undeveloped lands.

The term public work shall include all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein, but nothing herein shall apply to the construction, alteration, repair, or improvement of any municipal street railway system. All public works, including maintenance when performed by contract shall comply with the provisions of RCW 39.12.020.

The term contract shall mean a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid.

Cost of superintendence, engineering, clerical and accounting service shall include all expenditures specially incurred for such service, and shall include a proportionate charge for the time of all salaried officers, engineers, clerks, accountants and employees of the state or municipality while engaged in such work or in keeping or preparing the estimates, accounts and records thereof.

Passed the House May 27, 1977.

Passed the Senate May 25, 1977.

Approved by the Governor June 7, 1977.

Filed in Office of Secretary of State June 7, 1977.

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 CHAPTER 178

[House Bill No. 338]

## BANKS AND TRUST COMPANIES—UNLAWFUL, UNSAFE, OR UNSOUND PRACTICES

AN ACT Relating to banks and trust companies; amending section 30.12.040, chapter 33, Laws of 1955 and RCW 30.12.040; adding new sections to chapter 30.04 RCW; adding new sections to chapter 30.12 RCW; and prescribing penalties.

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

**NEW SECTION.** Section 1. There is added to chapter 30.04 RCW a new section to read as follows:

(1) The supervisor may issue and serve upon a bank or trust company a notice of charges if in the opinion of the supervisor any bank or trust company:

(a) Is engaging or has engaged in an unsafe or unsound practice in conducting the business of the bank or trust company;

(b) Is violating or has violated the law, rule, or any condition imposed in writing by the supervisor in connection with the granting of any application or other request by the bank or trust company or any written agreement made with the supervisor; or

(c) Is about to do the acts prohibited in (a) or (b) of this subsection when the opinion that the threat exists is based upon reasonable cause.

(2) The notice shall contain a statement of the facts constituting the alleged violation or violations or the practice or practices and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist should issue against the bank or trust company. The hearing shall be set not earlier than ten days nor later than thirty days after service of the notice unless a later date is set by the supervisor at the request of the bank or trust company.

Unless the bank or trust company shall appear at the hearing by a duly authorized representative it shall be deemed to have consented to the issuance of the cease and desist order. In the event of this consent or if upon the record made at the hearing the supervisor finds that any violation or practice specified in the notice of charges has been established, the supervisor may issue and serve upon the bank or trust company an order to cease and desist from the violation or practice. The order may require the bank or trust company and its directors, officers, employees, and agents to cease and desist from the violation or practice and may require the bank to take affirmative action to correct the conditions resulting from the violation or practice.

(3) A cease and desist order shall become effective at the expiration of ten days after the service of the order upon the bank or trust company concerned except that a cease and desist order issued upon consent shall become effective at the time specified in the order and shall remain effective as provided therein unless it is stayed, modified, terminated, or set aside by action of the supervisor or a reviewing court.

**NEW SECTION.** Sec. 2. There is added to chapter 30.04 RCW a new section to read as follows:

Whenever the supervisor determines that the acts specified in section 1 of this 1977 amendatory act or their continuation is likely to cause insolvency or substantial dissipation of assets or earnings of the bank or trust company or to otherwise seriously prejudice the interests of its depositors, the supervisor may also issue a temporary order requiring the bank or trust company to cease and desist from the violation or practice. The order shall become effective upon service on the bank or trust company and shall remain effective unless set aside, limited, or suspended by a court in proceedings under section 3 of this 1977 amendatory act pending the completion of the administrative proceedings under the notice and until such time

as the supervisor shall dismiss the charges specified in the notice or until the effective date of a cease and desist order issued against the bank or trust company under section 1 of this 1977 amendatory act.

NEW SECTION. Sec. 3. There is added to chapter 30.04 RCW a new section to read as follows:

Within ten days after a bank or trust company has been served with a temporary cease and desist order, the bank or trust company may apply to the superior court in the county of its principal place of business for an injunction setting aside, limiting, or suspending the order pending the completion of the administrative proceedings pursuant to the notice served under section 2 of this 1977 amendatory act.

The superior court shall have jurisdiction to issue the injunction.

NEW SECTION. Sec. 4. There is added to chapter 30.04 RCW a new section to read as follows:

In the case of a violation or threatened violation of a temporary cease and desist order issued under section 2 of this 1977 amendatory act, the supervisor may apply to the superior court of the county of the principal place of business of the bank or trust company for an injunction to enforce the order, and the court shall issue an injunction if it determines that there has been a violation or threatened violation.

Sec. 5. Section 30.12.040, chapter 33, Laws of 1955 and RCW 30.12.040 are each amended to read as follows:

The supervisor may serve upon a director, officer, or employee of any bank or trust company a written notice of the supervisor's intention to remove the person from office or to prohibit the person from participation in the conduct of the affairs of the bank or trust company, or both, whenever:

(1) In the opinion of the supervisor ((shall find that)) any director, officer, or employee of any bank or trust company ((is dishonest, reckless or incompetent, or fails to perform any duty of his office, or)) has ((consented to or connived at the making of any loan or discount in violation of law or has consented to or connived at)) committed or engaged in:

(a) Any ((other)) violation of law ((by the corporation, he shall notify the board of directors of such corporation in writing of his objections to such director, officer or employee, and such board shall, within twenty days after receiving such notification and upon reasonable notice to the supervisor and to such director, officer or employee of the time and place of the hearing, meet and consider such objections. If the board shall find the objections to be well founded, such director, officer or employee shall be immediately removed.

~~If upon the hearing the director, officer or employee against whom the objections have been filed is not immediately removed, or if the board fail to meet, consider or act upon the objections within twenty days after receiving the same, the supervisor may forthwith or within thirty days thereafter, by an order in writing filed in his office, remove such director, officer or employee from his directorship, office or employment, or may, for a limited time to be stated in the order, suspend such director, officer or employee therefrom. A copy of the order shall be forthwith mailed to the person removed or suspended and to the bank or trust company.~~

~~No director, officer or employee removed upon objections or by the order of the supervisor shall thereafter be elected or appointed to any directorship, office, trust or employment by the same or another bank or trust company without the written consent of the supervisor.~~

~~The order of the supervisor suspending or removing a director, officer or employee shall be final and conclusive unless the person suspended or removed shall appeal to the superior court of Thurston county within the time and in the manner provided by law for appeals from the refusal of the supervisor to approve articles of incorporation. Upon the appeal the controversy shall be tried de novo. The order of the supervisor shall remain in full force and effect pending the appeal unless suspended by order of the court:)) or rule or of a cease and desist order which has become final;~~

(b) Any unsafe or unsound practice in connection with the bank or trust company; or

(c) Any act, omission, or practice which constitutes a breach of his fiduciary duty as director, officer, or employee; and

(2) The supervisor determines that:

(a) The bank or trust company has suffered or may suffer substantial financial loss or other damage; or

(b) The interests of its depositors could be seriously prejudiced by reason of the violation or practice or breach of fiduciary duty; and

(c) The violation or practice or breach of fiduciary duty is one involving personal dishonesty, recklessness, or incompetence on the part of the director, officer, or employee.

NEW SECTION. Sec. 6. There is added to chapter 30.12 RCW a new section to read as follows:

A notice of an intention to remove a director, officer, or employee from office or to prohibit his participation in the conduct of the affairs of a bank or trust company shall contain a statement of the facts which constitute grounds therefor and shall fix a time and place at which a hearing will be held. The hearing shall be set not earlier than ten days nor later than thirty days after the date of service of the notice unless an earlier or later date is set by the supervisor at the request of the director, officer, or employee for good cause shown or of the attorney general of the state.

Unless the director, officer, or employee appears at the hearing personally or by a duly authorized representative, the person shall be deemed to have consented to the issuance of an order of removal or prohibition or both. In the event of such consent or if upon the record made at the hearing the supervisor finds that any of the grounds specified in the notice have been established, the supervisor may issue such orders of removal from office or prohibition from participation in the conduct of the affairs of the bank or trust company as the supervisor may consider appropriate.

Any order shall become effective at the expiration of ten days after service upon the bank and the director, officer, or employee concerned except that an order issued upon consent shall become effective at the time specified in the order.

An order shall remain effective except to the extent it is stayed, modified, terminated, or set aside by the supervisor or a reviewing court.

NEW SECTION. Sec. 7. There is added to chapter 30.12 RCW a new section to read as follows:

If at any time because of the removal of one or more directors under this chapter there shall be on the board of directors of a bank or trust company less than a quorum of directors, all powers and functions vested in or exercisable by the board shall vest in and be exercisable by the director or directors remaining until such time as there is a quorum on the board of directors. If all of the directors of a bank or trust company are removed under this chapter, the supervisor shall appoint persons to serve temporarily as directors until such time as their respective successors take office.

NEW SECTION. Sec. 8. There is added to chapter 30.04 RCW a new section to read as follows:

(1) Any administrative hearing provided in sections 1 or 6 of this 1977 amendatory act may be held at such place as is designated by the supervisor and shall be conducted in accordance with chapter 34.04 RCW. The hearing shall be private unless the supervisor determines that a public hearing is necessary to protect the public interest after fully considering the views of the party afforded the hearing.

Within sixty days after the hearing the supervisor shall render a decision which shall include findings of fact upon which the decision is based and shall issue and serve upon each party to the proceeding an order or orders consistent with sections 1 or 6 of this 1977 amendatory act, as the case may be.

Unless a petition for review is timely filed in the superior court of the county of the principal place of business of the affected bank or trust company under subsection (2) of this section and until the record in the proceeding has been filed as therein provided, the supervisor may at any time modify, terminate, or set aside any order upon such notice and in such manner as he shall deem proper. Upon filing the record, the supervisor may modify, terminate, or set aside any order only with permission of the court.

The judicial review provided in this section for an order shall be exclusive.

(2) Any party to the proceeding or any person required by an order issued under sections 1, 2, 4, or 6 of this 1977 amendatory act to refrain from any of the violations or practices stated therein may obtain a review of any order served under subsection (1) of this section other than one issued upon consent by filing in the superior court of the county of the principal place of business of the affected bank or trust company within ten days after the date of service of the order a written petition praying that the order of the supervisor be modified, terminated, or set aside. A copy of the petition shall be immediately served upon the supervisor and the supervisor shall then file in the court the record of the proceeding. The court shall have jurisdiction upon the filing of the petition, which jurisdiction shall become exclusive upon the filing of the record to affirm, modify, terminate, or set aside in whole or in part the order of the supervisor except that the supervisor may modify, terminate, or set aside an order with the permission of the court. The judgment and decree of the court shall be final, except that it shall be subject to appellate review under the rules of court.

(3) The commencement of proceedings for judicial review under subsection (2) of this section shall not operate as a stay of any order issued by the supervisor unless specifically ordered by the court.

(4) Service of any notice or order required to be served under sections 1, 2, 5 or 6 of this 1977 amendatory act shall be accomplished in the same manner as required for the service of process in civil actions in superior courts of this state.

NEW SECTION. Sec. 9. There is added to chapter 30.04 RCW a new section to read as follows:

The supervisor may apply to the superior court of the county of the principal place of business of the bank or trust company affected for the enforcement of any effective and outstanding order issued under sections 1, 2, 4, or 6 of this act, and the court shall have jurisdiction to order compliance therewith.

No court shall have jurisdiction to affect by injunction or otherwise the issuance or enforcement of any order or to review, modify, suspend, terminate, or set aside any order except as provided in sections 3 and 8 of this 1977 amendatory act.

NEW SECTION. Sec. 10. There is added to chapter 30.12 RCW a new section to read as follows:

Any present or former director, officer, or employee of a bank or trust company or any other person against whom there is outstanding an effective final order served upon the person and who participates in any manner in the conduct of the affairs of the bank or trust company involved; or who directly or indirectly solicits or procures, transfers or attempts to transfer, or votes or attempts to vote any proxies, consents, or authorizations with respect to any voting rights in the bank or trust company; or who, without the prior approval of the supervisor, votes for a director or serves or acts as a director, officer, employee, or agent of any bank or trust company shall upon conviction for a violation of any order, be guilty of a gross misdemeanor punishable as prescribed under chapter 9A.20 RCW, as now or hereafter amended.

NEW SECTION. Sec. 11. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 11, 1977.

Passed the Senate May 27, 1977.

Approved by the Governor June 7, 1977.

Filed in Office of Secretary of State June 7, 1977.

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## CHAPTER 179

[House Bill No. 382]

### SALES AND USE TAX EXEMPTION—PRESCRIPTION DRUG SALE TO PUBLIC BODIES

AN ACT Relating to state sales and use taxes; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030; prescribing an effective date; and declaring an emergency.

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

Section 1. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030 are each amended to read as follows:

The tax hereby levied shall not apply to the following sales:

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16 or 82.28 RCW: PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12 RCW;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16 RCW, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36 RCW: PROVIDED, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12 RCW;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: PROVIDED, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12 RCW;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad

cars, or watercraft, and of motor vehicles or trailers whether owned by or leased with or without drivers and used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce whether such use is by the owner or whether such motor vehicles and trailers are leased to the user with or without drivers: PROVIDED, That the purchaser or user must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to nonresidents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the department of revenue and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the department of revenue with the regular report and a duplicate to be retained by the dealer.

(16) Sales of poultry for use in the production for sale of poultry or poultry products.



(17) Sales to nonresidents of this state for use outside of this state of machinery and implements for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the department of revenue shall require shall be made for each such sale, to be retained as a business record of the seller.

(18) Sales for use in states, territories and possessions of the United States which are not contiguous to any other state, but only when, as a necessary incident to the contract of sale, the seller delivers the subject matter of the sale to the purchaser or his designated agent at the usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in such noncontiguous states, territories and possessions.

(19) Sales to municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services rendered in respect to contracts for watershed protection and/or flood prevention. This exemption shall be limited to that portion of the selling price which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Laws 566, as amended;

(20) Sales of semen for use in the artificial insemination of livestock;

(21) Sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that he is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this subsection must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of one dollar. The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his own, or a counterfeit permit, with intent to violate the provisions of this subsection shall be guilty of a misdemeanor and, in addition, may be subject to a

penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

(22) Sales of form lumber to any person engaged in the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof.

(23) Sales of, cost of, or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel and rock when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to sales of, cost of, or charges made for such labor and services, if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(24) Sales of wearing apparel to persons who themselves use such wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(25) Sales of pollen.

(26) Sales to one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(27) The renting or leasing of motor vehicles and trailers to a nonresident of this state for use exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and for purposes of this exemption the term "nonresident" shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state.

(28) Sales of prescription drugs, including sales to the state or a political subdivision or municipal corporation thereof of drugs to be dispensed to patients by prescription without charge. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the

original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(29) Sales of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(30) Sales of insulin, prosthetic devices, and medically prescribed oxygen.

Sec. 2. Section 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030 are each amended to read as follows:

The provisions of this chapter shall not apply:

(1) In respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than thirty days prior to the time he entered this state;

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 RCW and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060, measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 RCW as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16 RCW;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by a nonresident of this state of any motor vehicle or trailer used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and in respect to the use by a nonresident of this state of any motor vehicle or trailer so registered and licensed and used within this state for

a period not exceeding fifteen consecutive days under such rules as the department of revenue shall adopt: **PROVIDED**, That under circumstances determined to be justifiable by the department of revenue a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein, shall include a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of business in another state; and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer whether owned by or leased with or without driver to the permit holder and used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of motor vehicles pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state whether such motor vehicle or trailer is owned by or leased with or without driver to the permit holder;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36 RCW: **PROVIDED**, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of motor vehicles shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed

forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of poultry in the production for sale of poultry or poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to and used exclusively by a school in connection with its driver training program: PROVIDED, That this exemption and the term "school" shall apply only to (a) the University of Washington, Washington State University, the state colleges and the state community colleges or (b) any public, private or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station) or (c) any public vocational school meeting the standards, courses and requirements established and prescribed or approved in accordance with the Community College Act of 1967 (chapter 8, Laws of 1967 first extraordinary session);

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 RCW or chapter 82.12 RCW;

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to members of the armed services called to active duty for training purposes for periods of less than six months and shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of any person from the armed services;

(16) In respect to the use of semen in the artificial insemination of livestock;

(17) In respect to the use of form lumber by any person engaged in the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof;

(18) In respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either

stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(19) In respect to the use of wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(20) In respect to the use of tangible personal property held for sale and displayed in single trade shows for a period not in excess of thirty days, the primary purpose of which is to promote the sale of products or services.

(21) In respect to the use of pollen.

(22) In respect to the use of the personal property of one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(23) In respect to the use of prescription drugs, including the use by the state or a political subdivision or municipal corporation thereof of drugs to be dispensed to patients by prescription without charge. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(24) In respect to the use of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(25) In respect to the use of insulin, prosthetic devices, and medically prescribed oxygen.

NEW SECTION. Sec. 3. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977.

Passed the House April 20, 1977.

Passed the Senate May 27, 1977.

Approved by the Governor June 7, 1977.

Filed in Office of Secretary of State June 7, 1977.

## CHAPTER 180

[Substitute House Bill No. 387]

## INSURERS—REINSURANCE—CREDITS

AN ACT Relating to insurance; amending section .05.30, chapter 79, Laws of 1947 and RCW 48.05.300; amending section .12.01, chapter 79, Laws of 1947 as amended by section 11, chapter 195, Laws of 1963 and RCW 48.12.010; and amending section .12.16, chapter 79, Laws of 1947 and RCW 48.12.160.

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

Section 1. Section .05.30, chapter 79, Laws of 1947 and RCW 48.05.300 are each amended to read as follows:

No credit shall be allowed to any insurer, as an asset or as a deduction from liability for reinsurance ceded to an (~~an~~) insurer, other than under a contract of ocean marine insurance(~~, covering a subject of insurance resident, located, or to be performed in this state unless the alien insurer:~~

- ~~(1) Is authorized to transact insurance in a state of the United States, and~~
- ~~(2) Maintains an adequate guaranty deposit in a state of the United States for the protection of its insurance obligees in the United States, or~~
- ~~(3) Has an attorney in fact resident in the United States upon whom service of legal process may be made))~~ except as provided in RCW 48.12.160.

Sec. 2. Section .12.01, chapter 79, Laws of 1947 as amended by section 11, chapter 195, Laws of 1963 and RCW 48.12.010 are each amended to read as follows:

In any determination of the financial condition of any insurer there shall be allowed as assets only ~~the~~ assets as belong wholly and exclusively to the insurer, which are registered ~~in~~, or held under the insurer's name, and which consist of:

- (1) Cash in the possession of the insurer or in transit under its control, and the true balance of any deposit of the insurer in a solvent bank or trust company;
- (2) Investments, securities, properties, and loans acquired or held in accordance with this code, and in connection therewith the following items:
  - (a) Interest due or accrued on any bond or evidence of indebtedness which is not in default and which is not valued on a basis including accrued interest.
  - (b) Declared and unpaid dividends on stocks and shares unless such amount has otherwise been allowed as an asset.
  - (c) Interest due or accrued upon a collateral loan in an amount not to exceed one year's interest thereon.
  - (d) Interest due or accrued on deposits in solvent banks and trust companies, and interest due or accrued on other assets if such interest is in the judgment of the commissioner a collectible asset.
  - (e) Interest due or accrued on a mortgage loan, in amount not exceeding in any event the amount, if any, of the difference between the unpaid principal and the value of the property less delinquent taxes thereon; but if any interest on the loan is in default more than eighteen months, or if any interest on the loan is in default and any taxes or any installment thereof on the property are and have been due

and unpaid for more than eighteen months, no allowance shall be made for any interest on the loan.

(f) Rent due or accrued on real property if such rent is not in arrears for more than three months.

(3) Premium notes, policy loans, and other policy assets and liens on policies of life insurance, in amount not exceeding the legal reserve and other policy liabilities carried on each individual policy;

(4) The net amount of uncollected and deferred premiums in the case of a life insurer which carries the full annual mean tabular reserve liability;

(5) Premiums in the course of collection, other than for life insurance, not more than ninety days past due, less commissions payable thereon. The foregoing limitation shall not apply to premiums payable directly or indirectly by the United States government or any of its instrumentalities;

(6) Installment premiums other than life insurance premiums, in accordance with regulations prescribed by the commissioner consistent with practice formulated or adopted by the National Association of Insurance Commissioners;

(7) Notes and like written obligations not past due, taken for premiums other than life insurance premiums, on policies permitted to be issued on such basis, to the extent of the unearned premium reserves carried thereon and unless otherwise required by regulation prescribed by the commissioner;

(8) ~~((The full amount of reinsurance recoverable by a ceding insurer from a solvent reinsurer not disqualified to take such reinsurance under this code; or, in the case of reinsurers disqualified under this code, so much of reinsurance recoverable from such reinsurer as does not exceed the liabilities carried by the ceding insurer for amounts withheld under a reinsurance treaty with such reinsurer as security for the payment of obligations thereunder if such funds are held subject to withdrawal by, and under the control of, the ceding insurer))~~ Reinsurance recoverable subject to RCW 48.12.160;

(9) Amounts receivable by an assuming insurer representing funds withheld by a solvent ceding insurer under a reinsurance treaty;

(10) Deposits or equities recoverable from underwriting associations, syndicates and reinsurance funds, or from any suspended banking institution, to the extent deemed by the commissioner available for the payment of losses and claims and at values to be determined by him;

(11) Electronic and mechanical machines constituting a data processing and accounting system if the cost of such system is at least twenty-five thousand dollars, which cost shall be amortized in full over a period not to exceed ten calendar years; and

(12) Other assets, not inconsistent with the foregoing provisions, deemed by the commissioner available for the payment of losses and claims, at values to be determined by him.

Sec. 3. Section .12.16, chapter 79, Laws of 1947 and RCW 48.12.160 are each amended to read as follows:

~~((An insurer may take credit for reserves on risks ceded to a reinsurer to the extent reinsured, except that:~~

~~(1) No credit shall be taken on account of reinsurance in an alien reinsurer not qualified under RCW 48.05.300, and~~



~~(2) no credit shall be allowed, as an asset or as a deduction from liability, to any ceding insurer for reinsurance unless the reinsurance is payable by the assuming insurer on the basis of the liability of the ceding insurer under the contracts reinsured without diminution because of the insolvency of the ceding insurer nor unless under the contract of reinsurance the liability for such reinsurance is assumed by the assuming insurer or insurers as of the same effective date:))~~

(1) Any insurance company organized under the laws of this state may take credit as an asset or as a deduction from loss and unearned premium reserves on risks ceded to a reinsurer to the extent reinsured by an insurer or insurers authorized to transact business in this state. The credit on ceded risks reinsured by any insurer which is not authorized to transact business in this state may be taken:

(a) Where the reinsurer maintains sufficient assets in the United States for the protection of policyholders in the United States and operates its business in such manner as to satisfy the commissioner that it maintains a financial condition reasonably comparable to those required of admitted insurers and that it is able to pay losses in the United States; or

(b) In an amount not exceeding:

(i) The amount of deposits by and funds withheld from the assuming insurer pursuant to express provision therefor in the reinsurance contract, as security for the payment of the obligations thereunder, if the deposits or funds are held subject to withdrawal by and under the control of the ceding insurer or if the deposits or funds are placed in trust for these purposes in a bank which is a member of the federal reserve system and withdrawals from the trust cannot be made without the consent of the ceding company; or

(ii) The amount of a clean and irrevocable letter of credit issued by a bank which is a member of the federal reserve system for a term of at least two years if the letter of credit is issued under arrangements satisfactory to the commissioner of insurance as constituting security to the ceding insurer substantially equal to that of a deposit under subparagraph (i) of this subsection.

(2) Any reinsurance ceded by a company organized under the laws of this state or ceded by any company not organized under the laws of this state and transacting business in this state must be payable by the assuming insurer on the basis of liability of the ceding company under the contract or contracts reinsured without diminution because of the insolvency of the ceding company, and any such reinsurance agreement which may be cancelled on less than ninety days notice must provide for a run-off of the reinsurance in force at the date of cancellation.

(3) A reinsurance agreement may provide that the liquidator or receiver or statutory successor of an insolvent ceding insurer shall give written notice of the pendency of a claim against the insolvent ceding insurer on the policy or bond reinsured within a reasonable time after such claim is filed in the insolvency proceeding and that during the pendency of such claim any assuming insurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which it may deem available to the ceding insurer or its liquidator or receiver or statutory successor.

The expense thus incurred by the assuming insurer shall be chargeable subject to court approval against the insolvent ceding insurer as a part of the expense of liquidation to the extent of a proportionate share of the benefit which may accrue

to the ceding insurer solely as a result of the defense undertaken by the assuming insurer.

(4) Where two or more assuming insurers are involved in the same claim and a majority in interest elect to interpose to such claim, the expense shall be apportioned in accordance with the terms of the reinsurance agreement as though such expense had been incurred by the ceding insurer.

Passed the House April 29, 1977.

Passed the Senate May 27, 1977.

Approved by the Governor June 7, 1977.

Filed in Office of Secretary of State June 7, 1977.

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## CHAPTER 181

[House Bill No. 438]

### PROPERTY TAXATION—VALUE CHANGE—NOTICE

AN ACT Relating to property taxation; and amending section 10, chapter 146, Laws of 1967 ex. sess. as last amended by section 8, chapter 187, Laws of 1974 1st ex. sess. and RCW 84.40.045.

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

Section 1. Section 10, chapter 146, Laws of 1967 ex. sess. as last amended by section 8, chapter 187, Laws of 1974 1st ex. sess. and RCW 84.40.045 are each amended to read as follows:

The assessor shall give notice of any change in the true and fair value of real property for the tract or lot of land and any improvements thereon no later than thirty days after appraisal: PROVIDED, That no such notice shall be mailed during the period from January 15 to February 15 of each year: ~~((for appraisals made between December 1st and February 15th notice shall not be sent out prior to March 1st:))~~ PROVIDED FURTHER, That no notice need be sent with respect to changes in valuation of forest land made pursuant to chapter 84.33 RCW.

The notice shall contain a statement of both the prior and the new true and fair value and the ratio of the assessed value to the true and fair value on which the assessment of the property is based, stating separately land and improvement values, and a brief statement of the procedure for appeal to the board of equalization and the time, date, and place of the meetings of the board.

The notice shall be mailed by the assessor to the taxpayer.

If any taxpayer, as shown by the tax rolls, holds solely a security interest in the real property which is the subject of the notice, pursuant to a mortgage, contract of sale, or deed of trust, such taxpayer shall, upon written request of the assessor, supply, within thirty days of receipt of such request, to the assessor the name and address of the person making payments pursuant to the mortgage, contract of sale, or deed of trust, and thereafter such person shall also receive a copy of the notice provided for in this section. Wilful failure to comply with such request within the time limitation provided for herein shall make such taxpayer subject to a civil penalty of five dollars for each parcel of real property within the scope of the request in which it holds the security interest, the aggregate of such penalties in any one year not to exceed five thousand dollars. The penalties provided for herein shall be

recoverable in an action by the county prosecutor, and when recovered shall be deposited in the county current expense fund. The assessor shall make the request provided for by this section during the month of January.

Passed the House April 14, 1977.  
Passed the Senate May 27, 1977.  
Approved by the Governor June 7, 1977.  
Filed in Office of Secretary of State June 7, 1977.

CHAPTER 182  
[House Bill No. 1260]  
INSURANCE—FEES—LICENSING—BOND

AN ACT Relating to insurance; amending section .14.01, chapter 79, Laws of 1947 as last amended by section 8, chapter 241, Laws of 1969 ex. sess. and RCW 48.14.010; amending section .15.07, chapter 79, Laws of 1947 as amended by section 4, chapter 225, Laws of 1959 and RCW 48.15-.070; amending section .17.11, chapter 79, Laws of 1947 as last amended by section 16, chapter 150, Laws of 1967 and RCW 48.17.110; amending section .17.25, chapter 79, Laws of 1947 and RCW 48.17.250; amending section .17.43, chapter 79, Laws of 1947 and RCW 48.17.430; and amending section .17.50, chapter 79, Laws of 1947 as last amended by section 20, chapter 70, Laws of 1965 ex. sess. and RCW 48.17.500.

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

Section 1. Section .14.01, chapter 79, Laws of 1947 as last amended by section 8, chapter 241, Laws of 1969 ex. sess. and RCW 48.14.010 are each amended to read as follows:

- (1) The commissioner shall collect in advance the following fees:
  - (A) FOR FILING CHARTER DOCUMENTS:
    - (i) Original charter documents, bylaws or record of organization of insurers, or certified copies thereof, required to be filed . . . . . \$ ~~((25.00))~~250.00
    - (ii) Amended charter documents, or certified copy thereof, other than amendments of bylaws . . . . . \$ 10.00
    - (iii) No additional charge or fee shall be required for filing any of such documents in the office of the secretary of state.
  - (B) CERTIFICATE OF AUTHORITY:
    - (i) Issuance . . . . . \$ ~~((+00.00))~~25.00
    - (ii) Renewal . . . . . \$ 25.00
  - (C) ANNUAL STATEMENT OF INSURER, FILING . . . . . \$ 20.00
  - (D) ORGANIZATION OR FINANCING OF DOMESTIC INSURERS AND AFFILIATED CORPORATIONS:
    - (i) Application for solicitation permit, filing . . . . . \$ ~~((+5.00))~~100.00
    - (ii) Issuance of solicitation permit . . . . . \$ 25.00

**(E) AGENTS' LICENSES:**

- (i) Agent's licenses for life, or disability insurance, only, or both for same insurer, each year . . . . . \$ ~~((5.00))~~10.00
- (ii) Agent's license for other kind or kinds of insurance, (~~((three-year period))~~) each year . . . . . \$ 25.00  
Filing of appointment of each such agent . . . . . \$ 10.00
- (iii) Limited license issued pursuant to RCW 48-17.190, each year . . . . . \$ ~~((5.00))~~10.00
- (iv) Temporary license as agent . . . . . \$ ~~((5.00))~~10.00

**(F) BROKERS' LICENSES:**

- (i) Resident or nonresident broker, (~~((casualty=property or life and disability;))~~) each year . . . . . \$ ~~((25.00))~~50.00
  - (ii) (~~((All lines broker's license . . . . . \$ 50.00~~)))  
~~((iii))~~ Surplus line broker, twelve-month period . . . . . \$100.00
  - ~~((iv))~~ (iii) Temporary license as broker . . . . . \$ ~~((25.00))~~50.00
- (G) SOLICITORS' LICENSE, EACH YEAR . . . . . \$ ~~((5.00))~~10.00**

**(H) ADJUSTERS' LICENSES:**

- (i) Independent adjuster, each year . . . . . \$ ~~((15.00))~~25.00
- (ii) Public adjuster, each year . . . . . \$ ~~((15.00))~~25.00

**(I) RESIDENT GENERAL AGENT'S LICENSE, EACH YEAR . . . . . \$ 25.00****(J) EXAMINATION FOR LICENSE, EACH EXAMINATION:**

- (i) Filing application for first examination for license . . . . . \$ ~~((3.00))~~5.00
- (ii) Resident or nonresident broker's license . . . . . \$ ~~((25.00))~~50.00
- (iii) All other examinations . . . . . \$ 10.00

**(K) MISCELLANEOUS SERVICES:**

- (i) Filing other documents . . . . . \$ ~~((3.00))~~5.00
- (ii) Commissioner's certificate under seal . . . . . \$ ~~((3.00))~~5.00
- (iii) Copy of documents filed in the commissioner's office, reasonable charge therefor as determined by the commissioner.

(2) All fees so collected shall be remitted by the commissioner to the state treasurer not later than the first business day following, and shall be placed to the credit of the general fund.

Sec. 2. Section .15.07, chapter 79, Laws of 1947 as amended by section 4, chapter 225, Laws of 1959 and RCW 48.15.070 are each amended to read as follows:

Any person deemed by the commissioner to be competent and trustworthy and while maintaining an office at a designated location in this state may be licensed as a surplus line broker, as follows:

(1) Application to the commissioner for the license shall be made on forms furnished by the commissioner.

(2) The license fee shall be one hundred dollars for each license year during any part of which the license is in force. The license year shall be from the date of issuance of the license.

(3) Prior to issuance of license the applicant shall file with the commissioner and thereafter for as long as the license remains in effect he shall keep in force a bond in favor of the state of Washington in the penal sum of ~~((five))~~ twenty thousand dollars, with authorized corporate sureties approved by the commissioner, conditioned that he will conduct business under the license in accordance with the provisions of this chapter and that he will promptly remit the taxes provided by RCW 48.15.120. No such bond shall be terminated unless not less than thirty days prior written notice thereof is filed with the commissioner.

Sec. 3. Section .17.11, chapter 79, Laws of 1947 as last amended by section 16, chapter 150, Laws of 1967 and RCW 48.17.110 are each amended to read as follows:

(1) Each applicant for license as agent, broker, solicitor, or adjuster shall prior to the issuance of any such license, personally take and pass to the satisfaction of the examining authority, an examination given as a test of his qualifications and competence, but this requirement shall not apply to:

(a) Applicants for limited licenses under RCW 48.17.190, at the discretion of the commissioner.

(b) Applicants who within the ~~((five-year))~~ two year period next preceding date of application have been licensed in this state under a license requiring qualifications similar to qualifications required by the license applied for or who have successfully completed a course of study recognized as a mark of distinction by the insurance industry and who are deemed by the commissioner to be fully qualified and competent.

(c) Applicants for license as nonresident agent or as nonresident broker or as nonresident adjuster who are duly licensed in their state of residence and who are deemed by the commissioner to be fully qualified and competent for a similar license in this state.

(d) Applicants for an agent's or solicitor's license covering the same kinds of insurance as an agent's or solicitor's license then held by them.

(e) Applicants for an adjuster's license who for a period of one year, a portion of which was in the year next preceding the date of application, have been a full time salaried employee of an insurer or of a general agent to adjust, investigate, or report claims arising under insurance contracts.

(2) Any person licensed as an insurance broker by this state prior to June 8, 1967, who is otherwise qualified to be a licensed insurance broker, shall be entitled to renew his broker's license by payment of the applicable fee for such of the broker's licenses authorized by RCW 48.17.240, as he shall elect, without taking any additional examination, except as provided in subsection (3).

(3) The commissioner may at any time require any licensed agent, broker, solicitor, or adjuster to take and successfully pass an examination testing his competence and qualifications as a condition to the continuance or renewal of his license, if the licensee has been guilty of violation of this code, or has so conducted his affairs under his license as to cause the commissioner reasonably to desire further evidence of his qualifications.

Sec. 4. Section .17.25, chapter 79, Laws of 1947 and RCW 48.17.250 are each amended to read as follows:

(1) Every applicant for a broker's license or for the renewal of a broker's license existing on the effective date of this code shall file with the application or request for renewal and shall thereafter maintain in force while so licensed a bond in favor of the people of the state of Washington, executed by an authorized corporate surety approved by the commissioner, in the amount of ~~((twenty-five hundred))~~ twenty thousand dollars. The bond may be continuous in form, and total aggregate liability on the bond may be limited to the payment of ~~((twenty-five hundred))~~ twenty thousand dollars. The bond shall be contingent on the accounting by the broker to any person requesting the broker to obtain insurance, for moneys or premiums collected in connection therewith.

(2) Any such bond shall remain in force until the surety is released from liability by the commissioner, or until the bond is canceled by the surety. Without prejudice to any liability accrued prior to such cancellation, the surety may cancel the bond upon thirty days advance notice in writing filed with the commissioner.

Sec. 5. Section .17.43, chapter 79, Laws of 1947 and RCW 48.17.430 are each amended to read as follows:

(1) Prior to the issuance of a license as public adjuster, the applicant therefor shall file with the commissioner and shall thereafter maintain in force while so licensed a surety bond in favor of the people of the state of Washington, executed by an authorized corporate surety approved by the commissioner, in the amount of ~~((twenty-five hundred))~~ five thousand dollars. The bond may be continuous in form, and total aggregate liability on the bond may be limited to the payment of ~~((twenty-five hundred))~~ five thousand dollars. The bond shall be contingent on the accounting by the adjuster to any insured whose claim he is handling, for moneys or any settlement received in connection therewith.

(2) Any such bond shall remain in force until the surety is released from liability by the commissioner, or until canceled by the surety. Without prejudice to any liability accrued prior to cancellation, the surety may cancel a bond upon thirty days advance notice in writing filed with the commissioner.

(3) Such bond shall be required of any adjuster acting as a public adjuster as of the effective date of this code, or thereafter under any unexpired license heretofore issued.

Sec. 6. Section .17.50, chapter 79, Laws of 1947 as last amended by section 20, chapter 70, Laws of 1965 ex. sess. and RCW 48.17.500 are each amended to read as follows:

(1) Agents' license for life, or life and disability, or disability insurances only shall expire as at 12:01 a.m. o'clock on the first day of October next following date of issuance.

(2) All brokers', solicitors', and adjusters' licenses shall expire as at 12:01 a.m. o'clock on the first day of April next following date of issuance.

(3) Agents' licenses for all other kinds of insurance or combinations thereof shall expire as at 12:01 a.m. o'clock on the first day of April three years after the first day of April nearest to the date of issuance of the license: PROVIDED, That any such license issued or renewed to be effective on or after July 1, 1977, shall

expire as at 12:01 a.m. o'clock on the first day of April next following date of issuance or renewal.

(4) Except as provided in subsection (3) of this section and subject to the right of the commissioner to suspend, revoke, or refuse to renew any license as provided in this code, any such license may be renewed into another like period by filing with the commissioner on or before the expiration date a written request, by or on behalf of the licensee, for such renewal accompanied by payment of the renewal fee as specified in RCW 48.14.010. An agent or broker shall make and file renewal requests on behalf of his solicitors.

(5) If request and fee for renewal of license is filed with the commissioner prior to expiration of the existing license, the licensee may continue to act under such license, unless sooner revoked or suspended, until the issuance of renewal license or until the expiration of fifteen days after the commissioner has refused to renew the license and has mailed order of such refusal to the licensee. Any request for renewal not so filed until after date of expiration may be considered by the commissioner as an application for a new license.

(6) As to all licenses, if request for renewal of license or payment of the license fee is not received by the commissioner prior to expiration date as required under subsection (4) the applicant for renewal of license shall pay to the commissioner and the commissioner shall collect, in addition to the regular license fee, a surcharge for such license as follows: For the first thirty days or part thereof of delinquency the surcharge shall be fifty percent of the license fee; for all delinquencies extending more than thirty days, the surcharge shall be one hundred percent of the license fee. This subsection shall not be deemed to exempt any person from any penalty provided by law for transacting business without a valid and subsisting license, or affect the commissioner's right, at his discretion, to consider such delinquent application as one for a new license.

Passed the House May 4, 1977.

Passed the Senate May 27, 1977.

Approved by the Governor June 7, 1977.

Filed in Office of Secretary of State June 7, 1977.

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## CHAPTER 183

[House Bill No. 1262]

### INSURANCE GUARANTY ASSOCIATIONS—ASSESSMENTS—CREDITS, OFFSETS

AN ACT Relating to insurance; amending section 11, chapter 109, Laws of 1975-'76 2nd ex. sess. and RCW 48.32.145; amending section 9, chapter 259, Laws of 1971 ex. sess. as amended by section 1, chapter 133, Laws of 1975 1st ex. sess. and RCW 48.32A.090; and repealing section 14, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.140.

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

Section 1. Section 11, chapter 109, Laws of 1975-'76 2nd ex. sess. and RCW 48.32.145 are each amended to read as follows:

Every member insurer which during any calendar year shall have paid one or more assessments levied pursuant to RCW 48.32.060(1)(c) as now or hereafter amended shall be entitled to take, as a credit against any premium tax falling due

under RCW 48.14.020, one-fifth of the aggregate amount of such aggregate assessments during such calendar year for each of the five consecutive calendar years beginning with the calendar year following the calendar year in which such assessments are paid: PROVIDED, That whenever an assessment or uncredited portion thereof is or becomes less than one thousand dollars, the entire amount may be credited against the premium tax at the next time the premium tax is paid.

Sec. 2. Section 9, chapter 259, Laws of 1971 ex. sess. as amended by section 1, chapter 133, Laws of 1975 1st ex. sess. and RCW 48.32A.090 are each amended to read as follows:

(1) The association shall issue to each insurer paying an assessment under this chapter certificates of contribution, in appropriate form and terms as prescribed or approved by the commissioner, for the amounts so paid into the respective funds. All outstanding certificates against a particular fund shall be of equal dignity and priority without reference to amounts or dates of issue.

(2) An outstanding certificate of contribution shall be shown by the insurer in its financial statements as an admitted asset for such amount and period of time as the commissioner may approve: PROVIDED, That unless a longer period has been allowed by the commissioner the insurer shall in any event at its option have the right to so show a certificate of contribution as an admitted asset at percentages of original face amount for calendar years as follows:

- 100% for the calendar year of issuance;
- 90% for the first calendar year after the year of issuance;
- 80% for the second calendar year after the year of issuance;
- 70% for the third calendar year after the year of issuance;
- 60% for the fourth calendar year after the year of issuance;
- 50% for the fifth calendar year after the year of issuance;
- 40% for the sixth calendar year after the year of issuance;
- 30% for the seventh calendar year after the year of issuance;
- 20% for the eighth calendar year after the year of issuance;
- 10% for the ninth calendar year after the year of issuance; and
- 0% for the tenth and subsequent calendar years after the year of issuance.

Notwithstanding the foregoing, if the value of a certificate of contribution is or becomes less than one thousand dollars, the entire amount may be written off by the insurer in that year.

(3) The insurer shall offset the amount written off by it in a calendar year under subsection (2) of this section against its premium tax liability to this state accrued with respect to business transacted in such year.

(4) Any sums recovered by the association representing sums which have theretofore been written off by contributing insurers and offset against premium taxes as provided in subsection (3) of this section, shall be paid by the association to the commissioner and by him deposited with the state treasurer for credit to the general fund of the state of Washington.

(5) No distribution to stockholders, if any, of a liquidating insurer shall be made unless and until the total amount of assessments levied by the association with respect to such insurer have been fully recovered by the association.



NEW SECTION. Sec. 3. Section 14, chapter 265, Laws of 1971 ex. sess. and RCW 48.32.140 are each hereby repealed.

Passed the House April 29, 1977.

Passed the Senate May 27, 1977.

Approved by the Governor June 7, 1977.

Filed in Office of Secretary of State June 7, 1977.

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## CHAPTER 184

[House Bill No. 1263]

### OPERATING AGENCIES

AN ACT Relating to operating agencies; amending section 43.52.250, chapter 8, Laws of 1965 and RCW 43.52.250; amending section 43.52.260, chapter 8, Laws of 1965 and RCW 43.52.260; amending section 43.52.290, chapter 8, Laws of 1965 and RCW 43.52.290; amending section 43.52.300, chapter 8, Laws of 1965 as amended by section 1, chapter 37, Laws of 1975 1st ex. sess. and RCW 43.52.300; amending section 43.52.350, chapter 8, Laws of 1965 and RCW 43.52.350; amending section 43.52.360, chapter 8, Laws of 1965 and RCW 43.52.360; amending section 43.52.370, chapter 8, Laws of 1965 and RCW 43.52.370; amending section 43.52.391, chapter 8, Laws of 1965 and RCW 43.52.391; amending section 43.52.410, chapter 8, Laws of 1965 and RCW 43.52.410; amending section 43.52.430, chapter 8, Laws of 1965 as amended by section 113, chapter 81, Laws of 1971 and RCW 43.52.430; amending section 43.52.450, chapter 8, Laws of 1965 and RCW 43.52.450; and repealing section 43.52.340, chapter 8, Laws of 1965 and RCW 43.52.340.

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

Section 1. Section 43.52.250, chapter 8, Laws of 1965 and RCW 43.52.250 are each amended to read as follows:

As used in this chapter and unless the context indicates otherwise, words and phrases shall mean:

~~(( "Commission" means the Washington state power commission. ))~~

"District" means a public utility district as created under the laws of the state of Washington authorized to engage in the business of generating and/or distributing electricity.

"City" means any city or town in the state of Washington authorized to engage in the business of generating and/or distributing electricity.

"Canada" means ~~((the Dominion of))~~ Canada or any province thereof.

"Operating agency" or "joint operating agency" means a municipal corporation created pursuant to RCW 43.52.360, as now or hereafter amended.

"Public utility" means any person, firm or corporation, political subdivision or governmental subdivision including cities, towns and public utility districts engaged in or authorized to engage in the business of generating, transmitting or distributing electric energy.

Sec. 2. Section 43.52.260, chapter 8, Laws of 1965 and RCW 43.52.260 are each amended to read as follows:

~~((It is the intent of this act [1955 c 258] and this chapter that the commission shall represent the state of Washington and aid and assist the public utilities therein to the end that its water resources and other resources shall be properly developed for the best public interest insofar as they affect electric power, and to this end (1) the commission shall develop and integrate such resources as necessary whenever public utilities other than those owned by the United States and its~~

~~agencies are not in a position so to do, and (2) the commission shall join with Canada, the United States, the states thereof, and their agencies to develop and integrate the water resources and other resources of the region, and particularly that area incorporated within the watershed of the Columbia river and its tributaries:))~~

The authority granted in this chapter shall apply equally to the generating of electricity by water power, by steam power, by ~~((atomic))~~ nuclear power or by any other means whatsoever.

Sec. 3. Section 43.52.290, chapter 8, Laws of 1965 and RCW 43.52.290 are each amended to read as follows:

~~Members of ((the commission))~~ the board of directors of an operating agency shall be paid the sum of fifty dollars per day for each day or major part thereof devoted to the business of the ~~((commission))~~ operating agency, together with their traveling and other necessary expenses. Such member may, regardless of any charter or other provision to the contrary, be an officer or employee holding another public position and, if he be such other public officer or employee, he shall be paid by the ~~((commission))~~ operating agency such amount as will, together with the compensation for such other public position equal the sum of fifty dollars per day.

Sec. 4. Section 43.52.300, chapter 8, Laws of 1965 as amended by section 1, chapter 37, Laws of 1975 1st ex. sess. and RCW 43.52.300 are each amended to read as follows:

~~((The commission, or))~~ An operating agency formed under RCW 43.52.360(;) shall have authority:

(1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

(2) To construct, condemn, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate plants, works and facilities for the generation and/or transmission of electric energy, either within or without the state of Washington, and to take, condemn, purchase, lease and acquire any real or personal, public or private property, franchise and property rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use in the construction, maintenance or operation of any such works, plants and facilities; provided that ~~((the commission))~~ an operating agency shall not be authorized to acquire by condemnation any plants, works and facilities owned and operated by any city or district, or by a privately owned public utility. ~~((The commission))~~ An operating agency shall be authorized to contract for and to acquire by lease or purchase from the United States or any of its agencies, any plants, works or facilities for the generation and transmission of electricity and any real or personal property necessary or convenient for use in connection therewith.

(3) To negotiate and enter into contracts with the United States or any of its agencies, with any state or its agencies, with Canada or its agencies or with any district or city of this state, for the lease, purchase, construction, extension, betterment, acquisition, operation and maintenance of all or any part of any electric generating and transmission plants and reservoirs, works and facilities or rights necessary thereto, either within or without the state of Washington, and for the marketing of the energy produced therefrom. Such negotiations or contracts shall

be carried on and concluded with due regard to the position and laws of the United States in respect to international agreements.

(4) To negotiate and enter into contracts for the purchase, sale, exchange, transmission or use of electric energy or falling water with any person, firm or corporation, including political subdivisions and agencies of any state of Canada, or of the United States, at fair and nondiscriminating rates.

(5) To apply to the appropriate agencies of the state of Washington, the United States or any thereof, and to Canada and/or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate works, plants and facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(6) To establish rates for electric energy sold or transmitted by the ~~((commission))~~ operating agency. When any revenue bonds or warrants are outstanding the ~~((commission))~~ operating agency shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy, falling water and other services sold, furnished or supplied by the ~~((commission))~~ operating agency which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the ~~((commission))~~ operating agency is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the ~~((commission))~~ operating agency and all necessary repairs, replacements and renewals thereof.

(7) To act as agent for the purchase and sale at wholesale of electricity for any city or district whenever requested so to do by such city or district.

(8) To contract for and to construct, operate and maintain fishways, fish protective devices and facilities and hatcheries as necessary to preserve or compensate for projects operated by the ~~((commission))~~ operating agency.

(9) To construct, operate and maintain channels, locks, canals and other navigational, reclamation, flood control and fisheries facilities as may be necessary or incidental to the construction of any electric generating project, and to enter into agreements and contracts with any person, firm or corporation, including political subdivisions of any state, of Canada or the United States for such construction, operation and maintenance, and for the distribution and payment of the costs thereof.

(10) To employ legal, engineering and other professional services and fix the compensation of a managing director and such other employees as the ~~((commission))~~ operating agency may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the ~~((commission))~~ operating agency shall determine. Such manager and employees shall be appointed for an indefinite time and be removable at the will of the ~~((commission))~~ operating agency.

(11) To study, analyze and make reports concerning the development, utilization and integration of electric generating facilities and requirements within the state and without the state in that region which affects the electric resources of the state.

(12) To acquire any land bearing coal, uranium, geothermal, or other energy resources, within or without the state, or any rights therein, for the purpose of assuring a long-term, adequate supply of coal, uranium, geothermal, or other energy resources to supply its needs, both actual and prospective, for the generation of power and may make such contracts with respect to the extraction, sale, or disposal of such energy resources that it deems proper.

Sec. 5. Section 43.52.350, chapter 8, Laws of 1965 and RCW 43.52.350 are each amended to read as follows:

~~((The commission))~~ An operating agency shall, at the time of the construction of any dam or obstruction, construct and shall thereafter maintain and operate such fishways, fish protective facilities and hatcheries as the director of game and the director of fisheries may jointly find necessary to permit anadromous fish to pass any dam or other obstruction operated by the ~~((commission))~~ operating agency or to replace fisheries damaged or destroyed by such dam or obstruction and ~~((the commission))~~ an operating agency is further authorized to enter into contracts with the department of game and the department of fisheries to provide for the construction and/or operation of such fishways, facilities and hatcheries.

Sec. 6. Section 43.52.360, chapter 8, Laws of 1965 and RCW 43.52.360 are each amended to read as follows:

Any two or more cities or public utility districts or combinations thereof may form an operating agency (herein sometimes called a joint operating agency) for the purpose of acquiring, constructing, operating and owning plants, systems and other facilities and extensions thereof, for the generation and/or transmission of electric energy and power. Each such agency shall be a municipal corporation of the state of Washington with the right to sue and be sued in its own name.

Application for the formation of an operating agency shall be made to the director of ~~((conservation))~~ the department of ecology (herein sometimes referred to as the director) after the adoption of a resolution by the legislative body of each city or public utility district to be initial members thereof authorizing said city or district to participate. Such application shall set forth (1) the name and address of each participant, together with a certified copy of the resolution authorizing its participation; (2) a general description of the project and the principal project works, including dams, reservoirs, power houses and transmission lines; (3) the general location of the project and, if a hydroelectric project, the name of the stream on which such proposed project is to be located; (4) if the project is for the generation of electricity, the proposed use or market for the power to be developed; (5) a general statement of the electric loads and resources of each of the participants; (6) a statement of the proposed method of financing the preliminary engineering and other studies and the participation therein by each of the participants.

Within ten days after such application is filed with the director of ~~((conservation))~~ the department of ecology notice thereof shall be published by the director once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is to be located, setting forth the names of the participants and the general nature, extent and location of the project. Any public utility wishing to do so may object to such application by filing an objection,

setting forth the reasons therefor, with the director of ~~((conservation))~~ the department of ecology not later than ten days after the date of last publication of such notice.

Within ninety days after the date of last publication the director shall either make findings thereon or have instituted a hearing thereon. In event the director has neither made findings nor instituted a hearing within ninety days of the date of last publication, or if such hearing is instituted within such time but no findings are made within one hundred and twenty days of the date of such last publication, the application shall be deemed to have been approved and the operating agency established. If it shall appear (a) that the statements set forth in said application are substantially correct; (b) that the contemplated project is such as is adaptable to the needs, both actual and prospective, of the participants and such other public utilities as indicate a good faith intention by contract or by letter of intent to participate in the use of such project; (c) that no objection to the formation of such operating agency has been filed by any other public utility which prior to and at the time of the filing of the application for such operating agency had on file a permit or license from an agency of the state or an agency of the United States, whichever has primary jurisdiction, for the construction of such project; (d) that adequate provision will be made for financing the preliminary engineering, legal and other costs necessary thereto; the director shall make findings to that effect and enter an order creating such operating agency, establishing the name thereof and the specific project for the construction and operation for which such operating agency is formed. Such order shall not be construed to constitute a bar to any other public utility proceeding according to law to procure any required governmental permits, licenses or authority, but such order shall establish the competency of the operating agency to proceed according to law to procure such permits, licenses or authority.

No operating agency shall undertake projects in addition to those for which it was formed without the approval of the legislative bodies of a majority of the members thereof. In the event that an operating agency desires to undertake such a hydroelectric project at a site or sites upon which any publicly or privately owned public utility has a license or permit or has a prior application for a license or permit pending with any commission or agency, state or federal, having jurisdiction thereof, application to construct such additional project shall be made to the director of ~~((conservation))~~ the department of ecology in the same manner, subject to the same requirements and with the same notice as required for an initial agency and project and shall not be constructed until an order authorizing the same shall have been made by the director in the manner provided for such original application.

Any party who has joined in filing the application for, or objections against, the creation of such operating agency and/or the construction of an additional project, and who feels aggrieved by any order or finding of the director shall have the right to appeal to the superior court in the manner set forth in RCW 43.52.430.

After the formation of an operating agency, any other city or district may become a member thereof upon application to such agency after the adoption of a resolution of its legislative body authorizing said city or district to participate, and with the consent of the operating agency by the affirmative vote of the majority of its members. Any member may withdraw from an operating agency, and thereupon

such member shall forfeit any and all rights or interest which it may have in such operating agency or in any of the assets thereof: PROVIDED, That all contractual obligations incurred while a member shall remain in full force and effect. An operating agency may be dissolved by the unanimous agreement of the members, and the members, after making provisions for the payment of all debts and obligations, shall thereupon hold the assets thereof as tenants in common.

Sec. 7. Section 43.52.370, chapter 8, Laws of 1965 and RCW 43.52.370 are each amended to read as follows:

The management and control of an operating agency shall be vested in a board of directors, herein sometimes referred to as the board. The legislative body of each member of an operating agency shall appoint a representative who may, at the discretion of the member and regardless of any charter or other provision to the contrary, be an officer or employee of the member, to serve on the board of the operating agency. Each representative shall have one vote and shall have, in addition thereto, one vote for each block of electric energy equal to ten percent of the total energy generated by the agency during the preceding year purchased by the member represented by such representative. Each member may appoint an alternative representative to serve in the absence or disability of its representative. Each representative shall serve at the pleasure of the member. The board of an operating agency shall elect from its members a president, vice president and secretary, who shall serve at the pleasure of the board. The president and secretary shall perform the same duties with respect to the operating agency as are provided by law for the president and secretary, respectively, of public utility districts, and such other duties as may be provided by motion, rule or resolution of the board. The board of an operating agency shall adopt rules for the conduct of its meetings and the carrying out of its business, and adopt an official seal. All proceedings of an operating agency shall be by motion or resolution and shall be recorded in the minute book which shall be a public record. A majority of the board members shall constitute a quorum for the transaction of business. A majority of the votes which the members present are entitled to cast shall be necessary and sufficient to pass any motion or resolution: PROVIDED, That such board members are entitled to cast a majority of the votes of all members of the board. The members of the board of an operating agency may be compensated by such agency (~~((to the same extent and subject to the same limitations))~~) as is provided (~~((for members of the commission))~~) in RCW 43.52.290: PROVIDED, That the per diem compensation to any member shall not exceed five thousand dollars in any year.

Sec. 8. Section 43.52.391, chapter 8, Laws of 1965 and RCW 43.52.391 are each amended to read as follows:

Except as otherwise provided in this section, a joint operating agency shall have all powers now or hereafter granted public utility districts under the laws of this state. It shall not acquire nor operate any electric distribution properties nor condemn any properties owned by a public utility which are operated for the generation and transmission of electric power and energy or are being developed for such purposes with due diligence under a valid license or permit, nor purchase or acquire any operating hydroelectric generating plant owned by any city or district on June 11, 1953, or which may be acquired by any city or district by condemnation on or after January 1, 1957, nor levy taxes, issue general obligation bonds, or create

subdistricts. It may enter into any contracts, leases or other undertakings deemed necessary or proper and acquire by purchase or condemnation any real or personal property used or useful for its corporate purposes. Actions in eminent domain may be instituted in the superior court of any county in which any of the property sought to be condemned is located and the court in any such action shall have jurisdiction to condemn property wherever located within the state; otherwise such actions shall be governed by the same procedure as now or hereafter provided by law for public utility districts. An operating agency may sell steam or water not required by it for the generation of power and may construct or acquire any facilities it deems necessary for that purpose.

An operating agency may make contracts for any term relating to the purchase, sale, interchange or wheeling of power with the government of the United States or any agency thereof and with any municipal corporation or public utility, within or without the state, and may purchase or deliver power anywhere pursuant to any such contract. An operating agency may acquire any coal-bearing lands for the purpose of assuring a long-term, adequate supply of coal to supply its needs, both actual and prospective, for the generation of power and may make such contracts with respect to the extraction, sale or disposal of coal that it deems proper. ~~((In addition to the power and authority granted in this chapter to an operating agency, it shall also have all power and authority heretofore granted, and shall be subject to all of the duties imposed upon, the Washington state power commission by RCW 43.52.300 and RCW 43.52.350.))~~

Any member of an operating agency may advance or contribute funds to an agency as may be agreed upon by the agency and the member, and the agency shall repay such advances or contributions from proceeds of revenue bonds, from operating revenues or from any other funds of the agency, together with interest not to exceed six percent per annum.

Sec. 9. Section 43.52.410, chapter 8, Laws of 1965 and RCW 43.52.410 are each amended to read as follows:

Any city or district is authorized to enter into contracts or compacts with ~~((the commission or))~~ any operating agency or a publicly or privately owned public utility for the purchase and sale of electric energy or falling waters.

Sec. 10. Section 43.52.430, chapter 8, Laws of 1965 as amended by section 113, chapter 81, Laws of 1971 and RCW 43.52.430 are each amended to read as follows:

Any party in interest deeming itself aggrieved by any order of ~~((the commission or of))~~ the director of the department of ecology may appeal to the superior court of Thurston county by serving upon the ~~((commission or))~~ director ~~((, as the case may be,))~~ and filing with clerk of said court within thirty days after the entry of the order a notice of appeal. The ~~((commission or))~~ director shall, within ten days after service of the notice of appeal, file with the clerk of the court ~~((its or his))~~ a return containing a true copy of the order appealed from, together with a transcript of the record of the proceeding before the ~~((commission or))~~ director, after which the appeal shall be at issue. The appeal shall be heard and decided by the court upon the record before the ~~((commission or))~~ director and the court may either affirm, set aside, or remand the order appealed from for further proceedings. Appeal

may be had to the supreme court or the court of appeals as in the case of civil appeals.

Sec. 11. Section 43.52.450, chapter 8, Laws of 1965 and RCW 43.52.450 are each amended to read as follows:

The provisions of this chapter shall be cumulative and shall not impair or supersede the powers or rights of any person, firm or corporation or political subdivision of the state of Washington under any other law. The rights of all persons, firms, corporations and political subdivisions or operating units of any kind under existing contracts, renewals thereof or supplements thereto, with the United States, or any agency thereof, for power, are hereby preserved and such rights shall not be impaired or modified by any of the provisions of this chapter or any of the powers granted by this chapter.

The rates, services and practices of ~~((the commission or))~~ any operating agency in respect to the power generated, transmitted or sold by it shall not be governed by the regulations of the utilities and transportation commission.

NEW SECTION. Sec. 12. Section 43.52.340, chapter 8, Laws of 1965 and RCW 43.52.340 are each hereby repealed.

Passed the House April 23, 1977.

Passed the Senate May 27, 1977.

Approved by the Governor June 7, 1977.

Filed in Office of Secretary of State June 7, 1977.

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## CHAPTER 185

[Substitute House Bill No. 1266]

### STATE DIVISIONS OF BANKING, SAVINGS AND LOAN ASSOCIATIONS—DEPUTY SUPERVISORS

AN ACT Relating to the department of general administration; amending section 43.19.020, chapter 8, Laws of 1965 and RCW 43.19.020; and amending section 43.19.100, chapter 8, Laws of 1965 and RCW 43.19.100.

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

Section 1. Section 43.19.020, chapter 8, Laws of 1965 and RCW 43.19.020 are each amended to read as follows:

The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of banking, who shall have charge and supervision of the division of banking. With the approval of the director, he may appoint and employ bank examiners and such other assistants and personnel as may be necessary to carry on the work of the division.

No person shall be eligible for appointment as supervisor of banking unless he is, and for the last two years prior to his appointment has been, a citizen of the United States and a resident of this state; nor if he is interested in any bank or trust company as director, officer, or stockholder.

In the event of the supervisor's absence the director of general administration shall have the power to deputize one of the assistants of the supervisor to exercise all the powers and perform all the duties prescribed by law with respect to banks



and trust companies, mutual savings banks, loan agencies, and other similar institutions that are performed by the supervisor so long as the supervisor is absent: PROVIDED, That such deputized supervisor shall not have the power to approve or disapprove new charters, licenses, branches, and satellite facilities, unless such action has received the prior written approval of the supervisor. Any person so deputized shall possess the same qualifications as those set out in this section for the supervisor.

Sec. 2. Section 43.19.100, chapter 8, Laws of 1965 and RCW 43.19.100 are each amended to read as follows:

The director of general administration, shall appoint and deputize an assistant director to be known as the supervisor of savings and loan associations, who shall have charge and supervision of the division of savings and loan associations.

With the approval of the director, he may appoint and employ such assistants and personnel as may be necessary to carry on the work of the division.

No person shall be eligible for appointment as supervisor of savings and loan associations unless he is, and for at least two years prior to his appointment has been, a citizen of the United States and a resident of this state, and has had at least two years' practical experience in savings and loan employment, examination, or supervision.

In the event of the supervisor's absence the director of general administration shall have the power to deputize one of the assistants of the supervisor to perform day to day functions that are performed by the supervisor so long as the supervisor is absent: PROVIDED, That such deputized supervisor shall not have the power to approve or disapprove new charters, branches, or satellite facilities. Any person so deputized shall possess the same qualifications as those set out in this section for the supervisor.

Passed the House April 23, 1977.

Passed the Senate May 27, 1977.

Approved by the Governor June 7, 1977.

Filed in Office of Secretary of State June 7, 1977.

## CHAPTER 186

[Substitute House Bill No. 125]

### STATE SOLDIERS' OR VETERANS' HOMES

AN ACT Relating to public institutions; amending section 72.36.030, chapter 28, Laws of 1959 as amended by section 1, chapter 13, Laws of 1975 and RCW 72.36.030; reenacting and amending section 72.36.040, chapter 28, Laws of 1959 as last amended by section 1, chapter 101, Laws of 1973 and section 102, chapter 154, Laws of 1973 1st ex. sess. and RCW 72.36.040; amending section 72.36.060, chapter 28, Laws of 1959 and RCW 72.36.060; amending section 72.36.070, chapter 28, Laws of 1959 and RCW 72.36.070; amending section 72.36.080, chapter 28, Laws of 1959 as last amended by section 2, chapter 13, Laws of 1975 and RCW 72.36.080; amending section 72.36.090, chapter 28, Laws of 1959 and RCW 72.36.090; creating new sections; and adding new sections to chapter 28, Laws of 1959 and to chapter 72.36 RCW.

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

Section 1. Section 72.36.030, chapter 28, Laws of 1959 as amended by section 1, chapter 13, Laws of 1975 and RCW 72.36.030 are each amended to read as follows:

All honorably discharged (~~soldiers, sailors and marines~~) veterans who have served the United States government in any of its wars, and members of the state militia disabled while in the line of duty, may be admitted to the state soldiers' home at Orting under such rules and regulations as may be adopted by the department: PROVIDED, That such applicants have been actual bona fide ((citizens)) residents of this state at the time of their application, and are indigent and unable to support themselves: PROVIDED FURTHER, That the surviving spouses of all veterans and members of the state militia disabled while in the line of duty, who were members of a soldiers' home or colony or veterans' home in this state or entitled to admission thereto at the time of death, and surviving spouses of all such veterans and members of the state militia, who would have been entitled to admission to a soldiers' home or colony or veterans' home in this state at the time of death, but for the fact that they were not indigent and unable to earn a support for themselves and families, which spouses have since the death of their husbands or wives, become indigent and unable to earn a support for themselves shall be admitted to such home: PROVIDED, FURTHER, That such spouses are not less than fifty years of age and were married and living with their husbands or wives on or before three years prior to the date of their application, and have not been married since the decease of their husbands or wives to any person not a member of a soldiers' home or colony or veterans' home in this state or entitled to admission thereto: AND PROVIDED, FURTHER, That sufficient facilities and resources are available to accommodate such applicant.

Sec. 2. Section 72.36.040, chapter 28, Laws of 1959 as last amended by section 1, chapter 101, Laws of 1973 and section 102, chapter 154, Laws of 1973 1st ex. sess. and RCW 72.36.040 are each reenacted and amended to read as follows:

There is hereby established what shall be known as the "Colony of the State Soldiers' Home." All of the following persons who reside within the limits of Orting school district and have been actual bona fide (~~(citizens))~~ residents of this state (~~((for a period of three years))~~) at the time of their application and who have personal property of less than one thousand five hundred dollars and/or a monthly income insufficient to meet their needs outside of residence in such colony and soldiers' home as determined by (~~(the))~~ standards of the (~~((county welfare))~~) department of veterans' affairs, may be admitted to membership in said colony under such rules and regulations as may be adopted by the department.

(1) All honorably discharged (~~soldiers, sailors and marines,))~~ veterans who have served in the armed forces of the United States during wartime, members of the state militia disabled while in the line of duty, and their respective spouses with whom they have lived for three years prior to application for membership in said colony. Also, the spouse of any such veteran or disabled member of the state militia is eligible for membership in said colony, if such spouse is the widow or widower of a veteran who was a member of a soldiers' home or colony in this state or entitled to admission thereto at the time of death: PROVIDED, That such veterans and members of the state militia shall, while they are members of said colony, be living with their said spouses.

(2) The spouses of all veterans who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and the spouses of all veterans who would have been entitled to admission to a soldiers' home or

colony in this state at the time of death but for the fact that they were not indigent and unable to support themselves and families, which spouses have since the death of their said husbands or wives become indigent and unable to earn a support for themselves: PROVIDED, That such spouses are not less than fifty years of age and have not been married since the decease of their said husbands or wives to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto. Any resident of said colony may be admitted to the (~~hospital at the~~) state soldiers' home for temporary care when requiring (~~hospital~~) treatment.

Sec. 3. Section 72.36.060, chapter 28, Laws of 1959 and RCW 72.36.060 are each amended to read as follows:

The state treasurer is authorized to receive any and all moneys appropriated or paid by the United States under the act of congress entitled "An Act to provide aid to state or territorial homes for disabled soldiers and sailors of the United States," approved August 27, 1888, or under any other act or acts of congress for the benefit of such homes. Such moneys shall be deposited in the general fund and shall be expended for the maintenance of the soldiers' home and veterans' home.

Sec. 4. Section 72.36.070, chapter 28, Laws of 1959 and RCW 72.36.070 are each amended to read as follows:

There shall be established and maintained in this state a branch of the state soldiers' home, under the name of the "Washington veterans' home," which branch shall be a home for honorably discharged (~~soldiers, sailors and marines~~) veterans who have served the United States government in any of its wars, members of the state militia disabled while in the line of duty, and who are bona fide citizens of the state, and also the (~~wives~~) spouses of such (~~soldiers, sailors and marines~~) veterans.

Sec. 5. Section 72.36.080, chapter 28, Laws of 1959 as last amended by section 2, chapter 13, Laws of 1975 and RCW 72.36.080 are each amended to read as follows:

All of the following persons who have been actual bona fide residents of this state at the time of their application, and who are indigent and unable to earn a support for themselves and families may be admitted to the Washington veterans' home under such rules and regulations as may be adopted by the director: PROVIDED, That sufficient facilities and resources are available to accommodate such person:

(1) All honorably discharged veterans of the armed forces of the United States who have served the United States in any of its wars, and members of the state militia disabled while in the line of duty, and the spouses of such veterans, and members of the state militia: PROVIDED, That such spouse was married to and living with such veteran on or before three years prior to the date of application for admittance, or, if married to him or her since that date, was also a member of a soldiers' home or colony or veterans' home in this state or entitled to admission thereto.

(2) The spouses of all soldiers, sailors, and marines and members of the state militia disabled while in the line of duty, who were members of a soldiers' home or colony or veterans' home in this state or entitled to admission thereto at the time of

death, and spouses of all such soldiers, sailors, and marines and members of the state militia, who would have been entitled to admission to a soldiers' home or colony or veterans' home in this state at the time of death but for the fact that they were not indigent and unable to earn a support for themselves and families, which spouses have since the death of their husbands or wives, become indigent and unable to earn a support for themselves: PROVIDED, That such spouses are not less than fifty years of age and were married and living with their husbands or wives on or before three years prior to the date of their application, and have not been married since the decease of their husbands or wives to any person not a member of a soldiers' home or colony or veterans' home in this state or entitled to admission thereto.

NEW SECTION. Sec. 6. There is added to chapter 28, Laws of 1959 and to chapter 72.36 RCW a new section to read as follows:

The soldiers' home and colony at Orting and the Washington veterans' home at Retsil shall provide both domiciliary and nursing care. The level of domiciliary members shall remain consistent with the facilities available to accommodate those members: PROVIDED, That nothing in this section shall preclude the department from moving residents between nursing and domiciliary care in order to better utilize facilities and maintain the appropriate care for the members.

NEW SECTION. Sec. 7. There is added to chapter 28, Laws of 1959 and to chapter 72.36 RCW a new section to read as follows:

All income of members of the soldiers' home in excess of allowable income shall be deposited in the soldiers' home revolving fund as established in section 55, chapter 269, Laws of 1975 1st ex. sess. (uncodified, and herein continued and reenacted).

(1) Allowable income shall be defined by the rules and regulations adopted by the department: PROVIDED, That the allowable income of members accepted for membership shall not be decreased below one hundred sixty dollars per month during periods that such members are resident thereat.

(2) Disbursements from the soldiers' home revolving fund shall be for the benefit and welfare of all members of the soldiers' home and such disbursements shall be on the authorization of the superintendent or his authorized representative after approval has been received from a duly constituted body representative of the members.

(3) In order to maintain an effective expenditure and revenue control, the soldiers' home revolving fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditures from such funds.

NEW SECTION. Sec. 8. There is added to chapter 28, Laws of 1959 and to chapter 72.36 RCW a new section to read as follows:

All income of members of the veterans' home in excess of allowable income shall be deposited in the veterans' home revolving fund as established in section 55, chapter 269, Laws of 1975 1st ex. sess. (uncodified, and herein continued and reenacted).

(1) Allowable income shall be defined by the rules and regulations adopted by the department. However, the allowable income of members accepted for membership shall not be decreased below one hundred sixty dollars per month during periods that such members are resident thereat.

(2) Disbursements from the veterans' home revolving fund shall be for the benefit and welfare of all members of the Washington veterans' home and such disbursements shall be on the authorization of the superintendent of the home or his duly authorized representative after approval has been received from a duly constituted body representative of the members.

(3) In order to maintain an effective expenditure and revenue control, the veterans' home revolving fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditures from such funds.

Sec. 9. Section 72.36.090, chapter 28, Laws of 1959 and RCW 72.36.090 are each amended to read as follows:

The superintendents of the state soldiers' home and colony ((is)) and the state veterans' home are hereby authorized to:

(1) Institute programs of ~~((occupational therapy and))~~ hobby promotion designed to improve the general welfare and mental condition of the persons under ~~((his))~~ their supervision;

(2) Provide for the financing of these programs by ~~((loans))~~ grants from funds in the superintendent's custody through operation of canteens and exchanges at such institutions;

(3) Limit the hobbies ~~((and occupational therapy))~~ sponsored to projects which will, in ~~((his))~~ their judgment, be self-liquidating or self-sustaining.

NEW SECTION. Sec. 10. There is added to chapter 28, Laws of 1959 and to chapter 72.36 RCW a new section to read as follows:

In the maintenance of the Washington soldiers' home and colony and the Washington veterans' home by the state through the department of veterans' affairs, such maintenance shall include, but not be limited to, the provision of members' room and board, medical and dental care, physical and occupational therapy, and recreational activities, with the necessary implementing transportation, equipment, and personnel therefor.

NEW SECTION. Sec. 11. There is added to chapter 28, Laws of 1959 and to chapter 72.36 RCW a new section to read as follows:

For purposes of this chapter, unless the context clearly indicates otherwise, "actual bona fide residents of this state" shall mean persons who have a domicile in the state of Washington immediately prior to application for membership in the soldiers' home or colony or veterans' home. The term "domicile" shall mean a person's true, fixed, and permanent home and place of habitation, and shall be the place where the person intends to remain, and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere.

NEW SECTION. Sec. 12. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 23, 1977.

Passed the Senate May 25, 1977.

Approved by the Governor June 8, 1977.

Filed in Office of Secretary of State June 8, 1977.

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## CHAPTER 187

[Substitute House Bill No. 153]

### PUBLIC WORKS CONTRACTS—RESIDENT EMPLOYEES

AN ACT Relating to public works contracts; amending section 1, chapter 28, Laws of 1972 ex. sess. as amended by section 1, chapter 29, Laws of 1973 1st ex. sess. and RCW 39.16.005; and amending section 2, chapter 246, Laws of 1943 and RCW 39.16.020.

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

Section 1. Section 1, chapter 28, Laws of 1972 ex. sess. as amended by section 1, chapter 29, Laws of 1973 1st ex. sess. and RCW 39.16.005 are each amended to read as follows:

In all contracts let by the state, or any department thereof, or any county, city, ~~((or))~~ town, municipality, or other political subdivision for the erection, construction, alteration, demolition, or repair of any public building, structure, bridge, highway, or any other kind of public work or improvement, the contractor or subcontractor shall employ ninety-five percent or more bona fide Washington residents as employees where more than forty persons are employed, and ninety percent or more bona fide Washington residents as employees where forty or less persons are employed: PROVIDED, That such limitations shall not apply to that portion of any contract in which a manufacturer's warranty on equipment is contingent upon the manufacturer's use of his own factory-trained personnel for installation or repair which places such equipment under warranty. The contractor shall pay the standard prevailing wages for the specific type of construction as determined by the United States department of labor in the city or county where the work is being performed. The term "resident", as used in this chapter, shall mean any person who has been a bona fide resident of the state of Washington for a period of ninety days prior to such employment: PROVIDED, That in contracts involving the expenditure of federal aid funds this chapter shall not be enforced in such manner to conflict with or be contrary to the federal statutes, rules, and regulations prescribing a labor preference to honorably discharged soldiers, sailors, and marines, or prohibiting as unlawful any other preference or discrimination among the citizens of the United States: PROVIDED FURTHER, That this section shall not apply to any employees who are residents of any state bordering on the state of Washington if such bordering state does not restrict the right of a resident of Washington to be employed in the performance of all contracts let by the bordering state, or any department thereof, or any county, city, ~~((or))~~ town, municipality, or other political subdivision for the erection, construction, alteration, demolition, or repair of any public building, structure, bridge, highway, or any other kind of public work or improvement.

Sec. 2. Section 2, chapter 246, Laws of 1943 and RCW 39.16.020 are each amended to read as follows:

In the event a sufficient number of Washington residents who are qualified by training or experience to perform such work shall not be available, the contractor or subcontractor shall immediately notify the public body with whom the contract has been executed of such facts, and shall state the number of nonresidents needed. The public body shall immediately investigate the facts and if the conditions are as stated the public body shall, by a written order, designate the number of nonresidents and the period for which they may be employed: PROVIDED, That should residents who are qualified by training or experience to perform such work become available within the period, such qualified residents shall be (~~immediately~~) employed within a reasonable time and the period shortened consistent with the supply of qualified resident labor.

Passed the House May 26, 1977.

Passed the Senate May 24, 1977.

Approved by the Governor June 8, 1977.

Filed in Office of Secretary of State June 8, 1977.

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## CHAPTER 188

[Substitute House Bill No. 340]

### SECURITIES

AN ACT Relating to securities; amending section 60, chapter 282, Laws of 1959 as last amended by section 1, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.005; amending section 31, chapter 282, Laws of 1959 as amended by section 16, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.310; amending section 3, chapter 199, Laws of 1967 as last amended by section 18, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.325; and amending section 34, chapter 282, Laws of 1959 as last amended by section 20, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.340.

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

Section 1. Section 60, chapter 282, Laws of 1959 as last amended by section 1, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.005 are each amended to read as follows:

~~((When used in))~~ The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

- (1) "Director" means the director of (~~licenses~~) motor vehicles of this state.
- (2) "Salesman" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect sales of securities, but "salesman" does not include an individual who represents an issuer in (a) effecting a transaction in a security exempted by RCW 21.20.310(1), (2), (3), (4), (9), (~~or~~) (10), or (11), as now or hereafter amended, (b) effecting transactions exempted by RCW 21.20.320, or (c) effecting transactions with existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state.
- (3) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "Broker-dealer" does not include (a) a salesman, issuer, bank, savings institution, or trust company, (b) a person who has no place of business in this state if he effects transactions in this state exclusively with or through the issuers of the securities

involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (c) a person who has no place of business in this state if during any period of twelve consecutive months he does not direct more than fifteen offers to sell or to buy into this state in any manner to persons other than those specified in subsection (b) above.

(4) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

(5) "Full business day" means all calendar days, excluding therefrom Saturdays, Sundays, and all legal holidays, as defined by statute.

(6) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" does not include (a) a bank, savings institution, or trust company, (b) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession, (c) a broker-dealer, (d) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation, (e) a person whose advice, analyses, or reports relate only to securities exempted by RCW 21.20.310(1), (f) a person who has no place of business in this state if (i) his only clients in this state are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trust, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (ii) during any period of twelve consecutive months he does not direct business communications into this state in any manner to more than five clients other than those specified in clause (i) above, or (g) such other persons not within the intent of this paragraph as the director may by rule or order designate.

(7) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type; the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued.

(8) "Nonissuer" means not directly or indirectly for the benefit of the issuer.

(9) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interest of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.

(10) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell"



includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(11) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Investment Company Act of 1940" means the federal statutes of those names as amended before or after ~~((the effective date of this chapter))~~ June 10, 1959.

(12) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing; or any sale of or indenture, bond or contract for the conveyance of land or any interest therein where such land is situated outside of the state of Washington and such sale or its offering is not conducted by a real estate broker licensed by the state of Washington. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or some other specified period.

(13) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

(14) "Investment adviser salesman" means a person retained or employed by an investment adviser to solicit clients or offer the services of the investment adviser or manage the accounts of said clients.

(15) "Relatives", as used in RCW 21.20.310(11) as now or hereafter amended, shall include:

(a) A member's spouse;

(b) Grandparents of the member or the member's spouse;

(c) Natural or adopted children of the member or the member's spouse;

(d) Aunts and uncles of the member or the member's spouse; and

(e) First cousins of the member or the member's spouse.

Sec. 2. Section 31, chapter 282, Laws of 1959 as amended by section 16, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.310 are each amended to read as follows:

RCW 21.20.140 through 21.20.300, inclusive, shall not apply to any of the following securities:

(1) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing.

(2) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor.

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank or trust company organized or supervised under the laws of any state.

(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state.

(5) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of this state and authorized to do and actually doing business in this state.

(6) Any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state.

(7) Any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is (a) subject to the jurisdiction of the interstate commerce commission; (b) a registered holding company under the public utility holding company act of 1935 or a subsidiary of such a company within the meaning of that act; (c) regulated in respect of its rates and charges by a governmental authority of the United States or any state or municipality; or (d) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province; also equipment trust certificates in respect of equipment conditionally sold or leased to a railroad or public utility, if other securities issued by such railroad or public utility would be exempt under this subsection.

(8) Any security listed or approved for listing upon notice of issuance on the New York stock exchange, the American stock exchange, the Midwest stock exchange, the Spokane stock exchange or any other stock exchange registered with the federal securities and exchange commission and approved by the director; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing. The director shall have power at any time by written order to withdraw the exemption so granted as to any particular security.

(9) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transaction, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited,

or any guarantee of such paper or of any such renewal, when such commercial paper is sold to the banks or insurance companies.

(10) Any investment contract issued in connection with an employee's stock purchase, savings, pension, profit-sharing, or similar benefit plan if the director is notified in writing thirty days before the inception of the plan or, with respect to plans which are in effect on ~~((the effective date of this chapter))~~ June 10, 1959, within sixty days thereafter (or within thirty days before they are reopened if they are closed on ~~((the effective date of this chapter))~~ June 10, 1959).

(11) Any security issued by any person organized and operated as a nonprofit organization as defined in RCW 84.36.800(4) exclusively for religious, educational, and charitable purposes and which nonprofit organization also possesses a current tax exempt status under the laws of the United States, which security is offered or sold only to persons who, prior to their solicitation for the purchase of said securities, were members of, contributors to, or listed as participants in, the organization, or their relatives, if such nonprofit organization first files a notice specifying the terms of the offering and the director does not by order disallow the exemption within the next ten full business days: PROVIDED, That no offerings shall be made until expiration of the ten full business days. Every such nonprofit organization which files a notice of exemption of such securities shall pay a filing fee as set forth in RCW 21.20.340(12) as now or hereafter amended.

The notice shall consist of the following:

(a) The name and address of the issuer;

(b) The names, addresses, and telephone numbers of the current officers and directors of the issuer;

(c) A short description of the security, price per security, and the number of securities to be offered;

(d) A statement of the nature and purposes of the organization as a basis for the exemption under this section;

(e) A statement of the proposed use of the proceeds of the sale of the security; and

(f) A statement that the issuer shall provide to a prospective purchaser written information regarding the securities offered prior to consummation of any sale, which information shall include the following statements: (i) "ANY PROSPECTIVE PURCHASER IS ENTITLED TO REVIEW FINANCIAL STATEMENTS OF THE ISSUER WHICH SHALL BE FURNISHED UPON REQUEST."; (ii) "RECEIPT OF NOTICE OF EXEMPTION BY THE WASHINGTON ADMINISTRATOR OF SECURITIES DOES NOT SIGNIFY THAT THE ADMINISTRATOR HAS APPROVED OR RECOMMENDED THESE SECURITIES, NOR HAS THE ADMINISTRATOR PASSED UPON THE OFFERING. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE."; and (iii) "THE RETURN OF THE FUNDS OF THE PURCHASER IS DEPENDENT UPON THE FINANCIAL CONDITION OF THE ORGANIZATION."

Sec. 3. Section 3, chapter 199, Laws of 1967 as last amended by section 18, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.325 are each amended to read as follows:

The director or administrator may by order deny, revoke, or condition any exemption specified in subsections (10) or (11) of RCW 21.20.310 or in RCW 21.20.320, as now or hereafter amended, with respect to a specific security or transaction. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the director or administrator may by order summarily deny, revoke, or condition any of the specified exemptions pending final determination of any proceeding under this section. Upon the entry of a summary order, the director or administrator shall promptly notify all interested parties that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the director or administrator, the order will remain in effect until it is modified or vacated by the director or administrator. If a hearing is requested or ordered, the director or administrator, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this section may operate retroactively. No person may be considered to have violated RCW 21.20.140 as now or hereafter amended by reason of any offer or sale effected after the entry of an order under this section if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the order.

Sec. 4. Section 34, chapter 282, Laws of 1959 as last amended by section 20, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.340 are each amended to read as follows:

The following fees shall be paid in advance under the provisions of this chapter:

(1) For registration of all securities other than investment trusts and securities registered by coordination the fee shall be one hundred dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars which are to be offered during that year: PROVIDED, HOWEVER, That an issuer may upon the payment of a fifty dollar fee renew for one additional twelve month period only the unsold portion for which the registration fee has been paid.

(2) For registration of securities issued by a face-amount certificate company or redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the Investment Company Act of 1940, the fee shall be one hundred dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars which are to be offered in this state during that year: PROVIDED, HOWEVER, That an issuer may upon the payment of a fifty dollar fee renew for an additional twelve month period the unsold portion for which the registration fee has been paid.

(3) For registration by coordination, other than investment trusts, the fee shall be one hundred dollars for initial filing fee for the first twelve month period plus one hundred dollars for each additional twelve months in which the same offering is continued.

(4) For filing annual financial statements, the fee shall be twenty-five dollars.

(5) For filing an amended offering circular after the initial registration permit has been granted the fee shall be ten dollars.

(6) For registration of a broker-dealer or investment adviser, the fee shall be one hundred fifty dollars for original registration and fifty dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(7) For registration of a salesman or investment adviser salesman, the fee shall be twenty-five dollars for original registration with each employer and fifteen dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(8) For written examination for registration as a salesman or investment adviser salesman, the fee shall be fifteen dollars. For examinations for registration as a broker-dealer or investment adviser, the fee shall be fifty dollars.

(9) If the application for a renewal license is not received by the department on or before March 5 of each year the renewal license fee for a late license for a broker-dealer or an investment adviser shall be one hundred dollars and for a salesman or investment adviser salesman shall be twenty-five dollars. Acceptance by the director of an application for renewal after March 5 shall not be a waiver of delinquency.

(10) (a) For the transfer of a broker-dealer license to a successor, the fee shall be twenty-five dollars.

(b) For the transfer of a salesman from a broker-dealer or issuer to another broker-dealer or issuer, the transfer fee shall be fifteen dollars.

(c) For the transfer of an investment adviser salesman from an investment adviser to another investment adviser, the transfer fee shall be fifteen dollars.

(11) For certified copies of any documents filed with the director, the fee shall be the cost to the department.

(12) For filing of notification of claim of exemption from registration pursuant to RCW 21.20.310(11), as now or hereafter amended, the fee shall be fifty dollars for each filing.

(13) All fees collected under this chapter shall be turned in to the state treasury and shall not be refundable, except as herein provided.

Passed the House March 15, 1977.

Passed the Senate May 28, 1977.

Approved by the Governor June 8, 1977.

Filed in Office of Secretary of State June 8, 1977.

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## CHAPTER 189

[Substitute House Bill No. 470]

### PUBLIC SCHOOLS— "IN-SERVICE TRAINING ACT OF 1977"

AN ACT Relating to public school personnel in-service training; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.71 RCW.

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

NEW SECTION. Section 1. In order to provide for the improvement of the instructional process in the public schools and maintain and improve the skills of

public school certificated and classified personnel, there is hereby adopted an act to be known as the "In-Service Training Act of 1977".

NEW SECTION. Sec. 2. The superintendent of public instruction is hereby empowered to administer funds now or hereafter appropriated for the conduct of in-service training programs for public school certificated and classified personnel and to supervise the conduct of such programs. The superintendent of public instruction shall adopt rules in accordance with chapter 34.04 RCW that provide for the allocation of such funds to public school district or educational service district applicants on such conditions and for such training programs as he or she deems to be in the best interest of the public school system: PROVIDED, That each district requesting such funds shall have conducted a district needs assessment of certificated and classified personnel to determine identified strengths and weakness of personnel that would be strengthened by such in-service training program: PROVIDED, FURTHER, That each school district or educational service district requesting funds shall have established an in-service training task force and demonstrated to the superintendent of public instruction that the task force has participated in and is supportive of the request for funding of the particular in-service training program. The task force required by this section shall be composed of representatives from the ranks of administrators, building principals, teachers, classified and support personnel employed by the applicant school district or educational service district, from the public, and from an institution(s) of higher education, in such numbers as shall be established by the superintendent of public instruction: PROVIDED FURTHER, That the task force in each district shall be appointed by the school board in each district from residents of the district, and that no less than sixty percent of the members thereof shall be public members not employed by the school district.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act are added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.71 RCW.

NEW SECTION. Sec. 4. 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.

Passed the House May 27, 1977.

Passed the Senate May 25, 1977.

Approved by the Governor June 8, 1977.

Filed in Office of Secretary of State June 8, 1977.

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## CHAPTER 190

[House Bill No. 559]

### STATE EMPLOYEES' INSURANCE BOARD—COMPOSITION

AN ACT Relating to the state employees' insurance board; reenacting and amending section 1, chapter 6, Laws of 1977 and section 34, chapter ... (ESB 2133), Laws of 1977 and RCW 41.05.020; and declaring an emergency.

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

Section 1. Section 1, chapter 6, Laws of 1977 and section 34, chapter ... (ESB 2133), Laws of 1977 and RCW 41.05.020 are each reenacted and amended to read as follows:

(1) There is hereby created a state employees' insurance board to be composed as follows: The governor or ~~((his))~~ the governor's designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one person who is retired and is covered by a program under the jurisdiction of the board, to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The senate and house members of the board shall serve in ex officio capacity only. All appointments shall be made effective immediately. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, the retired person, and the representative of an employee union shall be for four years: PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. The first meeting of the board shall be held as soon as possible thereafter at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman at its first meeting and annually thereafter. Members of the board shall receive no compensation for their services, but shall be paid for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for state employees, employees of county, municipal, or other political subdivisions of the state, and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: PROVIDED, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: PROVIDED, That all contracts for insurance, health care plans, or protection applying to employees covered by RCW 28B.10.660 and 48.24.010 and chapters 41.04 and 41.05 RCW shall provide that the beneficiaries of such insurance, health care plans, or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: PROVIDED FURTHER, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority

to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide employee health care benefit plans; at least one plan will provide major medical benefits as its primary feature, at least one plan will provide basic first-dollar benefits as its primary feature plus major medical, either or all of which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and another plan to be provided by a panel medicine plan in its service area only when approved by the board. Except for panel medicine plans, no more than one insurance carrier or health care service contractor shall be contracted with to provide the same plan of benefits: PROVIDED, That employees may choose participation in only one of the health care benefit plans sponsored by the board: PROVIDED FURTHER, That employees of the institutions of higher education shall be retained as a separate actuarial and experience group.

***\*NEW SECTION. Sec. 2. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.***

***\*Sec. 2. was vetoed, see message at end of chapter.***

Passed the House May 27, 1977.

Passed the Senate May 25, 1977.

Approved by the Governor June 8, 1977, with the exception of section 2 which is vetoed.

Filed in Office of Secretary of State June 8, 1977.

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

"I am returning herewith without my approval as to one section House Bill No. 559 entitled:

"AN ACT Relating to the state employees' insurance board; reenacting and amending section 1, chapter 6, Laws of 1977 and section 34, chapter ... (ESB 2133), Laws of 1977 and RCW 41.05.020; and declaring an emergency."

Section 2 of the bill declares an emergency and provides for the act to take effect immediately. Under the Constitution, Article II, Sections 1(b) and 41, the use of an emergency clause does two things. First, it alters the time when a particular piece of legislation becomes effective, thereby eliminating what may be a desirable adjustment period for affected persons. Second, it excepts the legislation from the important referendum right reserved by the people. Because of these effects, the use of the clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation. For these reasons, I have vetoed this section.

With the exception of section 2, which I have vetoed, the remainder of House Bill No. 559 is approved."

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## CHAPTER 191

[House Bill No. 694]

### STATE PATROL—BENTON COUNTY PROPERTY—DISPOSITION

AN ACT Relating to state property; and creating new sections.

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



**NEW SECTION.** Section 1. The Washington state patrol may sell or lease or exchange for property of like value the following described property located in Benton county:

The South 185 feet of the North 326.43 feet of the East 252 feet as measured parallel with the North and East lines of Lot 20, the Highlands Plat "B", Section 3, Township 8 North, Range 29 East, W. M. Except the East 20 feet thereof deeded to the State of Washington for highway purposes.

Such sale, lease, or exchange may be made at such time as the chief of the Washington state patrol determines that such sale, lease, or exchange is desirable and that other property, if needed, can be substituted for use by the Washington state patrol in that area.

Before any sale under the provisions of this act shall be made the property shall be appraised by two independent, competent, real estate appraisers. Any sale pursuant to the provisions of this act shall be made to the best bidder for a price not less than the appraised value of said property and pursuant to a call for bids published at least fifteen days prior to the date fixed for the sale in one issue of a daily newspaper printed and published in the county in which the property is located.

**NEW SECTION.** Sec. 2. In the event of the sale as authorized in section 1 of this act, any instrument necessary to convey title to the property described in section 1 of this act shall be executed by the governor in a form approved by the attorney general.

**NEW SECTION.** Sec. 3. The consideration received from the sale or lease authorized in section 1 of this act shall be deposited in the motor vehicle fund in the state treasury.

Passed the House April 20, 1977.

Passed the Senate May 25, 1977.

Approved by the Governor June 8, 1977.

Filed in Office of Secretary of State June 8, 1977.

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## CHAPTER 192

[Substitute House Bill No. 798]

### LAW AGAINST DISCRIMINATION—COMMERCE—DISCRIMINATORY BOYCOTTS OR BLACKLISTS

AN ACT Relating to freedom from discrimination in commerce; and amending section 2, chapter 183, Laws of 1949 as last amended by section 1, chapter 32, Laws of 1974 ex. sess. and RCW 49.60.030.

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

Section 1. Section 2, chapter 183, Laws of 1949 as last amended by section 1, chapter 32, Laws of 1974 ex. sess. and RCW 49.60.030 are each amended to read as follows:

(1) The right to be free from discrimination because of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical handicap is recognized as and declared to be a civil right. This right shall include, but not be limited to:

(a) The right to obtain and hold employment without discrimination;

(b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;

(c) The right to engage in real estate transactions without discrimination;

(d) The right to engage in credit transactions without discrimination;

(e) The right to engage in insurance transactions without discrimination: **PROVIDED HOWEVER**, That different insurance rates may be continued and/or applied on the basis of sex when bona fide statistical differences in risk or exposure are substantiated; and

(f) The right to engage in commerce free from any discriminatory boycotts or blacklists. Discriminatory boycotts or blacklists for purposes of this section shall be defined as the formation or execution of any express or implied agreement, understanding, policy or contractual arrangement for economic benefit between any persons which is not specifically authorized by the laws of the United States and which is required or imposed, either directly or indirectly, overtly or covertly, by a foreign government or foreign person in order to restrict, condition, prohibit, or interfere with or in order to exclude any person or persons from any business relationship on the basis of race, color, creed, religion, sex, national origin or lawful business relationship: PROVIDED HOWEVER, That nothing herein contained shall prohibit the use of boycotts as authorized by law pertaining to labor disputes and unfair labor practices.

(2) Any person deeming himself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, to recover the actual damages sustained by him, or both, together with the cost of suit including a reasonable attorney's fees or any other remedy authorized by this chapter or the United States Civil Rights Act of 1964; and

(3) Notwithstanding any other provisions of this chapter, any act prohibited by this chapter related to sex discrimination or discriminatory boycotts or blacklists which is committed in the course of trade or commerce in the state of Washington as defined in the Consumer Protection Act, chapter 19.86 RCW, shall be deemed an unfair practice within the meaning of RCW 19.86.020 and 19.86.030 and subject to all the provisions of chapter 19.86 RCW as now or hereafter amended.

Passed the House May 27, 1977.

Passed the Senate May 25, 1977.

Approved by the Governor June 8, 1977.

Filed in Office of Secretary of State June 8, 1977.

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## CHAPTER 193

[House Bill No. 842]

### BUSINESS CORPORATIONS

AN ACT Relating to business corporations; amending section 13, chapter 53, Laws of 1965 as amended by section 1, chapter 190, Laws of 1967 and RCW 23A.08.100; amending section 16, chapter 53, Laws of 1965 as amended by section 5, chapter 264, Laws of 1975 1st ex. sess and RCW 23A.08.130; amending section 51, chapter 53, Laws of 1965 as last amended by section 1, chapter 71, Laws of 1973 and RCW 23A.08.480; amending section 56, chapter 53, Laws of 1965 and RCW 23A.12.030; amending section 63, chapter 53, Laws of 1965 and RCW 23A.16.040; amending section 64, chapter 53, Laws of 1965 as amended by section 4, chapter 190, Laws of 1967 and RCW 23A.16.050; amending section 66, chapter 53, Laws of 1965 as amended by section 5, chapter 190,

Laws of 1967 and RCW 23A.16.070; amending section 67, chapter 53, Laws of 1965 and RCW 23A.16.080; amending section 69, chapter 53, Laws of 1965 and RCW 23A.16.100; amending section 70, chapter 53, Laws of 1965 and RCW 23A.16.110; amending section 71, chapter 53, Laws of 1965 and RCW 23A.16.120; amending section 76, chapter 53, Laws of 1965 and RCW 23A.20.040; amending section 77, chapter 53, Laws of 1965 as amended by section 4, chapter 38, Laws of 1971 ex. sess. and RCW 23A.20.050; amending section 84, chapter 53, Laws of 1965 and RCW 23A.28.010; amending section 85, chapter 53, Laws of 1965 and RCW 23A.28.020; amending section 86, chapter 53, Laws of 1965 and RCW 23A.28.030; amending section 87, chapter 53, Laws of 1965 and RCW 23A.28.040; amending section 90, chapter 53, Laws of 1965 and RCW 23A.28.070; amending section 91, chapter 53, Laws of 1965 and RCW 23A.28.080; amending section 92, chapter 53, Laws of 1965 and RCW 23A.28.090; amending section 94, chapter 53, Laws of 1965 and RCW 23A.28.110; amending section 95, chapter 53, Laws of 1965 and RCW 23A.28.120; amending section 137, chapter 53, Laws of 1965 and RCW 23A.40.040; and declaring an emergency.

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

Section 1. Section 13, chapter 53, Laws of 1965 as amended by section 1, chapter 190, Laws of 1967 and RCW 23A.08.100 are each amended to read as follows:

A corporation may change its registered office or change its registered agent or both, by executing and filing in the manner hereinafter provided a statement setting forth:

- (1) The name of the corporation.
- (2) The address of its then registered office.
- (3) If the address of its registered office be changed, the address to which the registered office is to be changed.
- (4) The name of its then registered agent.
- (5) If its registered agent be changed, the name of its successor registered agent.
- (6) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.
- (7) That such change was authorized by resolution duly adopted by its board of directors.
- (8) The date such change is to become effective.

Such statement shall be executed in ~~((triplicate))~~ duplicate by the corporation by its president or a vice-president, and verified by him and delivered to the secretary of state on or before the date such change is to become effective. If the secretary of state finds that such statement conforms to the provisions of this title he shall endorse on each of such ~~((triplicate))~~ duplicate originals the word "Filed," and the month, day, and year of the filing thereof, file one original in his office, and return the other ~~((two))~~ original~~((s))~~ to the corporation or its representative.

~~((On or before the day when such change is to become effective an original of such statement shall be filed with the auditor of the county in which the registered office is then located, and, if the registered office is to be moved to another county, an original of such statement, together with a certified copy of the corporation's articles of incorporation and all amendments thereto, shall also be filed with the auditor of such other county.))~~

Any registered agent of a corporation may resign as such agent upon filing a written notice thereof, executed in ~~((triplicate))~~ duplicate, with the secretary of state, who shall forthwith mail one copy thereof to the ~~((auditor of the county in which the registered office is then located, and one copy to the))~~ corporation ~~((at its~~

~~registered office~~) or its representative. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

Sec. 2. Section 16, chapter 53, Laws of 1965 as amended by section 5, chapter 264, Laws of 1975 1st ex. sess and RCW 23A.08.130 are each amended to read as follows:

(1) If the articles of incorporation so provide, the shares of any preferred or special class may be divided into and issued in series. If the shares of any such class are to be issued in series, then each series shall be so designated as to distinguish the shares thereof from the shares of all other series and classes. Any or all of the series of any such class and the variations in the relative rights and preferences as between different series may be fixed and determined by the articles of incorporation, but all shares of the same class shall be identical except as to the following relative rights and preferences, as to which there may be variations between different series:

- (a) The rate of dividend.
- (b) Whether shares may be redeemed and, if so, the redemption price and the terms and conditions of redemption.
- (c) The amount payable upon shares in event of voluntary and involuntary liquidation.
- (d) Sinking fund provisions, if any, for the redemption or purchase of shares.
- (e) The terms and conditions, if any, on which shares may be converted.
- (f) Voting rights, if any.

(2) If the articles of incorporation shall expressly vest authority in the board of directors, then, to the extent that the articles of incorporation shall not have established series and fixed and determined the variations in the relative rights and preferences as between series, the board of directors shall have authority to divide any or all of such classes into series and, within the limitations set forth in this section and in the articles of incorporation, fix and determine the relative rights and preferences of the shares of any series so established.

(3) In order for the board of directors to establish a series, where authority so to do is contained in the articles of incorporation, the board of directors shall adopt a resolution setting forth the designation of the series and fixing and determining the relative rights and preferences thereof, or so much thereof as shall not be fixed and determined by the articles of incorporation.

(4) Prior to the issue of any shares of a series established by resolution adopted by the board of directors, the corporation shall file and execute in the manner hereinafter provided a statement setting forth:

- (a) The name of the corporation.
- (b) A copy of the resolution establishing and designating the series, and fixing and determining the relative rights and preferences thereof.
- (c) The date of adoption of such resolution.
- (d) That such resolution was duly adopted by the board of directors.

(5) Such statement shall be executed in ~~((triplicate))~~ duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall be

delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this title prescribed:

(a) Endorse on each of such ~~((triplicate))~~ duplicate originals the word "Filed," and the month, day, and year of the filing thereof.

(b) File one of such originals in his office.

(c) Return the other ~~((two such))~~ original~~((s))~~ to the corporation or its representative.

~~(6) ((One of such other originals shall then be filed in the office of the auditor of the county in which the registered office of the corporation is located and the other shall be retained by the corporation.~~

~~(7))~~ Upon the filing of such statement by the secretary of state, the resolution establishing and designating the series and fixing and determining the relative rights and preferences thereof shall become effective and shall constitute an amendment of the articles of incorporation.

Sec. 3. Section 51, chapter 53, Laws of 1965 as last amended by section 1, chapter 71, Laws of 1973 and RCW 23A.08.480 are each amended to read as follows:

(1) Every corporation hereafter organized under this title and any foreign corporation authorized to do business in the state of Washington, shall (a) within thirty days after ~~((it shall have filed its articles))~~ issuance of its certificate of incorporation ~~((with the county auditor of the county in which the corporation has its registered office)),~~ or (b) within thirty days of the issuance of its certificate of authority, file an annual report with the ~~((officials and))~~ secretary of state containing the information described in subsections (2)(a) through (2)(d) of this section.

(2) In addition, every corporation heretofore or hereafter organized under the laws of the territory or state of Washington and any foreign corporation authorized to do business in Washington shall at the time it is required to pay its annual license fee and at such additional times as it may elect, file with the secretary of state ~~((and with the county auditor of the county in which said corporation has its registered office))~~ an annual report, sworn to by its president and attested by its secretary, containing, as of the date of execution of the report:

(a) The name of the corporation and the state or country under the laws of which it is incorporated.

(b) The address of the registered office of the corporation in this state including street and number and the name of its registered agent in this state at such address, and, in the case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(c) A brief statement of the character of the affairs which the corporation is actually conducting, or, in the case of a foreign corporation, which the corporation is actually conducting in this state.

(d) The names and respective addresses of the directors and officers of the corporation.

(3) The secretary of state shall file such annual report in his office for the fee of two dollars. If any corporation shall fail to comply with the foregoing provisions of this section and more than one year shall have elapsed from the date of the filing of the last report, service of process against such corporation may be made by serving duplicate copies upon the secretary of state. Upon such service being made, the

secretary of state shall forthwith mail one of such duplicate copies of such process to such corporation at its registered office or its last known address, as shown by the records of his office.

(4) For every violation of this section there shall become due and owing to the state of Washington the sum of five dollars which sum shall be collected by the secretary of state.

Sec. 4. Section 56, chapter 53, Laws of 1965 and RCW 23A.12.030 are each amended to read as follows:

~~((TriPLICATE))~~ Duplicate originals of the articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the articles of incorporation conform to law, he shall, when all the fees have been paid as in this title described:

(1) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof.

(2) File one of such originals in his office.

(3) Issue a certificate of incorporation to which he shall affix ~~((one of such))~~ the other original(s).

The certificate of incorporation together with the original of the articles of incorporation affixed thereto by the secretary of state ~~((, and the other remaining original))~~ shall be returned to the incorporators or their representative. ~~((Such remaining original shall then be filed in the office of the county auditor of the county in which the registered office is situated. The original affixed to the certificate of incorporation shall be retained by the corporation.))~~

Sec. 5. Section 63, chapter 53, Laws of 1965 and RCW 23A.16.040 are each amended to read as follows:

The articles of amendment shall be executed in ~~((triplicate))~~ duplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such articles, and shall set forth:

(1) The name of the corporation.

(2) The amendment so adopted.

(3) The date of the adoption of the amendment by the shareholders.

(4) The number of shares outstanding, and the number of shares entitled to vote thereon, and if the shares of any class are entitled to vote thereon as a class, the designation and number of outstanding shares entitled to vote thereon of each such class.

(5) The number of shares voted for and against such amendment, respectively, and, if the shares of any class are entitled to vote thereon as a class, the number of shares of each such class voted for and against such amendment, respectively.

(6) If such amendment provides for an exchange, reclassification, or cancellation of issued shares, and if the manner in which the same shall be effected is not set forth in the amendment, then a statement of the manner in which the same shall be effected.

(7) If such amendment effects a change in the amount of stated capital, then a statement of the manner in which the same is effected and a statement, expressed in dollars, of the amount of stated capital as changed by such amendment.

Sec. 6. Section 64, chapter 53, Laws of 1965 as amended by section 4, chapter 190, Laws of 1967 and RCW 23A.16.050 are each amended to read as follows:

~~((TriPLICATE))~~ Duplicate originals of the articles of amendment shall be delivered to the secretary of state. If the secretary of state finds that the articles of amendment conform to law, he shall, when all fees have been paid as in this title prescribed:

(1) Endorse on each of such ~~((triplicate))~~ duplicate originals the word "Filed," and the month, day, and year of the filing thereof.

(2) File one of such originals in his office.

(3) Issue a certificate of amendment to which he shall affix ~~((one of such))~~ the other original(s).

The certificate of amendment, together with the original of the articles of amendment affixed thereto by the secretary of state, ~~((and the other remaining original;))~~ shall be returned to the corporation or its representative. ~~((Such remaining original shall then be filed in the office of the county auditor of the county in which the registered office of the corporation is situated. The original affixed to the certificate of amendment shall be retained by the corporation.))~~

Sec. 7. Section 66, chapter 53, Laws of 1965 as amended by section 5, chapter 190, Laws of 1967 and RCW 23A.16.070 are each amended to read as follows:

(1) A domestic corporation may, at any time, by resolution of its board of directors and without the necessity of approval by its shareholders, restate in a single document the entire text of its articles of incorporation, as previously amended, supplemented or restated, by filing in the office of the secretary of state a document entitled "Restated Articles of Incorporation of (insert name of corporation)" which shall set forth the articles as amended and supplemented to the date of the restated articles.

(2) The restated articles of incorporation shall not alter or amend the original articles or any amendment thereto in any substantive respect and shall contain all the statements required by this title to be included in the original articles of incorporation, except that in lieu of setting forth the names and addresses of the first board of directors, the restated articles shall set forth the names and addresses of the directors in office at the time of the adoption of the restated articles; and no statement need be made with respect to the names and addresses of the incorporators or shares subscribed by them.

(3) The restated articles of incorporation shall be prepared in ~~((triplicate))~~ duplicate originals, signed by the president or vice-president and by the treasurer, secretary or assistant secretary, of the corporation and shall be verified by their signed affidavits, (a) that they have been authorized to execute such restated articles by resolution of the board of directors adopted on the date stated, (b) that the restated articles correctly set forth the text of the articles of incorporation as amended and supplemented to the date of the restated articles and (c) that the restated articles supersede and take the place of theretofore existing articles of incorporation and amendments thereto.

(4) ~~((TriPLICATE))~~ Duplicate originals of the restated articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the restated articles of incorporation conform to law, he shall, when all fees have been paid as in this title prescribed:

(a) Endorse on each of such ~~((triplicate))~~ duplicate originals the word "Filed," and the month, day, and year of the filing thereof.

(b) File one of such originals in his office.

(c) Issue a certificate of restated articles of incorporation to which he shall affix ~~((one of such))~~ the other original~~(s))~~.

Thereupon the restated articles of incorporation shall become effective.

(5) The certificate of restated articles of incorporation, together with the original of restated articles of incorporation affixed thereto by the secretary of state~~((; and the other remaining original;))~~ shall be returned to the corporation or its representative. ~~((Such remaining original shall then be filed in the office of the county auditor of the county in which the registered office of the corporation is situated. The original affixed to the restated certificate of incorporation shall be retained by the corporation.))~~

(6) The restated articles of incorporation shall supersede and take the place of theretofore existing articles of incorporation and amendments thereto and shall have the same effect and may be used for the same purposes as original articles of incorporation.

Sec. 8. Section 67, chapter 53, Laws of 1965 and RCW 23A.16.080 are each amended to read as follows:

(1) Whenever a plan of reorganization of a corporation has been confirmed by decree or order of a court of competent jurisdiction in proceedings for the reorganization of such corporation, pursuant to the provisions of any applicable statute of the United States relating to reorganizations of corporations, the articles of incorporation of the corporation may be amended, in the manner provided in this section, in as many respects as may be necessary to carry out the plan and put it into effect, so long as the articles of incorporation as amended contain only such provisions as might be lawfully contained in original articles of incorporation at the time of making such amendment.

In particular and without limitation upon such general power of amendment, the articles of incorporation may be amended for such purpose so as to:

(a) Change the corporate name, period of duration, or corporate purposes of the corporation;

(b) Repeal, alter, or amend the bylaws of the corporation;

(c) Change the aggregate number of shares, or shares of any class, which the corporation has authority to issue;

(d) Change the preferences, limitations, and relative rights in respect of all or any part of the shares of the corporation, and classify, reclassify or cancel all or any part thereof, whether issued or unissued;

(e) Authorize the issuance of bonds, debentures, or other obligations of the corporation, whether or not convertible into shares of any class or bearing warrants or other evidences of optional rights to purchase or subscribe for shares of any class, and fix the terms and conditions thereof; and

(f) Constitute or reconstitute and classify or reclassify the board of directors of the corporation, and appoint directors and officers in place of or in addition to all or any of the directors or officers then in office.

(2) Amendments to the articles of incorporation pursuant to this section shall be made in the following manner:



(a) Articles of amendment approved by decree or order of such court shall be executed and verified in ~~((triplicate))~~ duplicate by such person or persons as the court shall designate or appoint for the purpose, and shall set forth the name of the corporation, the amendments of the articles of incorporation approved by the court, the date of the decree or order approving the articles of amendment, the title of the proceedings in which the decree or order was entered, and a statement that such decree or order was entered by a court having jurisdiction of the proceedings for the reorganization of the corporation pursuant to the provisions of an applicable statute of the United States.

(b) ~~((Triplicate))~~ Duplicate originals of the articles of amendment shall be delivered to the secretary of state. If the secretary of state finds that the articles of amendment conform to law, he shall, when all fees have been paid as in this title prescribed:

(i) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof.

(ii) File one of such originals in his office.

(iii) Issue a certificate of amendment to which he shall affix ~~((one of such))~~ the other original(s).

(3) The certificate of amendment, together with the original of the articles of amendment affixed thereto by the secretary of state ~~((and the other remaining original))~~, shall be returned to the corporation or its representative. ~~((Such remaining original shall then be filed in the office of the county auditor of the county in which the registered office is situated. The original affixed to the certificate of amendment shall be retained by the corporation.))~~

(4) Upon the issuance of the certificate of amendment by the secretary of state, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly, without any action thereon by the directors or shareholders of the corporation and with the same effect as if the amendments had been adopted by unanimous action of the directors and shareholders of the corporation.

Sec 9. Section 69, chapter 53, Laws of 1965 and RCW 23A.16.100 are each amended to read as follows:

(1) When redeemable shares of a corporation are redeemed or purchased by the corporation, the redemption or purchase shall effect a cancellation of such shares, and a statement of cancellation shall be filed as provided in this section. Thereupon such shares shall be restored to the status of authorized but unissued shares, unless the articles of incorporation provide that such shares when redeemed or purchased shall not be reissued, in which case the filing of the statement of cancellation shall constitute an amendment to the articles of incorporation and shall reduce the number of shares of the class so canceled which the corporation is authorized to issue by the number of shares so canceled.

(2) The statement of cancellation shall be executed in ~~((triplicate))~~ duplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall set forth:

(a) The name of the corporation.

(b) The number of redeemable shares canceled through redemption or purchase, itemized by classes and series.

(c) The aggregate number of issued shares, itemized by classes and series, after giving effect to such cancellation.

(d) The amount, expressed in dollars, of the stated capital of the corporation after giving effect of such cancellation.

(e) If the articles of incorporation provide that the canceled shares shall not be reissued, then the number of shares which the corporation has authority to issue, itemized by classes and series, after giving effect to such cancellation.

(3) (~~(TriPLICATE)~~) Duplicate originals of such statement shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this title prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof.

(b) File one of such originals in his office.

(c) Return the other original(~~(s)~~) to the corporation or its representative. (~~(One of these originals shall be filed in the office of the county auditor of the county in which the registered office of the corporation is situated, and the other original shall be retained by the corporation.)~~)

(4) Upon the filing by the secretary of state of such statement of cancellation, the stated capital of the corporation shall be deemed to be reduced by that part of the stated capital which was, at the time of such cancellation, represented by the shares so canceled.

(5) Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of stated capital in any other manner permitted by this title.

Sec. 10. Section 70, chapter 53, Laws of 1965 and RCW 23A.16.110 are each amended to read as follows:

(1) A corporation may at any time, by resolution of its board of directors, cancel all or any part of the shares of the corporation of any class reacquired by it, other than redeemable shares redeemed or purchased, and in such event a statement of cancellation shall be filed as provided in this section.

(2) The statement of cancellation shall be executed in (~~(triplicate)~~) duplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall set forth:

(a) The name of the corporation.

(b) The number of reacquired shares canceled by resolution duly adopted by the board of directors, itemized by classes and series, and the date of its adoption.

(c) The aggregate number of issued shares, itemized by classes and series, after giving effect to such cancellation.

(d) The amount, expressed in dollars, of the stated capital of the corporation after giving effect to such cancellation.

(3) (~~(TriPLICATE)~~) Duplicate originals of such statement shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this title prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof.

(b) File one of such originals in his office.

(c) Return the other original((s)) to the corporation or its representative. (~~One of these originals shall be filed in the office of the county auditor of the county in which the registered office of the corporation is situated, and the other original shall be retained by the corporation.~~)

(4) Upon the filing by the secretary of state of such statement of cancellation, the stated capital of the corporation shall be deemed to be reduced by that part of the stated capital which was, at the time of such cancellation, represented by the shares so canceled, and the shares so canceled shall be restored to the status of authorized but unissued shares.

(5) Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of stated capital in any other manner permitted by this title.

Sec. 11. Section 71, chapter 53, Laws of 1965 and RCW 23A.16.120 are each amended to read as follows:

(1) A reduction of the stated capital of a corporation, where such reduction is not accompanied by any action requiring an amendment of the articles of incorporation and not accompanied by a cancellation of shares, may be made in the following manner:

(a) The board of directors shall adopt a resolution setting forth the amount of the proposed reduction and the manner in which the reduction shall be effected, and directing that the question of such reduction be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(b) Written notice, stating that the purpose or one of the purposes of such meeting is to consider the question of reducing the stated capital of the corporation in the amount and manner proposed by the board of directors, shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this title for the giving of notice of meetings of shareholders.

(c) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the question of approving the proposed reduction of stated capital, which shall require for its adoption the affirmative vote of the holders of a majority of the shares entitled to vote thereon.

(2) When a reduction of the stated capital of a corporation has been approved as provided in this section, a statement shall be executed in ((~~triplicate~~)) duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall set forth:

(a) The name of the corporation.

(b) A copy of the resolution of the shareholders approving such reduction, and the date of its adoption.

(c) The number of shares outstanding, and the number of shares entitled to vote thereon.

(d) The number of shares voted for and against such reduction, respectively.

(e) A statement of the manner in which such reduction is effected, and a statement, expressed in dollars, of the amount of stated capital of the corporation after giving effect to such reduction.

(3) (~~(Triplet)~~) Duplicate originals of such statement shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this title prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof.

(b) File one of such originals in his office.

(c) Return the other original(~~(s)~~) to the corporation or its representative. (~~(One of these originals is to be filed in the office of the auditor of the county in which the registered office of the corporation is located, and the other is to be retained by the corporation.)~~)

(4) Upon the filing of such statement by the secretary of state, the stated capital of the corporation shall be reduced as therein set forth.

(5) No reduction of stated capital shall be made under the provisions of this section which would reduce the amount of the aggregate stated capital of the corporation to an amount equal to or less than the aggregate preferential amounts payable upon all issued shares having a preferential right in the assets of the corporation in the event of involuntary liquidation, plus the aggregate par value of all issued shares having a par value but no preferential right in the assets of the corporation in the event of involuntary liquidation.

Sec. 12. Section 76, chapter 53, Laws of 1965 and RCW 23A.20.040 are each amended to read as follows:

(1) Upon such approval, articles of merger or articles of consolidation shall be executed in (~~(triplicate)~~) duplicate by each corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers of each corporation signing such articles, and shall set forth:

(a) The plan of merger or the plan of consolidation.

(b) As to each corporation, the number of shares outstanding, and, if the shares of any class are entitled to vote as a class, the designation and number of outstanding shares of each such class.

(c) As to each corporation, the number of shares voted for and against such plan, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each such class voted for and against such plan, respectively.

(2) (~~(Triplet)~~) Duplicate originals of the articles of merger or articles of consolidation shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees have been paid as in this title prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof.

(b) File one of such originals in his office.

(c) Issue a certificate of merger or a certificate of consolidation to which he shall affix (~~(one of such)~~) the other original(~~(s)~~).

(3) The certificate of merger or certificate of consolidation, together with the duplicate original of the articles of merger or articles of consolidation affixed

thereto by the secretary of state, ~~((and the other remaining original;))~~ shall be returned to the surviving or new corporation, or its representative. ~~((Such remaining original shall then be filed in the office of the county auditor of the county in which the registered office is situated. The original affixed to the certificate of merger or consolidation shall be retained by the corporation.))~~

Sec. 13. Section 77, chapter 53, Laws of 1965 as amended by section 4 chapter 38, Laws of 1971 ex. sess. and RCW 23A.20.050 are each amended to read as follows:

(1) Any corporation owning at least ninety-five percent of the outstanding shares of each class of another corporation may merge such other corporation into itself without approval by a vote of the shareholders of either corporation. Its board of directors shall, by resolution, approve a plan of merger setting forth:

(a) The name of the subsidiary corporation and the name of the corporation owning at least ninety-five percent of its shares, which is hereinafter designated as the surviving corporation.

(b) The manner and basis of converting the shares of the subsidiary corporation into shares or other securities or obligations of the surviving corporation or of any other corporation or, in whole or in part, into cash or other property, or the cash or other consideration to be paid or delivered upon surrender of each share of the subsidiary corporation.

(2) A copy of such plan of merger shall be mailed to each shareholder of record of the subsidiary corporation.

(3) Articles of merger shall be executed in ~~((triplicate))~~ duplicate by the surviving corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of its officers signing such articles, and shall set forth:

(a) The plan of merger;

(b) The number of outstanding shares of each class of the subsidiary corporation and the number of such shares of each class owned by the surviving corporation; and

(c) The date of the mailing to shareholders of the subsidiary corporation of a copy of the plan of merger.

(4) On and after the thirtieth day after the mailing of a copy of the plan of merger to shareholders of the subsidiary corporation or upon the waiver thereof by the holders of all outstanding shares ~~((triplicate))~~ duplicate originals of the articles of merger shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees have been paid as in this title prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof;

(b) File one of such originals in his office; and

(c) Issue a certificate of merger to which he shall affix ~~((one of such))~~ the other original(s).

(5) The certificate of merger, together with the original of the articles of merger affixed thereto by the secretary of state, ~~((and the other original;))~~ shall be returned to the surviving corporation or its representative. ~~((Such remaining original shall then be filed in the office of the auditor of the county in which the registered~~

~~office of the corporation is situated. The original affixed to the certificate of merger shall be retained by the corporation.))~~

Sec. 14. Section 84, chapter 53, Laws of 1965 and RCW 23A.28.010 are each amended to read as follows:

A corporation which has not commenced business and which has not issued any shares, may be voluntarily dissolved by its incorporators at any time within two years after the date of the issuance of its certificate of incorporation, in the following manner:

(1) Articles of dissolution shall be executed in ~~((triplicate))~~ duplicate by a majority of the incorporators, and verified by them, and shall set forth:

(a) The name of the corporation.

(b) The date of issuance of its certificate of incorporation.

(c) That none of its shares has been issued.

(d) That the corporation has not commenced business.

(e) That the amount, if any, actually paid in on subscriptions for its shares, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto.

(f) That no debts of the corporation remain unpaid.

(g) That a majority of the incorporators elect that the corporation be dissolved.

(2) ~~((TriPLICATE))~~ Duplicate originals of the articles of dissolution shall be delivered to the secretary of state. If the secretary of state finds that the articles of dissolution conform to law, he shall, when all fees have been paid as in this title prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof.

(b) File one of such originals in his office.

(c) Issue a certificate of dissolution to which he shall affix ~~((one of such))~~ the other original((s)).

The certificate of dissolution, together with the duplicate original of the articles of dissolution affixed thereto by the secretary of state, ~~((and the other original,))~~ shall be returned to the incorporators or their representatives. ~~((Such remaining original shall then be filed in the office of the auditor of the county in which the registered office of the corporation is situated.))~~ Upon the issuance of such certificate of dissolution by the secretary of state, the existence of the corporation shall cease.

Sec. 15. Section 85, chapter 53, Laws of 1965 and RCW 23A.28.020 are each amended to read as follows:

A corporation may be voluntarily dissolved by the written consent of all of its shareholders.

Upon the execution of such written consent, a statement of intent to dissolve shall be executed in ~~((triplicate))~~ duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

(1) The name of the corporation.

(2) The names and respective addresses of its officers.

(3) The names and respective addresses of its directors.

(4) A copy of the written consent signed by all shareholders of the corporation.

(5) A statement that such written consent has been signed by all shareholders of the corporation or signed in their names by their attorneys thereunto duly authorized.

Sec. 16. Section 86, chapter 53, Laws of 1965 and RCW 23A.28.030 are each amended to read as follows:

A corporation may be dissolved by the act of the corporation, when authorized in the following manner:

(1) The board of directors shall adopt a resolution recommending that the corporation be dissolved, and directing that the question of such dissolution be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(2) Written notice shall be given to each shareholder of record entitled to vote at such meeting within the time and in the manner provided in this title for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or special meeting, shall state that the purpose, or one of the purposes, of such meeting is to consider the advisability of dissolving the corporation.

(3) At such meeting a vote of shareholders entitled to vote thereat shall be taken on a resolution to dissolve the corporation. Such resolution shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the shares of the corporation entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event the resolution shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon.

(4) Upon the adoption of such resolution, a statement of intent to dissolve shall be executed in ((~~triplicate~~)) duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

(a) The name of the corporation.

(b) The names and respective addresses of its officers.

(c) The names and respective addresses of its directors.

(d) A copy of the resolution adopted by the shareholders authorizing the dissolution of the corporation.

(e) The number of shares outstanding, and, if the shares of any class are entitled to vote as a class, the designation and number of outstanding shares of each such class.

(f) The number of shares voted for and against the resolution, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each such class voted for and against the resolution, respectively.

Sec. 17. Section 87, chapter 53, Laws of 1965 and RCW 23A.28.040 are each amended to read as follows:

((~~TriPLICATE~~)) Duplicate originals of the statement of intent to dissolve, whether by consent of shareholders or by act of the corporation, shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this title prescribed:

(1) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof.

(2) File one of such originals in his office.

(3) Return the other original((s)) to the corporation or its representative. (~~One of these originals shall be filed with the office of the auditor of the county in which the registered office of the corporation is situated, and the other original shall be retained by the corporation.~~)

Sec. 18. Section 90, chapter 53, Laws of 1965 and RCW 23A.28.070 are each amended to read as follows:

By the written consent of all of its shareholders, a corporation may, at any time prior to the issuance of a certificate of dissolution by the secretary of state, revoke voluntary dissolution proceedings theretofore taken, in the following manner:

Upon the execution of such written consent, a statement of revocation of voluntary dissolution proceedings shall be executed in ((triplicate)) duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

- (1) The name of the corporation.
- (2) The names and respective addresses of its officers.
- (3) The names and respective addresses of its directors.
- (4) A copy of the written consent signed by all shareholders of the corporation revoking such voluntary dissolution proceedings.
- (5) That such written consent has been signed by all shareholders of the corporation or signed in their names by their attorneys thereunto duly authorized.

Sec. 19. Section 91, chapter 53, Laws of 1965 and RCW 23A.28.080 are each amended to read as follows:

By the act of the corporation, a corporation may, at any time prior to the issuance of a certificate of dissolution by the secretary of state, revoke voluntary dissolution proceedings theretofore taken, in the following manner:

(1) The board of directors shall adopt a resolution recommending that the voluntary dissolution proceedings be revoked, and directing that the question of such revocation be submitted to a vote at a special meeting of shareholders.

(2) Written notice, stating that the purpose or one of the purposes of such meeting is to consider the advisability of revoking the voluntary dissolution proceedings, shall be given to each shareholder of record entitled to vote at such meeting within the time and in the manner provided in this title for the giving of notice of special meetings of shareholders.

(3) At such meeting a vote of the shareholders entitled to vote thereat shall be taken on a resolution to revoke the voluntary dissolution proceedings, which shall require for its adoption the affirmative vote of the holders of two-thirds of the shares entitled to vote thereon.

(4) Upon the adoption of such resolution, a statement of revocation of voluntary dissolution proceedings shall be executed in ((triplicate)) duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

- (a) The name of the corporation.
- (b) The names and respective addresses of its officers.
- (c) The names and respective addresses of its directors.



(d) A copy of the resolution adopted by the shareholders revoking the voluntary dissolution proceedings.

(e) The number of shares outstanding.

(f) The number of shares voted for and against the resolution, respectively.

Sec. 20. Section 92, chapter 53, Laws of 1965 and RCW 23A.28.090 are each amended to read as follows:

~~((TriPLICATE))~~ Duplicate originals of the statement of revocation of voluntary dissolution proceedings, whether by consent of shareholders or by act of the corporation, shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this title prescribed:

(1) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof.

(2) File one of such originals in his office.

(3) Return the other original~~((s))~~ to the corporation or its representative. ~~((One of these originals shall be filed in the office of the auditor of the county in which the registered office of the corporation is situated, and the other original shall be retained by the corporation.))~~

Sec. 21. Section 94, chapter 53, Laws of 1965 and RCW 23A.28.110 are each amended to read as follows:

If voluntary dissolution proceedings have not been revoked, then when all debts, liabilities, and obligations of the corporation have been paid and discharged, or adequate provision has been made therefor, and all of the remaining property and assets of the corporation have been distributed to its shareholders, articles of dissolution shall be executed in ~~((triplicate))~~ duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

(1) The name of the corporation.

(2) That the secretary of state has theretofore filed a statement of intent to dissolve the corporation, and the date on which such statement was filed.

(3) That all debts, obligations, and liabilities of the corporation have been paid and discharged or that adequate provision has been made therefor.

(4) That all the remaining property and assets of the corporation have been distributed among its shareholders in accordance with their respective rights and interests.

(5) That there are no suits pending against the corporation in any court, or that adequate provision has been made for the satisfaction of any judgment, order, or decree which may be entered against it in any pending suit.

Sec. 22. Section 95, chapter 53, Laws of 1965 and RCW 23A.28.120 are each amended to read as follows:

~~((TriPLICATE))~~ Duplicate originals of such articles of dissolution shall be delivered to the secretary of state. If the secretary of state finds that such articles of dissolution conform to law, he shall, when all fees have been paid as in this title prescribed:

(1) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof.

(2) File one of such originals in his office.

(3) Issue a certificate of dissolution to which he shall affix ~~((one of such))~~ the other original(s).

The certificate of dissolution, together with the original of the articles of dissolution affixed thereto by the secretary of state, ~~((and the remaining original))~~ shall be returned to the representative of the dissolved corporation. ~~((The remaining original shall be filed in the office of the auditor of the county in which the registered office of the corporation is situated. The original affixed to the certificate of dissolution shall be retained by the corporation.))~~ Upon the issuance of such certificate the existence of the corporation shall cease, except for the purpose of suits, other proceedings, and appropriate corporate action by shareholders, directors, and officers as provided in this title.

Sec. 23. Section 137, chapter 53, Laws of 1965 and RCW 23A.40.040 are each amended to read as follows:

Every domestic corporation, except one for which existing law provides a different fee schedule, shall pay for filing of its articles of incorporation a fee of fifty dollars for the first fifty thousand dollars or less, of its authorized capital stock; and one-tenth of one percent additional on all amounts in excess of fifty thousand dollars and not exceeding one million dollars; one twenty-fifth of one percent additional on all amounts in excess of one million dollars, and not exceeding four million dollars; and one-fiftieth of one percent additional on all amounts in excess of four million dollars; but in no case shall the amount exceed five thousand dollars.

Every domestic corporation, except one for which existing law provides a different fee schedule, desiring to file in the office of the secretary of state, articles amendatory or supplemental articles increasing its capital stock, or certificates of increase of capital stock, shall pay to the secretary of state the fees hereinabove in this section provided, in proportion to such increased capital stock upon the actual amount of such increase, and every such corporation desiring to file other amendatory or supplemental articles shall pay to the secretary of state a fee of ten dollars.

~~((For filing the articles of incorporation the county auditor shall charge the sum of two dollars. For filing any other paper required to be filed by this title the county auditor shall charge the sum of one dollar.))~~

NEW SECTION. Sec. 24. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 21, 1977.

Passed the Senate May 25, 1977.

Approved by the Governor June 8, 1977.

Filed in Office of Secretary of State June 8, 1977.

## CHAPTER 194

[House Bill No. 828]

## COLLECTION AGENCIES—LICENSE SUSPENSION—CIVIL, MONETARY PENALTY

AN ACT Relating to collection agencies; amending section 3, chapter 253, Laws of 1971 ex. sess. as amended by section 1, chapter 20, Laws of 1973 1st ex. sess. and RCW 19.16.120; amending section 8, chapter 20, Laws of 1973 1st ex. sess. and RCW 19.16.351; amending section 27, chapter 253, Laws of 1971 ex. sess. as amended by section 4, chapter 20, Laws of 1973 1st ex. sess. and RCW 19.16.360; and prescribing penalties.

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

Section 1. Section 3, chapter 253, Laws of 1971 ex. sess. as amended by section 1, chapter 20, Laws of 1973 1st ex. sess. and RCW 19.16.120 are each amended to read as follows:

In addition to other provisions of this chapter, any license issued pursuant to this chapter or any application therefor may be denied, not renewed, ~~((suspended; or))~~ revoked, or suspended, or in lieu of or in addition to suspension a licensee may be assessed a civil, monetary penalty in an amount not to exceed one thousand dollars:

(1) If an individual applicant or licensee is less than eighteen years of age or is not a resident of this state.

(2) If an applicant or licensee is not authorized to do business in this state.

(3) If the application or renewal forms required by this chapter are incomplete, fees required under RCW 19.16.140 and 19.16.150 have not been paid, and the surety bond or cash deposit or other negotiable security acceptable to the director required by RCW 19.16.190 has not been filed or renewed or is canceled.

(4) If any individual applicant, owner, officer, director, or managing employee of a nonindividual applicant or licensee:

(a) Shall have knowingly made a false statement of a material fact in any application for a collection agency license or renewal thereof, or in any data attached thereto and two years have not elapsed since the date of such statement;

(b) Shall have had a license to engage in the business of a collection agency denied, not renewed, suspended, or revoked by this state, any other state, or foreign country, for any reason other than the nonpayment of licensing fees or failure to meet bonding requirements: PROVIDED, That the terms of this subsection shall not apply if:

(i) Two years have elapsed since the time of any such denial, nonrenewal, or revocation; or

(ii) The terms of any such suspension have been fulfilled;

(c) Has been convicted in any court of any felony involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and is incarcerated for that offense or five years have not elapsed since the date of such conviction;

(d) Has had any judgment entered against him in any civil action involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and five years have not elapsed since the date of the entry of the final judgment in said action: PROVIDED, That in no event shall a license be issued unless the judgment debt has been discharged;

(e) Has had his license to practice law suspended or revoked and two years have not elapsed since the date of such suspension or revocation, unless he has been relicensed to practice law in this state;

(f) Has had any judgment entered against him or it under the provisions of RCW 19.86.080 or 19.86.090 involving a violation or violations of RCW 19.86.020 and two years have not elapsed since the entry of the final judgment: PROVIDED, That in no event shall a license be issued unless the terms of such judgment, if any, have been fully complied with: PROVIDED FURTHER, That said judgment shall not be grounds for denial, suspension, nonrenewal, or revocation of a license unless the judgment arises out of and is based on acts of the applicant, owner, officer, director, managing employee, or licensee while acting for or as a collection agency;

(g) Has petitioned for bankruptcy, and two years have not elapsed since the filing of said petition;

(h) Shall be insolvent in the sense that his or its liabilities exceed his or its assets or in the sense that he or it cannot meet his or its obligations as they mature;

(i) Has failed to pay any civil, monetary penalty assessed in accordance with RCW 19.16.351 or 19.16.360 within ten days after the assessment becomes final;  
or

(j) Has knowingly failed to comply with, or violated any provisions of this chapter or any rule or regulation issued pursuant to this chapter, and two years have not elapsed since the occurrence of said noncompliance or violation.

Any person who is engaged in the collection agency business as of January 1, 1972 shall, upon filing the application, paying the fees, and filing the surety bond or cash deposit or other negotiable security in lieu of bond required by this chapter, be issued a license hereunder.

Sec. 2. Section 8, chapter 20, Laws of 1973 1st ex. sess. and RCW 19.16.351 are each amended to read as follows:

The board, in addition to any other powers and duties granted under this chapter:

(1) May adopt, amend, and rescind such rules and regulations for its own organization and procedure and such other rules and regulations as it may deem necessary in order to perform its duties hereunder.

(2) When an applicant or licensee has requested a hearing as provided in RCW 19.16.360 the board shall meet and after notice and hearing may deny any application for a license hereunder, and may fail to renew, suspend, or revoke any license issued hereunder, if the applicant or licensee has failed to comply with or violated any provision of this chapter or any rule or regulation issued pursuant to this chapter. In its discretion, the board may assess a civil, monetary penalty against a licensee in an amount not to exceed one thousand dollars in lieu of or in addition to suspension. It shall be the duty of the board within thirty days after the last day of hearing to notify the appellant of its decision.

(3) May inquire into the needs of the collection agency business, the needs of the director, and the matter of the policy of the director in administering this chapter, and make such recommendations with respect thereto as, after consideration, may be deemed important and necessary for the welfare of the state, the welfare of the public, and the welfare and progress of the collection agency business.

(4) Upon request of the director, confer and advise in matters relating to the administering of this chapter.

(5) May consider and make appropriate recommendations to the director in all matters referred to the board.

(6) Upon his request, confer with and advise the director in the preparation of any rules and regulations to be adopted, amended, or repealed.

(7) May assist the director in the collection of such information and data as the director may deem necessary to the proper administration of this chapter.

Sec. 3. Section 27, chapter 253, Laws of 1971 ex. sess. as amended by section 4, chapter 20, Laws of 1973 1st ex. sess. and RCW 19.16.360 are each amended to read as follows:

(1) Whenever the director shall have reasonable cause to believe that grounds exist for denial, ~~((suspension;))~~ nonrenewal, ~~((or))~~ revocation or suspension of a license issued or to be issued under this chapter, or in lieu of or in addition to suspension that a licensee should be assessed a civil, monetary penalty not to exceed one thousand dollars, he shall notify the applicant or licensee in writing by certified or registered mail, with return receipt requested, stating the grounds upon which it is proposed that the license be denied, ~~((suspended;))~~ revoked, ~~((or))~~ not renewed, or suspended and upon which any monetary penalty is going to be assessed and the amount of the penalty.

(2) Within thirty days from the receipt of notice of the alleged grounds for denial, ~~((suspension;))~~ revocation, ~~((or))~~ lack of renewal, or suspension or for the monetary penalty to be assessed in lieu of or in addition to suspension, the applicant or licensee may serve upon the director a written request for hearing before the board. Service of a request for a hearing shall be by certified mail and shall be addressed to the director at his office in Thurston county. Upon receiving a request for a hearing, the director shall fix a date for which the matter may be heard by the board, which date shall be not less than thirty days from the receipt of the request for such hearing. If no request for hearing is made within the time specified, the license shall be deemed denied, ~~((suspended;))~~ revoked, or not renewed or the license shall be deemed suspended and/or the civil, monetary penalty shall be deemed assessed.

(3) Whenever a licensee who has made timely and sufficient application for the renewal of a license, receives notice from the director that it is proposed that his or its license is not to be renewed, and said licensee requests a hearing under subsection (2) of this section, the licensee's current license shall not expire until the last day for seeking review of the board's decision expires or if judicial review of the board's decision is sought until final judgment has been entered by the superior court, or in the event of an appeal or appeals, until final judgment has been entered by the last appellate court in which review has been sought.

Passed the House April 19, 1977.

Passed the Senate May 25, 1977.

Approved by the Governor June 8, 1977.

Filed in Office of Secretary of State June 8, 1977.

## CHAPTER 195

[Substitute House Bill No. 70]

## OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION—PRESERVATION OFFICER—ADVISORY COUNCIL

AN ACT Relating to state government; amending section 2, chapter 134, Laws of 1975 1st ex. sess. as amended by section 1, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 27.53.020; amending section 3, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.030; amending section 6, chapter 134, Laws of 1975 1st ex. sess. as amended by section 2, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 27.53.060; amending section 8, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.080; amending section 9, chapter 134, Laws of 1975 1st ex. sess. as amended by section 4, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 27.53.090; adding a new chapter to Title 43 RCW; creating new sections; repealing section 5, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.050; repealing section 1, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.750; repealing section 2, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.760; repealing section 3, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.770; repealing section 4, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.780; repealing section 5, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.790; repealing section 6, chapter 19, Laws of 1967 ex. sess., section 58, chapter 75, Laws of 1977 and RCW 43.51.800; repealing section 7, chapter 19, Laws of 1967 ex. sess., section 117, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.51.810; repealing section 8, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.820; and providing penalties.

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

**NEW SECTION.** Section 1. The legislature hereby finds that the promotion, enhancement, perpetuation, and use of structures, sites, districts, buildings, and objects of historic, archaeological, architectural, and cultural significance is desirable in the interest of the public pride and general welfare of the people of the state; and the legislature further finds that the economic, cultural, and aesthetic standing of the state can be maintained and enhanced by protecting the heritage of the state and by preventing the destruction or defacement of these assets; therefore, it is hereby declared by the legislature to be the public policy and in the public interest of the state to designate, preserve, protect, enhance, and perpetuate those structures, sites, districts, buildings, and objects which reflect outstanding elements of the state's historic, archaeological, architectural, or cultural heritage, for the inspiration and enrichment of the citizens of the state.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

(1) "Project" means programs leading to the preservation for public benefit of historical properties, whether by state and local governments or other public bodies, or private organizations or individuals, including the acquisition of title or interests in, and the development of, any district, site, building, structure, or object that is significant in American and Washington state history, architecture, archaeology, or culture, and property used in connection therewith, or for its development.

(2) "Historic preservation" includes the protection, rehabilitation, restoration, identification, scientific excavation, and reconstruction of districts, sites, buildings, structures, and objects significant in American and Washington state history, architecture, archaeology, or culture.

(3) "Preservation officer" means the state historic preservation officer as provided for in section 4 of this 1977 amendatory act, as now or hereafter amended.

(4) "Office" means the office of archaeology and historic preservation as created in section 3 of this 1977 amendatory act, as now or hereafter amended.

(5) "Department" means the department of parks and recreation.

(6) "Federal act" means the national historic preservation act of 1966 (Public Law 89-655; 80 Stat. 915).

(7) "Council" means the advisory council on historic preservation.

NEW SECTION. Sec. 3. There is hereby established the office of archaeology and historic preservation. All powers, duties, and functions relating to the office vested in the parks and recreation commission and the director of parks and recreation are transferred to the office.

NEW SECTION. Sec. 4. The governor shall appoint the preservation officer, with the consent of the senate, and set the salary for the position. The preservation officer shall have a background in program administration, an active involvement in historic preservation, and a knowledge of the national, state, and local preservation programs as they affect the state of Washington.

NEW SECTION. Sec. 5. The preservation officer shall employ such personnel and prescribe their duties as may be necessary to implement the purposes of this chapter. In addition to the preservation officer, there shall be a chief of archaeology and historic preservation, and a minimum professional staff consisting of an architect, archaeologist, historian, and architectural historian shall be employed to meet the federal requirements for funding of the preservation program. The preservation officer shall delegate to the professional staff such functions, powers, and duties necessary to implement the purposes of this chapter. All employees presently employed exclusively or principally in the office shall remain employees subject to the discretion of the preservation officer. All employees shall be governed by the provisions of chapter 41.06 RCW.

NEW SECTION. Sec. 6. The preservation officer shall supervise and administer the activities of the office. The preservation officer is authorized:

(1) To promulgate and maintain a state register of districts, sites, buildings, structures, and objects significant in American or Washington state history, architecture, archaeology, and culture, and to prepare comprehensive state-wide historic surveys and plans and research and evaluation of surveyed resources for the preparation of nominations to the state and national registers of historic places, in accordance with criteria approved by the advisory council established pursuant to section 9 of this 1977 amendatory act. The nominations shall comply with any standards and regulations promulgated by the United States secretary of the interior for the preservation, acquisition, and development of such properties.

(2) To establish a program of matching grants-in-aid to public agencies, public or private organizations, or individuals for projects having as their purpose the preservation for public benefit of properties that are significant in American or Washington state history, architecture, archaeology, and culture.

(3) To promote historic preservation efforts throughout the state, including private efforts and those of city, county, and state agencies.

(4) To enhance the effectiveness of the state preservation program through the initiation of legislation, the use of varied funding sources, the creation of special purpose programs, and contact with state, county, and city officials, civic groups, and professionals.

(5) To consult with the governor and the legislature on issues relating to the conservation of the man-made environment and their impact on the well-being of the state and its citizens. The office shall submit periodic reports of its activities to the governor and the legislature.

(6) To adopt such rules, in accordance with chapter 34.04 RCW, as are necessary to carry out the provisions of this 1977 amendatory act.

NEW SECTION. Sec. 7. The preservation officer is empowered to (1) maintain and administer all funds appropriated by the legislature to the office for the purpose of carrying out the duties, functions, and responsibilities of the office under both state and federal law, and (2) to receive, administer, and disburse such gifts, grants, and endowments from private sources as may be made from time to time in trust or otherwise for the purposes of this 1977 amendatory act or the federal act, as now or hereafter amended.

NEW SECTION. Sec. 8. The amounts made available for grants to the public agencies, public or private organizations, or individuals for projects for each fiscal year shall be apportioned among program applicants by the preservation officer in accordance with needs as contained in state-wide archaeology and historic preservation plans developed by the office and approved by the governor.

NEW SECTION. Sec. 9. (1) There is hereby established an advisory council on historic preservation, which shall be composed of nine members appointed by the governor as follows:

(a) The director of a state historical society or the director's designee to be selected from (i) the director of the Washington state historical society, (ii) the director of the Eastern Washington state historical society, and (iii) the director of the state capitol historical society, to each serve on the council for one year on a rotating basis, the order of rotation to be determined by the governor;

(b) Six members of the public who are interested and experienced in matters to be considered by the council including the fields of history, architecture, and archaeology;

(c) The director of the Washington archaeological research center or the director's designee; and

(d) A native American.

(2) Each member of the council appointed under subsection (1)(b) and (d) of this section shall serve a four year term: PROVIDED, That those members first appointed shall serve for terms of from one to four years as designated by the governor at the time of appointment, it being the purpose of this subsection to assure staggered terms of office.

(3) A vacancy in the council shall not affect its powers, but shall be filled in the same manner as the original appointment for the balance of the unexpired term.

(4) The chairperson of the council shall be designated by the governor.

(5) Five members of the council shall constitute a quorum.

(6) The council shall cease to exist on June 30, 1982, unless extended by law for an additional fixed period of time.

(7) The office shall provide administrative and financial service to the council.

NEW SECTION. Sec. 10. The council shall:



(1) Advise the governor and the office on matters relating to historic preservation; recommend measures to coordinate activities of state and local agencies, private institutions, and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities;

(2) Review and recommend nominations for the state and national registers of historic places to the preservation officer;

(3) Encourage public interest and participation in historic preservation;

(4) Provide advice and assistance to local governments in drafting ordinances relating to historic preservation;

(5) Encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation; and

(6) Perform the duties of the state review body as may be required by law so long as those duties do not exceed the limitations established by this 1977 amendatory act.

NEW SECTION. Sec. 11. The directors of the state historical societies shall serve as members of the council without additional compensation. All other members of the council shall be reimbursed for travel expenses incurred in the performance of the duties of the council in accordance with RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

Sec. 12. Section 2, chapter 134, Laws of 1975 1st ex. sess. as amended by section 1, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 27.53.020 are each amended to read as follows:

The ~~((location))~~ discovery, identification, excavation, and study of the state's archaeological resources, the providing of information on archaeological sites for their nomination to the state and national registers of historic places, the maintaining of a complete inventory of archaeological sites and collections, and the providing of information to state, federal, and private construction agencies regarding the possible impact of construction activities on the state's archaeological resources, are proper public functions; and the Washington archaeological research center, created under the authority of chapter 39.34 RCW as now existing or hereafter amended, is hereby designated as an appropriate agency to carry out these functions. The ~~((director of the state parks and recreation commission))~~ preservation officer, in consultation with the Washington archaeological research center, shall provide guidelines for the selection of depositories designated by the state for archaeological resources. The legislature directs that there shall be full cooperation amongst the office ~~((of archaeology and historic preservation))~~, the Washington archaeological research center, and other agencies of the state.

Sec. 13. Section 3, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

(1) "Archaeology" means systematic, scientific study of man's past through his material remains.

(2) "Historic" means peoples and cultures who are known through written documents in their own or other languages.

(3) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.

(4) "Professional archaeologist" means a person who has ~~((extensive formal training and experience in systematic, scientific archaeology as defined in subsection (1) of this section, and who makes his or her living primarily through research in, teaching of, and/or publication on archaeology, and who is so recognized by members of the profession of archaeology through his or her participation in the activities of professional organizations of archaeologists))~~ met the educational, training, and experience requirements of the society of professional archaeologists.

(5) "Qualified archaeologist" means a person who has had formal training and/or experience in archaeology over a period of at least three years, and has been certified in writing to be a qualified archaeologist by two professional archaeologists.

(6) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists.

(7) "Preservation officer" means the state historic preservation officer as provided for in section 4 of this 1977 amendatory act.

(8) "Office" means the office of archaeology and historic preservation.

Sec. 14. Section 6, chapter 134, Laws of 1975 1st ex. sess. as amended by section 2, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 27.53.060 are each amended to read as follows:

On the private and public lands of this state it shall be unlawful for any person, firm, corporation, or any agency or institution of the state or a political subdivision thereof to ~~((willfully))~~ knowingly alter, dig into, or excavate by use of any mechanical, hydraulic, or other means, or to damage, deface, or destroy any historic or prehistoric archaeological resource or site, American Indian or aboriginal camp site, dwelling site, rock shelter, cave dwelling site, storage site, grave, burial site, or skeletal remains and grave goods, cairn, or tool making site, or to remove from any such land, site, or area, grave, burial site, cave, rock shelter, or cairn, any skeletal remains, artifact or implement of stone, bone, wood, or any other material, including, but not limited to, projectile points, arrowheads, knives, awls, scrapers, beads or ornaments, basketry, matting, mauls, pestles, grinding stones, rock carvings or paintings, or any other artifacts or implements, or portions or fragments thereof without having obtained written permission from the ~~((director of the state parks and recreation commission))~~ preservation officer for such activities on public property or from the private landowner for such activities on private land. A private landowner may request the ~~((director of the state parks and recreation commission))~~ preservation officer to assume the duty of issuing such permits. The ~~((director))~~ preservation officer must obtain the consent of the public property owner or agency responsible for the management thereof, prior to issuance of the permit. The ~~((director of the state parks and recreation commission))~~ preservation officer, in consultation with the Washington state archaeological research center, shall develop guidelines for the issuance and processing of such permits. Such written permission shall be physically present while any such activity is being conducted. The provisions of this section shall not apply to the removal of artifacts found exposed

on the surface of the ground nor to the excavation and removal of artifacts from state owned shorelands below the line of ordinary high water (~~and from state owned tidelands below the line of ordinary high tide.~~) or within the intertidal zone.

Sec. 15. Section 8, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.080 are each amended to read as follows:

Qualified or professional archaeologists, in performance of their duties, are hereby authorized to enter upon public lands of the state of Washington and its political subdivisions, at such times and in such manner as not to interfere with the normal management thereof, for the purposes of doing archaeological resource location and evaluation studies, including site sampling activities. Scientific excavations are to be carried out only after appropriate agreement has been made between ~~((the))~~ a professional archaeologist or an institution of higher education and the agency or political subdivision responsible for such lands. Notice of such agreement shall be filed with the Washington archaeological research center and by them to the office ~~((of archaeological and historic preservation))~~. Amateur societies may engage in such activities by submitting and having approved by the responsible agency or political subdivision a written proposal detailing the scope and duration of the activity. Before approval, a proposal from an amateur society shall be submitted to the Washington archaeological research center for review and recommendation.

Sec. 16. Section 9, chapter 134, Laws of 1975 1st ex. sess. as amended by section 4, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 27.53.090 are each amended to read as follows:

Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor. Each day of continued violation of any provision of this chapter shall constitute a distinct and separate offense. ~~((Violations))~~ Offenses shall be reported to the appropriate law enforcement agency or to the ~~((director of the state parks and recreation commission))~~ preservation officer.

NEW SECTION. Sec. 17. Prior to July 1, 1977:

(1) All reports, documents, surveys, books, records, files, and papers or other writings in the possession of the Washington state parks and recreation commission and pertaining to the functions affected by this 1977 amendatory act, shall be delivered to the custody of the preservation officer; and

(2) All funds, credits, appropriations, or other assets held in connection with the functions affected and transferred by this 1977 amendatory act shall be transferred to or assigned to the office: PROVIDED, That whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, the director of program planning and fiscal management, or the director's designee, shall make a determination as to the proper allocation and certify the same to the concerned state agencies. If apportionments of budgeted funds are required because of the transfers authorized, the director of program planning and fiscal management shall certify such apportionments to the agencies affected, the state auditor, and the state treasurer. Each agency shall make the appropriate transfer and adjustments in funds and appropriation accounts in accordance with such certification.

**NEW SECTION.** Sec. 18. Nothing in this 1977 amendatory act shall affect any existing rights acquired under the sections amended herein except as to the governmental agencies referred to and their officials and employees; nor shall any actions, activities, or proceedings validated thereunder, any civil or criminal proceedings instituted thereunder, or any rule, regulation, or order promulgated thereunder be affected. The transfer of powers, duties, and functions as provided herein shall not affect the validity of any act performed by the Washington state parks and recreation commission or any officer or employee thereof prior to the effective date of this 1977 amendatory act. Any action pending before the Washington state parks and recreation commission at the time of transfer and pertaining to matters transferred and affected by this 1977 amendatory act shall be continued to be acted upon by the office. All existing contracts and obligations pertaining to the functions herein transferred shall remain in full force and effect and shall be performed by the office.

**NEW SECTION.** Sec. 19. The office shall utilize the facilities and administrative support of the office of the governor.

**NEW SECTION.** Sec. 20. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 21. Sections 1 through 11 and 19 of this 1977 amendatory act shall be added to Title 43 RCW as a new chapter thereof.

**NEW SECTION.** Sec. 22. The following acts or parts of acts are hereby repealed:

- (1) Section 5, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.050;
- (2) Section 1, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.750;
- (3) Section 2, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.760;
- (4) Section 3, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.770;
- (5) Section 4, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.780;
- (6) Section 5, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.790;
- (7) Section 6, chapter 19, Laws of 1967 ex. sess., section 58, chapter 75, Laws of 1977 and RCW 43.51.800;
- (8) Section 7, chapter 19, Laws of 1967 ex. sess., section 117, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.51.810; and
- (9) Section 8, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.820.

Passed the House May 31, 1977.

Passed the Senate May 26, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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## CHAPTER 196

[House Bill No. 113]

### FOREIGN TRADE ZONES—ZONE SPONSORS

AN ACT Relating to foreign trade zones; amending section 4, chapter 65, Laws of 1955 as amended by section 31, chapter 42, Laws of 1970 ex. sess. and RCW 53.08.030; adding new sections to Titles 24, 35, and 36 RCW; providing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to Title 24 RCW a new section to read as follows:

It is the finding of the legislature that foreign trade zones serve an important public purpose by the creation of employment opportunities within the state and that the establishment of zones designed to accomplish this purpose is to be encouraged. It is the further intent of the legislature that the department of commerce and economic development provide assistance to entities planning to apply to the United States for permission to establish such zones.

NEW SECTION. Sec. 2. There is added to Title 24 RCW a new section to read as follows:

A nonprofit corporation or organization, as zone sponsor, may apply to the United States for permission to establish, operate, and maintain foreign trade zones: PROVIDED, That nothing herein shall be construed to prevent these zones from being operated and financed by a private corporation(s) on behalf of said nonprofit corporation acting as zone sponsor.

NEW SECTION. Sec. 3. There is added to Title 35 RCW a new section to read as follows:

It is the finding of the legislature that foreign trade zones serve an important public purpose by the creation of employment opportunities within the state and that the establishment of zones designed to accomplish this purpose is to be encouraged. It is the further intent of the legislature that the department of commerce and economic development provide assistance to entities planning to apply to the United States for permission to establish such zones.

NEW SECTION. Sec. 4. There is added to Title 35 RCW a new section to read as follows:

A city or town, as zone sponsor, may apply to the United States for permission to establish, operate, and maintain foreign trade zones: PROVIDED, That nothing herein shall be construed to prevent these zones from being operated and financed by a private corporation(s) on behalf of a city or town acting as zone sponsor.

NEW SECTION. Sec. 5. There is added to Title 36 RCW a new section to read as follows:

It is the finding of the legislature that foreign trade zones serve an important public purpose by the creation of employment opportunities within the state and that the establishment of zones designed to accomplish this purpose is to be encouraged. It is the further intent of the legislature that the department of commerce and economic development provide assistance to entities planning to apply to the United States for permission to establish such zones.

NEW SECTION. Sec. 6. There is added to Title 36 RCW a new section to read as follows:

A county, as zone sponsor, may apply to the United States for permission to establish, operate, and maintain foreign trade zones: PROVIDED, That nothing herein shall be construed to prevent these zones from being operated and financed by a private corporation(s) on behalf of such county acting as zone sponsor.

Sec. 7. Section 4, chapter 65, Laws of 1955 as amended by section 31, chapter 42, Laws of 1970 ex. sess. and RCW 53.08.030 are each amended to read as follows:

A district may apply to the United States for permission to establish, operate, and maintain foreign trade zones within the district: **PROVIDED**, That nothing herein shall be construed to prevent such zones from being operated and financed by a private corporation(s) on behalf of such district acting as zone sponsor: PROVIDED FURTHER, That when the money so raised is to be used exclusively for the purpose of acquiring land for sites and constructing warehouses, storage plants, and other facilities to be constructed within the zone for use in the operation and maintenance of the zones, the district may contract indebtedness and issue general bonds therefor in an amount, in addition to the three-fourths of one percent hereinafter fixed, of one percent of the value of the taxable property in the district, as the term "value of the taxable property" is defined in RCW 39.36.015, such additional indebtedness only to be incurred with the assent of three-fifths of the voters of the district voting thereon.

**NEW SECTION.** Sec. 8. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1977.

Passed the House April 14, 1977.

Passed the Senate May 31, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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## CHAPTER 197

[House Bill No. 286]

### ANIMALS—SODIUM PENTOBARBITAL—ADMINISTRATION

AN ACT Relating to the uniform controlled substances act; and adding a new section to chapter 69.50 RCW.

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

**NEW SECTION.** Section 1. There is added to chapter 69.50 RCW a new section to read as follows:

On and after the effective date of this act, a humane society and animal control agency may apply to the state board of pharmacy for registration pursuant to the applicable provisions of this chapter for the sole purpose of being authorized to purchase, possess, and administer sodium pentobarbital to euthanize injured, sick, homeless, or unwanted domestic pets and animals. Any agency so registered shall not permit a person to administer sodium pentobarbital unless such person has demonstrated adequate knowledge of the potential hazards and proper techniques to be used in administering this drug.

The board may issue a limited registration to carry out the provisions of this section. The board shall promulgate such rules as it deems necessary to insure strict compliance with the provisions of this section. The board may suspend or revoke registration upon determination that the person administering sodium pentobarbital

has not demonstrated adequate knowledge as herein provided. This authority is granted in addition to any other power to suspend or revoke registration as provided by law.

Passed the House May 31, 1977.

Passed the Senate May 26, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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## CHAPTER 198

[House Bill No. 417]

### GAMBLING—LOCAL TAXATION

AN ACT Relating to gambling; and amending section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.110.

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

Section 1. Section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.110 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located therein but the tax rate established by a county, if any, shall constitute the tax rate throughout such county including both incorporated and unincorporated areas, except for any city located therein with a population of twenty thousand or more persons as of the most recent decennial census taken by the federal government: PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a twenty-five cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud for the purposes of this chapter; and (4) when any person shall win over five dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: AND PROVIDED FURTHER, That taxation of bingo (and raffles ~~and amusement games~~) shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes. Taxation of amusement games shall only be in an amount sufficient to pay the actual costs of

enforcement of the provisions of this chapter by the county, city or town law enforcement agency and in no event shall such taxation exceed two percent of the gross revenue therefrom less the amount paid for as prizes: PROVIDED FURTHER, That no tax shall be imposed under the authority of this chapter on bingo, raffles or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or non-profit organization as defined in RCW 9.46.020(3), which organization has no paid operating or management personnel and has gross income from bingo, raffles or amusement games, or any combination thereof, not exceeding five thousand dollars per year less the amount paid for as prizes. Taxation of punch boards and pull-tabs shall not exceed five percent of gross receipts.

Passed the House May 31, 1977.

Passed the Senate May 25, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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#### CHAPTER 199

[House Bill No. 459]

#### INDUSTRIAL INSURANCE—APPLICATION FOR CHANGE IN COMPENSATION— EFFECTIVE DATE

AN ACT Relating to industrial insurance; and amending section 51.28.040, chapter 23, Laws of 1961 and RCW 51.28.040.

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

Section 1. Section 51.28.040, chapter 23, Laws of 1961 and RCW 51.28.040 are each amended to read as follows:

If change of circumstances warrants an increase or rearrangement of compensation, like application shall be made therefor (~~(No increase or rearrangement shall be operative for any period prior to application therefor)~~). Where the application has been granted, compensation and other benefits if in order shall be allowed for periods of time up to sixty days prior to the receipt of such application.

Passed the House June 1, 1977.

Passed the Senate May 26, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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#### CHAPTER 200

[House Bill No. 642]

#### DESTROYED PROPERTY—CLAIMS FOR TAX RELIEF

AN ACT Relating to revenue and taxation; and amending section 4, chapter 196, Laws of 1974 ex. sess. as amended by section 3, chapter 120, Laws of 1975 1st ex. sess. and RCW 84.70.020.

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

Section 1. Section 4, chapter 196, Laws of 1974 ex. sess. as amended by section 3, chapter 120, Laws of 1975 1st ex. sess. and RCW 84.70.020 are each amended to read as follows:



Within ~~seventy-five days~~ after the date of destruction, or ~~((seventy-five days after May 6, 1974, whichever is later))~~ within the year in which the destruction occurs, the taxpayer, using a form prepared by the department of revenue and provided by the assessor, shall notify the county assessor of his intention to claim the relief provided by RCW 84.70.010 through 84.70.040 as now or hereafter amended. The taxpayer shall also file a copy with the legislative body of the county, which shall serve as a petition for abatement of the tax: PROVIDED, That the form shall contain such information as the department may prescribe. After receipt of the taxpayer's claim, and within thirty days after receipt, the county assessor shall provide the legislative body of the county with his determination of the facts necessary to calculate the amount of relief, if any, to which he believes the taxpayer is entitled. A copy of the assessor's determination shall be sent to the taxpayer.

Passed the House April 4, 1977.

Passed the Senate May 31, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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## CHAPTER 201

[House Bill No. 768]

### HIGHER EDUCATION—DEGREE PROGRAMS

AN ACT Relating to the state colleges; amending section 1, chapter 232, Laws of 1975 1st ex. sess. and RCW 28B.40.205; creating new sections; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.80 RCW.

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

Section 1. Section 1, chapter 232, Laws of 1975 1st ex. sess. and RCW 28B-.40.205 are each amended to read as follows:

In addition to all other powers and duties given to them by law, Central Washington State College, Eastern Washington State College, and Western Washington State College are hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree: PROVIDED, That before any degree is authorized under this section ~~((which has no fiscal impact))~~ it shall be subject to the review and recommendation of the council for postsecondary education ~~((PROVIDED FURTHER, That any degree permitted under this section having additional fiscal impact shall not be authorized prior to review and recommendation by the council for postsecondary education and approval of the legislature))~~.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.80 RCW a new section to read as follows:

In its review of new degree programs, the council for postsecondary education shall determine if a proposed new program will require appropriations in the current or succeeding fiscal period, or both, which would not be required were the program not initiated. Upon making its recommendation, the council shall transmit copies, with its estimate of the fiscal impact of the program, to the governor and to

the appropriate policy and fiscal committees of the house of representatives and the senate.

**NEW SECTION.** Sec. 3. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House June 1, 1977.

Passed the Senate May 27, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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## CHAPTER 202

[House Bill No. 46]

### WORKMEN'S COMPENSATION PAYMENTS—ADJUSTMENTS

AN ACT Relating to adjustment of workmen's compensation payments; amending section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 1, chapter 19, Laws of 1975-'76 2nd ex. sess. and RCW 51.32.073; amending section 2, chapter 286, Laws of 1975 1st ex. sess. and RCW 51.32.075; and prescribing an effective date.

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

Section 1. Section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 1, chapter 19, Laws of 1975-'76 2nd ex. sess. and RCW 51.32.073 are each amended to read as follows:

Each employer shall retain from the earnings of each workman that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department in such manner and at such intervals as the department directs and shall be placed in the supplemental pension fund: PROVIDED, That the state apprenticeship council shall pay the entire amount into the supplemental pension fund for registered apprentices or trainees during their participation in supplemental and related instruction classes. The moneys so collected shall be used exclusively for the additional payments from the supplemental pension fund prescribed in this title and for the amount of any increase payable under the provisions of RCW 51.32.075, as now or hereafter amended, and shall be no more than necessary to make such payments on a current basis.

Sec. 2. Section 2, chapter 286, Laws of 1975 1st ex. sess. and RCW 51.32.075 are each amended to read as follows:

Effective July 1 of each year, the compensation or death benefits payable pursuant to the provisions of this chapter, for temporary total disability, permanent total disability or death arising out of injuries or occupational diseases shall be adjusted as follows:

(1) For those whose right to compensation was established on or after July 1, 1971, and before July 1, 1975, an initial adjustment shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the maximum amount of compensation payable for the fiscal year in which such person's right to compensation was established, and

the numerator of which shall be the maximum amount of compensation payable ~~((in the fiscal year ending June 30, 1975))~~ on the effective date of this act. ~~((After the initial adjustment has been made, subsequent adjustments shall be made in the same manner as provided in RCW 51.32.075, provided that the base upon which such subsequent adjustments are made shall be the amount of compensation determined after the initial adjustment:))~~

(2) For those whose right to compensation was established on or after July 1, 1975, and before July 1, 1977, an initial adjustment shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the maximum amount of compensation payable for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the maximum amount of compensation payable on the effective date of this act.

Passed the House June 3, 1977.

Passed the Senate May 28, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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## CHAPTER 203

[House Bill No. 208]

### ACTIONS ON CONTRACTS OR LEASES—ATTORNEY'S FEES AND COSTS

AN ACT Relating to attorney's fees and costs; and adding a new section to chapter 4.84 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.84 RCW a new section to read as follows:

In any action on a contract or lease entered into after the effective date of this act, where such contract or lease specifically provides that attorney's fees and costs, which are incurred to enforce the provisions of such contract or lease, shall be awarded to one of the parties, the prevailing party, whether he is the party specified in the contract or lease or not, shall be entitled to reasonable attorney's fees in addition to costs and necessary disbursements.

Attorney's fees provided for by this section shall not be subject to waiver by the parties to any contract or lease which is entered into after the effective date of this section. Any provision in any such contract or lease which provides for a waiver of attorney's fees is void.

As used in this section "prevailing party" means the party in whose favor final judgment is rendered.

Passed the House March 11, 1977.

Passed the Senate June 2, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

## CHAPTER 204

[House Bill No. 447]

## REAL ESTATE BROKERS AND SALESMEN—MOBILE HOME OR TRAVEL TRAILER SALES

AN ACT Relating to real estate brokers and salesmen; amending section 19, chapter 252, Laws of 1941 as last amended by section 19, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.230; amending section 3, chapter 74, Laws of 1967 ex. sess. as last amended by section 2, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.011; and repealing section 1, chapter 60, Laws of 1973 1st ex. sess. and RCW 18.85.410.

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

Section 1. Section 19, chapter 252, Laws of 1941 as last amended by section 19, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.230 are each amended to read as follows:

The director may, upon his own motion, and shall upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker, associate real estate broker, or real estate salesman, regardless of whether the transaction was for his own account or in his capacity as broker, and may temporarily suspend or permanently revoke or deny the license of any holder who is guilty of:

(1) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the director;

(2) Violating any of the provisions of this chapter or any lawful rules or regulations made by the director pursuant thereto;

(3) Being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any similar offense or offenses: PROVIDED, That for the purposes of this section being convicted shall include all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended;

(4) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication or distribution of false statements, descriptions or promises of such character as to reasonably induce any person to act thereon, if the statements, descriptions or promises purport to be made or to be performed by either the licensee or his principal and the licensee then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions or promises;

(5) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme or device whereby any other person lawfully relies upon the word, representation or conduct of the licensee;

(6) Accepting the services of, or continuing in a representative capacity, any salesman who has not been granted a license, or after his license has been revoked or during a suspension thereof;

(7) Conversion of any money, contract, deed, note, mortgage, or abstract or other evidence of title, to his own use or to the use of his principal or of any other

person, when delivered to him in trust or on condition, in violation of the trust or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, abstract or other evidence of title within thirty days after the owner thereof is entitled thereto, and makes demand therefor, shall be prima facie evidence of such conversion;

(8) Failing, upon demand, to disclose any information within his knowledge to, or to produce any document, book or record in his possession for inspection of the director or his authorized representatives acting by authority of law;

(9) Continuing to sell any real estate, or operating according to a plan of selling, whereby the interests of the public are endangered, after the director has, by order in writing, stated objections thereto;

(10) Committing any act of fraudulent or dishonest dealing or a crime involving moral turpitude, and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter;

(11) Advertising in any manner without affixing the broker's name as licensed, and in the case of a salesman or associate broker, without affixing the name of the broker as licensed for whom or under whom the salesman or associate broker operates, to the advertisement;

(12) Accepting other than cash or its equivalent as earnest money unless that fact is communicated to the owner prior to his acceptance of the offer to purchase, and such fact is shown in the earnest money receipt;

(13) Charging or accepting compensation from more than one party in any one transaction without first making full disclosure of all the facts to all the parties interested in the transaction;

(14) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for the principal;

(15) Accepting employment or compensation for appraisal of real property contingent upon reporting a predetermined value;

(16) Issuing an appraisal report on any real property in which the broker or salesman has an interest unless his interest is clearly stated in the appraisal report;

(17) Misrepresentation of his membership in any state or national real estate association;

(18) Discrimination against any person in hiring or in sales activity, on the basis of race, color, creed or national origin, or violating any of the provisions of any state or federal antidiscrimination law;

(19) Failing to keep an escrow or trustee account of funds deposited with him relating to a real estate transaction, for a period of three years, showing to whom paid, and such other pertinent information as the director may require, such records to be available to the director, or his representatives, on demand, or upon written notice given to the bank;

(20) Failing to preserve for three years following its consummation records relating to any real estate transaction;

(21) Failing to furnish a copy of any listing, sale, lease or other contract relevant to a real estate transaction to all signatories thereof at the time of execution;

(22) Acceptance by a salesman, associate broker or branch manager of a commission or any valuable consideration for the performance of any acts specified in

this 1972 amendatory act, from any person, except the licensed real estate broker with whom he is licensed;

(23) To direct any transaction involving his principal, to any lending institution for financing or to any escrow company, in expectation of receiving a kickback or rebate therefrom, without first disclosing such expectation to his principal;

(24) Failing to disclose to an owner his intention or true position if he directly or indirectly through third party, purchases for himself or acquires or intends to acquire any interest in, or any option to purchase, property;

(25) In the case of a broker licensee, failing to exercise adequate supervision over the activities of his licensed associate brokers and salesmen within the scope of this 1972 amendatory act;

(26) Any conduct in a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness or incompetency;

(27) Acting as a mobile home and travel trailer dealer or salesman, as defined in RCW 46.70.011 as now or hereafter amended, without having a license to do so;

or

(28) Failing to assure that the title is transferred under chapter 46.12 RCW when engaging in a transaction involving a mobile home as a broker or salesman.

Sec. 2. Section 3, chapter 74, Laws of 1967 ex. sess. as last amended by section 2, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new, or used vehicles: PROVIDED, That vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" shall be a vehicle dealer that deals in new and used motor vehicles;

(b) A "mobile home and travel trailer dealer" shall be a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A "miscellaneous vehicle dealer" shall be a vehicle dealer that deals in motorcycles and/or vehicles other than motor vehicles or mobile homes and travel trailers.

(4) The term "vehicle dealer" does not include:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof((-)); or

(e) Any person, firm, association, corporation or trust, engaged in the selling of equipment other than vehicles, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or his authorized representative, who, on behalf of the legal or registered owner of a mobile home, assists with the sale of the mobile home in conjunction with the sale of the real estate upon which the mobile home is located.

(5) "Vehicle salesman" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) The term "department" means the department of motor vehicles which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of the department of motor vehicles.

(8) "Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new and unused vehicles and shall further include the terms:

(a) "Distributor" which means any person, firm, association, corporation or trust, resident or nonresident, who in whole or in part offers for sale, sells or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch" which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and shall further include any sales promotion organization, whether the same be a person, firm or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative" which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of his, its, or their vehicles or for supervising or contracting with his, its, or their dealers or prospective dealers.

(9) "Established place of business" means a permanent, enclosed commercial building located within the state of Washington easily accessible and open to the public, at all reasonable times, with an improved display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning and other land-use regulatory ordinances and in which such building the public may contact the vehicle dealer or his vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business at such place. The established place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic.

(10) "Subagency" means any place of business of a vehicle dealer within the same county as the principal place of business of the firm which is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the same county as the principal place of business of the firm under which he does business under a name other than the principal name of the firm, or both.

**NEW SECTION.** Sec. 3. Section 1, chapter 60, Laws of 1973 1st ex. sess. and RCW 18.85.410 are each repealed.

Passed the House May 3, 1977.

Passed the Senate June 3, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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## CHAPTER 205

[House Bill No. 474]

### LIEN FOR LABOR, MATERIALS, TAXES ON PUBLIC WORKS—RELEASE OF RETAINED FUNDS

AN ACT Relating to public works; and amending section 1, chapter 166, Laws of 1921 as last amended by section 1, chapter 104, Laws of 1975 1st ex. sess. and RCW 60.28.010.

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

Section 1. Section 1, chapter 166, Laws of 1921 as last amended by section 1, chapter 104, Laws of 1975 1st ex. sess. and RCW 60.28.010 are each amended to read as follows:

(1) Contracts for public improvements or work, other than for professional services, by the state, or any county, city, town, district, board, or other public body, herein referred to as "public body", shall provide, and there shall be reserved by the public body from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum equal to ten percent of the first one hundred thousand dollars and five percent for all amounts over one hundred thousand dollars of such estimates, said sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor. Every person performing labor or furnishing supplies toward the completion of said improvement or work shall have a lien upon said moneys so reserved: **PROVIDED**, That such notice of the lien of such claimant shall be given in the manner and within the time provided in RCW 39.08.030 through 39.08.060 as now existing and in accordance with any amendments that may hereafter be made thereto: **PROVIDED FURTHER**, That the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body; (a) at any time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments which



would otherwise be subsequently made in full; but in no event shall the amount to be retained be reduced to less than five percent of the amount of the moneys earned by the contractor; and (b) thirty days after completion and acceptance of all contract work other than landscaping, may release and pay in full the amounts retained during the performance of the contract (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of RCW 60.28.020.

(2) The moneys reserved under the provisions of subsection (1) of this section, at the option of the contractor, shall be:

(a) Retained in a fund by the public body until thirty days following the final acceptance of said improvement or work as completed; or

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, not subject to withdrawal until after the final acceptance of said improvement or work as completed, or until agreed to by both parties: PROVIDED, That interest on such account shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body until thirty days following the final acceptance of said improvement or work as completed.

When the moneys reserved are to be placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. Such check shall be converted into bonds and securities chosen by the contractor and approved by the public body and such bonds and securities shall be held in escrow. Interest on such bonds and securities shall be paid to the contractor as the said interest accrues.

(3) If the public body administering a contract, other than a contract governed by the provisions of RCW 60.28.070, as amended, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in such case any amounts retained and accumulated under this section shall be held for a period of thirty days following such acceptance. In the event that the work shall have been terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter 60.28 RCW shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

Passed the House June 3, 1977.

Passed the Senate May 26, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

## CHAPTER 206

[Substitute House Bill No. 615]

## DEATH PENALTY

AN ACT Relating to the death penalty; amending section 9A.32.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.32.040; amending section 1, chapter 9, Laws of 1975-'76 2nd ex. sess. (Initiative Measure No. 316, section 1) and RCW 9A.32.045; amending section 2, chapter 9, Laws of 1975-'76 2nd ex. sess. (Initiative Measure No. 316, section 2) and RCW 9A.32.046; amending section 3, chapter 9, Laws of 1975-'76 2nd ex. sess. (Initiative Measure No. 316, section 3) and RCW 9A.32.047; adding a new chapter to Title 10 RCW; adding a new section to chapter 9.01 RCW; prescribing penalties; and declaring an emergency.

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

**NEW SECTION.** Section 1. When a defendant is charged with the crime of murder in the first degree as defined in RCW 9A.32.030(1)(a), the prosecuting attorney or the prosecuting attorney's designee shall file a written notice of intention to request a proceeding to determine whether or not the death penalty should be imposed when the prosecution has reason to believe that one or more aggravating circumstances, as set forth in RCW 9A.32.045 as now or hereafter amended, was present and the prosecution intends to prove the presence of such circumstance or circumstances in a special sentencing proceeding under section 2 of this 1977 amendatory act.

The notice of intention to request the death penalty must be served on the defendant or the defendant's attorney and filed with the court within thirty days of the defendant's arraignment in superior court on the charge of murder in the first degree under RCW 9A.32.030(1)(a). The notice shall specify the aggravating circumstance or circumstances upon which the prosecuting attorney bases the request for the death penalty. The court may, within the thirty day period upon good cause being shown, extend the period for the service and filing of notice.

If the prosecution does not serve and file written notice of intent to request the death penalty within the specified time the prosecuting attorney may not request the death penalty.

**NEW SECTION.** Sec. 2. (1) If notice of intention to request the death penalty has been served and filed by the prosecution in accordance with section 1 of this 1977 amendatory act, then a special sentencing proceeding shall be held in the event the defendant is found guilty of murder in the first degree under RCW 9A.32.030(1)(a).

(2) If the prosecution has filed a request for the death penalty in accordance with section 1 of this 1977 amendatory act, and the trial jury returns a verdict of murder in the first degree under RCW 9A.32.030(1)(a), then, at such time as the verdict is returned, the trial judge shall reconvene the same trial jury to determine in a separate special sentencing proceeding whether there are one or more aggravating circumstances and whether there are mitigating circumstances sufficient to merit leniency, as provided in RCW 9A.32.045 as now or hereafter amended, and to answer special questions pursuant to subsection (10) of this section. The special sentencing proceeding shall be held as soon as possible following the return of the jury verdict.

(3) At the commencement of the special sentencing proceeding the judge shall instruct the jury as to the nature and purpose of the proceeding and as to the consequences of its findings as provided in RCW 9A.32.040 as now or hereafter amended.

(4) In the special sentencing proceeding, evidence may be presented relating to the presence of any aggravating or mitigating circumstances as enumerated in RCW 9A.32.045 as now or hereafter amended. Evidence of aggravating circumstances shall be limited to evidence relevant to those aggravating circumstances specified in the notice required by section 1 of this 1977 amendatory act.

(5) Any relevant evidence which the court deems to have probative value may be received regardless of its admissibility under usual rules of evidence: PROVIDED, That the defendant is accorded a fair opportunity to rebut any hearsay statements: PROVIDED FURTHER, That evidence secured in violation of the Constitutions of the United States or the state of Washington shall not be admissible.

(6) Upon the conclusion of the evidence, the judge shall give the jury appropriate instructions and the prosecution and the defendant or defendant's counsel shall be permitted to present argument. The prosecution shall open and conclude the argument to the jury.

(7) The jury shall then retire to deliberate. Upon reaching a decision, the jury shall specify each aggravating circumstance that it unanimously determines to have been established beyond a reasonable doubt. In the event the jury finds no aggravating circumstances the defendant shall be sentenced pursuant to RCW 9A.32.040(3) as now or hereafter amended.

(8) If the jury finds there are one or more aggravating circumstances it must then decide whether it is also unanimously convinced beyond a reasonable doubt there are not sufficient mitigating circumstances to merit leniency. If the jury makes such a finding, it shall proceed to answer the special questions submitted pursuant to subsection (10) of this section.

(9) If the jury finds there are one or more aggravating circumstances but fails to be convinced beyond a reasonable doubt there are not sufficient mitigating circumstances to merit leniency the defendant shall be sentenced pursuant to RCW 9A.32.040(2) as now or hereafter amended.

(10) If the jury finds that there are one or more aggravating circumstances and is unanimously convinced beyond a reasonable doubt that there are not sufficient mitigating circumstances to merit leniency, the jury shall answer the following questions:

(a) Did the evidence presented at trial establish the guilt of the defendant with clear certainty?

(b) Are you convinced beyond a reasonable doubt that there is a probability that the defendant would commit additional criminal acts of violence that would constitute a continuing threat to society?

The state shall have the burden of proving each question and the court shall instruct the jury that it may not answer either question in the affirmative unless it agrees unanimously.

If the jury answers both questions in the affirmative, the defendant shall be sentenced pursuant to RCW 9A.32.040(1) as now or hereafter amended.

If the jury answers either question in the negative the defendant shall be sentenced pursuant to RCW 9A.32.040(2) as now or hereafter amended.

Sec. 3. Section 9A.32.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.32.040 are each amended to read as follows:

Notwithstanding RCW 9A.32.030(2), any person convicted of the crime of murder in the first degree shall be sentenced ~~((to life imprisonment))~~ as follows:

(1) If, pursuant to a special sentencing proceeding held under section 2 of this 1977 amendatory act, the jury finds that there are one or more aggravating circumstances and that there are not sufficient mitigating circumstances to merit leniency, and makes an affirmative finding on both of the special questions submitted to the jury pursuant to section 2(10) of this 1977 amendatory act, the sentence shall be death;

(2) If, pursuant to a special sentencing proceeding held under section 2 of this 1977 amendatory act, the jury finds that there are one or more aggravating circumstances but fails to find that there are not sufficient mitigating circumstances to merit leniency, or the jury answers in the negative either of the special questions submitted pursuant to section 2(10) of this 1977 amendatory act, the sentence shall be life imprisonment without possibility of release or parole. A person sentenced to life imprisonment under this subsection shall not have that sentence suspended, deferred, or commuted by any judicial officer, and the board of prison terms and paroles shall never parole a prisoner nor reduce the period of confinement. The convicted person shall not be released as a result of any type of good time calculation nor shall the department of social and health services permit the convicted person to participate in any temporary release or furlough program; and

(3) In all other convictions for first degree murder, the sentence shall be life imprisonment.

Sec. 4. Section 1, chapter 9, Laws of 1975-'76 2nd ex. sess. (Initiative Measure No. 316, section 1) and RCW 9A.32.045 are each amended to read as follows:

~~((A person is guilty of aggravated murder in the first degree when he commits murder in the first degree as defined in RCW 9A.32.030 under or accompanied by any of))~~ (1) In a special sentencing proceeding under section 2 of this 1977 amendatory act, the following shall constitute aggravating circumstances:

~~((1))~~ (a) The victim was a law enforcement officer or fire fighter and was performing his or her official duties at the time of the killing and the victim was known or reasonably should have been known to be such at the time of the killing.

~~((2))~~ (b) At the time of the act resulting in the death, the defendant was serving a term of imprisonment in a state correctional institution or had escaped or was on authorized or unauthorized leave from a state correctional institution, or was in custody in a local jail and subject to commitment to a state correctional institution.

~~((3))~~ (c) The defendant committed the murder pursuant to an agreement that ~~((he))~~ the defendant receive money or other thing of value for committing the murder.

~~((4))~~ (d) The defendant had solicited another to commit the murder and had paid or agreed to pay such person money or other thing of value for committing the murder.

~~((5))~~ The defendant committed the murder with intent to conceal the commission of a crime, or to protect or conceal the identity of any person committing the same, or with intent to delay, hinder or obstruct the administration of justice by preventing any person from being a witness or producing evidence in any investigation or proceeding authorized by law or by influencing any person's official action as a juror) (e) The murder was of a judge, juror, witness, prosecuting attorney, a deputy prosecuting attorney, or defense attorney because of the exercise of his or her official duty in relation to the defendant.

~~((6))~~ (f) There was more than one victim and the said murders were part of a common scheme or plan, or the result of a single act of the defendant.

~~((7))~~ (g) The defendant committed the murder in the course of ((or)), in furtherance of ((the crime of rape or kidnaping or in immediate flight therefrom)), or in immediate flight from the crimes of either (i) robbery in the first or second degree, (ii) rape in the first or second degree, (iii) burglary in the first degree, (iv) arson in the first degree, or (v) kidnaping in which the defendant intentionally abducted another person with intent to hold the person for ransom or reward, or as a shield or hostage, and the killing was committed with the reasonable expectation that the death of the deceased or another would result.

(h) The murder was committed to obstruct or hinder the investigative, research, or reporting activities of anyone regularly employed as a newsreporter, including anyone self-employed in such capacity.

(2) In deciding whether there are mitigating circumstances sufficient to merit leniency, the jury may consider any relevant factors, including, but not limited to, the following:

(a) The defendant has no significant history of prior criminal activity;

(b) The murder was committed while the defendant was under the influence of extreme mental disturbance;

(c) The victim consented to the homicidal act;

(d) The defendant was an accomplice in a murder committed by another person and the defendant's participation in the homicidal act was relatively minor;

(e) The defendant acted under duress or under the domination of another person;

(f) At the time of the murder, the capacity of the defendant to appreciate the criminality (wrongfulness) of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired as a result of mental disease or defect; and

(g) The age of the defendant at the time of the crime calls for leniency.

Sec. 5. Section 2, chapter 9, Laws of 1975-'76 2nd ex. sess. (Initiative Measure No. 316, section 2) and RCW 9A.32.046 are each amended to read as follows:

~~((A person found guilty of aggravated murder in the first degree as defined in RCW 9A.32.045, shall be punished by the mandatory sentence of death.))~~ Once a person is found guilty of ((aggravated)) murder in the first degree((, as defined in RCW 9A.32.045)) under RCW 9A.32.030(1)(a) with one or more aggravating circumstances and without sufficient mitigating circumstances to merit leniency and the jury has made affirmative findings on both of the special questions submitted pursuant to section 2(10) of this 1977 amendatory act, neither the court nor the jury shall have the discretion to suspend or defer the imposition or execution of the

sentence of death. (~~Such sentence shall be automatic upon any conviction of aggravated first degree murder. The death sentence shall take place at the state penitentiary under the direction of and pursuant to arrangements made by the superintendent thereof. PROVIDED, That~~) The time of such execution shall be set by the trial judge at the time of imposing sentence and as a part thereof.

Sec. 6. Section 3, chapter 9, Laws of 1975-'76 2nd ex. sess. (Initiative Measure No. 316, section 3) and RCW 9A.32.047 are each amended to read as follows:

In the event that the governor commutes a death sentence or in the event that the death penalty is held to be unconstitutional by the United States supreme court or the supreme court of the state of Washington (~~in any of the circumstances specified in RCW 9A.32.045;~~) the penalty under RCW 9A.32.046 (~~for aggravated murder in the first degree in those circumstances~~) shall be imprisonment in the state penitentiary for life without possibility of release or parole. A person sentenced to life imprisonment under this section shall not have that sentence suspended, deferred, or commuted by any judicial officer, and the board of prison terms and paroles shall never parole a prisoner (~~or~~) nor reduce the period of confinement (~~nor release the~~). The convicted person shall not be released as a result of any (~~automatic~~) type of good time calculation nor shall the department of social and health services permit the convicted person to participate in any (~~work~~) temporary release or furlough program.

NEW SECTION. Sec. 7. (1) Whenever the death penalty is imposed, and upon the judgment becoming final in the trial court, the sentence shall be reviewed on the record by the supreme court of Washington. The clerk of the trial court within ten days after receiving the transcript, shall transmit the entire record and transcript to the supreme court of Washington together with a notice prepared by the clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case, the name of the defendant and the name and address of the defendant's attorney, a narrative statement of the judgment, the offense, and the punishment prescribed. The report shall be in the form of a standard questionnaire prepared and supplied by the supreme court of Washington.

(2) The supreme court of Washington shall consider the punishment as well as any errors enumerated by way of appeal.

(3) With regard to the sentence, the court shall determine:

(a) Whether the evidence supports the jury's findings; and

(b) Whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant.

(4) Both the defendant and the state shall have the right to submit briefs within the time provided by the court, and to present oral argument to the court.

(5) The court shall include in its decision a reference to those similar cases which it took into consideration. In addition to its authority regarding correction of errors, the court, with regard to review of death sentences, shall be authorized to:

(a) Affirm the sentence of death; or

(b) Set the sentence aside and remand the case for resentencing by the trial judge based on the record and argument of counsel. The records of those similar cases referred to by the supreme court of Washington in its decision and the extracts prepared therefor shall be provided to the resentencing judge for the judge's consideration.

(6) The sentence review shall be in addition to direct appeal, if taken, and the review and appeal shall be consolidated for consideration. The court shall render its decision on legal errors enumerated, the factual substantiation of the verdict, and the validity of the sentence.

NEW SECTION. Sec. 8. There is added to chapter 9.01 RCW a new section to read as follows:

No person in the state shall be placed in legal jeopardy of any kind whatsoever for protecting by any reasonable means necessary, himself, his family, or his real or personal property, or for coming to the aid of another who is in imminent danger of or the victim of aggravated assault, armed robbery, holdup, rape, murder, or any other heinous crime.

When a substantial question of self defense in such a case shall exist which needs legal investigation or court action for the full determination of the facts, and the defendant's actions are subsequently found justified under the intent of this section, the state of Washington shall indemnify or reimburse such defendant for all loss of time, legal fees, or other expenses involved in his defense.

NEW SECTION. Sec. 9. Sections 1, 2, and 7 of this 1977 amendatory act shall constitute a new chapter in Title 10 RCW.

NEW SECTION. Sec. 10. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 3, 1977.

Passed the Senate June 2, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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## CHAPTER 207

[Substitute House Bill No. 625]

### CENTRAL CREDIT UNIONS

AN ACT Relating to central credit unions; creating new sections; and adding a new chapter to Title 31 RCW.

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

NEW SECTION. Section 1. A central credit union may be organized and operated under this chapter. The central credit union shall have all the rights and powers granted in and be subject to all provisions of chapter 31.12 RCW which are not inconsistent with this chapter. Such credit union shall use the term "central" in its official name. Any central credit union in existence on the effective date of this act in the state of Washington shall operate under the provisions of this chapter.

NEW SECTION. Sec. 2. Notwithstanding any other provision of law, the central credit union may adopt bylaws enabling it to exercise any of the powers, as

now existing or hereafter conferred upon, a federally chartered central credit union doing business in this state which is subject to the regulations of the administrator of the national credit union administration, or the successor or successors of him, if the supervisor finds that the exercise of such power:

- (1) Serves the public convenience and advantage; and
- (2) Equalizes and maintains the quality of competition between the state chartered central credit union and any federally chartered central credit union.

NEW SECTION. Sec. 3. The central credit union shall have the following additional rights and powers:

- (1) May offer variable rate certificates to its members.
- (2) Upon approval of its board of directors, may borrow money on behalf of the central credit union for the purpose of making loans to its members and the payment of debts or withdrawals: PROVIDED, That said borrowing capacity shall not exceed fifty percent of the central credit union's paid-in and unimpaired capital and surplus.
- (3) May lend to its member credit unions an amount not to exceed seventy-five percent of the aggregate funds of such member credit unions on deposit with the central credit union.
- (4) Establish deposit accounts for its member credit unions, under conditions specified by the board of directors. Such deposit accounts shall bear interest at a rate established by the central credit union, which interest shall be considered a business expense.
- (5) May enter into agreements with its member credit unions to purchase or sell any:
  - (a) Real estate loan made by member credit unions;
  - (b) Certificate or obligation of the United States government or any agency thereof, owned by member credit unions; and
  - (c) Student loans made by member credit unions pursuant to the federally insured student loan program under Public Law No. 89-329, Title IV, Part (b) of the Higher Education Act of 1965, as amended.

NEW SECTION. Sec. 4. The central credit union may maintain only one reserve fund in addition to the Washington state guarantee fund: PROVIDED, That before payment of any interest or dividends by the central credit union, there shall be set apart in said reserve fund not less than ten percent of the net income which has accumulated during the next preceding guaranty period, until such time as the fund shall equal five percent of the risk assets of the central credit union, and thereafter there shall be added to the fund at the end of such period a percentage of the net income which has accumulated during that period which will result in at least maintaining such fund at that amount.

NEW SECTION. Sec. 5. The terms used in this chapter shall have the following meanings unless the context in which they are used clearly indicates otherwise.

- (1) "Members" shall mean any individual or organization which meets the requirements of RCW 31.12.010 and 31.12.080.
- (2) "Member credit union" shall mean any credit union which has been elected to membership and subscribed for at least one share in the central credit union and paid the initial installment thereon.



(3) "Credit union" shall mean a corporation organized under chapter 31.12 RCW or chartered to do business as a credit union by the administrator of the national credit union administration or the successor or successors of him.

(4) "Funds" shall mean deposits and shares of the central credit union members.

(5) For the purpose of establishing required reserves all assets except the following are "risk assets":

(a) Cash on hand;

(b) Deposits and shares in banks, trust companies, savings and loan associations, mutual savings banks or credit unions;

(c) Assets which are insured or guaranteed by, or due from, the federal government or any agency or instrumentalities thereof.

**NEW SECTION.** Sec. 6. Sections 1 through 5 of this act are added to Title 31 RCW as a new chapter thereof.

**NEW SECTION.** Sec. 7. If any provision of this 1977 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House June 3, 1977.

Passed the Senate June 1, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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## CHAPTER 208

[House Bill No. 627]

### IRRIGATION DISTRICT, SEWER DISTRICT MERGERS

AN ACT Relating to special districts; amending section 10, chapter 94, Laws of 1957 and RCW 87.03.720; amending section 11, chapter 94, Laws of 1957 and RCW 87.03.725; and adding a new section to Title 56 RCW.

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

Section 1. Section 10, chapter 94, Laws of 1957 and RCW 87.03.720 are each amended to read as follows:

The board of directors of an irrigation district shall, after being notified by the ~~((board or boards of county commissioners))~~ legislative authority of the county or counties within which the irrigation district lies of the filing of the petition therefor, have the power to assent to the proposed merger with the irrigation district of that portion of a drainage improvement district, joint drainage improvement district, ~~((or))~~ consolidated drainage improvement district, or sewer district within its boundaries at a hearing duly called by the board to consider the proposed merger if sufficient objections thereto have not been presented, as hereinafter provided.

Sec. 2. Section 11, chapter 94, Laws of 1957 and RCW 87.03.725 are each amended to read as follows:

The secretary of the board of directors shall cause a notice of the proposed merger to be posted and published in the same manner and for the same time as

notice of a special election for the issue of bonds. The notice shall state that a petition has been filed with the ~~((board or boards of county commissioners))~~ legislative authority of the county or counties within which the irrigation districts lies by the board of supervisors of the drainage improvement district, joint drainage improvement district, or consolidated drainage improvement district or by the board of commissioners of a sewer district requesting that the drainage improvement district, joint drainage improvement district, ~~((or))~~ consolidated drainage improvement district, or sewer district be merged with the irrigation district or irrigation districts, the names of the petitioners and the prayer thereof, and it shall notify all persons interested in the irrigation district to appear at the office of the board at the time named in the notice, and show cause in writing why the proposed merger should not take place. The time to show cause shall be the regular meeting of the board of directors of the irrigation district next after the expiration of the time for the publication of the notice.

NEW SECTION. Sec. 3. There is added to Title 56 RCW a new section to read as follows:

The procedure and provisions of RCW 85.08.830 through 85.08.890, which are applicable to drainage improvement districts, joint drainage improvement districts, or consolidated drainage improvement districts which desire to merge into an irrigation district, shall also apply to sewer districts organized, or reorganized, under this title which desire to merge into irrigation districts.

The authority granted by this section shall be cumulative and in addition to any other power or authority granted by law to any sewer district.

Passed the House June 3, 1977.

Passed the Senate June 1, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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## CHAPTER 209

[Substitute House Bill No. 741]

### PROPERTY TAXES—EXEMPTIONS

AN ACT Relating to revenue and taxation; amending section 8, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.810; amending section 11, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 2, chapter 127, Laws of 1975-'76 2nd ex. sess. and RCW 84.36.825; and adding a new section to chapter 84.36 RCW.

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

Section 1. Section 8, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36-.810 are each amended to read as follows:

(1) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.040, ~~((84.36.050))~~ and 84.36.060, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the seven years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes ~~((:PROVIDED, That))~~.

(2) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.050 to a school or college, the county treasurer shall collect

all taxes which would have been paid had the property not been exempt during the three years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes, plus a tax, at the same rate as the property tax rate for that year, on the amount of profit from the sale of property (the difference between the sales price and the purchase price plus improvements): PROVIDED, That where the school or college has operated for more than ten years, no penalty shall be assessed.

(3) If the cessation of use under subsections (1) or (2) of this section involves a portion of the total property exemptions the provisions of ~~((this section))~~ those subsections shall apply only to that portion: PROVIDED FURTHER, That such additional tax shall not be imposed if the cessation of use resulted solely from:

~~((1))~~ (a) Transfer to an organization, association, or corporation for a use which also qualifies and is granted exemption under the provisions of chapter 84.36 RCW;

~~((2))~~ (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

~~((3))~~ (c) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

~~((4))~~ (d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

~~((5))~~ (e) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under RCW 84.36.030.

Sec. 2. Section 11, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 2, chapter 127, Laws of 1975-'76 2nd ex. sess. and RCW 84.36.825 are each amended to read as follows:

An application fee of thirty-five dollars for each initial and renewal application shall be required and shall be deposited within the general fund: PROVIDED, That the department of revenue may waive the application fee related to the property of any church or cemetery applying for exemption under the provisions of RCW 84.36.020 whose gross receipts related to the use of such property for exempt purposes did not exceed two thousand five hundred dollars during the calendar year preceding the application year. Applications made for assessment year 1974, if approved, shall be considered initial applications whether or not an exemption has previously been approved. A late filing penalty of ten dollars per month for each month an application is past due shall be required and shall be deposited in the general fund.

NEW SECTION. Sec. 3. There is added to chapter 84.36 RCW a new section to read as follows:

An exempt property owner shall notify the department of revenue of any change of use prior to each assessment year. Any other person believing that a change in the use of exempt property has occurred shall report same to the county assessor, who shall examine the property and if the use is not in compliance with

chapter 84.36 RCW he shall report the information to the department with a recommendation that the exempt status be canceled. The final determination shall be made by the department.

Passed the House June 3, 1977.

Passed the Senate May 27, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

## CHAPTER 210

[Engrossed Senate Bill No. 2160]

### SCHOOL DISTRICTS AND EDUCATIONAL SERVICE DISTRICTS—TERM CONTRACTS

AN ACT Relating to and authorizing certain contracts by school districts and educational service districts; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 and chapter 28A.21 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The board of directors of any school district may enter into contracts for their respective districts for periods not exceeding five years in duration with public and private persons, organizations, and entities for the following purposes:

- (1) To rent or lease building space, portable buildings, security systems, computers and other equipment; and
- (2) To have maintained and repaired security systems, computers and other equipment.

The budget of each school district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW 28A.65.465 and 28A.21.135, as now or hereafter amended.

The provisions of this section shall not have any effect on the length of contracts for school district employees specified by RCW 28A.58.100 and 28A.67.070, as now or hereafter amended.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

The board of any educational service district may enter into contracts for their respective districts for periods not exceeding five years in duration with public and private persons, organizations, and entities for the following purposes:

- (1) To rent or lease building space, portable buildings, security systems, computers and other equipment; and
- (2) To have maintained and repaired security systems, computers and other equipment.

The budget of each educational service district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction

adopted pursuant to RCW 28A.65.465 and 28A.21.135, as now or hereafter amended.

**NEW SECTION.** Sec. 3. If any provision of this 1977 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate June 1, 1977.

Passed the House May 28, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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## CHAPTER 211

[Senate Bill No. 2217]

### HOSPITAL DISTRICTS—STAFF CANDIDATES—EMPLOYMENT INTERVIEW EXPENSES

AN ACT Relating to public hospital districts; and amending section 6, chapter 264, Laws of 1945 as last amended by section 2, chapter 165, Laws of 1974 ex. sess. and RCW 70.44.060.

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

Section 1. Section 6, chapter 264, Laws of 1945 as last amended by section 2, chapter 165, Laws of 1974 ex. sess. and RCW 70.44.060 are each amended to read as follows:

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital and other health care facilities within and without such district.

(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital and other health care facilities and systems for the maintenance of hospitals, buildings, structures, and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: **PROVIDED**, That no public hospital district shall have the right of eminent domain and the power of condemnation against any health care facility: **AND PROVIDED, FURTHER**, That no hospital district organized and existing in districts having more than twenty-five thousand population have any of the rights herein enumerated without the prior written consent of all existing hospital facilities within the boundaries of such hospital district.

(3) To lease existing hospital and other health care facilities and equipment and/or other property used in connection therewith, including ambulances, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital and other health care services for residents of said district by facilities located outside the boundaries of said district, by contract or in any other manner said

commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations, or individuals for the services provided by said hospital district; and they may further receive in said hospitals and other health care facilities and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available hospital and other health care facilities of said district, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospitals and other health care facilities, subject, however, to the applicable limitations provided in subsection (2).

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, and to issue (a) revenue bonds or warrants therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, to pay the same as the commissioners of the district may determine, such revenue bonds or warrants to be issued in the same manner and subject to the same provisions as provided for the issuance of revenue bonds or warrants by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended or (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44.110 to 70.44.130, inclusive, as may hereafter be amended; and to assign or sell hospital accounts receivable, and accounts receivable for the use of other facilities or services that the district is or hereafter may be authorized by law to provide, for collection with or without recourse.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed seventy-five cents per thousand dollars of assessed value or such further amount as has been or shall be authorized by a vote of the people: PROVIDED FURTHER, That the public hospital districts are hereby authorized to levy such a general tax in excess of said seventy-five cents per thousand dollars of assessed value when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies. The said board of district commissioners is hereby authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition to levy a tax in excess of the seventy-five cents per thousand dollars of assessed value herein specifically authorized. The superintendent shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same

shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate or rates as authorized by the commission.

(7) To enter into any contract with the United States government or any state, municipality, or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To pay actual necessary travel expenses and living expenses incurred while in travel status for (a) qualified physicians who are candidates for medical staff positions, and (b) other qualified persons who are candidates for superintendent or other managerial and technical positions, when the district finds that hospitals or other health care facilities owned and operated by it are not adequately staffed and determines that personal interviews with said candidates to be held in the district are necessary or desirable for the adequate staffing of said facilities.

(10) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature; and to do all other things necessary to carry out the provisions of this chapter.

Passed the Senate April 11, 1977.

Passed the House June 1, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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## CHAPTER 212

[Reengrossed Senate Bill No. 2418]

### LAW ENFORCEMENT—BASIC TRAINING—ASSESSMENTS

AN ACT Relating to criminal justice training; amending section 1, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.010; and adding new sections to chapter 43.101 RCW.

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

Section 1. Section 1, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.010 are each amended to read as follows:

When used in this chapter:

(1) The term "commission" means the Washington state criminal justice training commission.

(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.

(3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

(4) The term "law enforcement personnel" means any public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made.

(5) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) The term "judicial personnel" means any judge, employee, or volunteer of any municipal, district, or superior court and any justice, employee, or volunteer of the state appellate court or the state supreme court.

NEW SECTION. Sec. 2. There is added to chapter 43.101 RCW a new section to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080 and 43.101.160. Such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment.

(2) The commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of non-commuting attendees for seven days per week. Additionally, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his training period.

NEW SECTION. Sec. 3. There is added to chapter 43.101 RCW a new section to read as follows:

(1) Costs of criminal justice training shall be borne in part by those who necessitate the establishment and maintenance of the criminal justice system.



(2) In each instance of bail forfeiture attendant to any violation of a law of this state or an ordinance of a city or county except an ordinance relating to vehicles unlawfully left or parked, an assessment which shall be in addition to such bail forfeited shall be collected and forwarded within thirty days of receipt of such assessment by the clerk of the court, or the county treasurer, to the state treasurer to be deposited in an account within the state general fund to be known as the criminal justice training account, hereby created, funds from which shall be appropriated by law to the Washington State Criminal Justice Training Commission as established by chapter 43.101 RCW. The amount of the assessment shall be as follows:

- (a) When forfeiture is ten dollars to nineteen dollars and ninety-nine cents, three dollars;
- (b) When forfeiture is twenty dollars to thirty-nine dollars and ninety-nine cents, five dollars;
- (c) When forfeiture is forty dollars to fifty-nine dollars and ninety-nine cents, seven dollars;
- (d) When forfeiture is sixty dollars to ninety-nine dollars and ninety-nine cents, twelve dollars; and
- (e) When forfeiture is one hundred dollars or more, fifteen dollars.

(3) When any deposit of bail is made for a violation to which this section applies, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in subsection (2) of this section.

(4) When bail is forfeited, the assessment prescribed in this section shall be forwarded to the state treasurer pursuant to this section. If bail is returned, the assessment made thereon shall also be returned.

Passed the Senate May 31, 1977.

Passed the House May 19, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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## CHAPTER 213

[Engrossed Senate Bill No. 2421]

### LOCAL GOVERNMENT PLANNING—HEARING EXAMINER SYSTEM

AN ACT Relating to local government hearing examiners; adding a new section to chapter 35.63 RCW; creating new sections; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 58.17 RCW.

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

**NEW SECTION.** Section 1. There is added to chapter 35.63 RCW a new section to read as follows:

As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city or county may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide applications for conditional uses,

variances, or any other class of applications for or pertaining to land uses which the legislative body believes should be reviewed and decided by a hearing examiner. The legislative body shall prescribe procedures to be followed by the hearing examiner.

Each city or county legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

- (1) The decision may be given the effect of a recommendation to the legislative body;
- (2) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body.

Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's or county's comprehensive plan and the city's or county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

NEW SECTION. Sec. 2. There is added to chapter 35A.63 RCW a new section to read as follows:

As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide applications for conditional uses, variances or any other class of applications for or pertaining to land uses which the legislative body believes should be reviewed and decided by a hearing examiner. The legislative body shall prescribe procedures to be followed by a hearing examiner. If the legislative authority vests in a hearing examiner the authority to hear and decide variances, then the provisions of RCW 35A.63.110 shall not apply to the city.

Each city legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

- (1) The decision may be given the effect of a recommendation to the legislative body;
- (2) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body.

Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry

out and conform to the city's comprehensive plan and the city's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

NEW SECTION. Sec. 3. There is added to chapter 36.70 RCW a new section to read as follows:

As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and issue recommendations on applications for plat approval and applications for amendments to the zoning ordinance, the county legislative authority may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and issue decisions on proposals for plat approval and for amendments to the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative authority may vest in a hearing examiner the power to hear and decide conditional use applications, variance applications, applications for shoreline permits or any other class of applications for or pertaining to land uses. The legislative authority shall prescribe procedures to be followed by a hearing examiner.

Any county which vests in a hearing examiner the authority to hear and decide conditional uses and variances shall not be required to have a zoning adjuster or board of adjustment.

Each county legislative authority electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. Such legal effect may vary for the different classes of applications decided by the examiner but shall include one of the following:

(1) The decision may be given the effect of a recommendation to the legislative authority;

(2) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative authority.

Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the county's comprehensive plan and the county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

NEW SECTION. Sec. 4. There is added to chapter 58.17 RCW a new section to read as follows:

As an alternative to those provisions of this chapter requiring a planning commission to hear and issue recommendations for plat approval, the county or city legislative body may adopt a hearing examiner system and shall specify by ordinance the legal effect of the decisions made by the examiner. The legal effect of such decisions shall include one of the following:

(1) The decision may be given the effect of a recommendation to the legislative body;

(2) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body. The legislative authority shall prescribe procedures to be followed by a hearing examiner.

Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

**NEW SECTION.** Sec. 5. 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.

Passed the Senate June 2, 1977.

Passed the House June 1, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

## CHAPTER 214

[Senate Bill No. 2439]

### URBAN ARTERIAL TRUST FUNDS—OBLIGATION CONTINUED

AN ACT Relating to the urban arterial board; and amending section 4, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.26.281.

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

Section 1. Section 4, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.26-.281 are each amended to read as follows:

Urban arterial trust funds initially authorized by the state urban arterial board in the 1967–69 biennium for specific projects in cities over three hundred thousand population, as last determined by the office of program planning and fiscal management, shall remain obligated to such projects for the period through June 30, ~~((1977))~~ 1978, unless such project is earlier withdrawn or abandoned by the sponsoring city. This continued obligation of urban arterial trust funds shall be terminated for any project if the sponsoring city earlier provides written notice of withdrawal or abandonment of the project to the urban arterial board or if the city acts to expend any other funds, exclusive of the required matching funds, which have heretofore been allocated or set aside to pay a part of the costs of such project.

After June 30, 1975, no additional urban arterial trust funds shall be expended for conceptual or feasibility studies of any project initially authorized prior to June 30, 1969 in a city of over three hundred thousand population, but such limitation shall not apply to the cost of preparing final plans, specifications and estimates or

other contract documents required to advertise the project for competitive bids for its construction.

Passed the Senate March 17, 1977.

Passed the House June 1, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

## CHAPTER 215

[Senate Bill No. 2479]

### PUBLIC ASSISTANCE—EARNED INCOME EXEMPTION

AN ACT Relating to general assistance; and adding a new section to chapter 26, Laws of 1959 and to chapter 74.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

In determining need for general assistance for unemployable persons as defined in RCW 74.04.005(6)(a), the department may by rule and regulation establish a monthly earned income exemption in an amount not to exceed the exemption allowable under disability programs authorized in Title XVI of the federal social security act.

Passed the Senate April 29, 1977.

Passed the House June 1, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

## CHAPTER 216

[Senate Bill No. 2486]

### CLOSING HIGHWAYS AND RESTRICTING TRAFFIC

AN ACT Relating to public highways; amending section 47.48.010, chapter 13, Laws of 1961 as amended by section 9, chapter 108, Laws of 1967 and RCW 47.48.010; amending section 47.48-.020, chapter 13, Laws of 1961 and RCW 47.48.020; and amending section 47.48.040, chapter 13, Laws of 1961 and RCW 47.48.040.

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

Section 1. Section 47.48.010, chapter 13, Laws of 1961 as amended by section 9, chapter 108, Laws of 1967 and RCW 47.48.010 are each amended to read as follows:

Whenever the condition of any state highway, county road, or city street, either newly or previously constructed, altered, repaired or improved, or any part thereof is such that for any reason its unrestricted use or continued use by vehicles or by any class of vehicles will greatly damage such state highway, county road, or city street or will be dangerous to traffic thereon or the same is being constructed, altered, repaired, improved, or maintained in such a manner as to require that use of such state highway, county road, or city street or any portion thereof be closed ((to

~~travel by~~) or restricted as to all vehicles or ((by)) any class of vehicles for any period of time, the ((highway commission)) director of highways if it be a state highway, the county commissioners if it be a county road, or the governing body of any city or town if it be a city street, is authorized to close such state highway, county road, or city street, as the case may be, to travel by all vehicles or by any class of vehicles, or may declare a lower maximum speed thereon for any class of vehicles, for such a definite period as they shall determine: PROVIDED, That nothing in the law of this state shall prevent the ((highway commission)) director of highways, county commissioners, or governing body of any city or town from classifying vehicles according to gross weight, axle weight, height, width, length, braking area, performance, vehicle combinations, or tire equipment for the purposes of this section, or from restricting the use of any portion of any ((public highway within the jurisdiction and control of any such commission or governing body)) state highway, county road, or city street, as the case may be, to its use by an urban public transportation system.

Sec. 2. Section 47.48.020, chapter 13, Laws of 1961 and RCW 47.48.020 are each amended to read as follows:

Before any state highway, county road, or city street is closed to, or the maximum speed limit thereon reduced for, all vehicles or any class of vehicles, a notice ~~((of the date on and after which the state highway, county road or city street or any part thereof shall be closed and the definite period of such closing and whether it shall be closed to all vehicles or to vehicles of a particular class or classes))~~ thereof including the effective date shall be published in one issue of a newspaper of general circulation in the county or city or town in which such state highway, county road or city street or any portion thereof to be closed is located; and a like notice shall be posted on or prior to the date of publication of such notice in a conspicuous place at each end of the state highway, county road, or city street or portion thereof to be closed or restricted: PROVIDED, That no such state highway, county road, or city street or portion thereof shall be closed sooner than three days after the publication and the posting of the notice herein provided for: PROVIDED, HOWEVER, That in cases of emergency the proper officers may, without publication or delay, close state highways, county roads, and city streets temporarily by posting notices at each end of the closed portion thereof and at all intersecting state highways if the closing be of a portion of a state highway, at all intersecting state highways and county roads if the closing be a portion of a county road, and at all intersecting city streets if the closing be of a city street. In all emergency cases, as herein provided, the orders of the proper authorities shall be immediately effective.

Sec. 3. Section 47.48.040, chapter 13, Laws of 1961 and RCW 47.48.040 are each amended to read as follows:

When any state highway, county road, or city street or portion thereof shall have been closed, or when the maximum speed limit thereon shall have been reduced, for all vehicles or any class of vehicles, as by law provided, any person, firm or corporation disregarding such closing ((and using such state highway, county road or city street or portion thereof with any vehicle or any class of vehicle, as the case may be, to which said state highway, county road or city street or portion thereof is closed by any notice or emergency notice;)) or reduced speed limit shall

be guilty of a misdemeanor, and shall in addition to any penalty for violation of the provisions of this section, be liable in any civil action instituted in the name of the state of Washington or the county or city or town having jurisdiction for any damages occasioned to such state highway, county road, or city street, as the case may be, as the result of disregarding such closing (~~and using such state highway, county road, or city street, or portion thereof with any vehicle or any class of vehicle to which the same is closed~~) or reduced speed limit.

Passed the Senate April 22, 1977.

Passed the House June 1, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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## CHAPTER 217

[Engrossed Senate Bill No. 2510]

### TRANSPORTATION CENTERS

AN ACT Relating to transportation; and adding a new chapter to Title 81 RCW.

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

NEW SECTION. Section 1. It is desirable to a transportation system that convenient and comfortable terminals be established and maintained with the services of all modes of public transportation available to the public at such a center to the extent feasible. It is proper that cities, towns, counties, public transportation benefit area authorities, and municipal corporations of this state be authorized to own and operate transportation centers.

NEW SECTION. Sec. 2. Through its council or other legislative body, any city, town, county, public transportation benefit area authority, or other municipal corporation, authorized to operate public transportation services, may construct or otherwise acquire intermodal transportation centers by donation, lease, or purchase and may operate or let for purposes of leasing space at fair market value for the services set forth in section 3 of this act, and to perform other functions permitted by law, the centers or portions of the centers, for public or private purposes or for compensation or rental upon such conditions as its council or other legislative body shall from time to time prescribe. The city, town, county, public transportation benefit area authority, or municipal corporation, may apply for and receive grants from the federal government for purposes of funding a transportation center and may consolidate a transportation center with other lawful city or town activities.

NEW SECTION. Sec. 3. To the extent feasible, the services available to the public at any transportation center may include taxi, auto rental, passenger trains, motor buses, travel agents, restrooms, food, telegraph, baggage handling, transfer and delivery of light freight and packages, commercial airlines, air charter, place of temporary rest for citizens and travelers (but not overnight), mail, private auto parking for users of public transportation through the transportation center, local transit, limousine, and any other use necessary to the foregoing.

Any city, town, county, public transportation benefit area authority, or municipal corporation, which elects to operate a transportation center shall operate the center for the general public good. The operator may establish the terms of usage

for the various modes of transportation and for others that utilize its facilities, may make reasonable rules concerning public and private use, and may exclude all persons therefrom who refuse to comply with the terms or rules of use. The operator may own, operate, maintain, and manage a transportation center, but shall not engage in providing a transportation or other related service at the center unless otherwise authorized by law.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 5. 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.

Passed the Senate April 26, 1977.

Passed the House June 1, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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## CHAPTER 218

[Engrossed Substitute Senate Bill No. 2873]

### LEGISLATIVE ETHICS

AN ACT Relating to legislative ethics; amending section 1, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.010; amending section 2, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.020; amending section 4, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.040; amending section 5, chapter 150, Laws of 1967 ex. sess. as amended by section 135, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 44.60.050; amending section 6, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.070; amending section 8, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.080; adding new sections to chapter 44.60 RCW; and repealing section 7, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.060.

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

Section 1. Section 1, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.010 are each amended to read as follows:

Definition of terms:

(1) "Legislator" means a current member of the senate or house of representatives of the state of Washington. The term shall include an appointee to either house.

(2) "Board" or "board of ethics" means the senate board of legislative ethics or the house board of legislative ethics, created by this chapter, or the joint board composed of the senate and house boards, whichever is appropriate.

(3) "Unethical conduct" means any conduct which constitutes a violation of ~~((chapter 42.21 RCW, as now or hereafter amended, or of))~~ any ~~((other))~~ constitutional provision, statute, rule of the house or senate or joint rule prescribing standards of conduct ~~((or a code of ethics for legislators))~~ for legislators and legislative employees.

(4) "Legislative employee" means any person employed by either house on a temporary or permanent basis as well as any employee of a permanent or interim legislative committee.



Sec. 2. Section 2, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.020 are each amended to read as follows:

There is created within each house of the legislature a board of legislative ethics composed of eight members. Prior to the close of the present session of the legislature the respective chairmen of the majority and minority senate caucuses shall each appoint two senators from their own caucus and in addition thereto shall each appoint two persons who are not active members of the legislature to serve as lay members of the senate board, and the eight members so selected shall constitute the senate board of ethics; and the respective chairmen of the majority and minority caucuses in the house of representatives shall each appoint two members from their own caucus and in addition thereto shall each appoint two persons who are not active members of the legislature to serve as lay members of the house board, and the eight members so selected shall constitute the house board of ethics. All such appointments of legislative and lay members shall be subject to the consent of the caucus wherein the appointment is made. The terms of legislative members shall be until they are no longer a member of the legislature or until their successors are appointed, whichever is sooner, and the terms of lay members shall be until their successors are appointed; and no member shall be removed during his term except for cause. Successors to legislative and lay members shall be appointed either: (1) On the day on which the next succeeding regular session of the legislature shall adjourn sine die: PROVIDED, That if prior to such adjournment sine die, the governor shall have proclaimed an extraordinary session of the legislature, the appointments shall not be made until the day on which such extraordinary session shall adjourn sine die; or (2) within sixty days after the vacancy occurs, whichever is sooner. Legislative and lay members shall both be eligible for reappointment. Vacancies in the position of legislative or lay members shall be filled by the same appointing power and in the same manner as for the member vacating. Any vacancy shall not impair the right of the remaining members to exercise all of the powers of their board so long as quorum requirements are met.

Five members shall constitute a quorum for the board of each house and nine members shall constitute a quorum for the joint board: PROVIDED, That for the purpose of rendering a final decision pursuant to section 8(4)(h) of this 1977 amendatory act six members shall constitute a quorum for the board of each house.

Sec. 3. Section 4, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.040 are each amended to read as follows:

Each legislative and lay member appointed by the respective caucus chairmen shall within thirty days after his appointment sign, under oath, and file an affidavit with the secretary of the senate or the chief clerk of the house of representatives, whichever is appropriate, that he will perform his duties as provided in this chapter, not disclose confidential information acquired by him as a result of such membership on the board, and a lay member shall additionally provide in his affidavit that during his term of office he will not engage in any legislative activity designed to defeat or enhance the passage of any legislative bill or measure, except as otherwise required by this chapter. Upon the failure of a legislative or lay member to sign and file an affidavit as required by this section, the chairman of the board to which he was appointed shall declare his seat vacant.

Sec. 4. Section 5, chapter 150, Laws of 1967 ex. sess. as amended by section 135, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 44.60.050 are each amended to read as follows:

The boards may meet as frequently as they deem necessary, whether or not the legislature is in session. Each board shall hold at least one public hearing each year at which the public will be permitted to testify only on matters relating to present or proposed legislative ethics codes, rules, and laws, as well as the functions and operations of the board. For attendance at meetings during the interim or in attending to other business of his board during the interim, each legislative member shall be entitled to the allowances provided for in RCW 44.04.120, and each lay member shall be entitled to travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended from funds appropriated for that purpose.

All expenses incurred by a board or any member thereof shall be paid upon voucher forms as provided by the budget director and signed by the chairman of the board or his designee: PROVIDED, That vouchers for the expenses of the joint board shall be signed and attested by the chairman of the joint board.

~~((A majority of a board shall constitute a quorum.))~~

Sec. 5. Section 6, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.070 are each amended to read as follows:

The ~~((boards jointly))~~ joint board shall have the following powers, duties, and functions:

(1) ~~((Prepare for the adoption by the forty-first legislature a code of ethics to govern the conduct of the members and employees thereof, and may from time to time present to the legislature amendments or revisions to the code. The code of ethics shall follow the following principles: In private transactions, or activities involving an economic benefit to himself, and in the exercise of official responsibility, a legislator should avoid (a) action which destroys his independence of judgment as a legislator, (b) involves undue influence upon any state agency, court, or governmental subdivision, or (c) constitutes an abuse of his official position or a violation of his trust.))~~ Propose joint rules relating to legislative ethics and revisions or amendments thereto, which when adopted shall be referred to as the legislative code of ethics.

The code, and ~~((each))~~ revisions or amendments thereto, shall be prepared in the form of joint rules of the senate and the house of representatives and shall be submitted in the form of a concurrent resolution ~~((at the commencement of the forty-first session of the legislature, and any revision or amendment thereto shall be submitted))~~ at the next session of the legislature following its preparation. Such code, or revision or amendment thereof, when adopted, shall become effective as standards of conduct for the members and employees of the legislature.

~~((For the purpose of complying with the provisions of this section, the joint board shall select a chairman who may be either a legislator member or a lay member, a vice chairman and a secretary, and meetings of the joint board shall be called by the chairman when deemed necessary for the performance of the duties of the joint board.))~~

The code submitted to the legislature for adoption shall be approved by a majority of the members of the joint board.

(2) To recommend other legislation and other action relating to legislative ethics.

(3) To develop advisory opinions to systematically establish criteria on which subsequent decisions can be based.

(4) Investigate possible unethical conduct of employees of legislative interim committees in the same manner as hereafter specified for employees of one house.

Sec. 6. Section 8, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.080 are each amended to read as follows:

The (~~legislative council~~) senate and the house of representatives shall provide necessary staff services to the board.

NEW SECTION. Sec. 7. There is added to chapter 44.60 RCW a new section to read as follows:

The joint, senate, and house boards of legislative ethics shall issue advisory opinions with regard to standards of ethical conduct for legislators and legislative employees in accordance with the following procedures:

(1) Requests for advisory opinions may be made by legislators, legislative employees, or members of the public. A request must be stated hypothetically unless the individual requests a specific opinion concerning his own conduct. Requests must be written, signed, and directed to the chairman of the appropriate board as specified in subsection (2) of this section. Requests shall supply such information as the board requires to enable it to issue the opinion. The identity of the person making the request shall be known only to the chairman of such appropriate board, unless such confidentiality is waived in the request.

(2) Requests shall be directed to the chairman of the joint board: **PROVIDED,** That all requests concerning the conduct of a particular member or employee of the legislature shall be sent to the chairman of the senate or house board as appropriate.

(3) Within thirty days of the receipt of a request, unless delay is unavoidable, a board shall either: (a) Issue a written advisory opinion, which shall not contain information which reveals the identity of any individual; or (b) notify the person requesting such opinion that the request is beyond its jurisdiction, or that there are insufficient facts upon which an opinion can be based, or that the request is frivolous, or that the request is made for the purpose of harassment.

If delay is unavoidable, the person requesting the opinion shall be notified as to the status of the request within said thirty day period and at thirty day intervals until such time as action is taken.

(4) Upon receipt, requests shall be assigned a reference number. Each board shall maintain and keep current for public inspection a status sheet which shall contain with respect to each request: Its reference number, the date received by the board, and its present status.

(5) The secretary of the senate shall make available to the public copies of the status sheets and advisory opinions issued by the senate and joint boards and the chief clerk of the house of representatives shall make available to the public copies of the status sheets and advisory opinions issued by the house and joint boards.

NEW SECTION. Sec. 8. There is added to chapter 44.60 RCW a new section to read as follows:

Each board shall have the following powers, duties, and functions:

- (1) Issue advisory opinions pursuant to section 7 of this 1977 amendatory act.
- (2) To provide a continuing program of education, assistance, and information to legislators with regard to legislative ethics.
- (3) To make such rules for its own functioning and exercise such powers as may be appropriate for the discharge of the responsibilities of the board not in conflict with this chapter or the joint rules of the legislature.
- (4) Investigate possible unethical conduct by legislators or legislative employees of its own house. Any such investigation shall be conducted in accordance with the following procedures:

(a) A complaint may be filed by a legislator, legislative employee, member of the public, a board, or member of a board. Complaints must be written, signed under oath, and directed to the chairman of the appropriate board. The board shall determine if the complaint is within its jurisdiction and whether there are sufficient facts alleged which if true may support a finding of unethical conduct.

(b) If the board finds that the complaint is not within its jurisdiction, or is frivolous, or is made for the purpose of harassment, or that there are insufficient facts alleged which if true may support a finding of unethical conduct, it shall dismiss the complaint, so notify the complainant, the person charged, and the public with a copy of the complaint and the board's reasons for dismissal.

(c) If the board finds that a complaint is within its jurisdiction and there are sufficient facts alleged which if true may support a finding of unethical conduct, such board shall hold an investigative hearing and send a notice to the complainant and the person charged which shall include a copy of the complaint. The person charged shall receive at least thirty days' written notice of such hearing. The notice shall provide that the person charged shall be entitled to request the board to set an earlier hearing date, present evidence, cross-examine witnesses, be represented by counsel, and file an affidavit of prejudice within ten days of receipt of the notice as provided in subsection (4)(f) of this section.

(d) Investigative hearings shall be closed to the public unless, at least seventy-two hours prior to the hearing, the chairman receives from the person charged a written request that the hearing be open to the public.

(e) A board may designate a subcommittee composed of at least two members of the board, at least half of whom shall be lay members, to conduct investigative hearings. The board, or if designated thereby, any member or subcommittee of the board, may issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing, administer oaths or affirmations, examine witnesses, and receive evidence. In case of disobedience to a subpoena, the board may invoke the aid of any superior court of the state. Such court may, in case of refusal to obey a subpoena issued to such person, issue an order requiring such person to appear before the board, to produce documentary evidence, and/or to give evidence, and any failure to obey such order may be punished by that court as contempt. Notwithstanding any other provision of law, every public official, state agency, and local governmental unit shall furnish to the board any documents, records, data, statements, or information which the board designates as being necessary for the exercise of its functions, powers or duties.

(f) Members of a board shall be disqualified in any case: (i) involving persons whom such members cannot judge impartially, in which cases they shall disqualify themselves; or (ii) where the person charged files an affidavit of prejudice against a member or members whom he believes is unable to make an impartial judgment, in which case the disqualification shall be automatic: PROVIDED, That only one such affidavit may be filed in a single investigation. Whenever a member of the board is disqualified, the appropriate caucus chairman shall appoint pro tem, a replacement legislator or lay member as appropriate. Such appointment shall be subject to the consent of the caucus wherein the appointment is made.

(g) At the conclusion of the investigative hearings, a statement of findings of fact shall be prepared based upon evidence presented at the hearings. A copy of this statement shall be sent to the person charged who shall have at least ten days to offer a written rebuttal to the board. The board, on the basis of the findings of fact, any written rebuttal, and applicable standards of ethical conduct shall make a preliminary report which shall be subject to review and the rendering of a decision at the final hearing. Copies of the findings of fact, preliminary report, and notice of the date for a final hearing shall be sent by registered mail to the person charged. Such person may rebut the report not later than one week prior to the final hearing date, but shall in any event have a period of not less than two weeks in which to respond.

(h) The final hearing shall be open to the public. There shall be available at the hearing copies of the board's findings of fact, preliminary report, and any written rebuttal received by the board from the person charged. The board shall, on the basis of these documents and any final statement made by the person charged, render a final decision as to whether the facts justify a finding of unethical conduct. A final decision must be agreed upon by at least six members of the board. The board shall notify the appropriate law enforcement agency directly if the board makes a finding that it has reasonable grounds to believe that a criminal violation has occurred.

(i) If the board in its final decision determines that the facts support a finding of unethical conduct, such decision shall be transmitted to the chief clerk of the house or the secretary of the senate as appropriate. Such officer shall deliver the report to his house at such time as that house is in session, for such action as that house deems appropriate.

(j) Upon receipt, complaints shall be assigned a reference number. Each board shall maintain and keep current for public inspection a status sheet which shall contain with respect to each complaint: Its reference number, the date received by the board, and its present status, including the date of any hearings scheduled. The name of the complainant and the person charged shall be entered on the status sheet following the notification provided for in subsection (4)(c) of this section.

The secretary of the senate and the chief clerk of the house of representatives shall make available to the public copies of the status sheets, findings of fact, written rebuttals, preliminary reports, and final decisions issued by their respective boards.

NEW SECTION. Sec. 9. There is added to chapter 44.60 RCW a new section to read as follows:

For the purposes of complying with the provisions of this chapter, each board shall select a chairman, who may be either a legislator or lay member, a vice chairman, and a secretary; and meetings of the board shall be called by the chairman when deemed necessary for the performance of the duties of the board.

**NEW SECTION.** Sec. 10. There is added to chapter 44.60 RCW a new section to read as follows:

Each board shall issue an annual report which shall contain advisory opinions and summaries of final board decisions. Copies of the reports shall be distributed to members of the legislature and through the depository library system.

**NEW SECTION.** Sec. 11. Section 7, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.060 are each repealed.

**NEW SECTION.** Sec. 12. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

Passed the Senate May 28, 1977.

Passed the House May 27, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

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## CHAPTER 219

[Engrossed Substitute Senate Bill No. 3036]  
ALCOHOLIC BEVERAGE CONTROL

AN ACT Relating to alcoholic beverage control; amending section 3, chapter 208, Laws of 1971 ex. sess. and RCW 66.04.011; amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 74, Laws of 1975-'76 2nd ex. sess. and RCW 66.28.010; amending section 1, chapter 245, Laws of 1943 and RCW 66.44.310; and amending section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 1, chapter 245, Laws of 1975 1st ex. sess. and RCW 66.24.420.

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

Section 1. Section 3, chapter 208, Laws of 1971 ex. sess. and RCW 66.04.011 are each amended to read as follows:

"Public place" as defined in this title shall not include (a) any of those parks under the control of the state parks and recreation commission, nor, (b) parks and picnic areas adjacent to and held by the same ownership as licensed brewers and domestic wineries for the consumption of beer and wine produced by the respective brewery or winery, as prescribed by regulation adopted by the board pursuant to chapter 34.04 RCW.

Sec. 2. Section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 74, Laws of 1975-'76 2nd ex. sess. and RCW 66.28.010 are each amended to read as follows:

No manufacturer, importer, or wholesaler, or person financially interested, directly or indirectly, in such business, whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, nor shall any manufacturer, importer, or wholesaler own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person,

under any arrangement whatsoever, conduct his business upon property in which any manufacturer, importer, or wholesaler has any interest, nor shall any manufacturer, importer, or wholesaler advance moneys or moneys' worth to any such licensed person under any arrangement whatsoever, nor shall any such licensed person receive, under any arrangement whatsoever, any such advance of moneys or moneys' worth. No manufacturer, importer, or wholesaler shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, or wholesaler sell at retail any liquor as herein defined: PROVIDED, That nothing in this section shall prohibit a licensed brewer or domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine of its own production at retail on the brewery or winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.04 RCW: PROVIDED FURTHER, That nothing in this section shall prohibit a licensed brewer or domestic winery, or a lessee of a licensed brewer or domestic winery, from being licensed as a class H restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a class H premises on the property on which the primary manufacturing facility of the licensed brewer or domestic winery is located or on contiguous property owned by the licensed brewer or domestic winery as prescribed by regulations adopted by the board pursuant to chapter 34.04 RCW.

Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.04 RCW manufacturers, wholesalers and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

***\*Sec. 3. Section 1, chapter 245, Laws of 1943 and RCW 66.44.310 are each amended to read as follows:***

***(1) It shall be a misdemeanor,***

***(a) To serve or allow to remain on the premises of any tavern any person under the age of twenty-one years,***

***(b) For any person under the age of twenty-one years to enter or remain on the premises of any tavern,***

***(c) For any person under the age of twenty-one years to represent his age as being twenty-one or more years for the purpose of securing admission to or remaining on the premises of any tavern.***

***(2) The Washington state liquor control board shall have the power and it shall be its duty to classify the various licensees, as taverns or otherwise, within the meaning of this title, except bona fide restaurants, dining rooms and cafes serving commercial food to the public shall not be classified as taverns during the hours such food service is made available to the public.***

***Notwithstanding the provisions of this section and the provisions of RCW 26.28.080 as now or hereafter amended, it shall be lawful for a person under the age of***

**twenty-one years to be on and remain on the licensed premises when accompanied by the licensee or his agent during times the licensed premises is not open for the sale of alcoholic beverages.**

\*Sec. 3. was vetoed, see message at end of chapter.

Sec. 4. Section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 1, chapter 245, Laws of 1975 1st ex. sess. and RCW 66.24.420 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be three hundred thirty dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated cities and towns of less than 10,000 population; fee \$550.00;

Incorporated cities and towns of 10,000 and less than 100,000 population; fee \$825.00;

Incorporated cities and towns of 100,000 population and over; fee \$1,100.00.

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: one thousand one hundred dollars; this fee shall be prorated according to the calendar months, or major portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(d) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: **PROVIDED**, That the holder of a master license for a restaurant in an airport terminal facility shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and such food service shall be available on request in other licensed places on the premises: **PROVIDED, FURTHER**, That an additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(e) Where the license shall be issued to any corporation, association, or person operating dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: **PROVIDED**, That the holder of a master license for a dining place at such a publicly owned civic center shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of



complete meals, and food service shall be available on request in other licensed places on the premises: PROVIDED FURTHER, That an additional license fee of ten dollars shall be required for such duplicate licenses.

(f) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property at the discretion of the board and a duplicate license may be issued for each additional place: PROVIDED, That the holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the master license and the duplicate license: PROVIDED FURTHER, That an additional license fee of twenty dollars shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The total number of class H licenses issued in the state of Washington by the board shall not in the aggregate at any time exceed one license for each fifteen hundred of population in the state, determined according to the last available federal census.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community.

Passed the Senate May 28, 1977.

Passed the House May 27, 1977.

Approved by the Governor June 10, 1977, with the exception of section 3 which is vetoed.

Filed in Office of Secretary of State June 10, 1977.

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

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 3036 entitled:

"AN ACT Relating to alcoholic beverage control; amending section 3, chapter 208, Laws of 1971 ex. sess. and RCW 66.04.011; amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 74, Laws of 1975-'76 2nd ex. sess. and RCW 66.28-.010; amending section 1, chapter 245, Laws of 1943 and RCW 66.44.310; and amending section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 1, chapter 245, Laws of 1975 1st ex. sess. and RCW 66.24.420."

A careful reading of this bill reveals that section 3 as amended could create problems beyond the intent of the sponsor. The amendment was submitted as a floor amendment and thus did not have the benefit of committee deliberation. Although the purpose of the change was to allow those under 21 years of age to assist in clean-up duties in their parents' taverns, in itself not particularly objectionable, the amended section could be interpreted as allowing teenage "coke" parties or other social events in a contrived atmosphere.

Another problem exists involving the ability of the Washington State Liquor Control Board to enforce the statute. It is a valid argument that a tavern operator might be able to take advantage of the law if a minor was found on the premises by quickly suspending sales and claiming no violation.

For these reasons, section 3 of Substitute Senate Bill No. 3036 is vetoed and the remainder of the bill is approved."

## CHAPTER 220

[Engrossed Senate Bill No. 2472]

### NONHIGHWAY VEHICLES—OFF-ROAD VEHICLES

AN ACT Relating to motor vehicles; amending section 7, chapter 47, Laws of 1971 ex. sess. as amended by section 3, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.020; amending section 8, chapter 47, Laws of 1971 ex. sess. as amended by section 4, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.030; amending section 9, chapter 47, Laws of 1971 ex. sess. as amended by section 5, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.040; amending section 10, chapter 47, Laws of 1971 ex. sess. as amended by section 6, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.050; amending section 11, chapter 47, Laws of 1971 ex. sess. as amended by section 7, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.060; amending section 12, chapter 47, Laws of 1971 ex. sess. as amended by section 8, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.070; amending section 13, chapter 47, Laws of 1971 ex. sess. as amended by section 9, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.080; amending section 14, chapter 47, Laws of 1971 ex. sess. as amended by section 10, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.090; amending section 16, chapter 47, Laws of 1971 ex. sess. as amended by section 11, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.110; amending section 17, chapter 47, Laws of 1971 ex. sess. as amended by section 12, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.120; amending section 18, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.130; amending section 19, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.140; amending section 20, chapter 47, Laws of 1971 ex. sess. as last amended by section 1, chapter 144, Laws of 1974 ex. sess. and RCW 46.09.150; amending section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 1, chapter 34, Laws of 1975 1st ex. sess. and RCW 46.09.170; amending section 23, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.180; amending section 24, chapter 47, Laws of 1971 ex. sess. as amended by section 16, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.190; amending section 8, chapter 76, Laws of 1970 ex. sess. as last amended by section 1, chapter 153, Laws of 1972 ex. sess. and RCW 67.32.080; adding new sections to chapter 47, Laws of 1971 ex. sess. and to chapter 46.09 RCW; repealing section 2, chapter 34, Laws of 1975 1st ex. sess. and RCW 46.09.175; repealing section 28, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.210; repealing section 18, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.220; prescribing penalties; and making an appropriation.

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

Section 1. Section 7, chapter 47, Laws of 1971 ex. sess. as amended by section 3, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.020 are each amended to read as follows:

As used in this chapter the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:

"Person" shall mean any individual, firm, partnership, association or corporation.

((~~All-terrain~~)) "Nonhighway vehicle" shall mean any self-propelled vehicle when used for ((~~cross-country~~)) recreation travel on trails and nonhighway roads or for recreation cross-country travel on any one of the following or a combination

thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles shall include but are not limited to, two or four-wheel drive vehicles, motorcycles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind~~((; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, logging and private forestry vehicles, snowmobiles or any military or law enforcement vehicles.~~

"ATV use permit" means the permit system established for an all-terrain vehicle, in this state, pursuant to this chapter.

"Trail" for the purpose of this chapter, shall mean a corridor designated and maintained for recreational travel, by whatever mode of transportation (foot, animal, or vehicular) authorized by the managing authority of the property that the trail traverses).

Nonhighway vehicle does not include:

(1) Any vehicle designed primarily for travel on, over, or in the water;

(2) Snowmobiles or any military vehicles; or

(3) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

"Off-road vehicle" or "ORV" means any nonhighway vehicle when used for cross-country travel on trails or on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland and other natural terrain.

"ORV use permit" shall mean the permit system established for off-road vehicles in this state under this chapter.

"ORV trail" shall mean a corridor designated and maintained for recreational travel by off-road vehicles which is not normally suitable for travel by conventional two-wheel drive vehicles and where it is posted or designated by the managing authority of the property that the trail traverses as permitting ORV travel.

"ORV use area" means the entire area of a parcel of land except for camping and approved buffer areas where it is posted or designated for ORV use in accordance with rules adopted by the managing authority.

"Owner" shall mean the person other than the lienholder, having an interest in or title to ((an all-terrain)) a nonhighway vehicle, and entitled to the use or possession thereof.

"Operator" means each person who operates, or is in physical control of, any ((all-terrain)) nonhighway vehicle.

"ORV moneys" shall mean those moneys derived from motor vehicle excise taxes on fuel used and purchased for providing the motive power for nonhighway vehicles as described in section 13, ORV use permit fees, and ORV dealer permit fees, provided these moneys are:

(1) Credited to the outdoor recreation account; or

(2) Credited to the ORV account for user education or for acquisition, planning, development, maintenance, and management of designated off-road vehicle trails and areas.

"Dealer" means a person, partnership, association, or corporation engaged in the business of selling ((all-terrain)) off-road vehicles at wholesale or retail in this state.

"Department" shall mean the department of motor vehicles.

"Director" shall mean the director of the department of motor vehicles.

"Committee" shall mean the interagency committee for outdoor recreation.

"Hunt" shall mean any effort to kill, injure, capture, or purposely disturb a wild animal or wild bird.

"Nonhighway road" shall mean any road other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles and which are private roads or controlled and maintained by the department of natural resources, the state parks and recreation commission and the state game department: PROVIDED, That such roads are not built or maintained by appropriations from the motor vehicle fund.

"Highway" for the purpose of this chapter only shall mean the entire width between the boundary lines of every way publicly maintained by the state department of highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

"Organized competitive event" shall mean any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.

Sec. 2. Section 8, chapter 47, Laws of 1971 ex. sess. as amended by section 4, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.030 are each amended to read as follows:

The department shall provide for the issuance of use permits for ~~((all-terrain))~~ off-road vehicles and may appoint agents for collecting fees and issuing permits. The provisions of RCW 46.01.130 and 46.01.140 shall apply to the issuance of use permits for ~~((all-terrain))~~ off-road vehicles as they do to the issuance of vehicle licenses, the appointment of agents and the collection of application fees: PROVIDED, That filing fees for ~~((ATV))~~ ORV use permits collected by the director shall be certified to the state treasurer and deposited ~~((to the credit of the outdoor recreation account))~~ as specified in section 9 of this 1977 amendatory act.

Sec. 3. Section 9, chapter 47, Laws of 1971 ex. sess. as amended by section 5, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.040 are each amended to read as follows:

Except as provided in this chapter, no person shall operate any ~~((all-terrain))~~ off-road vehicle within this state after ~~((February 27, 1972))~~ January 1, 1978, unless ~~((such all-terrain))~~ the off-road vehicle has been assigned an ~~((ATV))~~ ORV use permit and displays ~~((an ATV))~~ a current ORV tag in accordance with the provisions of this chapter: PROVIDED, That ~~((the 1972))~~ registration ~~((, licensing,))~~ and display ~~((thereof))~~ of an unexpired ATV use permit shall be deemed to have complied with this section ~~((for the 1972 registration period)).~~

Sec. 4. Section 10, chapter 47, Laws of 1971 ex. sess. as amended by section 6, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.050 are each amended to read as follows:

~~((ATV))~~ ORV use permits and ~~((ATV))~~ ORV tags shall be required under the provisions of this chapter except for the following:

(1) ~~((All-terrain))~~ Off-road vehicles owned and operated by the United States, another state, or a political subdivision thereof.

(2) ~~((All-terrain))~~ Off-road vehicles owned and operated by this state, or by any municipality or political subdivision thereof.

(3) An ~~((all-terrain))~~ off-road vehicle operating in an organized competitive event on privately owned or leased land: PROVIDED, That if such leased land is owned by the state of Washington this exemption shall not apply unless the state agency exercising jurisdiction over the land in question specifically authorizes said competitive event: PROVIDED FURTHER, That such exemption shall be strictly construed.

(4) ~~((All-terrain))~~ Off-road vehicles operated on lands owned or leased by the ~~((ATV))~~ ORV owner or operator or on lands ~~((on))~~ which the operator has permission to operate without an ~~((ATV))~~ ORV use permit.

~~((All-terrain vehicles which are validly licensed to operate over a highway of this state or if owned by nonresidents of this state, all-terrain vehicles which are validly licensed for operation over public highways in the state of the owner's residence:~~

~~((6) Those two-wheeled vehicles with engines of fifty cubic centimeters or less displacement or those two-wheeled vehicles with engines which develop five or less horsepower, or those two-wheeled vehicles with a wheelbase of forty-two inches or less, or those two-wheeled vehicles which are equipped with wheels of fourteen inches or less rim diameter:~~

~~((7)) An off-road vehicle owned by a resident of another state if that off-road vehicle is registered in accordance with the laws of the other state. This exemption shall apply only to the extent that a similar exemption or privilege is granted under the laws of that state, except that any off-road vehicle which is validly registered in another state and which is physically located in this state for a period of more than fifteen consecutive days shall be required to obtain a Washington state ORV use permit.~~

~~((6) ((All-terrain)) Off-road vehicles while being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency.~~

~~((((8))) (7) Vehicles used primarily for construction or inspection purposes during the course of a commercial operation.~~

~~((8) Vehicles which are licensed pursuant to RCW 46.16 or in the case of non-residents, vehicles which are validly licensed for operation over public highways in the jurisdiction of the owner's residence.~~

Sec. 5. Section 11, chapter 47, Laws of 1971 ex. sess. as amended by section 7, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.060 are each amended to read as follows:

The ~~((ATV))~~ ORV use permit period established by the department shall be concurrent with the registration period established by the department for motor vehicles pursuant to chapter 46.16 RCW.

Sec. 6. Section 12, chapter 47, Laws of 1971 ex. sess. as amended by section 8, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.070 are each amended to read as follows:

Application for an ~~((ATV))~~ ORV use permit shall be made to the department or its authorized agent in such manner and upon such forms as the department shall prescribe, ~~((and))~~ shall state the name and address of each owner of the ~~((all=~~

~~terrain))~~ off-road vehicle, ~~((and))~~ shall be signed by at least one such owner, and shall be accompanied by a use permit fee of five dollars.

Upon receipt of the application and the application fee, ~~((such all-terrain))~~ the off-road vehicle shall be assigned a use permit number tag or decal, which shall be affixed to the ~~((all-terrain))~~ off-road vehicle in a manner prescribed by the department. The department may utilize applications, registration and license forms, and registration numbering provided for use prior to ~~((February 27, 1972 for the balance of 1972 and such shall constitute use permits, tags or decals for 1972))~~ the effective date of this 1977 amendatory act.

The ~~((ATV))~~ ORV use permit provided in this section shall be valid for a period of one year. Use permits shall be renewable each year in such manner as the department may prescribe~~(;)~~ for an additional period of one year~~(;)~~ upon payment of a renewal fee of five dollars.

Any person acquiring an ~~((all-terrain))~~ off-road vehicle for which a use permit has been issued under the provisions of this chapter who desires to continue to use the permit must, within fifteen days of the acquisition or purchase of ~~((such all-terrain))~~ the off-road vehicle, make application to the department or its authorized agent for transfer of ~~((such ATV))~~ the ORV use permit, and such application shall be accompanied by a transfer fee of one dollar.

Except as provided in section 4 of this 1977 amendatory act, any out-of-state owner of an ~~((all-terrain))~~ off-road vehicle shall, when operating in this state, comply with the provisions of this chapter and if an ~~((ATV))~~ ORV use permit is required under this chapter, ~~((he))~~ the owner shall obtain a nonresident ~~((ATV))~~ ORV use permit number and tag, valid for not more than sixty days or an annual permit and tag. Application for such a permit shall state name and address of each owner of the ~~((all-terrain))~~ off-road vehicle ~~((and)),~~ shall be signed by at least one such owner, and shall be accompanied by a fee of two dollars. The permit shall be carried on the vehicle at all times during its operation in this state.

Sec. 7. Section 13, chapter 47, Laws of 1971 ex. sess. as amended by section 9, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.080 are each amended to read as follows:

(1) Each dealer of ~~((all-terrain))~~ off-road vehicles in this state who does not have a current "dealer's plate" for vehicle use pursuant to chapter 46.70 RCW, shall obtain a dealer ~~((ATV))~~ ORV permit from the department in such manner and upon such forms as the department shall prescribe. Upon receipt of a dealer's application for a dealer ~~((ATV))~~ ORV permit and the fee provided for in subsection (2) of this section, such dealer shall be registered and an ~~((ATV))~~ ORV dealer permit number assigned.

(2) The ~~((ATV))~~ ORV fee for dealers shall be twenty-five dollars per year, which shall be deposited in the outdoor recreation account, and such fee shall cover all of the ~~((all-terrain))~~ off-road vehicles owned by a dealer and not rented: PROVIDED, That ~~((all-terrain))~~ off-road vehicles rented on a regular, commercial basis by a dealer shall have separate use permits ~~((under the provisions of this 1972 amendatory act)).~~

(3) Upon the issuance of an ~~((ATV))~~ ORV dealer permit each dealer shall purchase, at a cost to be determined by the department, ~~((ATV))~~ ORV dealer number plates of a size and color to be determined by the department, which shall

contain the dealer ((~~ATV~~) ORV) permit number assigned to the dealer. Each ((~~all-terrain~~) off-road) vehicle operated by a dealer for the purposes of testing or demonstration shall display such number plates assigned pursuant to the dealer permit provisions ((~~as provided for~~)) in chapter 46.70 RCW or this section, in a clearly visible manner.

(4) No person other than a dealer or a representative thereof shall display number plates as prescribed in subsection (3) of this section, and no dealer or representative thereof shall use such number plates for any purpose other than the purpose prescribed in subsection (3) of this section.

(5) ((~~ATV~~) ORV) dealer permit numbers shall be nontransferable.

(6) On and after January 1, ((~~1973~~) 1978), it shall be unlawful for any dealer to sell any ((~~all-terrain~~) off-road) vehicle at wholesale or retail, or to test or demonstrate any ((~~all-terrain~~) off-road) vehicle within the state, unless he has a motor vehicle dealers' license pursuant to chapter 46.70 RCW or an ((~~ATV~~) ORV) dealer permit number in accordance with the provisions of this section.

Sec. 8. Section 14, chapter 47, Laws of 1971 ex. sess. as amended by section 10, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.090 are each amended to read as follows:

All ((~~ATV~~) ORV) use permit tags and ((~~ATV~~) ORV) dealer tags shall be displayed in a manner prescribed by the department on ((~~all-terrain~~) off-road) vehicles when required by this ((~~1972 amendatory act~~)) chapter except as provided in ((~~RCW 46.09.050~~)) section 4 of this 1977 amendatory act.

Sec. 9. Section 16, chapter 47, Laws of 1971 ex. sess. as amended by section 11, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.110 are each amended to read as follows:

The moneys collected by the department as ((~~ATV~~) ORV) use permit fees shall be distributed from time to time but at least once a year in the following manner:

(1) The department shall retain enough money to cover expenses incurred in the administration of this chapter: PROVIDED, That such retention shall never exceed eighteen percent of fees collected.

(2) ((~~The remaining funds shall be deposited in the outdoor recreation account of the general fund to be distributed by the interagency committee to departments of state government, to counties, and to municipalities on a basis determined by the amount of present or proposed ATV trails or areas on which they permit ATV use. The interagency committee shall prescribe methods, rules, and standards by which such departments, counties or municipalities may apply for and obtain moneys from the outdoor recreation account for defraying expenses and costs for planning, development, acquisition, and management of ATV recreational areas and trails and the committee shall also apply for applicable federal matching funds. PROVIDED, That agencies constructing all-terrain vehicle trails, campgrounds, and recreational areas and facilities, shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources or other agencies to employ the youth development and conservation corps or other youth crews to construct or assist in construction of such all-terrain vehicle trails, campgrounds and recreational areas and facilities.~~))

The department of natural resources may use up to five percent of the use permit fees for administration cost and for implementing this chapter.)) Twenty percent of the moneys shall be placed in the ORV account, which is hereby established, in the general fund and shall be administered by the department of natural resources as ORV moneys. The department of natural resources shall use these moneys to develop a state-wide program of ORV user education and information. Any portion of these moneys not used to develop an ORV user education and information program shall be deposited in the outdoor recreation account and shall be distributed by the interagency committee for outdoor recreation under section 17 of this 1977 amendatory act.

(3) The remaining moneys shall be credited to the outdoor recreation account of the general fund as ORV moneys and shall be distributed by the interagency committee for outdoor recreation as specified in section 17 of this amendatory act.

Sec. 10. Section 17, chapter 47, Laws of 1971 ex. sess. as amended by section 12, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.120 are each amended to read as follows:

It shall be unlawful for any person to operate any (~~all-terrain~~) nonhighway vehicle:

- (1) While under the influence of intoxicating liquor or a controlled substance;
- (2) In such a manner as to endanger the property of another;
- (3) On lands not owned by the operator or owner of the (~~all-terrain~~) non-highway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;
- (4) On lands not owned by the operator or owner of the (~~all-terrain~~) non-highway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;
- (5) Without a spark arrester approved by the department of natural resources;
- (6) Without an adequate, and operating, muffling device which (~~shall~~) effectively (~~blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise. All-terrain vehicles manufactured after January 4, 1973, shall effectively maintain such noise at a level of eighty-two decibels or below on the "A" scale at one hundred feet under testing procedures as established by the Washington state patrol~~) limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:
  - (a) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;
  - (b) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and



(c) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle;

(7) On lands not owned by the operator or owner of the ~~((all-terrain))~~ non-highway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;

(8) On lands not owned by the operator or owner of the ~~((all-terrain))~~ non-highway vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;

(9) On lands not owned by the operator or owner of the ~~((all-terrain))~~ non-highway vehicle or on any nonhighway road or trail which is restricted to pedestrian or animal travel; and

(10) On any public lands in violation of rules and regulations of the agency administering such lands.

Sec. 11. Section 18, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.130 are each amended to read as follows:

No person shall operate ~~((an all-terrain))~~ a nonhighway vehicle in such a way as to endanger human life or to run down or harass deer, elk, or any other wildlife, or any domestic animal, nor ~~((shall he))~~ carry, transport, or convey any loaded weapon in or upon, nor hunt from, any ~~((all-terrain))~~ nonhighway vehicle.

Violation of this section shall constitute a gross misdemeanor.

Sec. 12. Section 19, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.140 are each amended to read as follows:

The operator of any ~~((all-terrain))~~ nonhighway vehicle involved in any accident resulting in injury to or death of any person, or property damage to another in the estimated amount of two hundred dollars or more, or a person acting for the operator shall submit such reports as are required under chapter 46.52 RCW, as now enacted or as hereafter amended, and the provisions of chapter 46.52 RCW shall be applicable to such reports when submitted.

Sec. 13. Section 20, chapter 47, Laws of 1971 ex. sess. as last amended by section 1, chapter 144, Laws of 1974 ex. sess. and RCW 46.09.150 are each amended to read as follows:

Motor vehicle fuel excise taxes paid on fuel used and purchased for providing the motive power for ~~((all-terrain))~~ nonhighway vehicles shall not be refundable in accordance with the provisions of RCW 82.36.280 as it now exists or is hereafter amended.

Sec. 14. Section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 1, chapter 34, Laws of 1975 1st ex. sess. and RCW 46.09.170 are each amended to read as follows:

(1) From time to time, but at least once each ~~((biennium))~~ year, the director of the department of motor vehicles shall request the state treasurer to refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected pursuant to chapter 82.36 RCW, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall ~~((refund and))~~ place

~~((such amounts)) these funds in the ((outdoor recreation account of the)) general fund ((to be administered by the interagency committee for outdoor recreation, and such amounts shall be distributed to departments of state government, to counties, and to municipalities on a basis determined by the amount of present or proposed ATV trails or areas on which they permit ATV use. Such distribution shall be reviewed and may be revised by the committee at least once each biennium. These moneys shall be expended by each agency only for all-terrain vehicle trail and area related expenses)) as follows:~~

(a) Twenty-five percent shall be credited to the ORV account and administered by the department of natural resources solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(b) Three and one-half percent shall be credited to the ORV account and administered by the department of game solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Twenty percent shall be credited to the ORV account and administered by the department of natural resources and shall be designated as ORV moneys to be used only for the acquisition, planning, development, maintenance, and management of designated off-road vehicle trails and areas; to construct campgrounds and trailheads which are necessary for the convenient use of designated ORV trails and areas; and to maintain those campgrounds and trailheads specifically constructed with ORV moneys: PROVIDED, HOWEVER, That the department of natural resources, two months prior to the acquisition and development of such trails, areas, campgrounds and trailheads for off road vehicles, shall conduct a public hearing at a suitable location in the nearest town of five hundred population or more, and the department shall publish a notice of such hearing on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the county or counties where the property which is the subject of the proposed facility is located. The department of natural resources shall further file such notice of hearing with the department of ecology at the main office in Olympia and shall comply with the provisions of the state environmental policy act, chapter 43.21C RCW and regulations promulgated thereunder; and

(d) Fifty-one and one-half percent shall be credited to the outdoor recreation account and designated as ORV moneys to be administered by the interagency committee for outdoor recreation and distributed in accordance with section 17 of this amendatory act.

(2) On a yearly basis no agency may expend more than thirteen percent of its share of the above amounts for general administration expenses incurred in carrying out the provisions of this chapter, and not more than fifty percent of its share of said amount for education and law enforcement programs related to nonhighway vehicles.

(3) ORV moneys shall be expended only for the acquisition, planning, development, maintenance, and management of off-road vehicle trails and areas; for education and law enforcement programs related to nonhighway vehicles; to construct campgrounds and trailheads which are necessary for the convenient use of designated ORV trails and areas; and to maintain those campgrounds and trailheads specifically constructed with ORV moneys.

Sec. 15. Section 23, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.180 are each amended to read as follows:

Notwithstanding any of the provisions of this chapter, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of ~~((all-terrain))~~ nonhighway vehicles on public lands, waters, and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not less stringent than the provisions of this chapter.

Sec. 16. Section 24, chapter 47, Laws of 1971 ex. sess. as amended by section 16, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.190 are each amended to read as follows:

(1) Except as provided in RCW 46.09.130 as now or hereafter amended, any person violating the provisions of this chapter shall be guilty of a misdemeanor and subject to a fine of not less than twenty-five dollars.

(2) In addition to the penalties provided in subsection (1) of this section, the owner and/or the operator of any ~~((all-terrain))~~ nonhighway vehicle shall be liable for any damage to property including damage to trees, shrubs, growing crops injured as the result of travel by ~~((such all-terrain))~~ the nonhighway vehicle. The owner of such property may recover from the person responsible three times the amount of damage.

NEW SECTION. Sec. 17. There is added to chapter 47, Laws of 1971 ex. sess. and to chapter 46.09 RCW a new section to read as follows:

(1) The moneys deposited in the outdoor recreation account of the general fund derived from ORV use permit fees, ORV dealer permit fees, and motor vehicle excise taxes on fuel used and purchased for providing the motive power for nonhighway vehicles shall be administered by the interagency committee for outdoor recreation and shall be distributed at least once each year to state agencies, counties, and municipalities. The interagency committee for outdoor recreation may make intergovernmental agreements with federal agencies for the use of ORV moneys. The agreements shall contain the conditions for the use of these moneys.

The committee shall prescribe methods, rules, and standards by which agencies may apply for and obtain moneys and shall determine the amount of money distributed to each applicant: PROVIDED, That agencies constructing off-road vehicle trails, campgrounds, and recreational areas and facilities shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources, or other federal, state and local agencies to employ the youth development and conservation corps or other youth crews to construct or assist in construction of such off-road vehicle trails, campgrounds, and recreational areas and facilities.

(2) The interagency committee shall require that each applicant conduct a public hearing in the nearest town of five hundred population or more, and publish notice of such hearing on the same day of each week for two consecutive weeks in a newspaper of general circulation in the county or counties where the property which is subject of the proposed facility is located prior to the submission of its application. A written record and a magnetic tape recording of such hearings shall be included in the application to the committee.

(3) The interagency committee for outdoor recreation shall retain enough money from ORV moneys to cover expenses incurred in the administration of this chapter except that after June 30, 1979, the retention shall not exceed, on a yearly basis, three percent of the ORV moneys deposited in the outdoor recreation account.

NEW SECTION. Sec. 18. There is added to chapter 47, Laws of 1971 ex. sess. and to chapter 46.09 RCW a new section to read as follows:

Between June 30, 1977 and June 30, 1979 the interagency committee for outdoor recreation shall develop or cause to be developed a state-wide ORV plan which shall determine and reflect user densities and preferences and suitability and availability of designated ORV trails and areas within the state. The plan shall be maintained on a continuing basis with the plan document updated at least once every third biennium and shall be used by all participating agencies to guide distribution and expenditure of nonhighway vehicle funds.

NEW SECTION. Sec. 19. There is added to chapter 47, Laws of 1971 ex. sess. and to chapter 46.09 RCW a new section to read as follows:

The interagency committee shall establish a committee of ORV recreationists, including representatives of organized ORV recreation groups, to advise in the development of a state-wide ORV plan, the development of a project funding system, the suitability of ORV projects submitted to the interagency committee for funding and other aspects of ORV recreation as the need may arise.

NEW SECTION. Sec. 20. There is added to chapter 47, Laws of 1971 ex. sess. and to chapter 46.09 RCW a new section to read as follows:

The department of natural resources shall conduct a program of ORV user education and information.

The department of natural resources shall establish a committee of ORV recreationists, including representatives of organized ORV recreation groups, to advise the department relative to any ORV program developed from the funds provided in sections 9 and 14 of this 1977 amendatory act.

Sec. 21. Section 8, chapter 76, Laws of 1970 ex. sess. as last amended by section 1, chapter 153, Laws of 1972 ex. sess. and RCW 67.32.080 are each amended to read as follows:

The following seven categories of trails or areas are hereby established for purposes of this chapter:

(1) Cross-state trails which connect scenic, historical, geological, geographical, or other significant features which are characteristic of the state;

(2) Water-oriented trails which provide a designated path to, on, or along fresh and/or salt water in which the water is the primary point of interest;

(3) Scenic-access trails which give access to quality recreation, scenic, historic or cultural areas of state-wide or national significance;

(4) Urban trails which provide opportunities within an urban setting for walking, bicycling, horseback riding, or other compatible activities. Where appropriate, they will connect parks, scenic areas, historical points, and neighboring communities;

(5) Historical trails which identify and interpret routes which were significant in the historical settlement and development of the state;

(6) (~~All-terrain~~) ORV vehicle trails which are suitable for use by both four-wheel drive vehicles and two-wheel vehicles. Such trails may be included as a part of the trail systems enumerated in subsections (1) (~~through~~), (2), (3) and (5) of this section or may be separately designated;

(7) Off-road and off-trail areas which are suitable for use by both four-wheel drive vehicles and two-wheel vehicles. IAC shall coordinate an inventory and classification of such areas giving consideration to the type of use such areas will receive from persons operating four-wheel drive vehicles and two-wheel vehicles.

The planning and designation of trails shall take into account and give due regard to the interests of federal agencies, state agencies and bodies, counties, municipalities, private landowners and individuals, and interested recreation organizations. It is not required that the above categories be used to designate specific trails, but the IAC will assure that full consideration is given to including trails from all categories within the system. As it relates to all classes of trails and to all types of trail users, it is herein declared as state policy to increase recreational trail access to and within state and federally owned lands and private lands where access may be obtained. It is the intent of the legislature that public recreation facilities be developed as fully as possible to provide greater recreation opportunities for the citizens of the state. The purpose of this 1972 amendatory act is to increase the availability of trails and areas for (~~all-terrain~~) off-road vehicles by granting authority to state and local governments to maintain a system of (~~ATV~~) ORV trails and areas, and to fund the program to provide for such development. State lands should be used as fully as possible for all public recreation which is compatible with the income-producing requirements of the various trusts.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 34, Laws of 1975 1st ex. sess. and RCW 46.09.175;
- (2) Section 28, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.210; and
- (3) Section 18, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.220.

NEW SECTION. Sec. 23. There is hereby appropriated from the outdoor recreation account to the interagency committee for outdoor recreation the sum of one hundred fifty thousand dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1979, to carry out the purpose of section 18 of this 1977 amendatory act.

Passed the Senate June 2, 1977.

Passed the House May 28, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

## CHAPTER 221

[Engrossed Senate Bill No. 2111]

WASHINGTON STATE ASSOCIATION OF COUNTY OFFICIALS—COUNTY  
REIMBURSEMENT—MERGER

AN ACT Relating to counties; and amending section 36.47.040, chapter 4, Laws of 1963 as last amended by section 35, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.47.040; and adding a new section to chapter 36.47 RCW.

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

Section 1. Section 36.47.040, chapter 4, Laws of 1963 as last amended by section 35, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.47.040 are each amended to read as follows:

Each county which designates the Washington state association of county officials as the agency through which the duties imposed by RCW 36.47.020 may be executed is authorized to reimburse the association from the county current expense fund for the cost of any such services rendered: **PROVIDED**, That no reimbursement shall be made to the association for any expenses incurred under RCW 36.47.050 for travel, meals, or lodging of such county officials, or their representatives at such meetings, but such expenses may be paid by such official's respective county as other expenses are paid for county business. Such reimbursement shall be paid only on vouchers submitted to the county auditor and approved by the board of county commissioners of each county in the manner provided for the disbursement of other current expense funds. Each such voucher shall set forth the nature of the services rendered by the association, supported by affidavit that the services were actually performed. The total of such reimbursements for any county in any calendar year shall not exceed a sum equal to the amount which would be raised by a levy of (~~one-quarter~~) one-half of a cent per thousand dollars of assessed value against the taxable property in such county.

NEW SECTION. Sec. 2. There is added to chapter 36.47 RCW a new section to read as follows:

It is the desire of the legislature that the Washington State Association of County Officials, as set forth in chapter 36.47 RCW and the Washington State Association of Counties, as set forth in RCW 36.32.350, shall merge into one association of elected county officers. Only one association shall carry out the duties imposed by RCW 36.32.335 through 36.32.360 and RCW 36.47.020 through 36.47.060.

The two organizations shall report to the legislature by January 1, 1978 on the details of this merger.

Passed the Senate April 8, 1977.

Passed the House June 3, 1977.

Approved by the Governor June 14, 1977.

Filed in Office of Secretary of State June 14, 1977.

## CHAPTER 222

[Engrossed Senate Bill No. 2429]  
CHARITABLE SOLICITATIONS

AN ACT Relating to charitable solicitations; amending section 2, chapter 13, Laws of 1973 1st ex. sess. as amended by section 1, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.020; amending section 3, chapter 13, Laws of 1973 1st ex. sess. as amended by section 2, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.030; amending section 7, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.070; amending section 8, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.080; amending section 9, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.090; amending section 10, chapter 13, Laws of 1973 1st ex. sess. as amended by section 3, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.100; amending section 11, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.110; amending section 18, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.180; amending section 19, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.190; amending section 21, chapter 13, Laws of 1973 1st ex. sess. as amended by section 1, chapter 219, Laws of 1975 1st ex. sess. and RCW 19.09.210; amending section 22, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.220; amending section 26, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.260; amending section 28, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.280; amending section 1, chapter 66, Laws of 1973 1st ex. sess. and RCW 19.09.370; adding new sections to chapter 19.09 RCW; repealing section 12, chapter 13, Laws of 1973 1st ex. sess., section 4, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.120; repealing section 13, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.130; repealing section 33, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.330; and prescribing penalties.

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

Section 1. Section 2, chapter 13, Laws of 1973 1st ex. sess. as amended by section 1, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.020 are each amended to read as follows:

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

(1) A "bona fide officer or employee" of a charitable organization is one whose conduct is subject to direct control by such organization and who does not act in the manner of an independent contractor in his relation with the organization.

(2) "Charitable organization" means: (a) Any benevolent, philanthropic, patriotic, eleemosynary, education, social, recreation, fraternal organization, or any other person having or purporting to have a charitable nature; and (b) which solicits or solicits and collects contributions for any charitable purpose. "Charitable" shall have its common law meaning unless the context in which it is used clearly requires a narrower or a broader meaning.

~~((2))~~ (3) "Contribution" means the donation, promise or grant, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation. Reference to dollar amounts of "contributions" or "solicitations" in this chapter means in the case of payments or promises to pay for merchandise or rights of any description, the value of the total amount paid or promised to be paid for such merchandise or rights less the reasonable purchase price to the charitable organization of any such tangible merchandise, rights, or services resold by the organization, and not merely that portion of the purchase price to be applied to a charitable purpose.

~~((3))~~ (4) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.

~~((4))~~ (5) "Cost of solicitation" means and includes all costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of

value paid or incurred in making a solicitation for a direct gift or conducting a sale or benefit affair; cost of solicitation shall not include the reasonable purchase price to the charitable organization of any tangible goods or services resold by the organization as a part of its fund raising activities.

~~((5))~~ (6) "Director" means the director of the department of motor vehicles.

~~((6))~~ (7) "Direct gift" shall mean and include an outright contribution of food, clothing, money, credit, property, financial assistance or other thing of value to be used for a charitable or religious purpose and for which the donor receives no consideration or thing of value in return.

(8) "Membership" means that for the payment of fees, dues, assessments, etc., an organization provides services and confers a bona fide right, privilege, professional standing, honor, or other direct benefit, in addition to the right to vote, elect officers, or hold office. The term "membership" shall not include those persons who are granted a membership upon making a contribution as the result of solicitation.

~~((7))~~ (9) "Parent organization" means that part of a charitable organization which coordinates, supervises, or exercises control over policy, fund raising, or expenditures, or assists or advises one or more chapters, branches, or affiliates of such organization in the state of Washington.

~~((8))~~ (10) "Person" means an individual, organization, group, association, partnership, corporation, or any combination thereof.

~~((9))~~ (11) "Professional fund raiser" means any person who, for compensation or other consideration, plans, conducts, ~~((or))~~ manages, or advises concerning any drive or campaign in this state for the purpose of soliciting contributions for or on behalf of any charitable organization or charitable purpose, or who engages in the business of or holds himself out to persons in this state as independently engaged in the business of soliciting contributions for such purposes, or the business of planning, conducting, managing, or carrying on any drive or campaign in this state for such solicitations: PROVIDED, That the following persons shall not be deemed professional fund raisers ~~((or professional solicitors))~~: (a) Any bona fide officer or employee of a charitable organization which maintains a permanent establishment in the state of Washington; ~~((who is employed and engaged as such officer or employee principally in connection with activities other than soliciting contributions or managing the solicitation of contributions and))~~ whose salary or other compensation is not computed on funds raised or to be raised; (b) a clergyman of a religious corporation exempt under the provisions of RCW 19.09.030.

~~((10))~~ (12) A "professional solicitor" means ~~((a))~~ any person other than a professional fund raiser who is employed or retained for compensation by any person or charitable organization to solicit contributions for charitable purposes from persons in this state, but shall not include any bona fide officer or employee of a registered charitable organization.

~~((11))~~ (13) "Sale and benefit affair" shall mean and include, but not be limited to, athletic or sports event, bazaar, benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater, or variety show which the public is requested to patronize or attend or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith: PROVIDED, That bingo activities, raffles, and amusement games conducted pursuant to the provisions of chapter 9.46



RCW and applicable rules of the Washington state gambling commission are specifically excluded and shall not be deemed a solicitation within the provisions of this chapter.

~~((+2))~~ (14) "Solicitation" means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

(a) Any appeal is made for any charitable purpose; or

(b) The name of any charitable organization is used as an inducement for consummating the sale; or

(c) Any statement is made which implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization.

The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

Sec. 2. Section 3, chapter 13, Laws of 1973 1st ex. sess. as amended by section 2, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.030 are each amended to read as follows:

Except as otherwise specifically provided in other sections of this chapter, this chapter shall not apply to the following:

(1) Solicitations by religious corporations duly organized and operated in good faith as religious organizations which are entitled to receive a declaration of current tax exempt status from the government of the United States and their duly organized branches or chapters, if the solicitations by such organization are conducted among the members thereof by other members or officers thereof, voluntarily or if the solicitations are in the form of collections or contributions at the regular or special religious assemblies, meetings, or services of any such organization ~~((or solicitations by such organizations))~~ or if the solicitations by such organization are for evangelical, missionary, or religious purposes.

(2) Any charitable organizations ~~((which are organized and operated principally for charitable or religious or educational purposes, other than the raising of funds;))~~ when the solicitation of contributions is confined to the membership of the organization and when the solicitation is managed and conducted solely by officers and members of such organizations who are unpaid for such services.

~~((The term "membership" shall not include those persons who are granted membership upon making a contribution as the result of a solicitation.))~~

(3) Persons requesting any contributions for the relief of named individuals:

(a) When the solicitation is managed and conducted solely by persons who are unpaid for such services and;

(b) When the contributions collected do not exceed the ~~((five))~~ ten thousand dollars in any ~~((six))~~ twelve month period; and

(c) When all of the contributions collected, without any deductions whatsoever except for the actual cost of a banquet, dance, or similar social gathering, are turned over to the named beneficiary or beneficiaries.

(4) ~~((Any charitable organization which does not solicit and collect contributions in this state in excess of five thousand dollars in any six month period if all such fund raising functions are carried on by persons who are unpaid for their services))~~ Charitable organizations which do not intend to solicit and receive, and

do not actually raise or receive, contributions from the public in excess of ten thousand dollars during a calendar year, if all their functions, including all fund raising activities, are carried on by persons who are unpaid for their services and if no part of their assets or income inures to the benefit of or is paid to any officer or member.

(5) Charitable organizations which do not intend to solicit and receive, and do not actually raise or receive, contributions from more than ten persons during a calendar year, if all their functions, including all fund raising activities, are carried on by persons who are unpaid for their services and if no part of their assets or income inures to the benefit of or is paid to any officer or member.

(6) Solicitations by government subdivisions which solicit funds for governmental purposes, if such funds are subject to control, examination, or review by governmental agents or agencies.

(7) Solicitations by volunteer hospital organizations affiliated with nonprofit hospitals whose budgets are subject to review by the Washington state hospital commission according to RCW 70.39 when: net proceeds of such solicitations are used solely to improve or maintain tax exempt health care services or facilities of such institutions; the solicitation is carried on solely by persons who are unpaid for their services and no part of the volunteer organizations' assets or income inures to the benefit of, or is paid to any officer or member; and no professional fund raiser or solicitor is employed or retained for compensation in connection with such solicitations.

Sec. 3. Section 7, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.070 are each amended to read as follows:

An application for registration of a charitable organization, as provided by RCW 19.09.060, shall be filed as prescribed by rules and regulations which the director may adopt and shall contain the following documents and information:

(1) The name of the charitable organization and the name under which it intends to solicit contributions;

(2) The addresses of all offices, if any, maintained by the charitable organization in the state of Washington and the names and addresses of its chapters, branches, and affiliates in this state;

(3) The names and addresses of its directors, trustees, and other officers and key personnel. The term "key personnel" means: (a) Any officers, employees, or other personnel who are directly in charge of any of the fund-raising activities of the charitable organization; and (b) the officers or individuals maintaining custody of the organization's financial records and the officers or individuals who will have custody of the contributions;

(4) The location of the organization's financial records in the state of Washington;

(5) Methods by which solicitation will be made, including a statement as to whether such solicitation is to be conducted by voluntary unpaid solicitors, by paid solicitors, or both, and a narrative description of the promotional plan together with copies of all advertising material which has been prepared for public distribution by any means of communication and any location of any telephone solicitation facilities;

(6) The names and addresses of any professional fund raisers and professional solicitors who are acting or who have agreed to act on behalf of the charitable organization together with a statement setting forth the terms of the arrangements for salaries, bonuses, commissions, or other remuneration to be paid the professional fund raisers and professional solicitors;

(7) The general purpose for which the charitable organization is organized;

(8) Where and when the organization was legally established, the form of its organization, and its federal tax exempt status;

(9) The purposes for which the contributions to be solicited will be used, the total amount of funds proposed to be raised thereby, and the use or disposition to be made of any receipts therefrom;

(10) The period of time during which the solicitation will be made and if less than state-wide, the area or areas in which such solicitation will generally take place;

(11) A financial statement of any funds collected for charitable purposes by the applicant for the last preceding fiscal year (~~(Said statement giving the amount of money so raised together with the cost of solicitations and final distribution of the balance. The financial statement shall be submitted on a uniform reporting form provided by the director)~~); such statement shall list the amount of money so collected together with the cost of solicitations and the final distribution of the balance;

(12) An irrevocable appointment of the director to receive service of any lawful process in any noncriminal proceeding arising under this chapter against the applicant or his personal representative;

(13) Whether the organization is authorized by any other governmental authority to solicit contributions and whether it is or has ever been enjoined by any court from soliciting contributions;

(14) Such other information as may be reasonably required, by the director, in the public interest or for the protection of contributors.

If there is any change, while any application is pending, in fact, policy, or method that would alter the information given in the application, the applicant shall notify the director in writing thereof within five days, excluding Saturdays, Sundays and legal holidays after such change.

Sec. 4. Section 8, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.080 are each amended to read as follows:

The registration statement, and any other documents prescribed by the director, shall be signed under oath by the president, or other authorized officer, and the chief fiscal officer of the charitable organization. Such registration shall be effective ~~((for the period requested by the charitable organization in its registration statement but such period shall not exceed one year. The director may adopt regulations providing for the annual renewal of registrations by charitable organizations having continuing or annually recurring fund raising campaigns. Renewals shall be accompanied by such information as may be required to bring the registration statement up to date))~~ until withdrawn by the registrant or suspended or revoked by the director. If there are any changes in fact, policy, or method that would alter the information given in the registration statement, the charitable organization shall

notify the director in writing thereof within ten days, excluding Saturdays, Sundays, and legal holidays, after any such change.

Sec. 5. Section 9, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.090 are each amended to read as follows:

Where any chapter, branch, affiliate, or area division of a charitable organization is supervised and controlled by a superior or parent organization which is incorporated, qualified to do business, or doing business within this state such chapter, branch, affiliate, or area division shall not be required to register under RCW 19.09.060 if the superior or parent organization files a registration statement, on behalf of its subsidiary, in addition to or as a part of its own registration statement. Where a registration statement has been filed by a superior or parent organization, on behalf of such subsidiary organization, ~~((it shall file any reports required of the subsidiary organization, under this chapter, in addition to or as part of its own report, but the accounting information so required shall be set forth separately and not in consolidated form with respect to every such chapter, branch, affiliate, or division which solicits, collects, or expends more than four thousand dollars in any fiscal year))~~ the superior or parent organization need not include the financial statement information as a part of its financial report for any chapter, branch, or affiliate which solicits and collects less than five hundred dollars during its fiscal year, providing all such fund raising is done by persons who are unpaid for such services. For those chapters, branches, or affiliates which solicit, collect, or expend between five hundred dollars and five thousand dollars during their fiscal year, the superior or parent organization shall report such financial information either separately or in consolidated form. For those chapters, branches, or affiliates which solicit, collect, or expend in excess of five thousand dollars during their fiscal year, the superior or parent organization shall set forth such financial information separately, in addition to including such information in consolidated form.

Sec. 6. Section 10, chapter 13, Laws of 1973 1st ex. sess. as amended by section 3, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.100 are each amended to read as follows:

Upon receipt of an application in the proper form for registration, the director shall immediately initiate an examination to determine that:

(1) ~~((The cost of solicitation for direct gifts shall not exceed twenty percent of the total gross amount to be raised or for sale and benefit affairs shall not exceed fifty-five percent of the total gross amount to be raised; and of this fifty-five percent, not more than twenty percent shall be paid for all wages, fees, commissions, salaries, and emoluments paid or to be paid to all salesmen, solicitors, collectors, and professional fund raisers. If it appears that the cost of soliciting will exceed the percentages listed above, and except for that, the registration would otherwise be granted, the director may enter an order registering the charitable organization, upon a showing that special reasons make a cost higher than twenty percent or said fifty-five percent, or said twenty percent, respectively, reasonable in the particular case. When such an order is entered, the amount, stated as a percentage of the total purchase price, that will be given to the charitable organization or purpose shall be disclosed to each person being solicited at the time of each solicitation by conspicuously setting out such cost upon the item of goods, or upon its package, or by conspicuously setting out such cost upon a sign posted at each location where such~~

solicitation occurs)) The cost of solicitation (including payments to professional fund raisers and professional solicitors and internal fund raising and solicitation salaries and expenses) during the year immediately preceding the date of application has not exceeded, or, for the specified year in which the application is submitted, will not exceed twenty percent of the total moneys, pledges, or other property raised or received or to be raised or received by reason of any solicitation and/or fund raising activities or campaigns. The term "internal fund raising and solicitation salaries and expenses" shall include, but not be limited to, such portions of the charitable organization's salary and overhead expenses as is fairly allocable (on a time or other appropriate basis) to its solicitation and/or fund raising expense. As provided in RCW 19.09.020(5), the cost of solicitation shall not include the reasonable purchase price to the charitable organization of any tangible goods or services resold by the organization as a part of its fund-raising activities. The amount of such expenditure by the organization shall be deducted from the gross amount collected, or from the organization's support received directly from the public, prior to computing the percentage limitation. In the event special facts or circumstances are presented showing that expenses higher than twenty percent were not or will not be unreasonable, the director has the discretion to allow such higher expense and enter an order registering the charitable organization. Such an order shall be reviewed annually by the director. When such an order is entered, the cost of solicitation shall be disclosed by the organization to each person being solicited at the time of each solicitation. To further the purposes of this chapter, the director shall from time to time apprise the public of the names of those organizations for which discretionary action has been exercised in connection with the cost of solicitation limitations;

(2) The charitable organization has complied with all local governmental regulations which apply to soliciting for or on behalf of charitable organizations;

(3) The advertising material and the general promotional plan are not false, misleading, or deceptive (~~and its rules and regulations, which the director may adopt, comply with the standards prescribed by the director and which afford full and fair disclosure~~); comply with the standards, rules, and regulations which the director may adopt; and afford full and fair disclosure;

(4) The charitable organization has not, or if a corporation, its officers, directors, and principals have not, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years and has not been subject to any permanent injunction or administrative order or judgment, under the provisions of RCW 19.86.080 or 19.86.090, involving a violation or violations of the provisions of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

Sec. 7. Section 11, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.110 are each amended to read as follows:

(1) (~~Upon receipt of the application for registration, in proper form, the director shall issue a notice of filing to the applicant.~~) Within thirty days from (~~the date of the notice of filing~~) the receipt of the application for registration, in proper form, the director shall enter an order registering the charitable organization or rejecting the registration. If no order of rejection is entered within thirty days from

~~((the date of notice of filing))~~ the receipt of the application for registration, in proper form, the charitable organization shall be deemed registered unless the applicant has consented, in writing, to a delay.

(2) If the director affirmatively determines, upon inquiry and examination that the requirements of RCW 19.09.100 have been met he shall enter an order registering the charitable organization.

(3) If the director determines, upon inquiry and examination, that any of the requirements of RCW 19.09.100 have not been met, the director shall notify the applicant that the application for registration must be corrected in the deficiencies specified. If the requested corrections are not complied with, the director shall enter an order rejecting the registration, such order shall include the findings of fact upon which the order is based. The order rejecting the registration shall not become effective for twenty days during which time the applicant may petition for reconsideration and shall be entitled to a hearing.

Sec. 8. Section 18, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.180 are each amended to read as follows:

~~((Every person soliciting contributions for or on behalf of a charitable organization which is required to file or have filed in its behalf a registration statement, under this chapter, shall have readily available for prospective contributors an identification card which shall include the following information in legible form:~~

~~(1) The name of the charitable organization for which the contributions are solicited:~~

~~(2) A statement that the charitable organization has filed a registration statement with the director and the date such registration was filed:~~

~~(3) Such other information, from the registration statement, as may be required by reasonable rule or regulation of the director for the protection of the public:~~

~~The director may prescribe the form of such identification card. The card shall be exhibited to any person from whom a contribution is requested or, on demand, to any police or law enforcement officer))~~ The director shall keep the public informed on charitable activities in the state. To this end, the director shall conduct investigations and audits and issue an annual report on or about July 31st of each year setting forth information related to solicitation activities of registered charitable organizations. The director shall issue periodic reports to the public to carry out the purposes of this chapter.

Sec. 9. Section 19, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.190 are each amended to read as follows:

Every person employed or retained as a professional fund raiser or professional solicitor by or for a charitable organization shall file with the director a valid registration or renewal of such registration. Applications for such registration shall be in writing, under oath, and in the form prescribed by the director. The form shall require information as to the identity and previous related activities of the registrant as may be necessary or appropriate for the public interest or for the protection of contributors. A corporation, partnership, or sole proprietorship which is a professional fund raiser or professional solicitor, may register for and pay a single fee on behalf of all its members, officers, agents, servants, and employees. However, the names and addresses of all officers, agents, servants, and employees of professional fund raisers and professional solicitors must be listed in the application. In

addition, a professional fund raiser shall file, at the time of making application, with and have approved by the director a surety bond executed by the applicant as principal in the amount of five thousand dollars with one or more sureties whose liability in the aggregate as such sureties will at least equal the said sum. The bond shall run to the director for the use of the state and to any person who may have a cause of action against the obligor of said bond for any malfeasance or misfeasance in the conduct of such solicitation. The director or his designee shall examine each application, and if he finds it to be in conformity with the requirements of this chapter and all relevant rules and regulations he shall approve the registration. Any applicant who is denied registration may, within twenty days from the date of notification of such denial, request, in writing, a hearing, which hearing shall be held in accordance with the provisions of the administrative procedure act, chapter 34-.04 RCW. Registration, when effected, shall be for a period of one year, or any part thereof, expiring on the last day of December and may be renewed for additional periods unless rejected for legally sufficient cause or for failure to file the bond prescribed in this section. The additional periods shall be for not more than one calendar year or such shorter period as the director may prescribe by regulation.

Sec. 10. Section 21, chapter 13, Laws of 1973 1st ex. sess. as amended by section 1, chapter 219, Laws of 1975 1st ex. sess. and RCW 19.09.210 are each amended to read as follows:

(a) (~~Within ninety days~~) On or before the fifteenth day of the fifth month following the close of its fiscal year every charitable organization which is required to file a registration statement under RCW 19.09.060 and which has received contributions during the previous fiscal year shall file with the director a financial statement containing, but not limited to, the following information:

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required either by general rule or by specific written request of the director.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to professional fund raisers and solicitors.

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any.

(b) The director may prescribe such forms as may be necessary or convenient for the furnishing of such information. In addition, the director may require that within thirty days after the close of any special period of solicitation the charitable organization conducting such solicitation shall file a special report containing the information specified in this section for such special period of solicitation.

Sec. 11. Section 22, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.220 are each amended to read as follows:

(1) If it appears to the director, at any time, that any organization has failed to comply with any requirement of RCW 19.09.210 or failed to file any required report, the director following notice, and after an opportunity for a hearing (at a time fixed by the director) within ~~((fifteen))~~ twenty days after such notice, shall issue an order suspending the registration. When such requirement has been fulfilled or the information has been filed in accordance with such order, the director shall so declare and thereupon the order shall cease to be effective.

(2) The director is hereby empowered to make an examination in any case to determine whether an order should issue under subsection (1) of this section. In making such examination the director, or his designee, shall have access to, and may demand the production of any books and papers of, and may administer oaths and affirmations to, and may examine the charitable organization, any agents, or any other person, in respect to any matter relevant to the examination. If the charitable organization or any agents shall fail to cooperate or shall obstruct or refuse to permit the making of an examination such conduct shall be proper grounds for the issuance of an order suspending the registration.

Sec. 12. Section 26, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.260 are each amended to read as follows:

~~((+))~~ The director may:

~~((a))~~ (1) Make necessary public or private investigations within or without the state to determine whether any person has violated or is about to violate this chapter or any rule, regulation, or order hereunder, or to aid in the enforcement of this chapter, or in the prescribing of rules and forms hereunder; and

~~((b))~~ (2) Require or permit any person to file a statement in writing, under oath or otherwise as the director determines, as to all facts and circumstances concerning the matter to be investigated.

~~((2))~~ For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by rule may administer oaths or affirmations and upon the director's own motion or upon request of any party shall subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things together with the identity and location of persons having knowledge, relevant facts, or any other matter reasonably calculated to lead to the discovery of material evidence.

~~(3)~~ Upon failure to obey a subpoena or to answer questions propounded by the investigating officer, and upon reasonable notice to all persons affected thereby, the director may apply to the superior court for an order compelling compliance.

~~(4)~~ Except as otherwise provided in this chapter, all proceedings under this chapter shall be in accordance with the Administrative Procedure Act, chapter 34-04 RCW.)

NEW SECTION. Sec. 13. There is added to chapter 19.09 RCW a new section to read as follows:

For the purpose of any investigation, proceeding, or hearing under this chapter, the director or any officer designated by rule may (1) administer oaths or affirmations and (2) upon the director's own motion, or upon request of any party to a hearing, shall subpoena witnesses, compel their attendance, require the production



of any matter which is relevant to the investigation, proceeding, or hearing, and take evidence on all relevant matters, including matters reasonably calculated to lead to the discovery of material evidence. Subpoenas issued by the director or his designee shall be served in accordance with the provisions of law governing the service of subpoenas in actions in superior court. If any person refuses to obey a subpoena issued under this section, or refuses to answer any proper question put to him during a hearing or proceeding, the director or his designee may petition the superior court of any county in which such person resides or is found for an order requiring such person to appear and give evidence, or to produce the requested material, or to answer the proposed question. Any failure to obey such order of the court may be punished by the court as a civil contempt may be punished.

Unless another place is named by the director or his designee, all hearings and proceedings shall be located in Olympia, and all subpoenaed physical evidence or exhibits, whether demanded in relation to a hearing, proceeding, or investigation, shall be produced in Olympia.

NEW SECTION. Sec. 14. There is added to chapter 19.09 RCW a new section to read as follows:

Any person who wilfully and knowingly violates any provisions of this act or who shall wilfully and knowingly give false or incorrect information to the director in filing statements or reports required by this 1977 amendatory act, whether or not such statement or report is verified, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be sentenced for the first offense to pay a fine of not less than one hundred dollars and not more than two hundred and fifty dollars or be imprisoned in the county jail for not more than forty-five days, or both; and for the second and any subsequent offense, to pay a fine of not less than two hundred and fifty dollars and not more than five hundred dollars or be imprisoned in the county jail for not more than ninety days, or both.

Sec. 15. Section 28, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.280 are each amended to read as follows:

(1) ~~((A registration may be revoked, following notice and hearing;))~~ Following notice and hearing in accordance with the administrative procedure act, chapter 34.04 RCW, the director may suspend or revoke any registration made pursuant to this chapter upon a written finding of fact that the charitable organization, professional fund raiser, or professional solicitor has:

- (a) Failed to comply with the terms of a cease and desist order;
- (b) Been convicted in any court, subsequent to the filing of the application for registration, for a crime involving fraud, deception, false pretense, misrepresentation, false advertising, or dishonest dealing in charity solicitation;
- (c) Failed to faithfully perform any stipulation or agreement made with the director as an inducement to grant any registration or to reinstate any registration or to approve any promotional plan or method of solicitation;
- (d) Made intentional misrepresentations or concealed material facts in an application for registration;
- (e) Violated any provision of this chapter, or any rule or regulation prescribed by the director pursuant to RCW 19.09.310.

Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

(2) If the director finds, following notice and hearing, that the charitable organization, professional fund raiser or professional solicitor has been guilty of a violation for which revocation could be ordered, he may issue a cease and desist order instead.

(3) If the director finds that the public interest requires emergency action, and incorporates a finding to that effect in a written order, summary suspension of a registration may be ordered pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined.

NEW SECTION. Sec. 16. There is added to chapter 19.09 RCW a new section to read as follows:

Except as otherwise provided in this chapter, all proceedings under this chapter shall be in accordance with the administrative procedure act, chapter 34.04 RCW.

Sec. 17. Section 1, chapter 66, Laws of 1973 1st ex. sess. and RCW 19.09.370 are each amended to read as follows:

Nothing in this chapter shall require registration or application for registration by radio and television stations or legal newspapers, or their employees acting within the scope of their employment nor shall any such station, newspaper or employee thereof be considered a professional fund raiser, charitable organization, professional solicitor or trustee: **PROVIDED, HOWEVER,** The manager or publisher of any such station or newspaper which solicits and actually collects charitable cash contributions exceeding a total value of five hundred dollars for any single charitable purpose during any twelve month period, although exempt from the registration provisions of this chapter, ~~((shall file a short form report, in the form and manner provided under RCW 19.09.130, as an account of the distribution of such contributions, and thereafter such additional information as the director may require))~~ shall have available for public inspection a report; the form of the report shall be substantially as follows:

- Period of time covered by this report . . . . .
- Gross amount of funds collected for the individual charity, person, or purpose . . . . .
- Amount of funds applied to the individual charity, person, or purpose . . . . .
- Additional amount (if any) to be applied . . . . .
- Amount expended and to be expended for expenses of solicitation (if any) not including the value of the broadcast time or newspaper space devoted to the solicitation . . . . . Said report shall be maintained and available for public inspection for a period of not less than three years.

NEW SECTION. Sec. 18. The following acts or parts of acts are each repealed:

(1) Section 12, chapter 13, Laws of 1973 1st ex. sess., section 4, chapter 106, Laws of 1974 ex. sess. and RCW 19.09.120; and

(2) Section 13, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.130; (3) Section 33, chapter 13, Laws of 1973, 1st ex. sess. and RCW 19.09.330.

Passed the Senate June 3, 1977.

Passed the House June 1, 1977.

Approved by the Governor June 14, 1977.

Filed in Office of Secretary of State June 14, 1977.

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## CHAPTER 223

[Substitute Senate Bill No. 2161]

### COMMUNITY COLLEGE BOND RETIREMENT FUND MONEYS—TRANSFER TO STATE GENERAL FUND

AN ACT Relating to community colleges; directing the transfer of funds in the community college bond retirement fund to the general fund; adding new sections to chapter 28B.50 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. The state finance committee has heretofore refunded, pursuant to RCW 28B.50.403 through 28B.50.407, all of the outstanding general tuition fee bonds of the community college board payable from the community college bond retirement fund. By reason of such refunding said tuition fee bonds are no longer deemed to be outstanding and moneys presently on deposit in said bond retirement fund are no longer needed to pay and secure the payment of such refunded tuition fee bonds.

NEW SECTION. Sec. 2. Notwithstanding anything to the contrary contained in RCW 28B.50.360 (1) and (2) and in RCW 28B.50.370, all moneys on deposit on or before June 30, 1977, in the community college bond retirement fund, shall be transferred by the state treasurer to the state general fund, except for those moneys appropriated by section 17, chapter 1, Laws of 1977.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act are added to chapter 28B.50 RCW.

NEW SECTION. Sec. 4. 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. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 26, 1977.

Passed the House June 3, 1977.

Approved by the Governor June 14, 1977.

Filed in office of Secretary of State June 14, 1977.

CHAPTER 224

[Engrossed Senate Bill No. 2500]

HIGHWAYS—STATE ROUTE NUMBER 285 ESTABLISHED

AN ACT Relating to highways; and adding a new section to chapter 47.17 RCW.

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

NEW SECTION. Section 1. There is added to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 285 is established as follows:

Beginning at a junction with state route number 28 in the East Wenatchee vicinity, thence westerly across the Columbia river to the west pavement seat of the Columbia River bridge at milepost number 123.45 in Wenatchee.

Passed the Senate March 17, 1977.

Passed the House June 3, 1977.

Approved by the Governor June 14, 1977.

Filed in Office of Secretary of State June 14, 1977.

CHAPTER 225

[Substitute Senate Bill No. 2529]

CONSTRUCTION AND MAINTENANCE OF HIGHWAYS—SCHEDULING NEW OR LIMITED ACCESS USE—LAND USE RESTRICTIONS—CONTRACTS OR STATE FORCE

AN ACT Relating to highways; amending section 47.28.025, chapter 13, Laws of 1961 and RCW 47.28.025; amending section 47.28.026, chapter 13, Laws of 1961 and RCW 47.28.026; and amending section 47.28.030, chapter 13, Laws of 1961 as last amended by section 1, chapter 116, Laws of 1973 and RCW 47.28.030.

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

Section 1. Section 47.28.025, chapter 13, Laws of 1961 and RCW 47.28.025 are each amended to read as follows:

Whenever (~~any authority in behalf of~~) the state highway commission shall establish the location, width, and lines of any new highway, or declare any such new highway as a limited access facility and schedules the acquisition of the right of way for the highway or facility within the ensuing two years, it may cause the description and plan of any such highway to be made, showing the center line of said highway and the established width thereof and attach thereto a certified copy of the resolution, and thereupon such description, plan, and resolution shall be recorded in the office of the county auditor of the proper county in a separate book kept for such purposes, which shall be furnished to the county auditor of such county by the Washington state highway commission at the expense of the state.

Sec. 2. Section 47.28.026, chapter 13, Laws of 1961 and RCW 47.28.026 are each amended to read as follows:

(1) No owner or occupier of lands, buildings or improvements shall erect any buildings or make any improvements within the limits of any such highway, location, width and lines of which have been established and recorded, as provided in RCW 47.28.025, and if any such erection and improvements shall be made, no allowances shall be had therefor by the assessment of damages. No permits for improvements within said limits shall be issued by any authority: PROVIDED, That the establishment of any highway location as set forth in RCW 47.28.025 shall be ineffective after one year from the filing thereof if no action to condemn or acquire the property within said limits has been commenced within said time.

(2) Unless and until the state highway commission shall cause a plan of a proposed new highway or limited access facility to be recorded in the office of the county auditor as authorized in section 1 of this 1977 amendatory act, nothing contained in sections 1 or 2 of this 1977 amendatory act shall be deemed to restrict or restrain in any manner the improvement, development, or other use by owners or occupiers of lands, buildings, or improvements within the limits of any proposed new or limited access highway or any proposed relocated or widened highway. Because of the uncertainties of federal aid and the state level of funding of proposed construction or improvement of state highways, plans for such improvements approved by the state highway commission shall be deemed tentative until filed with the county auditor as authorized in section 1 of this 1977 amendatory act or until the department of highways commences action to condemn or otherwise acquire the right of way for such highway improvements.

Sec. 3. Section 47.28.030, chapter 13, Laws of 1961 as last amended by section 1, chapter 116, Laws of 1973 and RCW 47.28.030 are each amended to read as follows:

A state highway shall be constructed, altered, repaired, or improved, and improvements located on property acquired for right of way purposes may be repaired or renovated pending the use of such right of way for highway purposes, by contract or ((day labor)) state forces. The work or portions thereof may be done by ((day labor)) state forces when the estimated costs thereof is less than fifteen thousand dollars: PROVIDED, When delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by ((day labor)) state forces when the estimated cost thereof is less than twenty-five thousand dollars. When the state highway commission determines to do the work by ((day labor)) state forces; it shall enter a resolution upon its records to that effect, stating the reasons therefor. To enable a larger number of small businesses and minority contractors to effectively compete for highway department contracts, the state highway commission may adopt rules and regulations providing for bids and award of contracts for the performance of work, or furnishing equipment, materials, supplies, or operating services whenever any work is to be performed and the engineer's estimate indicates the cost of the work would not exceed ((twenty-five)) fifty thousand dollars. The rules and regulations adopted under this section:

(1) Shall provide for competitive bids to the extent that competitive sources are available except when delay of performance would jeopardize life or property or inconvenience the traveling public; and

(2) Need not require the furnishing of a bid deposit nor a performance bond, but in the event such a performance bond is not required then progress payments to the contractor may be required to be made based on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, materialmen, mechanics, and subcontractors from the previous partial payment; and

(3) May establish prequalification standards and procedures as an alternative to those set forth in RCW 47.28.070, but the prequalification standards and procedures under RCW 47.28.070 shall always be sufficient.

Passed the Senate April 13, 1977.

Passed the House June 4, 1977.

Approved by the Governor June 14, 1977.

Filed in Office of Secretary of State June 14, 1977.

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CHAPTER 226

[Senate Bill No. 2678]

REGISTERED VOTER COMPUTER TAPE OR DATA FILE—STATUTE LAW COMMITTEE COPY

AN ACT Relating to computer tape or data file of records of registered voters; and amending section 3, chapter 46, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.160.

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

Section 1. Section 3, chapter 46, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.160 are each amended to read as follows:

No later than February 15th and no later than August 15th of each year, the secretary of state shall provide a duplicate copy of the master state-wide computer tape or data file of registered voters to the state central committee of each major political party, at actual duplication cost, and shall provide a duplicate copy of the master state-wide computer tape or data file of registered voters to the statute law committee without cost. The master state-wide computer tape or data file of registered voters or portions of the tape or file shall be available to any other political party, at actual duplication cost, upon written request to the secretary of state. Restrictions as to the commercial use of the information on the state-wide computer tape or data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW 29.04.110 and 29.04.120 as now existing or hereafter amended.

Passed the Senate March 11, 1977.

Passed the House June 4, 1977.

Approved by the Governor June 14, 1977.

Filed in Office of Secretary of State June 14, 1977.

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CHAPTER 227

[Substitute Senate Bill No. 2889]

COMMON SCHOOL PLANT FACILITIES AID

AN ACT Relating to common school plant facilities aid; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.47 RCW.

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

**NEW SECTION.** Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.47 RCW a new section to read as follows:

Notwithstanding any other provision of this chapter, on and after the effective date of this 1977 act, the allocation and distribution of funds by the state board of education which are now or may hereafter be appropriated for the purposes of providing assistance in the construction of school plant facilities shall be governed by RCW 28A.47.073, 28A.47.075, and 28A.47.801 through 28A.47.809.

Passed the Senate May 4, 1977.

Passed the House June 3, 1977.

Approved by the Governor June 14, 1977.

Filed in Office of Secretary of State June 14, 1977.

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## CHAPTER 228

[Substitute Senate Bill No. 3010]

### TORT CLAIMS REVOLVING FUND—APPROPRIATION—REIMBURSEMENT BY STATE AGENCIES

AN ACT Relating to the tort claims revolving fund; amending section 11, chapter 159, Laws of 1963 as last amended by section 3, chapter 75, Laws of 1977 and RCW 4.92.170; making an appropriation; and declaring an emergency.

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

**NEW SECTION.** Section 1. There is hereby appropriated from the general fund to the tort claims revolving fund for payment of claims pursuant to RCW 4.92.170, as now or hereafter amended, the sum of \$150,000, or so much thereof as may be necessary.

Sec. 2. Section 11, chapter 159, Laws of 1963 as last amended by section 3, chapter 75, Laws of 1977 and RCW 4.92.170 are each amended to read as follows:

Liability for and payment of claims arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. is declared to be a proper charge as part of the normal cost of operating the various agencies and departments of state government whose operations and activities give rise to the liability and a lawful charge against moneys appropriated or available to such agencies and departments.

Within any agency or department the charge shall be apportioned among such appropriated and other available moneys in the same proportion that the moneys finance the activity causing liability. Whenever the operations and activities of more than one agency or department combine to give rise to a single liability, the budget director shall determine the comparative responsibility of each agency or department for the liability.

State agencies (~~over which the budget director has authority to revise allotments under chapter 43.88 RCW~~) shall make reimbursement to the tort claims revolving fund for any payment made from it for the benefit of such agencies. The budget director is authorized and directed to transfer or order the transfer to the revolving fund, from moneys available or appropriated to such agencies, that sum of money which is a proper charge against them. Such amounts may be expended for the purposes for which the tort claims revolving fund was created by RCW

4.92.130 as herein or hereafter amended without further or additional appropriation: PROVIDED, That in any case where reimbursement would seriously disrupt or prevent substantial performance of the operations or activities of the state agency, the budget director may relieve the agency of all or a portion of the obligation to make reimbursement.

The budget director shall report on request to the legislature on the status of the tort claims revolving fund, all payments made therefrom, all reimbursements made thereto, and the identity of agencies and departments of state government whose operations and activities give rise to liability, including those agencies and departments over which he does not have authority to revise allotments under chapter 43.88 RCW.

The budget director may authorize agencies, in accordance with chapter 41.05 RCW to the extent that it is applicable, to purchase insurance to protect and hold personally harmless any officer or employee of the state, or any classes of such officers or employees or for other persons performing services for the state, whether by contract or otherwise, from any action, claim, or proceeding for damages arising out of the performance of duties for, employment with, or the performance of services on behalf of the state and to hold him harmless from any expenses connected with the defense, settlement or monetary judgment from such actions.

The budget director shall adopt rules and regulations governing the procedures to be followed in making payment from the tort claims revolving fund, in reimbursing the revolving fund and in relieving an agency of its obligation to reimburse.

NEW SECTION. Sec. 3. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 2, 1977.

Passed the House June 3, 1977.

Approved by the Governor June 14, 1977.

Filed in Office of Secretary of State June 14, 1977.

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## CHAPTER 229

[Engrossed Substitute Senate Bill No. 3028]  
REVENUE BONDS—RESERVES

AN ACT Relating to the use of revenue bonds; and adding a new section to chapter 39.44 RCW.

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

NEW SECTION. Section 1. There is added to chapter 39.44 RCW a new section to read as follows:

Any county, city, town, political subdivision, or municipal corporation authorized to issue revenue bonds may include in the amount of any such issue funds for the purpose of establishing, maintaining or increasing reserves to:

(1) Secure the payment of the principal of and interest on such revenue bonds;  
or

(2) Provide for replacements or renewals of or repairs or betterments to revenue producing facilities; or



(3) Provide for contingencies, including, but not limited to, loss of revenue caused by such contingencies.

The authority granted pursuant to this section is additional and supplemental to any existing authority to issue revenue bonds and nothing in this section shall prevent the issuance of such bonds pursuant to any other law: PROVIDED, That no such bond issue may include an amount in excess of fifteen percent thereof for the purpose of establishing, maintaining or increasing reserves as enumerated above.

Passed the Senate May 3, 1977.

Passed the House June 4, 1977.

Approved by the Governor June 14, 1977.

Filed in Office of Secretary of State June 14, 1977.

## CHAPTER 230

[Engrossed Substitute Senate Bill No. 3071]

### FISHERIES—VESSELS, GEAR, LICENSES AND PERMITS REDUCTION

AN ACT Relating to commercial fishing vessels, gear, licenses, and permits; amending section 2, chapter 184, Laws of 1974 ex. sess. as amended by section 7, chapter 106, Laws of 1977 1st ex. sess. and RCW 75.28.455; amending section 2, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.500; amending section 3, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.505; amending section 4, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.510; amending section 9, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.535; and amending section 10, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.540.

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

Section 1. Section 2, chapter 184, Laws of 1974 ex. sess. as amended by section 7, chapter 106, Laws of 1977 1st ex. sess. and RCW 75.28.455 are each amended to read as follows:

On and after May 6, 1974, the department of fisheries of the state of Washington shall initiate a program to limit the number of commercial salmon vessels for each type of fishing gear and area by issuing licenses and vessel delivery permits to fish for salmon only to those vessels holding such licenses or permits in any year between January 1, 1970 and May 6, 1974: PROVIDED, That only those vessels which held commercial gear fishing licenses or vessel delivery permits valid for salmon during such period and can prove by means of a valid fish receiving document that salmon were caught and landed during such period shall be entitled to a valid commercial fishing license or vessel delivery permit to fish for or possess salmon for the same type of gear and area for each year of a period extending from January 1, 1975 through December 31, 1980: PROVIDED FURTHER, That except for vessels coming under the provisions of RCW 75.28.460, no commercial salmon fishing license or vessel delivery permit shall be issued to a vessel for calendar years 1979 and 1980 unless that vessel (1) was issued or had transferred to it a valid Washington state commercial salmon fishing license or vessel delivery permit during the previous calendar year, or during the last calendar year in which the vessel was legally eligible for licenses if the vessel's licenses were suspended or revoked during the calendar year or years previous to the year for which the licenses are being sought; and (2) can prove by means of a valid fish receiving document that food fish were caught and landed by such vessel in this state or in another state during the previous calendar year, or during the last calendar year in which

the vessel was legally eligible for licenses if the vessel's licenses were suspended or revoked during the calendar year or years previous to the year for which the licenses are being sought: PROVIDED, HOWEVER, That nothing herein shall be construed to be contrary to the provisions of Title 75 RCW or any regulation promulgated thereunder. All such licenses or vessel delivery permits shall be transferable ((~~PROVIDED, That in order to qualify for licenses in calendar years 1979 and 1980, a vessel must prove by means of a valid fish receiving document that food fish were caught and landed by such vessel in this state or in another state during the previous calendar year, or during the last calendar year in which the vessel was legally eligible for licenses if the vessel's licenses were suspended or revoked during the calendar year or years previous to the year for which the licenses are being sought~~)).

Sec. 2. Section 2, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.500 are each amended to read as follows:

The legislature finds that the protection, welfare, and economic well-being of the commercial fishing industry is important to the people of this state. There presently exists an overabundance of commercial fishing gear in our state waters which causes great pressure on the fishing resources. This results in great economic waste to the state and prohibits conservation and harvesting programs from achieving their goals. This adverse situation has been compounded by the ((~~re-~~cent)) federal court decisions, United States of America et al. v. State of Washington et al., Civil No. 9213, United States District Court for the Western District of Washington, February 12, 1974, and *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976). As a result, large numbers of commercial fishermen face personal economic hardship, and the state commercial fishing industry is confronted with economic difficulty. The public welfare requires that the state have the authority to purchase commercial fishing vessels, licenses, gear, and permits offered for sale, as appropriate, in a manner which will provide relief to the individual vessel owner, and which will effect a reduction in the amount of commercial fishing gear in use in the state so as to insure increased economic opportunity for those persons in the industry and to insure that sound scientific conservation and harvesting programs can be carried out. It is the intention of the legislature to provide relief to commercial fishermen adversely affected by the current economic situation in the state fishery and to preserve this valuable state industry and these natural resources.

Sec. 3. Section 3, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.505 are each amended to read as follows:

As used in RCW 75.28.500 through 75.28.540; unless the context indicates otherwise:

(1) "Case areas" means those areas of the Western district of Washington ((~~within the watersheds of Puget Sound and the Olympic Peninsula north of Grays Harbor~~)) and in the adjacent offshore waters which are within the jurisdiction of the state of Washington, as defined in United States of America et al. v. State of Washington et al., Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and in *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th

Cir., 1976), or any area in which fishing rights are affected by court decision in a manner consistent with the above-mentioned decisions;

(2) "Department" means the department of fisheries;

(3) "Director" means the director of the department of fisheries.

Sec. 4. Section 4, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.510 are each amended to read as follows:

The department is authorized to purchase commercial fishing vessels and appurtenant gear, and the ~~((appropriate))~~ current commercial fishing licenses and delivery permits and charter boat licenses issued by the state of Washington if the vessel, licensee, or permit holder:

(1) Was licensed to fish or deliver fish during 1974, 1975, 1976, or 1977 within the case areas; and

(2) Was substantially restricted in its fishing season ~~((in 1974))~~ by the department as a result of compliance with United States of America et al. v. State of Washington et al., Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and Sohappy v. Smith, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976).

The department shall not purchase any vessel without also purchasing all ~~((appropriate))~~ current Washington commercial fishing licenses and delivery permits and charter boat licenses issued to such vessel or its owner: PROVIDED, That the department is authorized to purchase current licenses and delivery permits in the absence of the purchase of a vessel.

Sec. 5. Section 9, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.535 are each amended to read as follows:

The provisions of ~~((this 1975 amendatory act))~~ RCW 75.28.500 through 75.28.540 as now or hereafter amended, shall become effective on January 1, 1978, or thereafter, only upon receipt by the department from the federal government of funds in an amount sufficient to administer such provisions and to accomplish its purposes. ~~((If such funds are not received or authorized prior to July 1, 1976, this 1975 amendatory act shall expire on said date.))~~

The director shall be the responsible state officer for the administration of, and the disbursement of all funds, goods, commodities, and services, which may be received by the state in connection with the provisions of ~~((this 1975 amendatory act))~~ RCW 75.28.500 through 75.28.540 as now or hereafter amended. There is created within the state treasury a fund to be known as the "vessel, gear, license, and permit reduction fund", which shall be used for the purchase of vessels, licenses, permits, and fishing gear as provided in ~~((this 1975 amendatory act))~~ RCW 75.28.500 through 75.28.540 as now or hereafter amended, and for the administration of the provisions of ~~((this 1975 amendatory act))~~ RCW 75.28.500 through 75.28.540 as now or hereafter amended. This fund shall be credited with any federal or other funds received to carry out the purposes of ~~((this 1975 amendatory act))~~ RCW 75.28.500 through 75.28.540 as now or hereafter amended, and shall also be credited with all proceeds from the sale or other disposition of any property purchased pursuant to RCW 75.28.510 as now or hereafter amended.

Sec. 6. Section 10, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.540 are each amended to read as follows:

No application for participation in the program provided for in RCW 75.28.500 through 75.28.540 shall be accepted by the department later than June 30, ((1977)) 1980. The director shall provide for the expeditious completion of the program thereafter and shall notify the state legislature when such provisions might appropriately be declared null and void.

Passed the Senate June 3, 1977.

Passed the House June 1, 1977.

Approved by the Governor June 14, 1977.

Filed in Office of Secretary of State June 14, 1977.

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## CHAPTER 231

[Engrossed Substitute Senate Bill No. 3105]

### INJURY TO GOVERNMENT PROPERTY—PENALTY

AN ACT Relating to state government; amending section 1, chapter 141, Laws of 1959, and RCW 9.61.160; amending section 3, chapter 141, Laws of 1959 and RCW 9.61.180; prescribing penalties; and declaring an emergency.

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

Section 1. Section 1, chapter 141, Laws of 1959 and RCW 9.61.160 are each amended to read as follows:

It shall be unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated.

Sec. 2. Section 3, chapter 141, Laws of 1959 and RCW 9.61.180 are each amended to read as follows:

Any violation of RCW 9.61.160 through 9.61.180 shall be a ((~~gross misdemeanor~~)) felony.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 3, 1977.

Passed the House June 1, 1977.

Approved by the Governor June 14, 1977.

Filed in Office of Secretary of State June 14, 1977.

## CHAPTER 232

[Engrossed Substitute Senate Bill No. 2121]  
STATE GOVERNMENT PUBLICATIONS

AN ACT Relating to state government publications; amending section 1, chapter 233, Laws of 1963 and RCW 40.06.010; amending section 2, chapter 233, Laws of 1963 and RCW 40.06.020; amending section 3, chapter 233, Laws of 1963 and RCW 40.06.030; amending section 4, chapter 233, Laws of 1963 and RCW 40.06.040; adding a new section to chapter 27.04 RCW; adding a new chapter to Title 40 RCW; repealing section 1, chapter 150, Laws of 1941 and RCW 40.04-.010; repealing section 2, chapter 150, Laws of 1941 and RCW 40.04.020; and repealing section 43.01.030, chapter 8, Laws of 1965 and RCW 43.01.030.

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

**NEW SECTION.** Section 1. It is the intent of this legislation to improve executive management and control of state publications and reduce state expenditures through: (1) Elimination of reports and publications which are economically or otherwise unjustified; and (2) the simplification and consolidation of other reports and publications.

**NEW SECTION.** Sec. 2. The terms defined in this section shall have the meanings indicated when used in this chapter.

(1) "Director" means the director of the office of program planning and fiscal management.

(2) "State agency" includes every state office, department, division, bureau, board, commission, committee, higher education institution, community college, and agency of the state and all subordinate subdivisions of such agencies in the executive branch financed in whole or in part from funds held in the state treasury, but does not include the offices of executive officials elected on a state-wide basis, agricultural commodity commissions, the legislature, the judiciary, or agencies of the legislative or judicial branches of state government.

(3) (a) "State publication" means publications of state agencies and shall include any annual and biennial reports, any special report required by law, state agency newsletters, periodicals and magazines, and other printed informational material intended for general dissemination to the public or to the legislature.

(b) "State publication" may include such other state agency printed informational material as the director may prescribe by rule or regulation, in the interest of economy and efficiency, after consultation with the governor, the state librarian, and any state agencies affected.

(c) "State publication" does not include:

(i) Business forms, preliminary draft reports, working papers, or copies of testimony and related exhibit material prepared solely for purposes of a presentation to a committee of the state legislature;

(ii) Typewritten correspondence and interoffice memoranda, and staff memoranda and similar material prepared exclusively as testimony or exhibits in any proceeding in the courts of this state, the United States, or before any administrative entity;

(iii) Any notices of intention to adopt rules under RCW 34.04.025(1)(a) as now existing or hereafter amended;

(iv) Publications relating to a multistate program financed by more than one state or by federal funds or private subscriptions; or

(v) News releases sent exclusively to the news media.

(4) "Print" includes all forms of reproducing multiple copies with the exception of typewritten correspondence and interoffice memoranda.

**NEW SECTION.** Sec. 3. (1) Any annual, biennial, or special report required to be made by any state officer, board, agency, department, commissioner, regents, trustees, or institution to the governor or to the legislature may be typewritten and a copy shall be filed with the governor, or the governor's designee, and the legislature as the law may require. An additional copy shall be filed with the state library as a public record.

(2) The director or the director's designee may selectively review state publications in order to determine if specific state publications are economically and effectively contributing to the accomplishment of state agency program objectives. The director or the director's designee shall provide general guidelines as to the number of copies to be printed for use or distribution by the issuing agency and any public or other distribution under chapter 40.06 RCW as now or hereafter amended, or other applicable directives.

(3) No agency head shall recommend a state publication for printing and distribution, other than those required by law, unless the benefits from the publication and distribution thereof to the citizens and taxpayers of this state clearly exceed the costs of preparation, printing, and distribution.

(4) The director, after consultation with affected agencies, shall prepare and publish guidelines for use by state agencies in determining and evaluating the benefits and costs of current and proposed state publications. All state agencies shall evaluate each new state publication they propose and shall annually evaluate each continuing state publication they produce in accordance with the guidelines published by the director.

(5) The director shall, after consultation with affected state agencies, also provide by general rules and regulations for overall control of the quality of the printing of state publications. Necessary publications are to be prepared and printed in the most economic manner consistent with effectiveness and achievement of program objectives.

**NEW SECTION.** Sec. 4. (1) The governor or the governor's designee shall take such other action as may be necessary to maximize the economy, efficiency, and effectiveness of state publications and to do so may eliminate, consolidate, or simplify state agency publications.

(2) Nothing in this chapter shall be construed in any way as restricting public access to public records or the public right to copy such records as provided by RCW 42.17.250 through 42.17.340 as now existing or hereafter amended.

**NEW SECTION.** Sec. 5. Neither the public printer nor any state agency shall print or authorize for printing any state publication that has been determined by the director to be inconsistent with section 3 of this 1977 amendatory act except to the extent this requirement may conflict with the laws of the United States or any rules or regulations lawfully promulgated under those laws. A copy of any state

publication printed without the approval of the director under the exceptions authorized in this section shall be filed with the director with a letter of transmittal citing the federal statute, rule, or regulation requiring the publication. The director shall submit a report of such exceptions, as filed, to the legislative budget committee at least annually.

**NEW SECTION.** Sec. 6. Each state agency shall at least once each biennium notify the addresses of each state publication in or with that publication that they may be removed from the mailing list by notifying the originating agency. Mailings required by a state or federal statute, rule, or regulation, those maintained by an institution of higher education for official fund raising or curriculum offerings, bulk mailings addressed to "occupant" or a similar designation, and paid subscriptions are excluded from the provisions of this paragraph.

All publications shall be distributed or mailed at the lowest available rate.

**NEW SECTION.** Sec. 7. There is added to chapter 27.04 RCW a new section to read as follows:

The state library commission, on recommendation of the state librarian, may provide by rule or regulation for deposit with the state library of up to three copies of any state publication, as defined in RCW 40.06.010 as now existing or hereafter amended, prepared by any state agency whenever fifteen or more copies are prepared for distribution.

Sec. 8. Section 1, chapter 233, Laws of 1963 and RCW 40.06.010 are each amended to read as follows:

As used in this chapter:

(1) "~~Print~~" includes all forms of ~~((printing and duplicating, regardless of format or purpose))~~ reproducing multiple copies, with the exception of typewritten correspondence and interoffice memoranda.

(2) ~~(("Public document" means the annual and biennial reports required by law or by the governor which are bound in sets and titled Washington public documents.~~

~~(3))~~ "State agency" includes every state office, officer, department, division, bureau, board, commission and agency of the state, and, where applicable, all subdivisions of each.

~~((4))~~ (3) "State publication" includes ~~((any document, compilation, journal, law, resolution, bluebook, statute, code, register, pamphlet, list, book, proceedings, minutes, report, memorandum, hearing, legislative bill, leaflet, order, regulation, directory, periodical or magazine))~~ annual, biennial, and special reports, state periodicals and magazines, books, pamphlets, leaflets, and all other materials, other than news releases sent exclusively to the news media, typewritten correspondence and interoffice memoranda, issued in print by the state, the legislature, constitutional officers, or any state department, committee, or other state agency supported wholly or in part by state funds.

Sec. 9. Section 2, chapter 233, Laws of 1963 and RCW 40.06.020 are each amended to read as follows:

There is hereby created as a division of the state library, and under the direction of the state librarian, a state publications distribution center. The center shall ~~((promote the establishment of an orderly))~~ utilize the depository library system to

permit citizens economical and convenient access to state publications. To this end the state library commission shall make such rules and regulations as may be deemed necessary to carry out the provisions of this chapter.

Sec. 10. Section 3, chapter 233, Laws of 1963 and RCW 40.06.030 are each amended to read as follows:

(1) Every state agency (~~((may upon release))~~) shall promptly deposit (~~((at least three))~~) copies of each of its state publications with the state library (~~((for record and depository purposes. Additional copies,))~~) in quantities as certified (~~((to the agencies))~~) by the state (~~((library and))~~) librarian as required to meet the needs of the depository library system(~~(, shall also be deposited)~~). Upon consent of the issuing state agency such state publications as are printed by the public printer shall be delivered directly to the center.

(2) In the interest of economy and efficiency, the state librarian may specifically or by general rule exempt a given state publication or class of publications from the requirements of this section in full or in part.

Sec. 11. Section 4, chapter 233, Laws of 1963 and RCW 40.06.040 are each amended to read as follows:

To provide economical public access to state publications, the center (~~((shall))~~) may enter into depository contracts with any (~~((municipal or county))~~) free public library, any state college or state university library, or, if needed, the library of any privately incorporated college or university in this state(~~(, the library of congress and the midwest inter-library center, and other state libraries)~~). The requirements for eligibility to contract as a depository library shall be established by the state library commission upon recommendations of the state librarian. The standards shall include and take into consideration the type of library, available housing and space for the publications, the number and qualifications of personnel, and availability for public use. The center may also contract with public, out-of-state libraries for the exchange of state and other publications on a reciprocal basis. Any state publication to be distributed to the public and the legislature shall be mailed at the lowest available postal rate.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 150, Laws of 1941 and RCW 40.04.010;
- (2) Section 2, chapter 150, Laws of 1941 and RCW 40.04.020; and
- (3) Section 43.01.030, chapter 8, Laws of 1965 and RCW 43.01.030.

NEW SECTION. Sec. 13. Sections 1 through 6 of this 1977 amendatory act shall constitute a new chapter in Title 40 RCW.

Passed the Senate June 7, 1977.

Passed the House June 3, 1977.

Approved by the Governor June 14, 1977.

Filed in Office of Secretary of State June 14, 1977.



## CHAPTER 233

[Engrossed Senate Bill No. 2172]

## ACUPUNCTURE

AN ACT Relating to acupuncture; adding a new section to chapter 18.71A RCW; and adding a new section to chapter 18.57A RCW.

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

NEW SECTION. Section 1. There is added to chapter 18.57A RCW a new section to read as follows:

(1) The performance of acupuncture for the purpose of demonstration, therapy, or the induction of analgesia by a person licensed under this chapter shall be within the scope of practice authorized: PROVIDED, HOWEVER, That a person licensed to perform acupuncture under this section shall only do so under the direct supervision of a licensed osteopathic physician.

(2) The board shall determine the qualifications of a person authorized to perform acupuncture under subsection (1) of this section. In establishing a procedure for certification of such practitioners the board shall consider a license or certificate which acknowledges that the person has the qualifications to practice acupuncture issued by the government of the Republic of China (Taiwan), the Peoples' Republic of China, British Crown Colony of Hong Kong, Korea, Great Britain, France, the Federated Republic of Germany (West Germany), Italy, Japan, or any other country or state which has generally equivalent standards of practices of acupuncture as determined by the board as evidence of such qualification.

(3) As used in this section "acupuncture" means the insertion of needles into the human body by piercing the skin of the body for the purpose of relieving pain, treating disease, or to produce analgesia, or as further defined by rules and regulations of the board.

NEW SECTION. Sec. 2. There is added to chapter 18.71A RCW a new section to read as follows:

(1) The performance of acupuncture for the purpose of demonstration, therapy, or the induction of analgesia by a person licensed under this chapter shall be within the scope of practice authorized: PROVIDED, HOWEVER, That a person licensed to perform acupuncture under this section shall only do so under the direct supervision of a licensed physician.

(2) The board shall determine the qualifications of a person authorized to perform acupuncture under subsection (1) of this section. In establishing a procedure for certification of such practitioners the board shall consider a license or certificate which acknowledges that the person has the qualifications to practice acupuncture issued by the government of the Republic of China (Taiwan), the Peoples' Republic of China, British Crown Colony of Hong Kong, Korea, Great Britain, France, the Federated Republic of Germany (West Germany), Italy, Japan, or any other country or state which has generally equivalent standards of practices of acupuncture as determined by the board as evidence of such qualification.

(3) As used in this section "acupuncture" means the insertion of needles into the human body by piercing the skin of the body for the purpose of relieving pain,

treating disease, or to produce analgesia, or as further defined by rules and regulations of the board.

Passed the Senate June 6, 1977.

Passed the House June 3, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 234

[Engrossed Senate Bill No. 2215]

### PROBATE

AN ACT Relating to probate; amending section 11.16.083, chapter 145, Laws of 1965 and RCW 11.16.083; amending section 11.20.020, chapter 145, Laws of 1965 as last amended by section 27, chapter 117, Laws of 1974 ex. sess. and RCW 11.20.020; amending section 11.20.090, chapter 145, Laws of 1965 and RCW 11.20.090; amending section 11.28.110, chapter 145, Laws of 1965 as amended by section 29, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.110; amending section 46, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.185; amending section 11.28.237, chapter 145, Laws of 1965 as last amended by section 30, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.237; amending section 32, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.340; amending section 11.40.030, chapter 145, Laws of 1965 as amended by section 35, chapter 117, Laws of 1974 ex. sess. and RCW 11.40.030; amending section 11.52.012, chapter 145, Laws of 1965 as amended by section 8, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.012; amending section 11.52.022, chapter 145, Laws of 1965 as last amended by section 10, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.022; amending section 4, chapter 117, Laws of 1974 ex. sess. and RCW 11.62.010; amending section 5, chapter 117, Laws of 1974 ex. sess. and RCW 11.62.020; amending section 11.64.002, chapter 145, Laws of 1965 and RCW 11.64.002; amending section 11.64.008, chapter 145, Laws of 1965 and RCW 11.64.008; amending section 11.64.016, chapter 145, Laws of 1965 and RCW 11.64.016; amending section 11.64.022, chapter 145, Laws of 1965 and RCW 11.64.022; amending section 11.64.030, chapter 145, Laws of 1965 and RCW 11.64.030; amending section 11.68.010, chapter 145, Laws of 1965 as last amended by section 13, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.010; amending section 11.68.030, chapter 145, Laws of 1965 as amended by section 15, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.030; amending section 11.68.040, chapter 145, Laws of 1965 as amended by section 16, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.040; amending section 17, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.050; amending section 18, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.060; amending section 19, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.070; amending section 20, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.080; amending section 22, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.100; amending section 23, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.110; amending section 53, chapter 117, Laws of 1974 ex. sess. and RCW 11.94.020; amending section 30.20.020, chapter 33, Laws of 1955 as last amended by section 39, chapter 117, Laws of 1974 ex. sess. and RCW 30.20.020; adding a new section to chapter 11.62 RCW; repealing section 11.76.140, chapter 145, Laws of 1965 and RCW 11.76.140; and providing an effective date.

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

Section 1. Section 11.16.083, chapter 145, Laws of 1965 and RCW 11.16.083 are each amended to read as follows:

Notwithstanding any other provision of this title, no notice of any hearing in probate or probate proceeding need be given to any ((person)) legally competent person who is interested in any hearing in ((a)) any probate ((proceeding may)) as an heir, legatee, or devisee of the decedent who has in person or by attorney ((waive)) waived in writing notice of such hearing or proceeding. Such waiver of notice may apply to either a specific hearing or proceeding, or to any and all hearings and proceedings to be held during the administration of the estate in which event such waiver of notice shall be of continuing effect unless subsequently revoked by the filing of a written notice of revocation of the waiver and the mailing

of a copy thereof to the personal representative and his attorney. Unless notice of a hearing is required to be given by publication, if all persons entitled to notice thereof shall have waived such notice, the court may hear the matter forthwith. A guardian of the estate or a guardian ad litem may make such ((a)) waivers on behalf of his incompetent, and a trustee may make such ((a)) waivers on behalf of ((the)) any competent or incompetent beneficiary of his trust. A consul or other representative of a foreign government, whose appearance has been entered as provided by law on behalf of any person residing in a foreign country, may make such waiver of notice on behalf of such person. Any person who submits to the jurisdiction of the court in any hearing shall be deemed to have waived notice thereof.

Sec. 2. Section 11.20.020, chapter 145, Laws of 1965 as last amended by section 27, chapter 117, Laws of 1974 ex. sess. and RCW 11.20.020 are each amended to read as follows:

(1) Applications for the probate of a will and for letters testamentary, or either, may be made to the judge of the court having jurisdiction and the court may immediately hear the proofs and either probate or reject such will as the testimony may justify. Upon such hearing the court shall make and cause to be entered a formal order, either establishing and probating such will, or refusing to establish and probate the same, and such order shall be conclusive except in the event of a contest of such will as hereinafter provided. All testimony in support of the will shall be reduced to writing, signed by the witnesses, and certified by the judge of the court. If the application for probate of a will does not request the appointment of a personal representative and the court enters an adjudication of testacy establishing such will no further administration shall be required except as commenced pursuant to RCW 11.28.330 or 11.28.340.

(2) In addition to the foregoing procedure for the proof of wills, any or all of the attesting witnesses to a will may, at the request of the testator or, after his decease, at the request of the executor or any person interested under it, make an affidavit before any person authorized to administer oaths, stating such facts as they would be required to testify to in court to prove such will, which affidavit may be written on the will or may be attached to the will or to a photographic copy of the will. The sworn statement of any witness so taken shall be accepted by the court as if it had been taken before the court.

Sec. 3. Section 11.20.090, chapter 145, Laws of 1965 and RCW 11.20.090 are each amended to read as follows:

Wills probated in any other state or territory of the United States, or in any foreign country or state, shall be admitted to probate in this state on the production of a copy of such will and of the original record of probate thereof, ((authenticated)) certified by the attestation of the clerk of the court in which such probate was made; or if there be no clerk, certification by the attestation of the judge thereof, and by the seal of such officers, if they have a seal.

Sec. 4. Section 11.28.110, chapter 145, Laws of 1965 as amended by section 29, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.110 are each amended to read as follows:

Application for letters of administration, or, application for an adjudication of intestacy and heirship without the issuance of letters of administration shall be

made by petition in writing, signed and verified by the applicant or his attorney, and filed with the court, which petition shall set forth the facts essential to giving the court jurisdiction of the case, and state, if known, the names, ages and addresses of the heirs of the deceased and that the deceased died without a will. If the application for an adjudication of intestacy and heirship does not request the appointment of a personal representative and the court enters an adjudication of intestacy no further administration shall be required except as set forth in RCW 11.28.330 or 11.28.340.

Sec. 5. Section 46, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.185 are each amended to read as follows:

When the terms of the decedent's will manifest an intent that the personal representative appointed to administer the estate shall not be required to furnish bond or other security, or when the personal representative is the surviving spouse of the decedent and it appears to the court that the entire estate, after provision for expenses and claims of creditors, will be distributable to such spouse (~~and any minor children born to or adopted by decedent and living with said surviving spouse~~), then such personal representative shall not be required to give bond or other security as a condition of appointment. In all cases where a bank or trust company authorized to act as personal representative is appointed as personal representative, no bond shall be required. In all other cases, unless waived by the court, the personal representative shall give such bond or other security, in such amount and with such surety or sureties, as the court may direct.

Every person required to furnish bond must, before receiving letters testamentary or of administration, execute a bond to the state of Washington conditioned that the personal representative shall faithfully execute the duty of the trust according to law.

The court may at any time after appointment of the personal representative require said personal representative to give a bond or additional bond, the same to be conditioned and to be approved as provided in this section; or the court may allow a reduction of the bond upon a proper showing.

In lieu of bond, the court may in its discretion, substitute other security or financial arrangements, such as provided under RCW 11.88.105, or as the court may deem adequate to protect the assets of the estate.

Sec. 6. Section 11.28.237, chapter 145, Laws of 1965 as last amended by section 30, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.237 are each amended to read as follows:

Within twenty days after appointment, the personal representative of the estate of a decedent shall cause written notice of his (~~said~~) appointment(;) and (~~of~~) the pendency of said probate proceedings, to be served personally or (~~mailed~~) by mail to each heir, legatee and devisee of the estate whose names and addresses are known to him, and proof of such mailing or service shall be made by affidavit and filed in the cause.

Sec. 7. Section 32, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.340 are each amended to read as follows:

Unless, within four months after the entry of the order adjudicating testacy or intestacy and heirship, and the mailing or service of the notice required in RCW

11.28.330 any heir, legatee or devisee of the decedent shall offer a later will for probate or contest an adjudication of testacy in the manner provided in this title for will contests, or offer a will of the decedent for probate following an adjudication of intestacy and heirship, or contesting the determination of heirship, an order adjudicating testacy or intestacy and heirship without appointing a personal representative to administer a decedent's estate shall, as to those persons by whom notice was waived or to whom said notice was mailed or on whom served, be deemed the equivalent of the entry of a final decree of distribution in accordance with the provisions of chapter 11.76 RCW for the purpose of:

- (1) Establishing the decedent's will as his last will and testament and persons entitled to receive his estate thereunder; or
- (2) Establishing the fact that the decedent died intestate, and those persons entitled to receive his estate as his heirs at law.

The right of an heir, legatee, or devisee to receive the assets of a decedent shall, to the extent otherwise provided by this title, be subject to the prior rights of the decedent's creditors and of any persons entitled to a homestead award or award in lieu of homestead or family allowance, and nothing contained in this section shall be deemed to alter or diminish such prior rights, or to prohibit any person for good cause shown, from obtaining the appointment of a personal representative to administer the estate of the decedent after the entry of an order adjudicating testacy or intestacy and heirship. However, if the petition for letters testamentary or of administration shall be filed more than four months after the date of the adjudication of testacy or of intestacy and heirship, the issuance of such letters shall not affect the finality of said adjudications.

Sec. 8. Section 11.40.030, chapter 145, Laws of 1965 as amended by section 35, chapter 117, Laws of 1974 ex. sess. and RCW 11.40.030 are each amended to read as follows:

(1) Unless the personal representative shall, within six months after the date of first publication of notice to creditors, or within six months after the date of filing of a copy of the notice to creditors with the clerk of the court, whichever is later, have obtained an order extending the time for his allowance or rejection of claims timely and properly served and filed, all claims not exceeding one thousand dollars presented within the time and in the manner provided in RCW 11.40.010 and 11.40.020 as now or hereafter amended, shall be deemed allowed and may not thereafter be rejected, unless the personal representative shall, within six months after the date of first publication of notice to creditors or within six months after the date of filing of a copy of the notice to creditors with the clerk of the court, whichever is later, or any extended time, notify the claimant of its rejection, in whole or in part(;-if).

(2) When a claim exceeding one thousand dollars is presented within the time and in the manner provided in RCW 11.40.010 and 11.40.020 as now or hereafter amended, it shall be the duty of the personal representative to indorse thereon his allowance or rejection. A claimant after a claim has been on file for at least thirty days may notify the personal representative that he will petition the court to have the claim allowed. If the personal representative fails to file an allowance or rejection of such claim twenty days after the receipt of such notice, the claimant may note the matter up for hearing and the court shall hear the matter and determine

whether the claim should be allowed or rejected, in whole or in part. If at the hearing the claim is substantially allowed the court may allow petitioner reasonable attorney's fees of not less than one hundred dollars chargeable against the estate.

(3) If the personal representative shall reject the claim, in whole or in part, he shall notify the claimant of said rejection and file in the office of the clerk, an affidavit showing such notification and the date thereof. Said notification shall be by personal service or certified mail addressed to the claimant at his address as stated in the claim; if a person other than the claimant shall have signed said claim for or on behalf of the claimant, and said person's business address as stated in said claim is different from that of the claimant, notification of rejection shall also be made by personal service or certified mail upon said person; the date of the postmark shall be the date of notification. The notification of rejection shall advise the claimant, and the person making claim on his, her, or its behalf, if any, that the claimant must bring suit in the proper court against the personal representative within thirty days after notification of rejection or before expiration of the time for serving and filing claims against the estate, whichever period is longer, and that otherwise the claim will be forever barred.

(4) The personal representative may, either before or after rejection of any claim compromise said claim, whether due or not, absolute or contingent, liquidated or unliquidated, if it appears to the personal representative that such compromise is in the best interests of the estate.

Sec. 9. Section 11.52.012, chapter 145, Laws of 1965 as amended by section 8, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.012 are each amended to read as follows:

Such award shall be made by an order or judgment of the court and shall vest the absolute title, and thereafter there shall be no further administration upon such portion of the estate so set off, but the remainder of the estate shall be settled as other estates: PROVIDED, That no property of the estate shall be awarded or set off, as provided in RCW 11.52.010 through 11.52.024 (~~provided~~), as now or hereafter amended, to a surviving spouse who has feloniously killed the deceased spouse: PROVIDED FURTHER, That if it shall appear to the court, either (1) that there are children of the deceased by a former marriage or by adoption prior to decedent's marriage to petitioner, or (2) that the petitioning surviving spouse has abandoned his or her minor children or wilfully and wrongfully failed to provide for them, or (3) if such surviving spouse or minor children are entitled to receive property not subject to probate, including insurance, by reason of the death of the deceased spouse in the sum of twenty thousand dollars, or more, then the award in lieu of homestead and exemptions shall lie in the discretion of the court, and that whether there shall be an award and the amount thereof shall be determined by the court, (~~who~~) which shall enter such decree as shall be just and equitable but not in excess of the award provided herein.

Sec. 10. Section 11.52.022, chapter 145, Laws of 1965 as last amended by section 10, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.022 are each amended to read as follows:

If the value of the homestead, exclusive of all such liens, be less than twenty thousand dollars, the court, upon being satisfied that the funeral expenses, expenses of last sickness and of administration, have been paid or provided for, shall set off

and award additional property, either separate or community, in lieu of such deficiency, so that the value of the homestead, exclusive of all such liens and expenses when added to the value of the other property awarded, exclusive of all such liens and expenses shall equal twenty thousand dollars: PROVIDED, That if it shall appear to the court, either (1) that there are children of the deceased by a former marriage or by adoption prior to decedent's marriage to petitioner, or (2) that the petitioning surviving spouse has abandoned his or her minor children or wilfully and wrongfully failed to provide for them, or (3) that such surviving spouse is, or any minor child entitled to an award under RCW 11.52.030 is, entitled to receive property not subject to probate, including insurance by reason of the death of the deceased spouse ~~((, exclusive of property confirmed to the surviving spouse as his or her one-half interest in community property,))~~ in the sum of twenty thousand dollars, or more, then the award of property in addition to the homestead, where the homestead is of less than twenty thousand dollars in value, shall lie in the discretion of the court, and that whether there shall be an award in addition to the homestead and the amount thereof shall be determined by the court, ~~((who))~~ which shall enter such decree as shall be just and equitable, but not in excess of the award provided herein.

Sec. 11. Section 4, chapter 117, Laws of 1974 ex. sess. and RCW 11.62.010 are each amended to read as follows:

(1) ~~At any time after forty days from the date of ((the decedent's death, any person indebted to the decedent or having possession of tangible personal property or any instrument evidencing a debt, obligation, stock or chose in action belonging to the decedent, which property is subject to probate, shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent upon receipt of an affidavit made by the successor stating:~~

~~(a) The successor's name and address)) a decedent's death, any person who is indebted to or who has possession of any personal property belonging to the decedent or to the decedent and his or her surviving spouse as a community, which debt or personal property is an asset which is subject to probate, shall pay such indebtedness or deliver such personal property, or so much of either as is claimed, to a person claiming to be a successor of the decedent upon receipt of proof of death and of an affidavit made by said person which meets the requirements of subsection (2) of this section.~~

~~(2) An affidavit which is to be made pursuant to this section shall state:~~

~~(a) The claiming successor's name and address, and that the claiming successor is a "successor" as defined in section 29 of this 1976 amendatory act;~~

~~(b) That the decedent was a resident of the state of Washington on the date of his death;~~

~~(c) That the value of the ((total estate of the decedent)) decedent's entire estate subject to probate, not including the surviving spouse's community property interest in any assets which are subject to probate in the decedent's estate, wherever located, less liens and encumbrances, does not exceed ten thousand dollars;~~

~~(d) That forty days have elapsed since the death of the decedent;~~

~~(e) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;~~

(f) That all debts of the decedent including funeral and burial expenses have been paid or provided for;

(g) ~~((That the claiming successor has mailed notice identifying his claim to all other successors of the decedent and at least ten days have elapsed since said mailing, and the claiming successor is personally, or with the written authority of all other successors of the decedent, entitled to full payment or delivery of the property; and~~

~~(h))~~ A description of the personal property and the portion thereof claimed, together with a statement that such personal property is subject to probate;

(h) That the claiming successor has given written notice, either by personal service or by mail, identifying his or her claim, and describing the property claimed, to all other successors of the decedent, and that at least ten days have elapsed since the service or mailing of such notice;

(i) That the claiming successor is either personally entitled to full payment or delivery of the property claimed or is entitled to full payment or delivery thereof on the behalf and with the written authority of all other successors who have an interest therein; and

(j) That the claiming successor has mailed to the inheritance tax division of the state department of revenue a notification of his or her claim in such form as the department of revenue may prescribe, and that at least ten days have elapsed since said mailing(~~;~~ and).

~~((2))~~ (3) A transfer agent of any security shall change the registered ownership ((on the books of a corporation)) of the security claimed from the decedent to the person claiming to be the successor ((or successors)) with respect to such security upon the presentation of proof of death and of an affidavit ((as provided in subsection (1)) made by such person which meets the requirements of subsection (2) of this section(;)). Any governmental agency required to issue certificates of ownership or of license registration to personal property shall issue a new certificate of ownership or of license registration to a person claiming to be a successor of the decedent upon receipt of proof of death and of an affidavit made by such person which meets the requirements of subsection (2) of this section.

~~((3))~~ (4) Upon receipt of notification from the inheritance tax division of the state department of revenue that an inheritance tax report is requested, the holder of any property subject to claim by a successor hereunder shall withhold payment, delivery, transfer or issuance of such property until provided with an inheritance tax release.

~~((4) The terms "successor" and "successors" as used in this section and in RCW 11.62.020 shall mean that person or those persons, other than creditors, who are entitled to the property of the decedent under his will or the laws of intestate succession as contained in this title.))~~

Sec. 12. Section 5, chapter 117, Laws of 1974 ex. sess. and RCW 11.62.020 are each amended to read as follows:

The person paying, delivering, ~~((or))~~ transferring, or issuing personal property ~~((or the evidence thereof))~~ pursuant to RCW 11.62.010 is discharged and released to the same extent as if ~~((he))~~ such person has dealt with a personal representative of the decedent~~((He is not required to see to the application of the personal property or evidence thereof or to inquire into the truth of any statement in the affidavit~~



or to the payment of any inheritance tax liability. ~~If any person to whom an affidavit is delivered refuses to pay, deliver, or transfer any personal property or evidence thereof, it may be recovered or its payment, delivery, transfer, or issuance compelled upon proof of their right in a proceeding brought for the purpose by or on behalf of the persons entitled thereto.~~

~~If more than one affidavit is delivered with reference to the same personal property, the person to whom delivered may pay, deliver, transfer, or issue any personal property or evidence thereof in response to the first affidavit received, or alternately implead the money or other personal property into court for payment over to the person entitled thereto. Any person to whom payment, delivery, transfer, or issuance is made is answerable and accountable therefor to any personal representative of the estate or to any other person having a superior right)), unless at the time of such payment, delivery, transfer, or issuance, such person had actual knowledge of the falsity of any statement which is required by RCW 11.62.010(2) as now or hereafter amended to be contained in the successor's affidavit. Such person is not required to see to the application of the personal property, or to inquire into the truth of any matter specified in RCW 11.62.010 (1) or (2) as now or hereafter amended, or into the payment of any inheritance tax liability.~~

An organization shall not be deemed to have actual knowledge of the falsity of any statement contained in an affidavit made pursuant to RCW 11.62.010(2) as now or hereafter amended until such time as said knowledge shall have been brought to the personal attention of the individual making the transfer, delivery, payment, or issuance of the personal property claimed under RCW 11.62.010 as now or hereafter amended.

If any person to whom an affidavit and proof of death is delivered refuses to pay, deliver, or transfer any personal property, it may be recovered or its payment, delivery, transfer, or issuance compelled upon proof of their right in a proceeding brought for the purpose by or on behalf of the persons entitled thereto. If more than one affidavit is delivered with reference to the same personal property, the person to whom an affidavit is delivered may pay, deliver, transfer, or issue any personal property in response to the first affidavit received, provided that proof of death has also been received, or alternately implead such property into court for payment over to the person entitled thereto. Any person to whom payment, delivery, transfer, or issuance of personal property is made pursuant to RCW 11.62.010 as now or hereafter amended is answerable and accountable therefor to any personal representative of the estate of the decedent or to any other person having a superior right thereto.

Sec. 13. Section 11.64.002, chapter 145, Laws of 1965 and RCW 11.64.002 are each amended to read as follows:

Within ((thirty days after the death of a partner)) three months after receiving written request from the personal representative the surviving partner or partners of the partnership shall ((five)) furnish the personal representative with a verified inventory of the assets of the partnership ((in the superior court in which letters testamentary or of administration are issued on the estate of the decedent, or, if no letters are issued, in the court of the county of which the decedent was resident at the time of his death)). The inventory shall state the value of the assets as shown

by the books of the partnership and ~~((a))~~ list ~~((of))~~ the liabilities of the partnership. ~~((If letters testamentary or of administration have been issued on the estate of the decedent))~~ At the request of the personal representative, the surviving partner or partners shall ~~((cause))~~ permit the assets of the partnership to be appraised ~~((in like manner as the individual property of a deceased person)),~~ which appraisal shall include the value of the assets of the partnership and a list of the liabilities. ~~((The appraisers appointed by the court under RCW 11.44.055 to appraise the property of the deceased partner may appraise the partnership property, and the surviving partner or partners shall file the inventory and appraisal with the court in which the estate of the deceased partner is being administered. PROVIDED, That if the surviving partner or partners cannot prepare an inventory within thirty days after the death of the decedent, the court may, on application made within said thirty day period and for good cause shown, grant an extension of time not to exceed an additional three months, within which time such inventory may be filed.))~~

Sec. 14. Section 11.64.008, chapter 145, Laws of 1965 and RCW 11.64.008 are each amended to read as follows:

The surviving partner or partners may continue in possession of the partnership estate, pay its debts, and settle its business, and shall account to the personal representative of the decedent and shall pay over such balances as may, from time to time, be payable to him. ~~((Upon the verified petition of the personal representative, or on its own motion, the court, whenever it appears necessary, may order the surviving partner or partners to account to said court.))~~

Sec. 15. Section 11.64.016, chapter 145, Laws of 1965 and RCW 11.64.016 are each amended to read as follows:

If the surviving partner or partners commit waste, or if it appears to the court that it is for the best interest of the estate of the decedent, such court may, after a hearing, order the surviving partner or partners to give security for the faithful settlement of the partnership affairs and the payment to the personal representative of any amount due the estate.

Sec. 16. Section 11.64.022, chapter 145, Laws of 1965 and RCW 11.64.022 are each amended to read as follows:

If the surviving partner or partners fail or refuse to ~~((file the))~~ furnish an inventory(;) or list of liabilities, ~~((or))~~ to permit an appraisal, or ~~((if it appears proper to order the surviving partner or partners to account to the court or to file a bond))~~ to account to the personal representative, or to furnish a bond when required pursuant to RCW 11.64.016, said court shall order a citation to issue requiring the surviving partner or partners to appear and show cause why they have not ~~((filed))~~ furnished an inventory(;) list of liabilities, or permitted an appraisal or why they should not account to the ~~((court))~~ personal representative or file a bond. The citation shall be served not less than ten days before the return day designated therein, or such shorter period as the court upon a showing of good cause deems appropriate. If the surviving partner or partners neglect or refuse to file an inventory(;) or list of liabilities, or to permit an appraisal, or fail to account to the court or to file a bond, after they have been directed to do so, they may be punished for a contempt or the court may commit them to jail until they comply with the order of the court. Where the surviving partner or partners fail to file a

bond after being ordered to do so by the court, the court may also appoint a receiver of the partnership estate with like powers and duties of receivers in equity, and order the costs and expenses of the proceedings to be paid out of the partnership estate or out of the estate of the decedent, or by the surviving partner or partners personally, or partly by each of the parties.

Sec. 17. Section 11.64.030, chapter 145, Laws of 1965 and RCW 11.64.030 are each amended to read as follows:

The surviving partner or the surviving partners jointly, shall have the right at any time to petition the court to purchase the interests of a deceased partner in the partnership. Upon a hearing pursuant to such petition ~~((being presented))~~ the court shall, in such manner as it sees fit, ~~((learn))~~ determine and by order fix the value of the interest of the deceased partner over and above all partnership debts and obligations, ~~((and))~~ the price, terms, and conditions ~~((upon))~~ of such sale and the period of time during which the surviving partner or partners ~~((may purchase, and thereafter the surviving partner or partners))~~ shall have the ~~((preference))~~ prior right ~~((for such length of time as the court may fix,))~~ to purchase the interest of the deceased partner ~~((at the price and upon the terms and conditions fixed by the court))~~. If any such surviving partner be also the personal representative of the estate of the deceased partner, such fact shall not affect his right to purchase, or to join with the other surviving partners to purchase such interest in the manner hereinbefore provided.

The court shall make such orders in connection with such sale as it deems proper or necessary to protect the estate of the deceased against any liability for partnership debts or obligations.

Sec. 18. Section 11.68.010, chapter 145, Laws of 1965 as last amended by section 13, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.010 are each amended to read as follows:

Subject to the provisions of this chapter, if the estate of a decedent, who died either testate or intestate, is solvent, and if the personal representative is other than a creditor of the ~~((estate))~~ decedent not designated as ~~((executor))~~ personal representative in the decedent's will, such estate shall be managed and settled without the intervention of the court; the fact of solvency shall be established by the entry of an order of solvency. An order of solvency may be entered at the time of the appointment of the personal representative or at any time thereafter where it appears to the court by the petition of the personal representative, or the inventory filed, and/or other proof submitted, that the estate of the decedent is solvent, and that notice of the application for an order of solvency has been given to those persons entitled thereto when required by RCW 11.68.040 as now or hereafter amended.

Sec. 19. Section 11.68.030, chapter 145, Laws of 1965 as amended by section 15, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.030 are each amended to read as follows:

Subject to giving prior notice when required under RCW 11.68.040 as now or hereafter amended and the entry of an order of solvency, the personal representative, other than a decedent's creditor, of an estate of a decedent who died intestate

or the personal representative, other than a decedent's creditor, with the will annexed of the estate of a decedent who died testate shall ~~((have))~~ have the power to administer the estate without further intervention of court after the entry of an order of solvency and furnishing bond when required.

Sec. 20. Section 11.68.040, chapter 145, Laws of 1965 as amended by section 16, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.040 are each amended to read as follows:

(1) If the decedent shall have died intestate, or the petitioning personal representative is not named in the will as such, and in either case the petitioner wishes to acquire nonintervention powers, the personal representative shall, after filing the petition for order of solvency, give notice of his intention to apply to the court for nonintervention powers to all heirs, devisees, legatees of the decedent, and all ~~((parties))~~ persons who have requested notice under RCW 11.28.240, who have not, in writing, either waived notice of the hearing or consented to the entry of an order of solvency; said notice shall be given at least ten days prior to the date fixed by the personal representative for the hearing on his petition for an order of solvency: PROVIDED, That no prior notice of said hearing shall be required when the personal representative is:

~~((1))~~ (a) The surviving spouse of the decedent and the decedent left no issue of a prior marriage; or

~~((2))~~ (b) A bank or trust company authorized to do trust business in the state of Washington.

(2) The notice required by this section shall be sent by regular mail and proof of mailing of said notice shall be by affidavit filed in the cause. Said notice shall contain the name of the decedent's estate, the probate cause number, the name and address of the personal representative, and shall state in substance as follows:

(a) The personal representative has petitioned the superior court of . . . . . county, state of Washington, for the entry of an order of solvency and a hearing on said petition will be held on . . . . ., the . . . . . day of . . . . ., 19.., at . . . . . o'clock, . . . . .M.;

(b) The petition for order of solvency has been filed with said court;

(c) Upon the entry of an order of solvency by the court, the personal representative will be entitled to administer and close the decedent's estate without further court intervention or supervision;

(d) Any heir, legatee, ~~((or))~~ devisee, or other person entitled to notice shall have the right to appear at the time of the hearing on the petition for an order of solvency to object to the granting of nonintervention powers to the personal representative.

(3) If no notice is required, or all heirs, legatees, ~~((and))~~ devisees, and other persons entitled to notice have either waived notice of said hearing or consented to the entry of an order of solvency as provided in this section, the court may hear the petition for an order of solvency at any time.

Sec. 21. Section 17, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.050 are each amended to read as follows:

If at the time set for the hearing upon the petition for the entry of an order of solvency, any ~~((party))~~ person entitled to notice under the provisions of RCW 11.68.040 as now or hereafter amended, shall appear and object to the granting of

nonintervention powers to the personal representative of the estate, the court shall consider said objections, if any, and the entry of an order of solvency shall be discretionary with the court upon being satisfied by proof as required in RCW 11.68.010 as now or hereafter amended. ~~((Unless unrestricted nonintervention powers are directed by the will of the decedent))~~ If an order of solvency is entered, the court may restrict the powers of the personal representative in such manner as the court determines ~~((and shall thereupon restrict the powers as ordered))~~. If no ~~((heir, legatee, or devisee of the decedent shall appear at the time of the hearing to object to the entry of an order of solvency))~~ objection is made at the time of the hearing by any person entitled to notice thereof, the court shall enter an order of solvency upon being satisfied by proof as required in RCW 11.68.010 as now or hereafter amended.

Sec. 22. Section 18, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.060 are each amended to read as follows:

If, after the entry of an order of solvency, any personal representative of the estate of the decedent shall die, resign, or otherwise become disabled from any cause from acting as the nonintervention personal representative, the successor personal representative, other than a creditor of a decedent not designated as ~~((executor))~~ a personal representative in the decedent's will, shall administer the estate of the decedent without the intervention of court after notice and hearing as required by RCW 11.68.040 and 11.68.050 as now or hereafter amended, unless at the time of said hearing objections to the granting of nonintervention powers to such successor personal representative shall be made by an heir, legatee, devisee, or ~~((creditor of the decedent))~~ other person entitled to notice pursuant to RCW 11.28.240 as now existing or hereafter amended, and unless the court, after hearing said objections shall refuse to grant nonintervention powers to such successor personal representative. If no heir, legatee, devisee, or ~~((creditor of the decedent))~~ other person entitled to notice shall appear at the time of the hearing to object to the granting of nonintervention powers to such successor personal representative, the court shall enter an order granting nonintervention powers to the successor personal representative.

Sec. 23. Section 19, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.070 are each amended to read as follows:

If any personal representative who has been granted nonintervention powers fails to execute his trust faithfully or is subject to removal for any reason specified in RCW 11.28.250 as now or hereafter amended, upon petition of any unpaid creditor of the estate who has filed a claim or any heir, devisee, legatee, or of any person on behalf of any incompetent heir, devisee, or legatee, such petition being supported by affidavit which makes a prima facie showing of cause for removal or restriction of powers, the court shall cite such personal representative to appear before it, and if, upon hearing of the petition it appears that said personal representative has not faithfully discharged said trust or is subject to removal for any reason specified in RCW 11.28.250 as now or hereafter amended, then, in the discretion of the court ~~((said))~~ the powers of the personal representative may be restricted or the personal representative may be removed and a successor appointed ~~((with such powers as the court may determine, and)).~~ In the event the court shall restrict the powers of the personal representative in any manner, it shall endorse

the words "Powers restricted" upon the original order of solvency together with the date of said endorsement, and in all such cases the cost of the citation, hearing, and reasonable attorney's fees may be awarded as the court determines.

Sec. 24. Section 20, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.080 are each amended to read as follows:

After such notice as the court may require, the order of solvency shall be vacated or restricted upon the petition of any personal representative, heir, legatee, devisee, or creditor, if supported by proof satisfactory to the court that said estate has become insolvent.

If, after hearing, the court shall vacate or restrict the prior order of solvency, the court shall endorse the term "Vacated" or "Powers restricted" upon the original order of solvency together with the date of said endorsement.

Sec. 25. Section 22, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.100 are each amended to read as follows:

(1) When the estate is ready to be closed, the court, upon application by the personal representative who has nonintervention powers, shall have the authority and it shall be its duty, to make and cause to be entered a decree which either:

(a) Finds and adjudges that all approved claims of the decedent have been paid, finds and adjudges the heirs of the decedent or those persons entitled to take under his will, and distributes the property of the decedent to the persons entitled thereto; or

(b) Approves the accounting of the personal representative and settles the estate of the decedent in the manner provided for in the administration of those estates in which the personal representative has not acquired nonintervention powers.

(2) Either decree provided for in this section shall be made after notice given as provided for in the settlement of estates by a personal representative who has not acquired nonintervention powers. The petition for either decree provided for in this section shall state the fees paid or proposed to be paid to the personal representative, his attorneys, accountants, and appraisers, and any heir, devisee, or legatee whose interest in the assets of a decedent's estate would be reduced by the ~~((amount))~~ payment of said fees shall receive a copy of said petition with the notice of hearing thereon; at the request of the personal representative or any said heir, devisee, or legatee, the court shall, at the time of the hearing on either petition, determine the reasonableness of said fees. ~~((The criteria for and reasonable range of fees reviewed shall be as established by court rules issued by the state supreme court.))~~ The court shall take into consideration all criteria forming the basis for the determination of the amount of such fees as contained in the code of professional responsibility; in determining the reasonableness of the fees charged by any personal representative, accountants, and appraisers the court shall take into consideration the criteria forming the basis for the determination of attorney's fees, to the extent applicable, and any other factors which the court determines to be relevant in the determination of the amount of fees to be paid to such personal representative.

Sec. 26. Section 23, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.110 are each amended to read as follows:

If a personal representative who has acquired nonintervention powers shall not apply to the court for either final decree provided for in RCW 11.68.100 as now or hereafter amended, the personal representative shall, when the administration of the estate has been completed, file a declaration to that effect, which declaration shall state as follows:

(1) The date of the decedent's death, and his residence at the time of death, whether or not the decedent died testate or intestate, and if testate, the date of his last will and testament and the date of the order admitting said will to probate;

(2) That each creditor's claim which was justly due and properly presented as required by law has been paid or otherwise disposed of by agreement with the creditor, and that the amount of state inheritance ((or)) and federal estate tax due as the result of the decedent's death has been determined, settled, and paid;

(3) The personal representative has completed the administration of the decedent's estate without court intervention, and the estate is ready to be closed;

(4) If the decedent died intestate, the names, addresses (if known), and relationship of each heir of the decedent, together with the distributive share of each said heir; and

(5) The amount of fees paid or to be paid to each of the following: (a) Personal representative or representatives, (b) attorney or attorneys, (c) appraiser or appraisers, and (d) accountant or accountants((-)); and that the personal representative believes said fees to be reasonable and does not intend to obtain court approval of the amount of said fees or to submit an estate accounting to the court for approval.

Subject to the requirement of notice as provided in this section, unless an heir, devisee, or legatee of a decedent shall petition the court either for an order requiring the personal representative to obtain court approval of the amount of fees paid or to be paid to the personal representative, his attorneys, appraisers, or accountants, or for an order requiring an accounting, or both, within thirty days from the date of filing a declaration of completion of probate, the personal representative will be discharged and his powers cease thirty days after the filing of said declaration of completion of probate, and said declaration of completion of probate shall, at said time, be the equivalent of the entry of a decree of distribution in accordance with the provisions of chapter 11.76 RCW for all legal intents and purposes.

Within five days of the date of the filing of the declaration of completion, the personal representative or his attorney shall mail a copy of said declaration of completion to each heir, legatee, or devisee of the decedent (who has not waived notice of said filing, in writing, filed in the cause) together with a notice which shall be as follows:

CAPTION  
OF  
CASE

NOTICE OF FILING OF  
DECLARATION OF COMPLETION  
OF PROBATE

NOTICE IS HEREBY GIVEN that the attached Declaration of Completion of Probate was filed by the undersigned in the above-entitled court ((of {or})) on the . . . . day of . . . . ., 19..; unless you shall file a petition in the above-entitled court requesting the court to approve the reasonableness of said fees, or for an accounting, or both, and serve a copy thereof upon the personal representative

or his attorney, within thirty days after the date of said filing, the amount of fees paid or to be paid will be deemed reasonable, the acts of the personal representative will be deemed approved, and the Declaration of Completion of Probate will be final and deemed the equivalent of a Decree of Distribution entered under chapter 11.76 RCW.

If you file and serve a petition (~~(with [within])~~) within the period specified, the undersigned will request the court to fix a time and place for the hearing of said petition, and you will be notified of the time and place thereof, by mail, or personal service, not less than ten days before the hearing on said petition.

Dated this . . . . . day of . . . . . , 19 . . .

.....  
Personal Representative

If all heirs, devisees, and legatees of the decedent shall waive, in writing, the notice required by this section, the personal representative shall be discharged and the declaration of completion of probate will become effective as a decree of distribution upon the date of filing thereof. In those instances where the personal representative has been required to furnish bond, and a declaration of completion shall have been filed pursuant to this section, any bond furnished by the personal representative shall be automatically discharged upon the discharge of the personal representative.

Sec. 27. Section 53, chapter 117, Laws of 1974 ex. sess. and RCW 11.94.020 are each amended to read as follows:

(1) The death, disability, or incompetence of any principal who has executed a power of attorney in writing other than a power as described by RCW (~~30.04-260~~) 11.94.010, does not revoke or terminate the agency as to the attorney in fact, agent, or other person who, without actual knowledge of the death, disability, or incompetence of the principal, acts in good faith under the power of attorney or agency. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and his heirs, devisees, and personal representatives.

(2) An affidavit, executed by the attorney in fact, or agent, stating that he did not have, at the time of doing an act pursuant to the power of attorney, actual knowledge of the revocation or termination of the power of attorney by death, disability, or incompetence, is, in the absence of a showing of fraud or bad faith, conclusive proof of the nonrevocation or nontermination of the power at that time. If the exercise of the power requires execution and delivery of any instrument which is recordable, the affidavit when authenticated for record is likewise recordable.

(3) This section shall not be construed to alter or affect any provision for revocation or termination contained in the power of attorney.

Sec. 28. Section 30.20.020, chapter 33, Laws of 1955 as last amended by section 39, chapter 117, Laws of 1974 ex. sess. and RCW 30.20.020 are each amended to read as follows:

On the death of any depositor of any bank or trust company, such bank or trust company may pay to the surviving spouse, the moneys in said bank or trust company on deposit to the credit of said deceased depositor in cases where the amount



of deposit does not exceed the sum of one thousand dollars upon receipt of an affidavit from the surviving spouse, to the effect that the depositor died and no executor or administrator has been appointed for the depositor's estate, and the depositor had on deposit in said bank or trust company money not exceeding the sum of one thousand dollars. The payment of such deposit made in good faith to the spouse making the affidavit shall be a full acquittance and release of the bank for the amount of the deposit so paid.

No probate proceeding shall be necessary to establish the right of said surviving spouse to withdraw said deposits upon the filing of said affidavit: PROVIDED, HOWEVER, Whenever (~~an administrator~~) a personal representative is appointed in an estate where a withdrawal of deposits has been had in compliance with this section, the spouse so withdrawing said deposits shall account for the same to the (~~administrator~~) personal representative. The bank or trust company may also pay out the moneys on deposit to the credit of the deceased upon presentation of an affidavit as provided in RCW 11.62.010 as now or hereafter amended.

NEW SECTION. Sec. 29. There is added to chapter 11.62 RCW a new section to read as follows:

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

(1) "Personal property" shall include any tangible personal property, any instrument evidencing a debt, obligation, stock, chose in action, license or ownership, any debt or any other intangible property.

(2) (a) "Successor" and "successors" shall mean (subject to subsection (2)(b) of this section):

(i) That person or those persons who are entitled to the claimed property pursuant to the terms and provisions of the last will and testament of the decedent or by virtue of the laws of intestate succession contained in this title; and/or

(ii) The surviving spouse of the decedent to the extent that the surviving spouse is entitled to the property claimed as his or her undivided one-half interest in the community property of said spouse and the decedent.

(b) Any person claiming to be a successor solely by reason of being a creditor of the decedent or of the decedent's estate shall be excluded from the definition of "successor".

(3) "Person" shall mean any individual or organization.

(4) "Organization" shall include a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

NEW SECTION. Sec. 30. If any provisions of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 31. This 1977 amendatory act shall take effect on October 1, 1977 and shall apply to all proceedings in probate with respect to decedents whose deaths occurred after the effective date.

NEW SECTION. Sec. 32. Section 11.76.140, chapter 145, Laws of 1965 and RCW 11.76.140 are each repealed.

Passed the Senate June 6, 1977.

Passed the House June 7, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 235

[Substitute Senate Bill No. 2525]

### TRANSPORTATION STUDIES, PLANS, REPORTS, AND ACTIVITIES

AN ACT Relating to transportation; amending section 36, chapter 3, Laws of 1963 ex. sess. as amended by section 1, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.020; amending section 2, chapter 195, Laws of 1971 ex. sess. as amended by section 19, chapter 293, Laws of 1975 1st ex. sess. and RCW 44.40.025; amending section 38, chapter 3, Laws of 1963 ex. sess. as amended by section 3, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.030; amending section 39, chapter 3, Laws of 1963 ex. sess. as last amended by section 3, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.040; amending section 1, chapter 201, Laws of 1973 1st ex. sess. and RCW 44.40.070; amending section 2, chapter 210, Laws of 1973 1st ex. sess. and RCW 44.40.090; amending section 3, chapter 210, Laws of 1973 1st ex. sess. as amended by section 7, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.100; amending section 2, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.120; amending section 47.01.220, chapter 13, Laws of 1961 as amended by section 3, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.01.220; amending section 7, chapter 120, Laws of 1965 ex. sess. and RCW 36.78.070; amending section 1, chapter 167, Laws of 1965 ex. sess. and RCW 47.02.010; amending section 4, chapter 173, Laws of 1963 as last amended by section 3, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.040; amending section 171, chapter 51, Laws of 1970 ex. sess. as amended by section 26, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.850; amending section 22, chapter 83, Laws of 1967 ex. sess. as amended by section 1, chapter 291, Laws of 1971 ex. sess. and RCW 47.26.160; creating new sections; repealing section 4, chapter 210, Laws of 1973 1st ex. sess., section 1, chapter 2, Laws of 1975, section 8, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.110; repealing section 5, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.125; repealing section 6, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.130; repealing section 57, chapter 281, Laws of 1969 ex. sess. and RCW 47.16.220; repealing section 2, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.20.662; repealing section 1, chapter 149, Laws of 1971 ex. sess. and RCW 47.60.510; repealing section 2, chapter 149, Laws of 1971 ex. sess. and RCW 47.60.520; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. The legislative transportation committee is authorized to conduct the following studies and activities and such other related studies and activities as it deems appropriate, may employ consultants, and shall report findings and recommendations, as appropriate, to the legislature during or prior to the 1979 regular legislative session:

(1) Review local, state, and national needs studies, for the purpose of evaluating the consolidation of such needs studies;

(2) Evaluate the method of collection and administration of special fuel taxes to include, but not be limited to, economies in administration of the tax and evasion of such fuel taxes;

(3) Continue reviewing the interrelationship of state and federal laws and regulations with respect to administering federal programs within the state, including but not limited to, laws affecting right of way and environmental protection, considering alternatives of decentralization of administration and supervision to the state;

(4) Evaluate the Washington state highway cost allocation study and other related literature to determine alterations to the present transportation taxation structure which may improve equity among the various classes of vehicles and users;

(5) Conduct a review of current maritime regulation including, but not limited to:

(a) The interrelationship of federal and state maritime safety regulations;

(b) Safety procedures for handling hazardous cargoes;

(c) Possible sources of funding for waterway safety improvements;

(d) Current laws regarding vessel accident liability;

(6) In cooperation with the Washington state highway commission, conduct a needs study for a highway crossing the Saddle mountains between Royal City and the Wahluke slope;

(7) In cooperation with the highway commission, evaluate the need to upgrade state route 17, from a junction with state route 97 near Chief Joseph Dam to its southern terminus near Eltopia; such study shall determine the feasibility of improving the alignment so as to make state route 17 the principal north-south corridor through central Washington;

(8) Evaluate the cost impact of granting reciprocity to motor vehicles registered in other states until the expiration of the current registration period;

(9) In cooperation with the utilities and transportation commission, review the regulation of auto transportation companies with particular attention to assigned certificated routes which are not currently being served;

(10) Develop policies, procedures, and criteria to be used by the legislature to determine relative priorities for use of state motor vehicle fund revenues by state agencies, counties, and cities, including development of alternative methods of financing activities of the Washington state patrol which are currently appropriated from the motor vehicle fund;

(11) Evaluate operations of the Washington state ferry system including toll structure, scheduling practices, vessel acquisition, and terminal facilities, to promote more efficient utilization of state ferry vessels;

(12) Evaluate the desirability and feasibility of developing a state-wide transportation marketing plan. The evaluation shall consider, but not be limited to, the desirability of publishing a state transportation guide, coordination between public and private transit operations, the role of the state in implementing such a plan, and case studies of marketing techniques which can be undertaken by large and small public and private transit operators;

(13) Examine alternative methods of reducing traffic congestion, including participation in demonstration projects to increase vehicle occupancy, and/or to stagger working hours, for the public in general and of state employees in particular;

(14) Perform an analysis of statutes that must be amended or repealed, and the identification and definition of revenue sources that may be varied in order to achieve uniformity with other member states and ensure equity of prevailing transportation rates as the result of implementation of the international registration plan;

(15) Continue research into the most feasible economic means to provide convenient and reliable single-stop service for permit issuance to intrastate and interstate commercial vehicles;

(16) Determine the most effective means to coordinate and implement state-wide bicycle safety instruction from among the various programs of federal, state, and local agencies, and interested professional and citizen's groups;

(17) Determine the need for realignment of state route 20 between Sedro Wooley and state route 5. Such study shall include route selection and cost analysis of various alternatives. The results of said study shall be reported to the legislature by January 30, 1978;

(18) Review statutes related to transportation and make recommendations for the rewrite of certain statutes or the repeal of obsolete or temporary provisions;

(19) Perform a comprehensive study to determine the feasibility of submitting and appropriating future highway commission capital budgets on the basis of total contract costs (obligations), as opposed to the current practice of budgeting expenditures for only one biennium;

(20) Evaluate the statutory route designation of state route 20 between Okanogan and Tonasket;

(21) Review state involvement in aviation including:

(a) The taxation structure for commercial and third-level air carriers, and for general aviation;

(b) The need for third-level air carrier regulations including route certification, service levels, and fair standardization;

(c) The availability of adequate funding for necessary local airport improvements; and

(d) The need for a policy by which the aeronautics commission, or the department of transportation if it is created, can prevent the construction of or remove structures which pose a hazard to the flight of aircraft;

(22) Continue to develop policies and guidelines for biennial state highway commission review of highways with respect to whether sections should be added to or deleted from the state highway system; said study shall include reevaluation of all designated routes, whether or not constructed with recommendations on specific routes whose statutory designation as state routes should be reaffirmed;

(23) Study the size and weight laws of commercial vehicles of this state and other western states with the view toward achieving uniformity where the best interest of our state would be served;

(24) Perform a study to determine the feasibility and cost effectiveness of asphalt-rubber membranes for application in highway construction;

(25) Determine the need for realignment and/or upgrading of state route 530 between Arlington and Darrington;

(26) Determine the need for improvements to state route 509 in view of increased marine vessel activity at the Port of Tacoma;

(27) Review driver licensing procedures within the department of motor vehicles including, but not limited to:

(a) The present lack of the use of the point system and the establishment of the new system;

(b) The effectiveness of methods of current practices for license suspension or removal and subsequent driver rehabilitation program;

(c) Changes that have occurred in the past several years making it difficult (through courts or legislation) to administer restrictive programs or penalties;

(d) Maintenance of accident records and release of those records to insurance companies;

(28) Survey court decisions within the state of Washington relating to motor vehicle laws, including:

(a) The concurrence or disregard of present motor vehicle laws, especially mandatory laws by the counties;

(b) A study of the other decisions affecting the drinking driver laws, including juvenile court practices and decisions affecting young drivers;

(29) Review current state and federal standards on motor vehicle equipment and motor vehicle modifications and make recommendations for changes which will promote highway safety;

(30) Review existing environmental legislation which affects the construction of public works projects to formulate effective alternative relief for the enforcement of such laws other than the use of temporary or permanent injunctions or other stays which result in the delay of such projects. The study shall further consider effective means of recovering losses sustained by taxpayers as the result of construction delays caused by improvidently granted injunctions or stays;

(31) Review, in cooperation with Metro, other public transit agencies in the state of Washington, and the urban mass transportation administration methods of improving public transit through value capture financing;

(32) Continue review of the statutes relating to regulation of common carriers, and an examination of whether the public interest is being best served through such regulation;

(33) Review, in cooperation with the department of highways, the statutes relating to outdoor advertising, and examine existing public policy relating to scenic and recreational highways;

(34) Examine the need for advertising on school bus shelters as a means of paying the cost of such shelters;

(35) Participate, in cooperation with the state department of transportation, if one is created, in the rail studies authorized by the Amtrak improvement act of 1974 and the railroad revitalization and regulatory reform act of 1976;

(36) Examine, in cooperation with public transit agencies of the state, a coordinated method of funding public transit systems;

(37) Undertake a pilot project of the effectiveness of a bus service to the East Olympia railroad station. The study shall examine the effect on railroad ridership of having bus service available for Olympia patrons;

(38) A study of the use of jitneys or vanpools, particularly in rural areas, as a means of complementing public transit systems;

(39) Conduct a comparison cost-benefit study on means of reducing vehicle noise levels by (a) vehicle emission controls and (b) the construction of noise attenuation devices or structures at roadside. The study shall consider four representative sites on state highways, including one on state route 405 in the vicinity of

Norwood Village. In developing the cost and effectiveness of vehicle emission controls, the committee shall use any prior studies so as to avoid duplication of effort;

(40) Study the feasibility of improving intercity rail passenger and connecting bus service. The committee may enter into contracts for the purpose of providing connecting bus service to selected train depots and such other services which are deemed to be useful in preparing the feasibility study;

(41) Review the quality of landscaping adjacent to state highways as well as the role of the landscape architect in highway planning, in cooperation with the state department of transportation, if one is created;

(42) Examine the need for the state to encourage broader utilization of the metric system on signs along the state highway system;

(43) Review in cooperation with the department of highways and, if deemed appropriate, develop revisions of the existing priority programming laws now codified in chapter 47.05 RCW which will assure that in the long and short term allocation of available construction funds adequate consideration is given to the lack of feasible alternative modes of transportation to the private automobile within many of the rural, suburban, and small urban areas of the state.

NEW SECTION. Sec. 2. The following studies shall be undertaken with the concurrence of the legislative transportation committee:

(1) The Washington state highway commission is hereby authorized to prioritize the needs among, and provide for the installation of, emergency traffic control devices at rural fire district stations in consultation with the legislative transportation committee and the house and senate transportation committees. In developing the priorities for funding such control devices, the commission shall consider the recommendations of the county road administration board, the traffic safety commission, and the Washington fire commissioners.

(2) The Washington state highway commission is hereby directed to conduct a study of the potential need for and the engineering, social, economic, environmental, and financial feasibility of a third bridge across the Columbia river between Clark county, Washington, and Oregon.

Said study shall include forecasts and analyses of regional population growth trends as well as traffic growth trends. It shall further evaluate the feasibility of various potential locations for such a bridge, and its potential as a corridor for public transportation.

The highway commission and the department of highways shall make every effort to obtain the cooperation of the Oregon transportation commission, the Oregon department of transportation, and the Columbia region association of governments in conducting said study.

The final study results shall be reported to the forty-sixth legislature in January, 1979; periodic progress reports shall be made to the legislative transportation committee and the house and senate transportation committees at their request.

(3) The Washington state highway commission is hereby directed to conduct a feasibility study of the construction of a toll bridge across the Columbia river in the vicinity of the northern part of Richland so as to permit a highway connection between state route 240 and federal aid interstate 182 near Pasco.

The study shall be conducted in conjunction with the Tri-Cities metropolitan area transportation study and will utilize traffic projections based upon the latest population and employment data update scheduled for completion by June, 1977.

A report shall be submitted to the legislative transportation committee and the house and senate transportation committees by January 1, 1979.

(4) The Washington state highway commission is authorized and directed to conduct a study of the need to construct a bypass of the Woodinville community on state route 202 near Northeast 190th and Northeast 195th in King county.

The commission is directed to complete the study and submit its findings to the legislature on or before December 31, 1978.

**NEW SECTION.** Sec. 3. The planning and community affairs agency, or the state department of transportation, if one is created, is hereby authorized and directed to prepare a market analysis on the feasibility of extending passenger service within and beyond the boundaries of the state and of the desirability of entering into a contract with the national railroad passenger corporation for such extended service. The agency or department shall submit the feasibility analysis to the national railroad passenger corporation by October 15, 1977, and report to the 1978 session of the legislature its recommendations for further action.

Sec. 4. Section 7, chapter 120, Laws of 1965 ex. sess. and RCW 36.78.070 are each amended to read as follows:

The county road administration board shall:

(1) Establish by regulation, standards of good practice for county road administration.

(2) Establish reporting requirements for counties with respect to the standards of good practice adopted by the board.

(3) Receive and review reports from counties and reports of the county road administration engineer to determine compliance with legislative directives and the standards of good practice adopted by the board.

(4) Report annually on the first day of July to the state highway commission ~~((and the joint committee on highways))~~, the legislative transportation committee, and the house and senate transportation committees on the status of county road administration in each county. The annual report shall contain recommendations for improving administration of the county road programs.

Sec. 5. Section 36, chapter 3, Laws of 1963 ex. sess. as amended by section 1, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.020 are each amended to read as follows:

The committee is authorized and directed to continue its studies and for that purpose shall have the powers set forth in chapter 111, Laws of 1947. The committee is further authorized to make studies related to bills assigned to the house and senate transportation ~~((and utilities))~~ committees and such other studies as provided by law. The executive committee of the committee may assign responsibility for all or part of the conduct of studies to the house and/or senate transportation ~~((and utilities))~~ committees.

Sec. 6. Section 2, chapter 195, Laws of 1971 ex. sess. as amended by section 19, chapter 293, Laws of 1975 1st ex. sess. and RCW 44.40.025 are each amended to read as follows:

In addition to the powers and duties authorized in RCW 44.40.020 the committee(;) and the standing committees on ((ways and means and on)) transportation ((and utilities)) of the house and senate shall, in coordination with the legislative budget committee, the senate ways and means committee, the house committee on revenue, and the house committee on appropriations, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds or accounts related to transportation programs of the state.

Sec. 7. Section 38, chapter 3, Laws of 1963 ex. sess. as amended by section 3, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.030 are each amended to read as follows:

In addition to the powers and duties heretofore conferred upon it, the legislative transportation committee ((is further authorized and directed to)) may participate in: (1) The activities of committees of the council of state governments concerned with transportation activities; (2) ((in)) activities of the national committee on uniform traffic laws and ordinances; ((and)) (3) ((in)) any interstate reciprocity or proration meetings designated by the Washington reciprocity commission; and (4) such other organizations as it deems necessary and appropriate.

Sec. 8. Section 39, chapter 3, Laws of 1963 ex. sess. as last amended by section 3, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.040 are each amended to read as follows:

The members of the legislative transportation committee and the house and senate transportation ((and utilities)) committees shall receive allowances while attending meetings of the committees or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120 as now or hereafter amended. All expenses incurred by the committee, and the house and senate transportation ((and utilities)) committees, including salaries of employees of the legislative transportation committee, shall be paid upon voucher forms as provided by the office of program planning and fiscal management and signed by the chairman or vice chairman or authorized designee of the chairman of the committee, and the authority of said chairman or vice chairman to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

Sec. 9. Section 1, chapter 201, Laws of 1973 1st ex. sess. and RCW 44.40.070 are each amended to read as follows:

Prior to October 1 of each even-numbered year all state agencies whose major programs consist of transportation activities, including the state highway commission, the toll bridge authority, the urban arterial board, the Washington state patrol, the department of motor vehicles, the traffic safety commission, the county road administration board, and the aeronautics commission, shall adopt or revise after consultation with the legislative transportation committee, and/or senate and house transportation ((and utilities)) committees, a long range plan of not less than six years and a comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.



The long range plan shall state the general objectives and needs of each agency's major transportation programs.

The comprehensive six-year program and financial plan shall be prepared in consonance with the long range plan and shall identify that portion of the long range plan to be accomplished within the succeeding six-year period.

Sec. 10. Section 2, chapter 210, Laws of 1973 1st ex. sess. and RCW 44.40.090 are each amended to read as follows:

Powers and duties enumerated by this chapter shall be delegated to the senate and house transportation (~~(and utilities)~~) committees during periods when the legislative transportation committee is not appointed.

Sec. 11. Section 3, chapter 210, Laws of 1973 1st ex. sess. as amended by section 7, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.100 are each amended to read as follows:

The legislative transportation committee and/or the senate and house transportation (~~(and utilities)~~) committees may enter into contracts on behalf of the state to carry out the purposes of (~~(this 1975 act [1975 1st ex. s. c 268] and)~~) chapter 44.40 RCW as amended; and it or they may act for the state in the initiation of or participation in any multigovernmental program relative to transportation planning or programming; and it or they may enter into contracts to receive federal or other funds, grants, or gifts to carry out said purposes and to be used in preference to or in combination with state funds. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees.

Sec. 12. Section 2, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.120 are each amended to read as follows:

The house and senate transportation (~~(and utilities)~~) committees shall periodically review the six-year comprehensive plans submitted by cities and counties for expenditures for bicycle, pedestrian, and equestrian facilities prepared pursuant to (~~(chapter 215 (Senate Bill No. 2348), Laws of 1975 1st ex. sess.)~~) RCW 35.77.010 and 36.81.121.

Sec. 13. Section 47.01.220, chapter 13, Laws of 1961 as amended by section 3, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.01.220 are each amended to read as follows:

The state highway commission shall report to the legislature through the legislative transportation committee and senate and house transportation (~~(and utilities)~~) committees on the highway needs of the state.

Sec. 14. Section 1, chapter 167, Laws of 1965 ex. sess. and RCW 47.02.010 are each amended to read as follows:

The Washington state highway commission is authorized in accordance with the provisions of this chapter and RCW 79.24.500 through 79.24.600 to provide for the acquisition of land and the construction of buildings, laboratories and facilities on the east capitol site for the use of the Washington state highway commission and the department of highways and to finance payment thereof by bonds payable out of special funds from the proceeds of state excise taxes on motor vehicle fuels, or by gifts, bequests or grants or by such additional funds as the legislature may provide. (~~(Before start of construction the plans shall be submitted to the state~~

~~capitol committee for approval and to the joint committee on highways for its advice:))~~

Sec. 15. Section 4, chapter 173, Laws of 1963 as last amended by section 3, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.040 are each amended to read as follows:

(1) Prior to October 1 of each even-numbered year, the state highway commission shall adopt and thereafter shall biennially revise after consultation with the legislative transportation committee and senate and house transportation ~~((and utilities))~~ committees a comprehensive six year program and financial plan for highway construction, maintenance, and planning activities.

(2) The highway construction program for the ensuing six years shall allocate to category A improvements as a whole, and then to each of the five functional classes of state highways, that percentage of the estimated available construction funds as will be necessary to accomplish the commission's long range plan for highway improvements. The commission shall then apportion the available category A construction funds, according to functional class, among the several highway districts in the proportion that the estimated remaining category A improvement needs for each functional class of highway within each highway district bears to the total of such estimated needs for each functional class remaining unsatisfied throughout the state.

(3) The commission shall allocate to category B improvements for the ensuing six years, the estimated available federal aid interstate funds and state matching funds as necessary to accomplish the commission's long range plan for category B highway improvements throughout the state.

(4) The commission shall allocate to category C improvements for the ensuing six years, the remaining estimated available construction funds to accomplish to the extent possible the commission's long range plan for category C highway improvements throughout the state.

Sec. 16. Section 171, chapter 51, Laws of 1970 ex. sess. as amended by section 26, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.850 are each amended to read as follows:

A state highway to be known as state route number 906 is established as follows:

Beginning at a junction with state route number 90 at the West Summit interchange of Snoqualmie Pass, thence along the alignment of the state route number 90 as it existed on May 11, 1967 in a southeasterly direction to a junction with state route number 90 at the Hyak interchange.

The ~~((joint committee on highways))~~ legislative transportation committee, the house and senate transportation committees, and the Washington state highway commission shall undertake appropriate studies to evaluate state route number 906 to determine whether or not it should permanently remain on the state system.

Sec. 17. Section 22, chapter 83, Laws of 1967 ex. sess. as amended by section 1, chapter 291, Laws of 1971 ex. sess. and RCW 47.26.160 are each amended to read as follows:

The urban arterial board shall:

(1) Adopt rules and regulations necessary to implement the provisions of this chapter relating to the allocation of funds in the urban arterial trust account of the motor vehicle fund to counties and cities.

(2) Adopt reasonably uniform design standards for city and county arterials which meet the requirements for urban development.

(3) Report biennially on the first day of November of the even-numbered years to the state highway commission (~~and the joint committee on highways~~), the legislative transportation committee, and the house and senate transportation committees regarding progress of cities and counties in developing long range plans for their urban arterial construction and programming or urban arterial construction work and the allocation of urban arterial trust funds to the cities and counties.

NEW SECTION. Sec. 18. There is hereby appropriated from the aeronautics account of the general fund to the legislative transportation committee, for the biennium ending June 30, 1979, the sum of five thousand dollars, or so much thereof as may be necessary, to carry out the provisions of section 1(21) of this 1977 amendatory act.

NEW SECTION. Sec. 19. The following acts or parts of acts are each hereby repealed effective June 30, 1977:

(1) Section 4, chapter 210, Laws of 1973 1st ex. sess., section 1, chapter 2, Laws of 1975, section 8, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.110;

(2) Section 5, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.125;

(3) Section 6, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.130;

(4) Section 57, chapter 281, Laws of 1969 ex. sess. and RCW 47.16.220;

(5) Section 2, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.20.662;

(6) Section 1, chapter 149, Laws of 1971 ex. sess. and RCW 47.60.510; and

(7) Section 2, chapter 149, Laws of 1971 ex. sess. and RCW 47.60.520.

NEW SECTION. Sec. 20. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 6, 1977.

Passed the House June 3, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 236

[Reengrossed Substitute Senate Bill No. 2527]

### LEASED OR RENTED MACHINERY, EQUIPMENT, OR MOTOR VEHICLES—CRIMINAL POSSESSION—PENALTIES

AN ACT Relating to motor vehicles and leased machinery and equipment; adding a new section to chapter 260, Laws of 1975 1st ex. sess. and to chapter 9A.56 RCW; repealing section 9A.56.090, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.090; and prescribing penalties.

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

**NEW SECTION.** Section 1. There is added to chapter 260, Laws of 1975 1st ex. sess. and to chapter 9A.56 RCW a new section to read as follows:

(1) A person is guilty of criminal possession of leased or rented machinery, equipment or a motor vehicle if the value thereof exceeds \$1500 and if he:

(a) After renting machinery, equipment or a motor vehicle under an agreement in writing which provides for the return of said item to a particular place at a particular time, fails to return the item to said place within the time specified, is thereafter served by registered or certified mail addressed to him at his last known place of residence or business with a written demand to return said item within 72 hours from the time of the service of such demand, and wilfully neglects to return said item to any place of business of the lessor within five full business days from the date of service of said notice; or

(b) After leasing machinery, equipment or a motor vehicle under an agreement in writing which provides for periodic rental or lease payments for a period greater than six months duration, fails to pay the lessor of said item the periodic payments when due for a period of 90 days, is thereafter served by registered or certified mail addressed to him at his last known place of residence or business with a written demand to return the item to any place of business of the lessor within 72 hours from the time of the service of said demand and wilfully neglects to return said item to any place of business of the lessor within five full business days from the date of service of said notice.

(2) "Wilfully neglects" as used in this section means omits, fails or forbears with intent to deprive the owner of or exert unauthorized control over the property, and specifically excludes the failure to return the item because of a bona fide contract dispute with the owner.

(3) It shall be a defense to any civil action arising out of or involving the arrest or detention of any person who rents or leases machinery, equipment or a motor vehicle that he failed to return the item to any place of business of the lessor within five full business days after receiving written demand therefor.

Criminal possession of leased or rented machinery, equipment or a motor vehicle is a Class C felony.

**NEW SECTION.** Sec. 2. Section 9A.56.090 of chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.090 are each hereby repealed.

Passed the Senate June 6, 1977.

Passed the House June 3, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 237

[Substitute Senate Bill No. 2544]

### HIGHWAYS APPROPRIATIONS—REIMBURSABLE EXPENDITURES—COMPUTER SUSPENSE ACCOUNT

AN ACT Relating to highways; making appropriations and authorizing reimbursable expenditures for the period ending June 30, 1979; and declaring an emergency.

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

NEW SECTION. Section 1. Program R, ASSISTANCE TO OTHERS.

There is hereby appropriated to the Washington state highway commission from the motor vehicle fund for the biennium ending June 30, 1979 . . . . . \$79,892,000 consisting of \$79,059,000 from federal and local funds, and \$833,000 from bond funds or so much thereof as may be necessary for reimbursable expenditures for the location, design, right of way, and construction on city streets and county roads and other nonstate highways including the unexpended balances of the funds from the sale of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951, chapter 311, Laws of 1955, and in chapter 121, Laws of 1965; for reimbursable expenditures on cooperative projects authorized by state and or federal law; for expenditures through federal emergency relief acts, reimbursable expenditures for maintenance on city streets, county roads and other non-state highways, reimbursable expenditures for miscellaneous sales and services to others.

NEW SECTION. Sec. 2. There is hereby appropriated to the state treasurer from the motor vehicle fund for transfer to the highway equipment fund . . . . . \$1,000,000 or so much thereof as has been set aside in the 1975-77 biennium in the computer suspense account.

NEW SECTION. Sec. 3. 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. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 30, 1977.  
Passed the House June 7, 1977.  
Approved by the Governor June 15, 1977.  
Filed in Office of Secretary of State June 15, 1977.

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CHAPTER 238  
[Senate Bill No. 2563]  
UNITED STATES PRESIDENTIAL ELECTORS

AN ACT Relating to United States presidential electors; amending section 29.71.020, chapter 9, Laws of 1965 and RCW 29.71.020; amending section 29.71.040, chapter 9, Laws of 1965 and RCW 29.71.040; and providing penalties.

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

Section 1. Section 29.71.020, chapter 9, Laws of 1965 and RCW 29.71.020 are each amended to read as follows:

In the years in which presidential elections are held, each political party nominating candidates for president and vice president of the United States shall nominate their presidential electors for this state and file with the secretary of state certificates of nomination for such candidates at the time and in the manner and number provided by law. Each political party shall require from each candidate for elector a pledge that as an elector he or she will vote for the candidates nominated by that party. The secretary of state shall certify to the county auditors the names

of the candidates for president and vice president of the several political parties, which shall be printed on the ballot. The names of candidates for electors of president and vice president shall not be printed upon the ballots. The votes cast for candidates for president and vice president of each political party shall be counted for the candidates for presidential electors of such political party, whose names have been filed with the secretary of state.

Sec. 2. Section 29.71.040, chapter 9, Laws of 1965 and RCW 29.71.040 are each amended to read as follows:

The electors of the president and vice president shall convene at the seat of government on the day fixed by federal statute, at the hour of twelve o'clock noon of that day. If there is any vacancy in the office of an elector occasioned by death, refusal to act, neglect to attend, or otherwise, the electors present shall immediately proceed to fill it by viva voce, and plurality of votes. When all of the electors have appeared and the vacancies have been filled they shall constitute the college of electors of the state of Washington, and shall proceed to perform the duties required of them by the Constitution and laws of the United States. Any elector who votes for a person or persons not nominated by the party of which he or she is an elector shall be subject to a civil penalty of up to a fine of one thousand dollars.

Passed the Senate June 6, 1977.

Passed the House June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 239

[Engrossed Substitute Senate Bill No. 3044]

### INDUSTRIAL INSURANCE—MEDICAL AID—CARE PROVIDED BY PHYSICIANS' ASSISTANTS

AN ACT Relating to physicians' assistants; and amending section 51.04.030, chapter 23, Laws of 1961 as amended by section 74, chapter 289, Laws of 1971 ex. sess. and RCW 51.04.030.

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

Section 1. Section 51.04.030, chapter 23, Laws of 1961 as amended by section 74, chapter 289, Laws of 1971 ex. sess. and RCW 51.04.030 are each amended to read as follows:

The director shall, through the division of industrial insurance, supervise the providing of prompt and efficient care and treatment, including care provided by physicians' assistants governed by the provisions of chapters 18.57A and 18.71A RCW, acting under a supervising physician to workmen injured ((tm)) during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and promulgate and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment.

The director shall make and, from time to time, change as may be, and promulgate a fee bill of the maximum charges to be made by any physician, surgeon,

hospital, druggist, physicians' assistants as defined in chapters 18.57A and 18.71A RCW, acting under a supervising physician or other agency or person rendering services to injured workmen. No service covered under this title shall be charged or paid at a rate or rates exceeding those specified in such fee bill, and no contract providing for greater fees shall be valid as to the excess.

The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workmen, shall approve and pay those which conform to the promulgated rules, regulations, and practices of the director and may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules and regulations promulgated under it.

Passed the Senate May 2, 1977.

Passed the House June 7, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 240

[Second Substitute Senate Bill No. 3067]

### WASHINGTON STATE REGISTER ACT OF 1977

AN ACT Relating to state government; amending section 3, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.030; amending section 4, chapter 57, Laws of 1971 ex. sess. as amended by section 4, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.19.040; amending section 3, chapter 237, Laws of 1967 as amended by section 17, chapter 250, Laws of 1971 ex. sess. and RCW 34.04.025; amending section 3, chapter 234, Laws of 1959 and RCW 34.04.030; amending section 5, chapter 234, Laws of 1959 and RCW 34.04.050; adding a new section to chapter 1.08 RCW; creating a new chapter in Title 34 RCW; adding a new section to chapter 42.30 RCW; creating new sections; making an appropriation; and providing an effective date.

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

NEW SECTION. Section 1. The legislature finds that a need exists to adequately inform the public on the conduct of the people's business by state government, and that providing adequate notice of the affairs of government enables the public to actively participate in the conduct of state government. The legislature further finds that the promulgation of rules by state agencies has a direct effect on the ability of the people to conduct their personal affairs and knowledgeably deal with state government. It is therefore the intent and purpose of sections 2 and 12 of this 1977 amendatory act and of this chapter to require the publication of a state register by which the public will be adequately informed of the activities of government and where they may actively participate in the conduct of state government and influence the decision making process of the people's business.

NEW SECTION. Sec. 2. There is added to chapter 1.08 RCW a new section to read as follows:

The statute law committee, in addition to the other responsibilities enumerated in this chapter, shall cause to be published the Washington State Register as created in section 3 of this 1977 amendatory act. The statute law committee and/or the code reviser may adopt such rules as are necessary for the effective operation of such service.

NEW SECTION. Sec. 3. There is hereby created a state publication to be called the Washington State Register, which shall be published on a monthly basis. The register shall contain, but is not limited to, the following materials received by the code reviser's office during the pertinent publication period:

(1) The full text of any proposed new or amendatory rule, as defined in RCW 34.04.010, and the citation of any existing rules the repeal of which is proposed, prior to the public hearing on such proposal. Such material shall be considered, when published, to be the official notification of the intended action, and no state agency or official thereof shall take action on any such rule except on emergency rules adopted in accordance with RCW 34.04.030, until twenty days have passed since the distribution date of the register in which the rule and hearing notice have been published or a notice regarding the omission of the rule has been published pursuant to RCW 34.04.050(3) as now or hereafter amended;

(2) The full text of any new or amendatory rule adopted, and the citation of any existing rule repealed, on a permanent or emergency basis;

(3) Executive orders and emergency declarations of the governor;

(4) Public meeting notices of any and all agencies of state government, including state elected officials whose offices are created by Article III of the state Constitution or RCW 48.02.010; and

(5) Rules of the state supreme court which have been adopted but not yet published in an official permanent codification.

NEW SECTION. Sec. 4. All material included in the register pursuant to section 3 of this 1977 amendatory act shall be prepared by the appropriate agency or official and transmitted to the code reviser in accordance with rules adopted by the code reviser prescribing the style, format, and numbering system therefor, the date of receipt for inclusion within a particular register, and such other requirements as may be necessary for the orderly and efficient publication of the register and the Washington Administrative Code.

NEW SECTION. Sec. 5. The publication of any information in the Washington State Register shall be deemed to be official notice of such information, and publication in the register of such information and materials shall be certified to be the true and correct copy of such rules or other information as filed in the code reviser's office. The code reviser shall certify, to any court of record, the publication of any notice or information, and attached to such certification shall be the agency's declaration of compliance with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and this chapter.

NEW SECTION. Sec. 6. For the purposes of the state register and this chapter, an institution of higher education, as defined in RCW 28B.19.020(1), shall be considered to be a state agency.

Sec. 7. Section 3, chapter 237, Laws of 1967 as amended by section 17, chapter 250, Laws of 1971 ex. sess. and RCW 34.04.025 are each amended to read as follows:

(1) Prior to the adoption, amendment, or repeal of any rule, each agency shall:



(a) ~~((Give at least twenty days notice of its intended action by filing the))~~ File notice thereof with the code reviser((, mailing the)) in accordance with section 3(1) of this 1977 amendatory act for publication in the state register, and mail such notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings((, and giving public notice as provided in chapter 42.30 RCW, as now or hereafter amended)). Such notice shall also include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon((-);

(b) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(2) No proceeding shall be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained. The code reviser shall make provisions for informing an agency giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

(3) No rule hereafter adopted is valid unless adopted in substantial compliance with this section, or, if an emergency rule designated as such, adopted in substantial compliance with RCW 34.04.030, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of section 3(1) of this 1977 amendatory act, of this section, or of RCW 34.04.030, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

Sec. 8. Section 3, chapter 234, Laws of 1959 and RCW 34.04.030 are each amended to read as follows:

(1) If the agency finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, the agency may dispense with such requirements and adopt the rule or amendment as an emergency rule or amendment. The agency's finding and a brief statement of the reasons for its finding shall be incorporated in the emergency rule or amendment as filed with the office of the code reviser under RCW 34.04.040. An emergency rule or amendment shall not remain in effect for longer than ninety days after filing. This section does not relieve any agency from compliance with any law requiring that its rules be approved by designated persons or bodies before they become effective.

(2) The emergency rule published in the register is solely to inform the public of its adoption, and nothing in this section shall be construed to prevent the implementation of the rule upon its filing with the code reviser in accordance with RCW 34.04.040(2).

Sec. 9. Section 5, chapter 234, Laws of 1959 and RCW 34.04.050 are each amended to read as follows:

(1) The code reviser shall, as soon as practicable after the effective date of this chapter, compile and index all rules adopted by each agency and remaining in effect. Compilations shall be supplemented or revised as often as necessary and at least once every two years.

(2) The code reviser shall publish a monthly ~~((bulletin))~~ register in which he shall set forth the text of all rules filed during the preceding month excluding rules in effect upon the adoption of this chapter.

(3) The code reviser may, in his discretion, omit from the ~~((bulletin))~~ register or the compilation, rules, the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if such rules are made available in printed or processed form on application to the adopting agency, and if such ~~((bulletin))~~ register or compilation contains a notice stating the general subject matter of the rules so omitted and stating how copies thereof may be obtained.

(4) ~~((Bulletins))~~ Registers and compilations shall be made available, in written form to state elected officials ((of this state)) whose offices are created by Article II or III of the state Constitution or by RCW 48.02.010, upon request ~~((and))~~, to county boards of law library trustees, and to the Olympia representatives of the Associated Press and the United Press International without request, free of charge, and to other persons at a price fixed by the code reviser ~~((to cover publication and mailing costs))~~.

(5) The board of law library trustees of each county shall keep and maintain a complete and current set of ~~((bulletins))~~ registers and compilations for use and inspection as provided in RCW 27.24.060.

(6) Judicial notice shall be taken of rules filed and published as provided in RCW 34.04.040 and this section.

Sec. 10. Section 3, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.030 are each amended to read as follows:

(1) Prior to the adoption, amendment, or repeal of any rule adopted under this chapter, each institution, college, division, department, or official thereof exercising rule-making authority delegated by the governing board or the president, shall:

(a) ~~((Give at least twenty days' notice of its intended action by filing the))~~ File notice thereof with the code reviser ((and by mailing)) in accordance with section 3 (1) of this 1977 amendatory act for publication in the state register, and mail the notice to all persons who have made timely request of the institution or related board for advance notice of its rule-making proceedings. Such notice shall also include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon((:));

(b) Provide notice to the campus or standard newspaper of the institution involved and to a newspaper of general circulation in the area at least seven days

prior to the date of the rule-making proceeding. The notice shall state the time when, place where, and manner in which interested persons may present their views thereon and the general subject matter to be covered((-);

(c) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. An opportunity for oral hearing must be granted if requested by twenty-five persons. The institution shall consider fully all written and oral statements respecting the proposed rule.

(2) No proceeding shall be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained. The code reviser shall make provisions for informing an institution of higher education giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

(3) No rule adopted under this chapter is valid unless adopted in substantial compliance with this section, or, if an emergency rule designated as such, adopted in substantial compliance with RCW 28B.19.040, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of section 3(1) of this 1977 amendatory act, of this section, or of RCW 28B.19.040, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

~~((3))~~ (4) When twenty days notice of intended action to adopt, amend, or repeal a rule has not been filed with the code reviser, as required by subsection ~~((1)(a))~~ (2) of this section, the code reviser shall not publish such rule, and such rule shall not be effective for any purpose.

Sec. 11. Section 4, chapter 57, Laws of 1971 ex. sess. as amended by section 4, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.19.040 are each amended to read as follows:

If the institution of higher education finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety, or general welfare, and the observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, the institution may dispense with such requirements and adopt the rule or amendment as an emergency rule or amendment. The institution's finding and a brief statement of the reasons for its finding shall accompany the emergency rule or amendment as filed with the code reviser. An emergency rule or amendment shall not remain in effect for longer than ninety days after filing.

Emergency rules shall become effective upon filing with the code reviser unless an effective date is specified in the rule. The emergency rule published in the state register is solely to inform the public of its adoption, and nothing in this section shall be construed to prevent the implementation of the rule upon such filing.

NEW SECTION. Sec. 12. There is added to chapter 42.30 RCW a new section to read as follows:

State agencies which hold regular meetings shall file with the code reviser a schedule of the time and place of such meetings on or before January 1st of each year for publication in the Washington state register. Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.

For the purposes of this section "regular" meetings shall mean recurring meetings held in accordance with a periodic schedule declared by statute or rule.

NEW SECTION. Sec. 13. There is hereby appropriated to the statute law committee from the general fund the sum of seventy-three thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this 1977 amendatory act.

NEW SECTION. Sec. 14. Section 1 and sections 3 through 6 of this 1977 amendatory act shall constitute a new chapter in Title 34 RCW.

NEW SECTION. Sec. 15. This 1977 amendatory act may be known as the Washington State Register Act of 1977.

NEW SECTION. Sec. 16. This 1977 amendatory act shall take effect January 1, 1978.

NEW SECTION. Sec. 17. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate June 7, 1977.

Passed the House June 3, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 241

[Substitute House Bill No. 194]

### MUTUAL SAVINGS BANKS—REPORTS—DEFINITIONS; "ITS FUNDS"

AN ACT Relating to mutual savings banks; amending section 32.04.050, chapter 13, Laws of 1955 and RCW 32.04.050; amending section 32.20.010, chapter 13, Laws of 1955 and RCW 32.20.010; and prescribing penalties.

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

Section 1. Section 32.04.050, chapter 13, Laws of 1955 and RCW 32.04.050 are each amended to read as follows:

A savings bank shall render to the supervisor, in such form as he shall prescribe, at least three regular reports each year exhibiting its resources and liabilities as of such dates as the supervisor shall designate, which shall be the dates designated by the comptroller of the currency of the United States for reports of national banking associations. Every such report, in a condensed form to be prescribed by the supervisor, shall be published once in a newspaper of general circulation, published in the place where the bank is located. A savings bank shall also make such special reports as the supervisor shall call for. A regular report shall be filed with the supervisor within ~~((twelve))~~ thirty days and proof of the publication thereof within ~~((twenty))~~ forty days from the date of the issuance of the call for the report. A special report shall be filed within such time as the supervisor shall indicate in the call therefor. A savings bank that fails to file within the prescribed time any report required by this section or proof of the publication of any report required to be published shall be subject to a penalty to the state of ~~((ten))~~ fifty

dollars for each day's delay, recoverable by a civil action brought by the attorney general in the name of the state.

Sec. 2. Section 32.20.010, chapter 13, Laws of 1955 and RCW 32.20.010 are each amended to read as follows:

The words "mutual savings bank" and "savings bank," whenever used in this chapter, shall mean a mutual savings bank organized and existing under the laws of the state of Washington.

The words "its funds," whenever used in this chapter, shall mean and include moneys deposited with a mutual savings bank, sums credited to the guaranty fund of a mutual savings bank, and the income derived from such deposits or fund, or both, and the principal balance of any outstanding capital notes, and capital debentures.

Passed the House March 11, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 242

[House Bill No. 195]

### STATE AND LOCAL IMPROVEMENT PROGRAMS OF 1972—BOND ISSUANCE

AN ACT Relating to state and local government and the support thereof; amending section 2, chapter 127, Laws of 1972 ex. sess. and RCW 43.83A.020; amending section 2, chapter 128, Laws of 1972 ex. sess. and RCW 43.83B.020; amending section 2, chapter 129, Laws of 1972 ex. sess. and RCW 43.83C.020; amending section 2, chapter 130, Laws of 1972 ex. sess. and RCW 43.83D.020; amending section 2, chapter 133, Laws of 1972 ex. sess. and RCW 28B.56.020; and creating a new section.

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

Section 1. Section 2, chapter 127, Laws of 1972 ex. sess. and RCW 43.83A.020 are each amended to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of public waste disposal facilities in this state, the state finance committee is authorized to issue ~~((, at any time prior to January 1, 1980;))~~ general obligation bonds of the state of Washington in the sum of two hundred twenty-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. As used in this section the phrase "public waste disposal facilities" shall not include the acquisition of equipment used to collect, carry, and transport garbage. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

Sec. 2. Section 2, chapter 128, Laws of 1972 ex. sess. and RCW 43.83B.020 are each amended to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state, the state finance committee is authorized to issue(~~(, at any time prior to January 1, 1980,)~~) general obligation bonds of the state of Washington in the sum of seventy-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

Sec. 3. Section 2, chapter 129, Laws of 1972 ex. sess. and RCW 43.83C.020 are each amended to read as follows:

For the purpose of providing funds for the planning, acquisition, preservation, development, and improvement of recreation areas and facilities in this state, the state finance committee is authorized to issue(~~(, at any time prior to January 1, 1980,)~~) general obligation bonds of the state of Washington in the sum of forty million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

Sec. 4. Section 2, chapter 130, Laws of 1972 ex. sess. and RCW 43.83D.020 are each amended to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of health and social service facilities in this state, the state finance committee is authorized to issue(~~(, at any time prior to January 1, 1980,)~~) general obligation bonds of the state of Washington in the sum of twenty-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

Sec. 5. Section 2, chapter 133, Laws of 1972 ex. sess. and RCW 28B.56.020 are each amended to read as follows:

For the purpose of providing funds for the acquisition, construction and improvement of community college facilities in this state, the state finance committee is authorized to issue(~~(, at any time prior to January 1, 1980,)~~) general obligation bonds of the state of Washington in the sum of fifty million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance, or within thirty years, should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

NEW SECTION. Sec. 6. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House June 6, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 243

[House Bill No. 316]

### NURSING HOME ADMINISTRATORS

AN ACT Relating to nursing home administrators; amending section 1, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.010; amending section 7, chapter 57, Laws of 1970 ex. sess. as amended by section 52, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.52.070; amending section 9, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.090; amending section 10, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.100; amending section 12, chapter 57, Laws of 1970 ex. sess. as amended by section 2, chapter 97, Laws of 1975 1st ex. sess. and RCW 18.52.120; amending section 15, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.150; and adding a new section to chapter 57, Laws of 1970 ex. sess. and to chapter 18.52 RCW.

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

Section 1. Section 1, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.010 are each amended to read as follows:

This chapter shall be known as the "Nursing Home Administrator Licensing Act" and is intended to establish and provide for the enforcement of standards for the licensing of nursing home administrators. The legislature finds that the quality of patient care in nursing homes is directly related to the competence of the nursing home administrators. It is the intent of this chapter that licensed nursing home administrators continually maintain (1) the suitable character required and (2) the capacity to consider the available resources and personnel of the facility subject to their authority and come to reasonable decisions implementing patient care.

Sec. 2. Section 7, chapter 57, Laws of 1970 ex. sess. as amended by section 52, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.52.070 are each amended to read as follows:

Upon the director's receipt of an application and examination fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and completed application forms provided by the director, a nursing home administrator's license shall be issued to any person who:

(1) Is at least twenty-one years of age and of good moral character.

(2) Has ~~((satisfactorily completed a course of instruction and training concerning nursing home or health facility administration approved by the board, or has))~~ presented ~~((upon his affidavit))~~ evidence satisfactory to the board of ~~((at least two years of))~~ practical experience ~~((in the field of institutional administration which, regardless of formal training or instruction, is in the opinion of the board)),~~ education, and training which, when evaluated according to criteria developed by the board, is equivalent to two years of experience in the operation of a nursing home; PROVIDED, That after January 1, 1980, no license shall be issued to any applicant unless such applicant has either successfully completed at least two years of

formal education beyond the high school level or holds an associate degree from a recognized institution of higher learning.

(3) Has passed an examination administered by the board which shall be designed to test the candidate's competence to administer a nursing home on the basis of the candidate's formal instruction and training or actual experience: PROVIDED HOWEVER, That nothing in this chapter or the rules and regulations thereunder shall be construed to require an applicant for a license or provisional license as a nursing home administrator who is certified by any well established and generally recognized church or religious denomination which teaches reliance on spiritual means alone for healing as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teachings, to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions: PROVIDED FURTHER, That any such individual shall demonstrate in the process of application for the examination his membership in such church or religious denomination and his license shall indicate the limited extent of his authority to act as an administrator.

(4) The initial administrator members of the board shall be selected and appointed by the governor to meet the requirements of subsection (1) of this section and of RCW 18.52.040 and 18.52.050. The three nonadministrator members of the first board shall administer to the initial administrator members an appropriate examination, and the initial administrator members shall thereafter be issued their licenses under this chapter as nursing home administrators. The three nonadministrator members of the first board may exercise the powers of the board to carry out licensing of the initial administrator members, regardless of the normal quorum or procedural requirements for board action. The licensing of the initial administrator members of the first board shall be carried out within thirty days after appointment of the board, and in all events prior to April 1, 1970.

Sec. 3. Section 9, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.090 are each amended to read as follows:

The director shall have the administrative duty and responsibility to:

(1) Issue nursing home administrator's licenses to individuals who meet the licensing requirements of RCW 18.52.070 and 18.52.080;

(2) ~~((Advise and assist the executive secretary or board as may be required in the investigation of))~~ Investigate complaints against nursing home administrators, and upon order of the board ~~((and after notice and hearing before the board))~~ reprimand any licensee, or revoke, suspend ~~((for not more than thirty days))~~, deny, or refuse to reregister the license of any ~~((holder))~~ licensee or applicant who fails to meet the ~~((licensing))~~ applicable requirements of this chapter.

Sec. 4. Section 10, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.100 are each amended to read as follows:

The board with the assistance of the director for administrative matters shall have the duty and responsibility within the limits provided in this chapter:

(1) To develop standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall include criteria to evaluate the practical experience, education, and training of applicants for licenses



to determine that applicants have the equivalent of two years of experience in the operation of a nursing home. The standards and criteria shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators as provided in this chapter.

(2) To develop appropriate techniques, including examinations and investigations to the extent necessary to determine whether an individual meets such standards for licensing.

(3) To develop, administer, and supervise an administrator-in-training program for applicants for licenses who are otherwise qualified but do not have the equivalent of two years experience in the operation of a nursing home at the time of application. Such program shall provide for supervision of each administrator-in-training by licensed nursing home administrators as preceptors. The board shall have the authority to do all acts necessary for the implementation of such a program, including, but not limited to, conducting education and training programs, establishing standards of qualification for preceptors, establishing criteria for creating and evaluating individual programs, and monitoring such programs to assure compliance with rules and regulations adopted by the board.

(4) To order the director to issue licenses to individuals determined by the board, after the application of such techniques, to meet such standards (~~(, and after notice and hearing to order the director to revoke, suspend or refuse to reregister licenses previously issued in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards for licensing)~~) and to order the director to deny licenses to individuals who do not meet such standards or who are in violation of the provisions of RCW 18.52.120.

(5) To assure that the goals set forth in RCW 18.52.010 are effected the board shall have the authority after any notice and hearing which may be required by law, to order a reprimand of any licensee, or the suspension, refusal to reregister, or revocation of any license. The board may defer any such order or impose conditions thereon to permit continued licensed status when such action is reasonable considering the circumstances of the case, the protection of the health and safety of patients, and fairness to the administrator.

~~((4))~~ (6) To investigate, and take appropriate action with respect to, any charge or complaint filed with the board or director to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of the standards for licensing.

~~((5))~~ (7) To conduct a continuing study and investigation of the licensing of administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of new administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who are to be licensed.

~~((6))~~ (8) To encourage qualified educational institutions and other qualified organizations to establish, provide, and conduct and continue such training and instruction courses and programs as will enable all otherwise qualified individuals to

attain the qualifications necessary to meet the standards for licensing nursing home administrators.

~~((7))~~ (9) To establish and carry out procedures, if required, designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements and standards for licensing set forth in this chapter.

~~((8))~~ (10) To establish appropriate procedures for the issuance in unusual circumstances and without examination of temporary license permits as nursing home administrators. Such permits may be issued and renewed by the director pursuant to rules and regulations which shall be established by the board. Such permits and renewals shall be subject to confirmation or rescission by order of the board upon review at the next board meeting. Any such permit or renewal thereof shall in all events expire six months from the date issued. No more than three consecutive permits shall be issued to any one person. Persons receiving such permits need not have passed the required examination but shall meet the other requirements of this chapter, except RCW 18.52.070(2). After hearing before the board and upon order of the board the director may revoke or suspend any such permit for the reasons provided in this chapter for suspension or revocation of administrator licenses.

~~((9))~~ (11) To advise the relevant state agencies regarding receipt and administration of such federal funds as are made available to carry out the educational purposes of this chapter.

~~((10))~~ (12) To advise the director regarding the application forms used by the director under this chapter.

~~((11))~~ (13) To direct the granting of provisional licenses as provided in this chapter.

~~((12))~~ (14) To issue rules and regulations which are necessary to carry out the functions of the board specifically assigned to it by this chapter.

Sec. 5. Section 12, chapter 57, Laws of 1970 ex. sess. as amended by section 2, chapter 97, Laws of 1975 1st ex. sess. and RCW 18.52.120 are each amended to read as follows:

The director, after any notice and hearing before the board which may be required by law, and upon the order of the board, shall, subject to any deferral or condition ordered, refuse to reregister or shall suspend or revoke an administrator's license, or issue a reprimand as directed by the board, as provided in this chapter when proof has been submitted to the board that:

(1) ~~((In the event))~~ The licensee ~~((or applicant))~~ has committed any fraud or material misrepresentation or concealment in obtaining or ~~((applying for))~~ maintaining the license.

(2) ~~((In the event the licensee or applicant has been convicted of a crime involving moral turpitude:~~

~~((3) If))~~ The license was obtained due to the mistake or inadvertence of the board or the director.

~~((4) In the event))~~ (3) The licensee has ~~((wilfully))~~ knowingly or repeatedly violated any of the provisions of this chapter or of the rules promulgated by the board in accordance with this chapter ~~((, or of the rules promulgated by the department of social and health services. PROVIDED, That the license suspension~~

~~shall only occur when instituted by board action and shall be subject to court review pursuant to chapter 34.04 RCW))~~ or authorized or directed another so to act.

(4) The licensee has knowingly or repeatedly violated rules promulgated by the department of social and health services or the state board of health concerning patient care in a manner demonstrating a substantial disregard for patient health and safety.

(5) ((In the event the licensee has been declared mentally incompetent by a court of competent jurisdiction:)) The licensee is unable to administer a nursing home with due regard for patient health and safety by reason of habitual, intemperate use of alcohol, controlled substances, or other chemicals or materials; or the licensee is similarly incapacitated by mental illness, insanity, mental disorder or some condition or situation requiring entry of an order for a guardianship, and such mental status or the need of a guardianship has been determined to exist by a court of competent jurisdiction: PROVIDED, That the board, when considering cases under this subsection, shall endeavor to encourage the recovery and rehabilitation of the administrator and the maintenance of the administrator's livelihood, but always subject to the primary objective of protecting patient health and safety.

(6) The licensee has committed any acts which, whether or not criminal prosecutions occur, constitute fraud, forgery, wrongful obtaining of funds, theft, larceny by trick, scheme or device, assault in the first, second or third degree, bribery or corrupt influence, or solicitation or conspiracy to commit any of said offenses: PROVIDED, That if some form of intent is required to render any such acts criminal such intent shall also be required to permit action against the licensee under this subsection, and liability under this subsection may be determined pursuant to the principles of liability set forth in RCW 9A.08.020.

(7) The licensee has been grossly negligent or committed gross misconduct in the administration of a nursing home.

(8) The licensee has participated in or has offered or agreed to participate in, any arrangement whereby any payment or rebate is given to any party in return for the referral of a patient to the facility the licensee administers, or for referral by such licensee of a patient to any party for rendition of professional services to such patient.

(9) The licensee or applicant has previously been refused a license as an administrator or had renewal thereof refused, or has had such a license suspended or revoked by any competent state, federal, or foreign authority: PROVIDED, That a suspension, revocation, refusal to issue or refusal to reregister a license under this subsection must be based upon a showing in the record of such previous proceedings which would constitute a proper basis for the action proposed under the provisions of this chapter, and the licensee or applicant shall, on request, have the opportunity to challenge the fairness of the previous proceedings or the correctness of the factual determinations involved.

((Persons)) Administrators whose licenses have been revoked, or to whom re-registration has been refused, may, on subsequent application be licensed, relicensed, or reregistered, according to such rules or regulations as may be prescribed by the board and according to standards prescribed by the board. Suspended licenses are automatically in force at the expiration of ((thirty days from the date of suspension)) the period of suspension specified in the board's order, but

must be reregistered in the normal course if they expire during the period of suspension.

Sec. 6. Section 15, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.150 are each amended to read as follows:

Unless otherwise specifically provided in this chapter, all proceedings under this chapter of the director and board for rule making, for the hearings required by this chapter, for contested cases and for appeals shall be conducted in conformity with the administrative procedure act. ((All hearings specified under this chapter are mandatory)) In matters involving reprimand, suspension, revocation, refusal of re-registration, or denial of licenses, the board shall require clear, cogent, and convincing evidence before the board orders action. Complaints regarding any licensed administrator shall be considered only if submitted to the ((board)) director in writing ((and verified under oath)) and ((if they indicate)) signed. If a complaint indicates a possible violation of the provisions of this chapter, it shall be investigated by the director. ((In any such case, the complaint will be fully disclosed to the affected administrator and will be investigated to determine whether any board action should be initiated, and the report of such investigation shall be fully disclosed immediately to the licensed administrator in question.)) Additionally, the director on his own initiative may, or, upon order of the board, shall, initiate an investigation of possible violations of this chapter. The director shall advise the board of all complaints received and action taken.

If, after investigation the chairman of the board, or the board, decides that there is reasonable cause to believe that grounds exist for a reprimand, or for denial, suspension, refusal of reregistration, or revocation of a license issued or to be issued under this chapter, the director shall notify the applicant or licensee in writing and serve him personally, or by certified mail, with return receipt requested, stating the grounds for the reprimand or upon which the license is to be denied, suspended, revoked or reregistration refused, and shall make available, upon request, so much of the investigative information as relates to any grounds asserted for proposed action.

Within twenty days of the service or receipt of notice of the alleged grounds for reprimand, denial, suspension, revocation, or refusal or reregistration, the applicant or licensee may serve upon the director a written request for hearing before the board. Service of a request for a hearing shall be made personally or by certified mail, return receipt requested, and in the latter event shall be addressed to the director at the director's office in Thurston county.

Upon receiving a request for a hearing, the director shall refer the matter to the board to arrange for a hearing. Hearings may be conducted by the board, by a committee of the board the majority of which shall be administrator members, a hearing officer engaged by the board who shall be a licensed administrator, or by a hearing examiner of the state.

If the applicant or licensee does not file a timely request for a hearing in accordance with the provisions of this section, the director shall refer the matter to the board for appropriate action which may be taken without further notice to the applicant or licensee.

NEW SECTION. Sec. 7. There is added to chapter 57, Laws of 1970 ex. sess. and to chapter 18.52 RCW a new section to read as follows:

In any investigation or proceeding authorized in this chapter, the director, the board, any committee of the board, and any hearing officer conducting a contested case, shall have authority to administer oaths and take testimony, issue subpoenas requiring attendance of witnesses, together with relevant books, memoranda, papers, and other documents, articles, or instruments, and to discover from such witnesses all relevant facts known to them. In a contested case subpoenas shall be issued at the request of a party.

If an individual fails to obey the subpoena or obeys the subpoena but refuses to testify concerning matters relevant to the investigation or proceedings, the issuer of the subpoena may petition the superior court of the county where the investigation or proceeding is being conducted for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the agency. The court may enter an order directing the witness to appear before the court at a time and place fixed in such order to show cause why he has not responded to the subpoena or has refused to testify. A copy of such order shall be served upon the witness. If it then appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the items required, and on failing to obey the order the witness shall be subject to being held in contempt of court.

Passed the House April 28, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 244

[Substitute House Bill No. 348]

### NURSING HOMES—PATIENT ASSESSMENT SYSTEM—LICENSING STANDARDS

AN ACT Relating to nursing homes; adding a new section to chapter 18.51 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 18.51 RCW a new section to read as follows:

(1) No later than September 30, 1977, the secretary shall implement and operate a patient assessment system whereby the characteristics of patients supported by the department under RCW 74.09.120 shall be computerized for the purpose of setting appropriate levels of staffing and reimbursement for nursing homes in accordance with the documented needs of the client population in each home.

(2) No later than November 30, 1977, the board of health shall adopt revised licensing standards for nursing homes after the fiscal impact of each revised standard has been assessed by the department. The licensing standards shall be suitable for:

- (a) Implementing the civil penalty system authorized under this chapter;
  - (b) Identifying and measuring the outcomes of services delivered by the nursing home;
  - (c) Assessing the fiscal impact on health care delivered under the licensing standards; and
  - (d) Determining rates to meet client needs.
- (3) No later than January 1, 1978, all payments made to nursing homes by the department shall meet the reasonable cost of:
- (a) Complying with the revised licensing standards;
  - (b) Complying with federal standards; and
  - (c) Meeting client needs;
- as the reasonable costs are determined under federal regulations.
- (4) No later than July 1, 1978, the department shall adopt all those regulations which meet all conditions necessary to fully implement the civil penalty system authorized by this chapter.

Passed the House June 7, 1977.

Passed the Senate June 6, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 245

[Substitute House Bill No. 384]

### FINANCIAL INSTITUTIONS—SUPERVISOR'S EXAMINATION REPORTS AND INFORMATION—CONFIDENTIALITY

AN ACT Relating to financial institutions; adding a new section to Title 30 RCW; adding a new section to chapter 31.12 RCW; adding a new section to Title 32 RCW; adding a new section to Title 33 RCW; repealing section 43.19.060, chapter 8, Laws of 1965 and RCW 43.19.060; repealing section 43.19.070, chapter 8, Laws of 1965 and RCW 43.19.070; repealing section 43.19.120, chapter 8, Laws of 1965 and RCW 43.19.120; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to Title 30 RCW a new section to read as follows:

(1) All examination reports and all information obtained by the supervisor and the supervisor's staff in conducting examinations of banks, trust companies, or alien banks is confidential and privileged information and shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity except as provided by RCW 39.58.105.

(2) Subsection (1) of this section notwithstanding, the supervisor may furnish examination reports prepared by the supervisor's office to federal agencies empowered to examine state banks, trust companies, or alien banks; to the examined bank, trust company, or alien bank as provided in subsection (4) of this section; and to officials empowered to investigate criminal charges subject to legal process, valid search warrant, or subpoena. If the supervisor furnishes any examination report to officials empowered to investigate criminal charges, the supervisor may only furnish that part of the report which is necessary and pertinent to the investigation, and the supervisor may do this only after notifying the affected bank, trust company, or

alien bank and any customer of the bank, trust company, or alien bank who is named in that part of the report of the order to furnish the part of the examination report unless the officials requesting the report first obtain a waiver of the notice requirement from a court of competent jurisdiction for good cause.

(3) All examination reports furnished under subsection (2) of this section shall remain the property of the division of banking, and no person, agency, or authority to whom reports are furnished or any officer, director, or employee thereof shall disclose or make public any of the reports or any information contained therein except in published statistical material that does not disclose the affairs of any individual or corporation: PROVIDED, That nothing herein shall prevent the use in a criminal prosecution of reports furnished under subsection (2) of this section.

(4) The examination report made by the division of banking is designed for use in the supervision of the bank, trust company, or alien bank, and the supervisor may furnish a copy of the report to the bank, trust company, or alien bank examined. The report shall remain the property of the supervisor and will be furnished to the bank, trust company, or alien bank solely for its confidential use. Under no circumstances shall the bank, trust company, or alien bank or any of its directors, officers, or employees disclose or make public in any manner the report or any portion thereof.

(5) Examination reports and information obtained by the supervisor and the supervisor's staff in conducting examinations shall not be subject to public disclosure under chapter 42.17 RCW.

(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the supervisor, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the supervisor.

(7) This section shall not apply to investigation reports prepared by the supervisor and the supervisor's staff concerning an application for a new bank or trust company or an application for a branch of a bank, trust company, or alien bank: PROVIDED, That the supervisor may adopt rules making confidential portions of the reports if in the supervisor's opinion the public disclosure of the portions of the report would impair the ability to obtain the information which the supervisor considers necessary to fully evaluate the application.

(8) Every person who violates any provision of this section shall forfeit the person's office or employment and be guilty of a gross misdemeanor.

NEW SECTION. Sec. 2. There is added to Title 32 RCW a new section to read as follows:

(1) All examination reports and all information obtained by the supervisor and the supervisor's staff in conducting examinations of mutual savings banks is confidential and privileged information and shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) Subsection (1) of this section notwithstanding, the supervisor may furnish examination reports prepared by the supervisor's office to federal agencies empowered to examine mutual savings banks, to the examined mutual savings bank as

provided in subsection (4) of this section, and to officials empowered to investigate criminal charges subject to legal process, valid search warrant, or subpoena. If the supervisor furnishes any examination report to officials empowered to investigate criminal charges, the supervisor may only furnish that part of the report which is necessary and pertinent to the investigation, and the supervisor may do this only after notifying the affected mutual savings bank and any customer of the mutual savings bank who is named in that part of the report of the order to furnish the part of the examination report unless the officials requesting the report first obtain a waiver of the notice requirement from a court of competent jurisdiction for good cause.

(3) All examination reports furnished under subsection (2) of this section shall remain the property of the division of banking, and no person, agency, or authority to whom reports are furnished or any officer, director, or employee thereof shall disclose or make public any of the reports or any information contained therein except in published statistical material that does not disclose the affairs of any individual or corporation: **PROVIDED**, That nothing herein shall prevent the use in a criminal prosecution of reports furnished under subsection (2) of this section.

(4) The examination report made by the division of banking is designed for use in the supervision of the mutual savings bank, and the supervisor may furnish a copy of the report to the mutual savings bank examined. The report shall remain the property of the supervisor and will be furnished to the mutual savings bank solely for its confidential use. Under no circumstances shall the mutual savings bank or any of its trustees, officers, or employees disclose or make public in any manner the report or any portion thereof.

(5) Examination reports and information obtained by the supervisor and the supervisor's staff in conducting examinations shall not be subject to public disclosure under chapter 42.17 RCW.

(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the supervisor, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the supervisor.

(7) This section shall not apply to investigation reports prepared by the supervisor and the supervisor's staff concerning an application for a new mutual savings bank or an application for a branch of a mutual savings bank: **PROVIDED**, That the supervisor may adopt rules making confidential portions of the reports if in the supervisor's opinion the public disclosure of the portions of the report would impair the ability to obtain the information which the supervisor considers necessary to fully evaluate the application.

(8) Every person who violates any provision of this section shall forfeit the person's office or employment and be guilty of a gross misdemeanor.

**NEW SECTION.** Sec. 3. There is added to Title 33 RCW a new section to read as follows:

(1) All examination reports and all information obtained by the supervisor and the supervisor's staff in conducting examinations of savings and loan associations is confidential and privileged information and shall not be made public or otherwise



disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) Subsection (1) of this section notwithstanding, the supervisor may furnish examination reports prepared by the supervisor's office to federal agencies empowered to examine state savings and loan associations, to the examined savings and loan association as provided in subsection (4) of this section, and to officials empowered to investigate criminal charges subject to legal process, valid search warrant, or subpoena. If the supervisor furnishes any examination report to officials empowered to investigate criminal charges, the supervisor may only furnish that part of the report which is necessary and pertinent to the investigation, and the supervisor may do this only after notifying the affected savings and loan association and any customer of the savings and loan association who is named in that part of the report of the order to furnish the part of the examination report unless the officials requesting the report first obtain a waiver of the notice requirement from a court of competent jurisdiction for good cause.

(3) All examination reports furnished under subsection (2) of this section shall remain the property of the division of savings and loan associations and no person, agency, or authority to whom reports are furnished or any officer, director, or employee thereof shall disclose or make public any of the reports or any information contained therein except in published statistical material that does not disclose the affairs of any individual or corporation: **PROVIDED**, That nothing herein shall prevent the use in a criminal prosecution of reports furnished under subsection (2) of this section.

(4) The examination report made by the division of savings and loan associations is designed for use in the supervision of the savings and loan association, and the supervisor may furnish a copy of the report to the savings and loan association examined. The report shall remain the property of the supervisor and will be furnished to the savings and loan association solely for its confidential use. Under no circumstances shall the savings and loan association or any of its directors, officers, or employees disclose or make public in any manner the report or any portion thereof.

(5) Examination reports and information obtained by the supervisor and the supervisor's staff in conducting examinations shall not be subject to public disclosure under chapter 42.17 RCW.

(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the supervisor, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the supervisor.

(7) This section shall not apply to investigation reports prepared by the supervisor and the supervisor's staff concerning an application for a new savings and loan association or an application for a branch of a savings and loan association: **PROVIDED**, That the supervisor may adopt rules making confidential portions of the reports if in the supervisor's opinion the public disclosure of the portions of the report would impair the ability to obtain the information which the supervisor considers necessary to fully evaluate the application.

(8) Every person who violates any provision of this section shall forfeit the person's office or employment and be guilty of a gross misdemeanor.

NEW SECTION. Sec. 4. There is added to chapter 31.12 RCW a new section to read as follows:

(1) All examination reports and all information obtained by the supervisor and the supervisor's staff in conducting examinations of credit unions is confidential and privileged information and shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) Subsection (1) of this section notwithstanding, the supervisor may furnish examination reports prepared by the supervisor's office to federal agencies empowered to examine state credit unions, to the examined credit union as provided in subsection (4) of this section, and to officials empowered to investigate criminal charges subject to legal process, valid search warrant, or subpoena. If the supervisor furnishes any examination report to officials empowered to investigate criminal charges, the supervisor may only furnish that part of the report which is necessary and pertinent to the investigation, and the supervisor may do this only after notifying the affected credit union and any customer of the credit union who is named in that part of the report of the order to furnish the part of the examination report unless the officials requesting the report first obtain a waiver of the notice requirement from a court of competent jurisdiction for good cause.

(3) All examination reports furnished under subsection (2) of this section shall remain the property of the division of savings and loan associations and no person, agency, or authority to whom reports are furnished or any officer, director, or employee thereof shall disclose or make public any of the reports or any information contained therein except in published statistical material that does not disclose the affairs of any individual or corporation: PROVIDED, That nothing herein shall prevent the use in a criminal prosecution of reports furnished under subsection (2) of this section.

(4) The examination report made by the division of savings and loan associations is designed for use in the supervision of the credit union, and the supervisor may furnish a copy of the report to the credit union examined. The report shall remain the property of the supervisor and will be furnished to the credit union solely for its confidential use. Under no circumstances shall the credit union or any of its directors, officers, or employees disclose or make public in any manner the report or any portion thereof.

(5) Examination reports and information obtained by the supervisor and the supervisor's staff in conducting examinations shall not be subject to public disclosure under chapter 42.17 RCW.

(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the supervisor, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the supervisor.

(7) This section shall not apply to investigation reports prepared by the supervisor and the supervisor's staff concerning an application for a new credit union or an application for a branch of a credit union: PROVIDED, That the supervisor

may adopt rules making confidential portions of the reports if in the supervisor's opinion the public disclosure of the portions of the report would impair the ability to obtain the information which the supervisor considers necessary to fully evaluate the application.

(8) Every person who violates any provision of this section shall forfeit the person's office or employment and be guilty of a gross misdemeanor.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

- (1) Section 43.19.060, chapter 8, Laws of 1965 and RCW 43.19.060;
- (2) Section 43.19.070, chapter 8, Laws of 1965 and RCW 43.19.070; and
- (3) Section 43.19.120, chapter 8, Laws of 1965 and RCW 43.19.120.

NEW SECTION. Sec. 6. 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. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 6, 1977.

Passed the Senate June 3, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 246

[Substitute House Bill No. 393]

### BANKS AND TRUST COMPANIES—CONTROL, ACQUISITION

AN ACT Relating to banks and trust companies; adding new sections to Title 30 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to Title 30 RCW a new section to read as follows:

As used in this 1977 act, the following words shall have the following meanings:

(1) "Control" means directly or indirectly alone or in concert with others to own, control, or hold the power to vote twenty-five percent or more of the outstanding stock or voting power of the "controlled" entity;

(2) "Acquiring party" means the person acquiring control of a bank through the purchase of stock; and

(3) "Person" means any individual, corporation, partnership, association, business trust, or other organization.

NEW SECTION. Sec. 2. There is added to Title 30 RCW a new section to read as follows:

(1) It is unlawful for any person to acquire control of a bank until thirty days after filing with the supervisor a completed application. The application shall be under oath and contain substantially all of the following information plus any additional information that the supervisor may prescribe as necessary or appropriate

in the particular instance for the protection of bank depositors, borrowers, or shareholders and the public interest:

(a) The identity, banking and business experience of each person by whom or on whose behalf acquisition is to be made;

(b) The financial and managerial resources and future prospects of each person involved in the acquisition;

(c) The terms and conditions of any proposed acquisition and the manner in which the acquisition is to be made;

(d) The source and amount of the funds or other consideration used or to be used in making the acquisition, and a description of the transaction and the names of the parties if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition;

(e) Any plan or proposal which any person making the acquisition may have to liquidate the bank, to sell its assets, to merge it with any other bank, or to make any other major change in its business or corporate structure for management;

(f) The identification of any person employed, retained, or to be compensated by the acquiring party, or by any person on its behalf, who makes solicitations or recommendations to shareholders for the purpose of assisting in the acquisition and a brief description of the terms of the employment, retainer, or arrangement for compensation; and

(g) Copies of all invitations for tenders or advertisements making a tender offer to shareholders for the purchase of their stock to be used in connection with the proposed acquisition.

(2) Notwithstanding any other provision of this section, a bank or bank holding company need only notify the supervisor of an intent to acquire control and the date of the proposed acquisition of control at least thirty days before the date of the acquisition of control.

(3) When a person, other than an individual or corporation, is required to file an application under this section, the supervisor may require that the information required by subsection (1)(a), (b), and (f) of this section be given with respect to each person, as defined in section 1(3) of this act, who has an interest in or controls a person filing an application under this subsection.

(4) When a corporation is required to file an application under this section, the supervisor may require that information required by subsection (1)(a), (b), and (f) of this section be given for the corporation, each officer and director of the corporation, and each person who is directly or indirectly the beneficial owner of twenty-five percent or more of the outstanding voting securities of the corporation.

(5) If any tender offer, request, or invitation for tenders or other agreements to acquire control is proposed to be made by means of a registration statement under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C., Sec. 77(a)), as amended, or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C., Sec. 78(a)), as amended, the registration statement or application may be filed with the supervisor in lieu of the requirements of this section.

(6) Any acquisition of control in violation of this section shall be ineffective and void.

(7) Any person who wilfully or intentionally violates this section or any rule adopted pursuant thereto is guilty of a gross misdemeanor pursuant to chapter 9A-.20 RCW. Each day's violation shall be considered a separate violation, and any person shall upon conviction be fined not more than one thousand dollars for each day the violation continues.

NEW SECTION. Sec. 3. There is added to Title 30 RCW a new section to read as follows:

The supervisor may file an action in the superior court of the county in which the bank is located to restrain the pending acquisition or control of a bank if he finds after considering the application and within thirty days after its filing any of the following:

(1) The poor financial condition of any acquiring party might jeopardize the financial stability of the bank or might prejudice the interests of the bank depositors, borrowers, or shareholders;

(2) The plan or proposal of the acquiring party to liquidate the bank, to sell its assets, to merge it with any person, or to make any other major change in its business or corporate structure or management is not fair and reasonable to the bank's depositors, borrowers, or stockholders or is not in the public interest;

(3) The banking and business experience and integrity of any acquiring party who would control the operation of the bank indicates that approval would not be in the interest of the bank's depositors, borrowers, or shareholders;

(4) The information provided by the application is insufficient for the supervisor to make a determination or there has been insufficient time to verify the information provided and conduct an examination of the qualification of the acquiring party; or

(5) The acquisition would not be in the public interest.

Passed the House June 7, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 247

[Substitute House Bill No. 402]

### STATE BUDGET DOCUMENT OR DOCUMENTS

AN ACT Relating to the budget and accounting act; amending section 43.88.030, chapter 8, Laws of 1965 as amended by section 3, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.030; amending section 43.88.060, chapter 8, Laws of 1965 as amended by section 4, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.060; and declaring an emergency.

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

Section 1. Section 43.88.030, chapter 8, Laws of 1965 as amended by section 3, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.030 are each amended to read as follows:

(1) The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period and shall describe in connection therewith the important features of the budget. The message

shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period based upon anticipated revenues for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document: PROVIDED, That the governor may additionally submit, as an appendix to each agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;

(b) Cash surplus or deficit, by fund, to the extent provided by RCW 43.88.040 and 43.88.050;

(c) Such additional information dealing with expenditures, revenues, workload, performance and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity and object.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of anticipated revenues shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium.

(3) A separate budget document or schedule may be submitted consisting of:

(a) Expenditures incident to current or pending capital projects and to proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts proposed to be raised therefor by the issuance of bonds during the fiscal period;

(b) A capital program consisting of proposed capital projects for at least the two fiscal periods succeeding the next fiscal period. The capital program shall include for each proposed project a statement of the reason or purpose for the project along with an estimate of its cost;

(c) Such other information bearing upon capital projects as the governor shall deem to be useful to the legislature;

(d) Such other information relating to capital improvement projects as the legislature may direct by law or concurrent resolution.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document presented to ~~((a regular legislative session in an odd-numbered year))~~ the legislature relative to the format of the budget document which was presented to the previous regular session of the legislature ~~((in an odd-numbered year))~~ without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative budget committee if the legislature is not in session.

Sec. 2. Section 43.88.060, chapter 8, Laws of 1965 as amended by section 4, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.060 are each amended to read as follows:

The governor shall submit the budget document for the 1975-77 biennium and each succeeding biennium to the legislature no later than the twentieth day of December in the year preceding the session during which the budget is to be considered: PROVIDED, That where a budget document is submitted for a fiscal period other than a biennium, such document shall be submitted no less than twenty days prior to the first day of the session at which such budget document is to be considered. The governor shall also submit a budget bill or bills which for purposes of this chapter is defined to mean the appropriations proposed by the governor as set forth in the budget document. Such representatives of agencies as have been designated by the governor for this purpose shall, when requested, by either house of the legislature, appear to be heard with respect to the budget document and the budget bill or bills and to supply such additional information as may be required.

NEW SECTION. Sec. 3. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 1, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 248

[House Bill No. 414]

### JURY FEES

AN ACT Relating to courts; amending section 3, page 418, Laws of 1869 as last amended by section 8, chapter 304, Laws of 1961 and RCW 10.46.190; amending section 70, page 235, Laws of 1854 as last amended by section 1, page 118, Laws of 1888 and RCW 12.12.030; and amending section 35.20.090, chapter 7, Laws of 1965 as amended by section 8, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.090.

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

Section 1. Section 3, page 418, Laws of 1869 as last amended by section 8, chapter 304, Laws of 1961 and RCW 10.46.190 are each amended to read as follows:

Every person convicted of a crime or held to bail to keep the peace(;) shall be liable to all the costs of the proceedings against him, including, when tried by a jury in the superior court, a jury fee as provided for in civil actions, and when tried by a jury before a committing magistrate, ~~((six))~~ twenty-five dollars for jury fee, for which judgment shall be rendered and collection had as in cases of fines. The jury fee, when collected for a case tried by the superior court, shall be paid to the clerk, to be by him applied as the jury fee in civil cases is applied.

Sec. 2. Section 70, page 235, Laws of 1854 as last amended by section 1, page 118, Laws of 1888 and RCW 12.12.030 are each amended to read as follows:

After the appearance of the defendant, and before the justice shall proceed to enquire into the merits of the cause, either party may demand a jury to try the action, which jury shall be composed of six good and lawful ~~((men))~~ persons having the qualifications of jurors in the superior court of the same county, unless the parties shall agree upon a lesser number(;); PROVIDED, That the party demanding the jury shall first pay to the justice the sum of ~~((six))~~ twenty-five dollars, which shall be paid over by the justice to the jury before they are discharged, and said amount shall be taxed as costs against the losing party.

Sec. 3. Section 35.20.090, chapter 7, Laws of 1965 as amended by section 8, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.090 are each amended to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with ~~((justices of the peace))~~ district courts as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before ~~((justices of the peace))~~ district courts, or the trial may be by a judge of the municipal court. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in justice court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court. Each juror shall receive five dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage as provided by law. Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972 unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972.

Passed the House March 11, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.



## CHAPTER 249

[Substitute House Bill No. 508]

## HYPODERMIC SYRINGES AND NEEDLES—SALES—PENALTIES—RULES

AN ACT Relating to public health and safety; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. (1) No person shall sell at retail any hypodermic syringe, hypodermic needle, or any device adapted for the use of drugs by injection except upon the prescription of a physician, dentist, veterinarian, or podiatrist, or unless the sale is made to an animal control agent registered with the state board of pharmacy.

(2) Subsection (1) of this section shall not be construed as requiring a prescription where a pharmacist or physician furnishes hypodermic needles and syringes for human use in the administration of insulin or adrenaline or where a pharmacist or veterinarian or other person, firm or corporation regularly engaged in the sale of veterinarian supplies furnishes hypodermic needles and syringes for use on poultry or animals, but no needle or syringe shall be furnished to a person unknown to the furnisher or unable to properly establish his or her identity.

(3) Any person selling or furnishing a syringe, needle, or device under this section other than by prescription shall keep a record of the date of the sale or transfer, the name and address of the purchaser or transferee, proof of the purchaser or transferee's identity, and a description of the device. This record shall be open at all times to inspection by pharmacy board investigators and any law enforcement officer.

NEW SECTION. Sec. 2. The state board of pharmacy shall develop and prescribe methods for the immediate destruction, after final use, of all devices regulated by this chapter in accordance with chapter 34.04 RCW.

NEW SECTION. Sec. 3. The state board of pharmacy may adopt any necessary rules and regulations under chapter 34.04 RCW for the implementation, continuation, or enforcement of this chapter.

NEW SECTION. Sec. 4. Whoever knowingly violates any provision of this chapter or any rule adopted pursuant to this chapter shall be punished by a fine of not more than five hundred dollars.

NEW SECTION. Sec. 5. If any provision of this 1977 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. 6. Sections 1 through 4 of this 1977 act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 6, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 250

[Substitute House Bill No. 572]

### LIFE INSURANCE POLICY LOANS—INTEREST RATES

AN ACT Relating to life insurance; amending section .23.08, chapter 79, Laws of 1947 and RCW 48-23.080; and creating a new section.

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

Section 1. Section .23.08, chapter 79, Laws of 1947 and RCW 48.23.080 are each amended to read as follows:

(1) There shall be a provision that after three full years' premiums have been paid thereon, the insurer at any time, while the policy is in force, will advance, on proper assignment or pledge of the policy and on the sole security thereof, at a ~~((specified))~~ rate of interest ~~((not exceeding six percent per annum, or if payable in advance such interest shall not exceed the rate of five and seven-tenths percent))~~ provided for in paragraph (c) of this subsection, a sum to be determined as follows:

(a) If such policy is issued prior to the operative date of RCW 48.23.350, the sum, including any interest paid in advance but not beyond the end of the current policy year, shall be equal to or at the option of the owner of the policy less than, the reserve at the end of the current policy year on the policy and on any dividend additions thereto, less a sum not more than two and one-half percent of the amount insured by the policy and of any dividend additions thereto. The policy may contain a provision by which the insurer reserves the right to defer the making of the loan, except when made to pay premiums, for a period not exceeding six months after the date of application therefor.

(b) If such policy is issued on or after such operative date, the sum, including any interest to the end of the current policy year shall not exceed the cash surrender value at the end of the current policy year, as required by RCW 48.23.350.

(c) (i) The policy shall contain (A) a provision that policy loans shall bear interest at a specified rate not exceeding six percent per annum, or (B) a provision that policy loans shall bear interest at a variable of not less than four nor more than eight percent per annum.

(ii) The variable rate shall not be changed more frequently than once per year and no change may exceed one percent per annum except reductions. The insurer shall give at least thirty days' notice to the policy owner or the owner's designee of any changes in the interest rate.

(2) Such policy shall further provide that the insurer may deduct from such loan value any existing indebtedness on the policy (unless such indebtedness has already been deducted in determining the cash surrender value) and any unpaid

balance of the premium for the current policy year; and that if the loan is made or repaid on a date other than the anniversary of the policy, the insurer shall be entitled to interest for the portion of the current policy year at the rate of interest specified in the policy.

(3) Such policy may further provide that if the interest on the loan is not paid when due, it shall be added to the existing indebtedness and shall bear interest at the same rate; and that if and when the total indebtedness on the policy, including interest due or accruing, equals or exceeds the amount of the loan value thereof which would otherwise exist at such time, the policy shall terminate in full settlement of such indebtedness and become void; except, that it shall be stipulated in the policy that no such termination shall be effective prior to the expiration of at least thirty days after notice of the pendency of the termination was mailed by the insurer to the insured and the assignee, if any, at their respective addresses last of record with the insurer.

(4) The insurer shall provide in any policy issued on or after the operative date of RCW 48.23.350 that the making of any loan, other than a loan to pay premiums, may be deferred for not exceeding six months after the application for the loan has been received by it.

NEW SECTION. Sec. 2. This 1977 amendatory act shall not impair the terms and conditions of any policy of life insurance in force prior to the effective date of this 1977 amendatory act.

Passed the House March 17, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 251

[Substitute House Bill No. 619]

### INVESTMENT OF PUBLIC FUNDS

AN ACT Relating to investments; amending section 7, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50.050; amending section 10, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50.080; amending section 7, chapter 103, Laws of 1973 1st ex. sess. as amended by section 112, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.33.050; amending section 9, chapter 103, Laws of 1973 1st ex. sess. as amended by section 26, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 43.33.070; amending section 2, chapter 17, Laws of 1975-'76 2nd ex. sess. and RCW 43.84.150; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.50 RCW; adding a new section to chapter 41.40 RCW; and adding new sections to chapter 43.33 RCW.

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

Section 1. Section 7, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50.050 are each amended to read as follows:

The director shall:

(1) Have the authority to organize the department into not more than two divisions, each headed by an assistant director;

(2) Have free access to all files and records of various funds assigned to the department (~~for investment purposes~~) and inspect and audit the files and records as deemed necessary;

(3) With the assistance of the state finance committee, prepare written reports at least quarterly summarizing the investment ((and bond management)) activities of the department, which reports shall be sent to the governor, to the senate ways and means committee((s of)), the house ((and senate, to members of the finance advisory)) appropriations committee, to all agencies having a direct financial interest in the investment of funds ((or issuance and sale of bonds by the director)), and to other persons on request;

(4) Employ personnel to carry out the general administration of the department;

(5) Submit an annual written report of the activities of the department to the governor and the legislature, including recommendations for statutory changes the director believes to be desirable;

(6) Adopt such rules and regulations as are necessary to carry out the powers, duties, and functions of the department pursuant to the provisions of chapter 34.04 RCW.

Sec. 2. Section 10, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50.080 are each amended to read as follows:

The director and the state finance committee, with the approval of the respective boards, shall provide for the investment of all funds of the Washington public employees' retirement system, the teachers' retirement system, the Washington law enforcement officers' and fire fighters' retirement system, the Washington state patrol retirement system, the Washington judicial retirement system, and the judges' retirement fund, pursuant to RCW 43.84.150, and ((shall authorize)) may sell or exchange investments acquired in the exercise of that authority: PROVIDED, That the method of granting approval shall be determined by each board, respectively, in its sole discretion. The state finance committee ((to)) shall execute all such transactions. Nothing in this section or any other provision of law shall be construed to grant the director any investment powers other than as to funds of those retirement systems designated in this section.

Sec. 3. Section 7, chapter 103, Laws of 1973 1st ex. sess. as amended by section 112, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.33.050 are each amended to read as follows:

There is hereby created the investment advisory committee to consist of ((seven)) eight members to be appointed as hereinafter provided:

(1) One person shall be appointed annually by the Washington public employees' retirement board. One person shall be appointed annually by the board of trustees of the Washington state teachers' retirement system. The original members appointed pursuant to this subsection shall serve for one year, measured from July 1 of the year in which the appointment is made.

(2) ((Four)) Five persons shall be appointed by the state finance committee, who shall be considered experienced and qualified in the field of investments ((and shall not during the term of their appointment have a financial interest in or be employed by any investment brokerage or mortgage servicing firm doing business with the state finance committee or retirement board)). The original members appointed by the state finance committee shall serve as follows: One member shall serve a one-year term; one member shall serve for a term of two years; one member shall serve for a term of three years; and one member shall serve for a term of

four years. All subsequent state finance committee appointees shall serve for terms of four years. All such appointive terms shall commence on July 1 of the year in which appointment is made.

(3) ~~((One member of the public pension commission or its successor who shall be one of the members appointed by the governor and who shall be appointed to the investment advisory committee by the members of the public pension commission for a two-year term from July 1 of each odd-numbered year))~~ The state actuary appointed under RCW 44.44.010 who shall serve for the period while holding the office of the state actuary.

No member during the term of his or her appointment or for two years thereafter shall have a financial interest in or be employed by any investment brokerage or mortgage servicing firm doing business with the state finance committee.

All vacancies shall be filled for the unexpired term. Each member shall hold office until his successor has been appointed and any member may be reappointed for additional terms.

The investment advisory committee shall meet at least quarterly at such times as it may fix.

Each member shall receive fifty dollars for each day or portion thereof spent discharging his official duties as a member of the advisory committee and travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 4. Section 9, chapter 103, Laws of 1973 1st ex. sess. as amended by section 26, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 43.33.070 are each amended to read as follows:

In addition to its other powers and duties as may be prescribed by law, the investment advisory committee shall:

(1) Make recommendations as to general investment policies, practices, and procedures to the state finance committee and the director of retirement systems regarding those retirement funds for which the various retirement boards are designated trustees;

(2) Make recommendations as to general investment policies, practices, and procedures regarding all other investment funds to the state finance committee.

The director of retirement systems and the state finance committee shall make the final decision regarding the advice and recommendations submitted by the investment advisory committee.

Sec. 5. Section 2, chapter 17, Laws of 1975-'76 2nd ex. sess. and RCW 43.84-.150 are each amended to read as follows:

Except where otherwise specifically provided by law, the state finance committee and the director of retirement systems with the approval of those boards otherwise responsible for the management of their respective funds shall have full power to invest and reinvest funds over which they have investment authority in the following classes of ((securities)) investments, and not otherwise, and to sell or exchange investments acquired in the exercise of that authority: PROVIDED, That the method of granting approval to the state finance committee and the director of retirement systems shall be determined by each board, respectively, in its sole discretion:

(1) Bonds, notes, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States, or those guaranteed by, or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof, or the obligation of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system.

(2) Bonds, debentures, notes, or other obligations issued, assumed, or unconditionally guaranteed by the international bank for reconstruction and development, the inter-American development bank, the Asian development bank, or by the federal national mortgage association; in addition to bonds, debentures, or other obligations issued by a federal land bank, or by a federal intermediate credit bank, under the act of congress of July 17, 1961, known as the "Federal Farm Loan Act", (as from time to time amended).

(3) First mortgages on unencumbered real property which are insured by the federal housing administration under the national housing act (as from time to time amended) or are guaranteed by the veterans' administration under the servicemen's readjustment act of 1944 (as from time to time amended), or are otherwise insured or guaranteed by the United States of America, or by an agency or instrumentality thereof to the extent that the investor protection thereby given is essentially the same as that as provided under the foregoing federal enactments.

(4) Conventional fee simple or leasehold first mortgages on real property located within the state of Washington.

(5) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; bonds, notes, or other obligations of any municipal corporation, political subdivision or state supported institution of higher learning of this state, issued pursuant to the laws of this state; obligations of any public housing authority or urban redevelopment authority issued pursuant to the laws of this state relating to the creation or operation of a public housing or urban redevelopment authority.

(6) Bonds, notes, or other obligations issued, guaranteed or assumed by any other state or municipal or political subdivision thereof.

(7) Bonds, debentures, notes or other full faith and credit obligations issued, guaranteed, or assumed as to both principal and interest by the government of the Dominion of Canada, or by any province of Canada, or by any city of Canada, which has a population of not less than one hundred thousand inhabitants: PROVIDED, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder: PROVIDED FURTHER, That such securities are rated "A" or better by at least one nationally recognized rating agency.

(8) Bonds, debentures, notes, or other obligations of any corporation duly organized and operating in any state of the United States: PROVIDED, That such securities are rated "A" or better by at least one nationally recognized rating agency.

(9) Capital notes, debentures, or other obligations of any national or state commercial or mutual savings bank doing business in the United States of America.

(10) Equipment trust certificates issued by any corporation duly organized and operating in any state of the United States of America: PROVIDED, That the bonds or debentures of the company are rated "A" or better by at least one nationally recognized rating agency.

(11) Commercial paper: PROVIDED, That it is given the highest attainable rating by at least two nationally recognized rating agencies.

(12) Subject to the limitations hereinafter provided, those funds created under chapters 2.10, 2.12, 41.24, 41.26, 41.32, 41.40, and 43.43 RCW and the accident reserve fund created by RCW 51.44.010 may be invested in the common or preferred stock or shares, whether or not convertible as well as convertible bonds and debentures of corporations created or existing under the laws of the United States, or any state, district or territory thereof: PROVIDED, That:

(a) ~~((Those trustees responsible for the management of their respective funds shall))~~ The state finance committee and the director of retirement systems may, with the approval of the respective boards, either have the finance committee's staff manage the classes of investments defined by subsection (12) of this section or they may contract with an investment counseling firm or firms or the trust department of a national or state chartered commercial bank having its principal office or a branch in this state ((and/or the staff of the state finance committee for the purpose of managing issues defined by subsection (12) of this section)). ~~The ((trustees))~~ state finance committee and the director of retirement systems shall receive advice which shall become part of the official minutes of the next succeeding meeting of the ((board)) committee and respective boards. No investment counseling firm shall be engaged in buying, selling or otherwise marketing securities in which commissions or profit credits arising from these activities accrue to the firm during the time of its employment by the boards. Nothing in the preceding sentence shall be deemed to apply to the marketing of bonds, notes or other obligations of the United States or any agency thereof, or of a state or any municipal or political subdivision thereof by a bank in the normal course of its business.

(b) Stock investments to include convertible preferred stock investments, and investments in convertible bonds and debentures shall not exceed twenty-five percent of the total investments (cost basis) of the system: PROVIDED, That in the case of the accident reserve fund created by RCW ~~((51.44.010))~~ 51.44.030 such stock investments shall not exceed ten percent of the total investments.

(c) Investment in the stock of any one corporation shall not exceed five percent of the common shares outstanding.

(d) No single common stock investment, based on cost, may exceed two percent of the assets of the total investments (cost basis) of the system.

(e) Such corporation has paid a cash ~~((and/or stock))~~ dividend on its common stock in at least eight of the ten years and in each of the last three years next preceding the date of investment ~~((, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash and/or stock dividend in each of the last three years)).~~

(f) In the case of convertible bond, debenture, and convertible preferred stock investments, the common stock into which such investments are convertible otherwise qualifies as an authorized investment under the provisions of this section.

~~((g) The common stock of any corporation concerned is registered on a national securities exchange provided in the "Securities Exchange Act of 1934" (as from time to time amended). Such registration shall not be required with respect to the following stocks:~~

~~(i) The common stock of a bank which is a member of the federal deposit insurance corporation and has capital funds represented by capital, surplus, and undivided profits of at least fifty million dollars.~~

~~(ii) The common stock of an insurance company which has capital funds, represented by capital, special surplus, and unassigned surplus of at least fifty million dollars.~~

~~(iii) Any preferred stock, as well as any convertible bond, debenture or preferred stock.~~

~~(iv) The common stock of Washington corporations meeting all the other qualifications except that of being registered on a national exchange.))~~

(13) Investments in savings and loan associations organized under federal or state law, insured by the federal savings and loan insurance corporation, and operating in this state, including investment in their savings accounts, deposit accounts, bonds, debentures and other obligations or securities (except capital stock) which are insured or guaranteed by an agency of the federal government or by a private corporation approved by the state insurance commissioner and licensed to insure real estate loans in the state of Washington; savings deposits in commercial banks and mutual savings banks organized under federal or state law, insured by the federal deposit insurance corporation, and operating in this state: PROVIDED, That the investment of any one fund in the foregoing institutions shall not exceed the amount insured or guaranteed.

(14) Appropriate contracts of life insurance or annuities from insurers duly organized to do business in the state of Washington, if and when such purchase or purchases would in the judgment of the board be appropriate or necessary to carry out the purposes of this chapter.

(15) Any obligation, equipment trust certificate, or interest in any obligation arising out of any transaction involving the sale of any equipment by, or the lease of any equipment from, any corporation engaged in the business of transportation or manufacturing, with its principal place of business located in Washington state, or by or from any wholly owned subsidiary of any such corporation, provided that either (a) the obligation shall be secured by ownership of the equipment or by a first mortgage or other security interest creating a first lien on such equipment or (b) the obligation shall be guaranteed by the United States government or any agency or instrumentality thereof or by a foreign government or any agency or instrumentality thereof or by any province of Canada.

(16) The sale of call options or the repurchase of sold call options where such options are fully covered by common stocks owned by the funds.

Subject to the above limitations, the trustees of the several funds shall ~~((have the power to))~~ authorize the state finance committee to make purchases, sales, exchanges, investments, and reinvestments, of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any money belonging to said funds.



NEW SECTION. Sec. 6. There is added to chapter 43.33 RCW a new section to read as follows:

The state treasurer may cause any securities in which the state finance committee deals to be registered in the name of a nominee without mention of any fiduciary relationship, except that adequate records shall be maintained to identify the actual owner of the security so registered. The securities so registered shall be held in the physical custody of the state treasurer or his or her designee or designees.

With respect to the securities, the nominee shall act only upon the order of the state treasurer who shall act only on the direction of the state finance committee. All rights to the dividends, interest, and sale proceeds from the securities and all voting rights of the securities shall be vested in the actual owners of the securities, and not in the nominee.

NEW SECTION. Sec. 7. There is added to chapter 41.50 RCW a new section to read as follows:

Any investments under RCW 43.84.150 shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

NEW SECTION. Sec. 8. There is added to chapter 41.26 RCW a new section to read as follows:

Any investments under RCW 43.84.150 shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

NEW SECTION. Sec. 9. There is added to chapter 41.40 RCW a new section to read as follows:

Any investments under RCW 43.84.150 shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

NEW SECTION. Sec. 10. There is added to chapter 43.33 RCW a new section to read as follows:

The state finance committee shall prepare written reports at least quarterly summarizing the investment and bond management activities of the finance committee, which reports shall be sent to the governor, to the senate ways and means committee, the house appropriations committee, to members of the investment advisory committee, to all retirement boards, and other agencies having a direct financial interest in the investment of funds or issuance and sale of bonds by the committee, and to other persons on written request.

NEW SECTION. Sec. 11. There is added to chapter 43.33 RCW a new section to read as follows:

Any investments made by the state finance committee shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Passed the House June 4, 1977.

Passed the Senate June 2, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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CHAPTER 252

[House Bill No. 653]

LAND DEVELOPMENT ACT—IMPROVEMENTS—PAYMENTS IN ADDITION TO  
PURCHASE PRICE

AN ACT Relating to the Land Development Act; and adding a new section to chapter 12, Laws of 1973 1st ex. sess. and to chapter 58.19 RCW.

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

NEW SECTION. Section 1. There is added to chapter 12, Laws of 1973 1st ex. sess. and to chapter 58.19 RCW a new section to read as follows:

It shall be unlawful for the developer to sell a lot or parcel within a development if the terms of the sale require that the purchaser pay any sum in addition to the purchase price for constructing, completing, or maintaining improvements to the development unless the sums are to be paid directly to:

- (1) A governmental agency;
- (2) A person who is not affiliated with the developer, in trust, and on terms acceptable to the director; or
- (3) An association comprised solely of persons who have purchased lots in the development, or their assignees.

The terms which require the payment of any additional sum shall be set forth in the public offering statement.

Passed the House April 23, 1977.

Passed the Senate June 6, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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CHAPTER 253

[House Bill No. 703]

MOTOR VEHICLE WRECKERS

AN ACT Relating to motor vehicle wreckers; amending section 46.80.010, chapter 12, Laws of 1961 and RCW 46.80.010; amending section 46.80.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 7, Laws of 1971 ex. sess. and RCW 46.80.020; amending section 46.80.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 7, Laws of 1971 ex. sess. and RCW 46.80.030; amending section 46.80.070, chapter 12, Laws of 1961 as last amended by section 5, chapter 7, Laws of 1971 ex. sess. and RCW 46.80.070; amending section 46.80.080, chapter 12, Laws of 1961 as last amended by section 6, chapter 7, Laws of 1971 ex. sess. and RCW 46.80.080; amending section 46.80.090, chapter 12, Laws of 1961 as last amended by section 7, chapter 7,

Laws of 1971 ex. sess. and RCW 46.80.090; amending section 46.80.100, chapter 12, Laws of 1961 as amended by section 101, chapter 32, Laws of 1967 and RCW 46.80.100; amending section 46.80.110, chapter 12, Laws of 1961 as last amended by section 8, chapter 7, Laws of 1971 ex. sess. and RCW 46.80.110; amending section 46.80.150, chapter 12, Laws of 1961 as last amended by section 10, chapter 7, Laws of 1971 ex. sess. and RCW 46.80.150; adding new sections to chapter 46.80 RCW; repealing section 46.80.120, chapter 12, Laws of 1961 and RCW 46.80.120; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 46.80 RCW a new section to read as follows:

The legislature finds and declares that the distribution and sale of vehicle parts in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare and in the exercise of its police power, it is necessary to regulate and license motor vehicle wreckers and dismantlers, the buyers-for-resale, and the sellers of second-hand vehicle components doing business in Washington, in order to prevent the sale of stolen vehicle parts, to prevent frauds, impositions, and other abuses, and to preserve the investments and properties of the citizens of this state.

Sec. 2. Section 46.80.010, chapter 12, Laws of 1961 and RCW 46.80.010 are each amended to read as follows:

~~((The words))~~ (1) "Motor vehicle wrecker," whenever used in this chapter, shall mean every person, firm, partnership, association, or corporation engaged in the business of buying, selling, or dealing in vehicles of a type required to be licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of any motor vehicle, or who buys or sells integral second-hand parts of component material thereof, in whole or in part, ~~((and))~~ or who deals in second-hand motor vehicle parts. ~~((The words))~~

(2) "Established place of business," whenever used in this chapter, shall mean a building or enclosure which the ~~((owner))~~ motor vehicle wrecker occupies either continuously or at regular periods and where his books and records are kept and business is transacted and which must conform with ~~((the))~~ zoning regulations ~~((of municipalities))~~.

(3) "Major component part", whenever used in this chapter, shall include at least each of the following vehicle parts: (a) Engines and short blocks; (b) frame; (c) transmission and/or transfer case; (d) cab; (e) door; (f) front or rear differential; (g) front or rear clip; (h) quarter panel; (i) truck bed or box; (j) seat; (k) hood; and (l) bumper. The director may supplement this list by rule.

(4) "Wrecked vehicle", whenever used in this chapter, shall mean a vehicle which is disassembled or dismantled or a vehicle which is acquired with the intent to dismantle or disassemble and never again to operate as a vehicle, or a vehicle which has sustained such damage that its cost to repair exceeds the fair market value of a like vehicle which has not sustained such damage, or a damaged vehicle whose salvage value plus cost to repair equals or exceeds its fair market value, if repaired, or a vehicle which has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state for which the salvage value plus cost to repair exceeds its fair market value, if repaired; further, it is presumed

that a vehicle is a wreck if it has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state.

Sec. 3. Section 46.80.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 7, Laws of 1971 ex. sess. and RCW 46.80.020 are each amended to read as follows:

It shall be unlawful for any motor vehicle wrecker, as defined herein, ((who shall)) to engage in the business of wrecking motor vehicles or trailers without having first applied for and received a license from the department of motor vehicles authorizing him so to do ((shall be guilty of a gross misdemeanor, and upon conviction shall be punished by imprisonment for not less than thirty days or more than one year in jail or by a fine of one thousand dollars)).

Sec. 4. Section 46.80.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 7, Laws of 1971 ex. sess. and RCW 46.80.030 are each amended to read as follows:

Application for a motor vehicle wrecker's license or renewal of a vehicle wrecker's license shall be made on a form for this purpose, furnished by the department of motor vehicles, and shall be signed by the motor vehicle wrecker or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief of police of any city or town having a population of over five thousand persons and in all other instances a member of the Washington state patrol certifying that:

(a) The applicant has an established place of business at the address shown on the application, and;

(b) In the case of a renewal of a vehicle wrecker's license, the applicant has been complying with the provisions of this chapter, as now or hereafter amended, and the provisions of Title 46 RCW, relating to registration and certificates of title: PROVIDED, That the above certifications in any instance can be made by an authorized representative of the department of motor vehicles;

(4) Any other information that the department may require.

Sec. 5. Section 46.80.070, chapter 12, Laws of 1961 as last amended by section 5, chapter 7, Laws of 1971 ex. sess. and RCW 46.80.070 are each amended to read as follows:

Before issuing a motor vehicle wrecker's license, the department shall require the applicant to file with said department a surety bond in the amount of one thousand dollars, running to the state of Washington and executed by a surety company authorized to do business in the state of Washington. Such bond shall be approved as to form by the attorney general and conditioned that such wrecker shall conduct his business in conformity with the provisions of this chapter. Any person who shall have suffered any loss or damage by reason of fraud, carelessness, neglect, violation of the terms of this chapter, or misrepresentation on the part of the wrecking company, shall have the right to institute an action for recovery

against such motor vehicle wrecker and surety upon such bond: PROVIDED, That the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond.

Sec. 6. Section 46.80.080, chapter 12, Laws of 1961 as last amended by section 6, chapter 7, Laws of 1971 ex. sess. and RCW 46.80.080 are each amended to read as follows:

(1) Every motor vehicle wrecker shall maintain books or files in which he shall keep a record and a description of:

(a) Every vehicle wrecked, dismantled, disassembled, or substantially altered by him(,); and

(b) Every major component part acquired by him; together with a bill of sale signed by a seller whose identity has been verified and the name and address of the person, firm, or corporation from whom he purchased the vehicle or part: PROVIDED, That major component parts shall be further identified by the vehicle identification number of the vehicle from which the part came.

(2) Such record shall also contain the following data regarding the wrecked or acquired vehicle or vehicle which is the source of a major component part:

~~((1))~~ (a) The certificate of title number (if previously titled in this or any other state);

~~((2))~~ (b) Name of state where last registered;

~~((3))~~ (c) Number of the last license number plate issued;

~~((4))~~ (d) Name of vehicle;

~~((5))~~ (e) Motor or identification number and serial number of the vehicle;

~~((6))~~ (f) Date purchased;

~~((7))~~ (g) Disposition of the motor and chassis(,);

(h) Yard number assigned by the licensee to the vehicle or major component part which shall also appear on the identified vehicle or part; and

(i) Such other information as the department may require.

(3) Such records shall also contain a bill of sale signed by the seller for other minor component parts acquired by the licensee, identifying the seller by name, address, and date of sale.

(4) Such records shall be maintained by the licensee at his established place of business for a period of three years from the date of acquisition.

(5) Such record shall be subject to inspection at all times during regular business hours by members of the police department, sheriff's office ~~((and))~~, members of the Washington state patrol, or officers or employees of the department.

(6) A motor vehicle wrecker shall also maintain a similar record of all disabled vehicles that have been towed or transported to the motor vehicle wrecker's place of business or to other places designated by the owner of the vehicle or his representative. This record shall specify the name and description of the vehicle, name of owner, number of license plate, condition of the vehicle and place to which it was towed or transported.

Sec. 7. Section 46.80.090, chapter 12, Laws of 1961 as last amended by section 7, chapter 7, Laws of 1971 ex. sess. and RCW 46.80.090 are each amended to read as follows:

Within thirty days after a vehicle has been acquired by the motor vehicle wrecker it shall be the duty of such motor vehicle wrecker to furnish a written report to the department on forms furnished by the department. This report shall be in such form as the department shall prescribe and shall be accompanied by the certificate of title, if the vehicle has been last registered in a state which issues a certificate, or a record of registration if registered in a state which does not issue a certificate of title. No motor vehicle wrecker shall acquire a vehicle without first obtaining such record or title. It shall be the duty of the motor vehicle wrecker to furnish a monthly report of all vehicles wrecked, dismantled, disassembled, or substantially changed in form by him. This report shall be made on forms prescribed by the department and contain such information as the department may require. This statement shall be signed by the motor vehicle wrecker or his authorized representative and the facts therein sworn to before a notary public, or before an officer or employee of the department of motor vehicles designated by the director to administer oaths or acknowledge signatures, pursuant to RCW 46.01.180. ~~((Any motor vehicle wrecker who fails, neglects or refuses to furnish these monthly reports shall be guilty of a gross misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment of not more than six months or by both fine and imprisonment.))~~

Sec. 8. Section 46.80.100, chapter 12, Laws of 1961 as amended by section 101, chapter 32, Laws of 1967 and RCW 46.80.100 are each amended to read as follows:

If, after issuing a motor vehicle wrecker's license, the bond is canceled by the surety in a method provided by law, the ~~((director))~~ department shall immediately notify the principal covered by such bond by registered mail and afford him the opportunity of obtaining another bond before the termination of the original and should such principal fail, neglect or refuse to obtain such replacement, the director may cancel or suspend the motor vehicle wrecker's license which has been issued to him under the provisions of this chapter.

Sec. 9. Section 46.80.110, chapter 12, Laws of 1961 as last amended by section 8, chapter 7, Laws of 1971 ex. sess. and RCW 46.80.110 are each amended to read as follows:

The director or a designee may, pursuant to the provisions of chapter 34.04 RCW, by order deny, suspend, or revoke the license of any motor vehicle wrecker, or assess a civil fine of up to five hundred dollars for each violation, if he finds that the applicant or licensee has:

- (1) Acquired a vehicle or major component part other than by first obtaining title or other documentation as provided by this chapter;
- (2) Wilfully misrepresented the physical condition of any motor or integral part of a motor vehicle;
- ~~((2))~~ (3) Sold, had in his possession, or disposed of a motor vehicle or trailer or any part thereof when he knows that such vehicle or part has been stolen, or appropriated without the consent of the owner;
- ~~((3))~~ (4) Sold, bought, received, concealed, had in his possession, or disposed of a motor vehicle or trailer or part thereof having a missing, defaced, altered, or covered manufacturer's identification number, unless approved by a law enforcement officer;

(5) Committed forgery (~~(on a certificate of title)~~) or misstated a material fact on any title, registration, or other document covering a vehicle that has been reassembled from parts obtained from the disassembling of other vehicles;

~~((4))~~ (6) Committed any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a motor vehicle, trailer or part thereof;

~~((5))~~ (7) Failed to comply with any of the provisions of this chapter, as now or hereafter amended, or with any of the rules and regulations adopted thereunder, or with any of the provisions of Title 46 RCW relating to registration and certificates of title of vehicles;

~~((6))~~ (8) Procured a license fraudulently or dishonestly or that such license was erroneously issued.

Sec. 10. Section 46.80.150, chapter 12, Laws of 1961 as last amended by section 10, chapter 7, Laws of 1971 ex. sess. and RCW 46.80.150 are each amended to read as follows:

It shall be the duty of the chiefs of police in cities having a population of over five thousand persons, and in all other cases members of the Washington state patrol, to make periodic inspection of the motor vehicle wrecker's licensed premises and records provided for in this chapter during normal business hours, and furnish a certificate of inspection to the department in such manner as may be determined by the department: PROVIDED, That the above inspection in any instance can be made by an authorized representative of the department.

NEW SECTION. Sec. 11. There is added to chapter 46.80 RCW a new section to read as follows:

It shall be a gross misdemeanor for any person to violate any of the provisions of this chapter or the rules and regulations promulgated as provided under this chapter, and any person so convicted shall be punished by imprisonment for not less than thirty days or more than one year in jail or by a fine of one thousand dollars.

NEW SECTION. Sec. 12. Section 46.80.120, chapter 12, Laws of 1961 and RCW 46.80.120 are each repealed.

NEW SECTION. Sec. 13. There is added to chapter 46.80 RCW a new section to read as follows:

The provisions of this chapter shall be liberally construed to the end that traffic in stolen vehicle parts may be prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of wrecking motor vehicles or selling used vehicle parts in this state and reliable persons may be encouraged to engage in businesses of wrecking or reselling vehicle parts in this state.

NEW SECTION. Sec. 14. There is added to chapter 46.80 RCW a new section to read as follows:

If any provision of this 1977 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby.

Passed the House April 23, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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CHAPTER 254

[House Bill No. 733]

MOTOR VEHICLE TRANSPORTERS—LICENSES; DENIAL, ETC., GROUNDS

AN ACT Relating to motor vehicle transporters; adding a new section to chapter 46.76 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 46.76 RCW a new section to read as follows:

The following conduct shall be sufficient grounds pursuant to RCW 34.04.170 for the director or a designee to deny, suspend, or revoke the license of a motor vehicle transporter:

- (1) Using transporter plates for driveway or towaway of any vehicle owned by such transporter;
- (2) Knowingly, as that term is defined in RCW 9A.08.010(1)(b), having possession of a stolen vehicle or a vehicle with a defaced, missing, or obliterated manufacturer's identification serial number;
- (3) Loaning transporter plates;
- (4) Using transporter plates for any purpose other than as provided under RCW 46.76.010; or
- (5) Violation of provisions of this chapter or of rules and regulations adopted relating to enforcement and proper operation of this chapter.

Passed the House April 23, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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CHAPTER 255

[Substitute House Bill No. 737]

SCHOOL DISTRICTS—INTERSCHOOL ACTIVITIES—STUDENTS' INSURANCE

AN ACT Relating to school districts; and amending section 28A.58.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 9, Laws of 1973 1st ex. sess. and RCW 28A.58.420.

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

Section 1. Section 28A.58.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 9, Laws of 1973 1st ex. sess. and RCW 28A.58.420 are each amended to read as follows:



The board of directors of any of the state's school districts may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district, and their dependents. Whenever funds shall be available for these purposes the board of directors of the school district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts and their dependents. The premiums on such liability insurance shall be borne by the school district. The premiums due on such protection or insurance shall be borne by the assenting school board member or student: PROVIDED, That the school district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school or school district. All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57 and 18.71 RCW.

Passed the House April 23, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 256

[House Bill No. 778]

### STATE PATROL RETIREMENT ALLOWANCES—INSURANCE DEDUCTIONS

AN ACT Relating to the Washington state patrol; and amending section 43.43.310, chapter 8, Laws of 1965 and RCW 43.43.310.

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

Section 1. Section 43.43.310, chapter 8, Laws of 1965 and RCW 43.43.310 are each amended to read as follows:

The right of any person to a retirement allowance or optional retirement allowance under the provisions hereof and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided: PROVIDED, That this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of members of the Washington state patrol or other public employees of the state of Washington.

Deductions made in the past from retirement benefits are hereby expressly recognized, ratified and affirmed. Future deductions may only be made in accordance with this 1977 amendatory act.

Passed the House May 16, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 257

[House Bill No. 825]

### COUNTY ROAD ADMINISTRATION BOARD—CERTIFICATES OF GOOD PRACTICE

AN ACT Relating to the county road administration board; amending section 9, chapter 120, Laws of 1965 ex. sess. and RCW 36.78.090; and amending section 10, chapter 120, Laws of 1965 ex. sess. and RCW 36.78.100.

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

Section 1. Section 9, chapter 120, Laws of 1965 ex. sess. and RCW 36.78.090 are each amended to read as follows:

(1) The board prior to (~~April~~) May 1st of each year shall transmit to the state treasurer certificates of good practice on behalf of the counties which during the preceding calendar year:

(a) Have submitted to the state highway commission or to the board all reports required by law or regulation of the board; and

(b) Have reasonably complied with provisions of law relating to county road administration and with the standards of good practice as formulated and adopted by the board.

(2) The board shall not transmit to the state treasurer a certificate of good practice on behalf of any county failing to meet the requirements of subsection (1) of this section, but the board shall in such case and before (~~April~~) May 1st, notify the county and the state treasurer of its reasons for withholding the certificate.

(3) The state treasurer, upon receiving a notice that a certificate of good practice will not be issued on behalf of a county, or that a previously issued certificate of good practice has been revoked, shall, effective (~~April 1st of such year~~) the first day of the month subsequent to that in which notice is received, withhold from such county its share of motor vehicle fuel taxes distributable pursuant to RCW 46.68.120 until the board thereafter issues on behalf of such county a certificate of good practice or a conditional certificate. After withholding or revoking a certificate of good practice with respect to any county, the board may thereafter at any time issue such a certificate or a conditional certificate when the board is satisfied that the county has complied or is diligently attempting to comply with the requirements of subsection (1) of this section.

(4) The board may, upon notice and a hearing, revoke a previously issued certificate of good practice or substitute a conditional certificate therefor when, after issuance of a certificate of good practice, any county fails to meet the requirements of subsection (1) (a) and (b) of this section, but the board shall in such case notify the county and the state treasurer of its reasons for the revocation or substitution.

(5) Motor vehicle fuel taxes withheld from any county pursuant to this section shall not be distributed to any other county, but shall be retained in the motor vehicle fund to the credit of the county originally entitled thereto. Whenever the state treasurer receives from the board a certificate of good practice (~~(or a conditional certificate)~~) issued on behalf of such county he shall distribute to such county all of the funds theretofore retained in the motor vehicle fund to the credit of such county.

Sec. 2. Section 10, chapter 120, Laws of 1965 ex. sess. and RCW 36.78.100 are each amended to read as follows:

Whenever the board finds that a county has failed to submit the reports required by RCW 36.78.090, or has failed to comply with provisions of law relating to county road administration or has failed to meet the standards of good practice as formulated and adopted by the board, the board may in lieu of withholding or revoking a certificate of good practice issue and transmit to the state treasurer on behalf of such county a conditional certificate which will authorize the continued distribution to such county all or a designated portion of its share of motor vehicle fuel taxes. The issuance of such a conditional certificate shall be upon terms and conditions as shall be deemed by the board to be appropriate. In the event a county on whose behalf a conditional certificate is issued fails to comply with the terms and conditions of such certificate, the board may forthwith cancel or modify such certificate notifying the state treasurer thereof. In such case the state treasurer shall thereafter withhold from such county all or the designated portion of its share of the motor vehicle fuel taxes as provided in RCW 36.78.090.

Passed the House April 23, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 258

[House Bill No. 933]

### HIGHWAYS—ROADSIDE AREA INFORMATION PANELS OR DISPLAYS

AN ACT Relating to highway signs; amending section 2, chapter 96, Laws of 1961 as last amended by section 1, chapter 80, Laws of 1974 ex. sess. and RCW 47.42.020; adding a new section to chapter 96, Laws of 1961 and to chapter 47.42 RCW; and creating a new section.

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

Section 1. Section 2, chapter 96, Laws of 1961 as last amended by section 1, chapter 80, Laws of 1974 ex. sess. and RCW 47.42.020 are each amended to read as follows:

When used in this chapter the term:

- (1) "Commission" means the Washington state highway commission;
- (2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish;
- (3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code;

(4) "Maintain" means to allow to exist;

(5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual(;) or individuals;

(6) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code;

(7) "Scenic system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system, or (c) any state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025;

(8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway;

(9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, or storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become nonconforming and shall not be maintained by any person after three years from May 10, 1971.

(10) "Specific information panel" means a panel, rectangular in shape, located in the same manner as other official traffic signs readable from the main traveled ways, and consisting of:

(a) The words "GAS", "FOOD", or "LODGING" and directional information; and

(b) One or more individual business signs mounted on the panel(:(:));

(11) "Business sign" means a separately attached sign mounted on the specific information panel or roadside area information panel to show the brand or trademark and name, or both, of the motorist service available on the crossroad at or near the interchange. Nationally, regionally, or locally known commercial symbols or trademarks for service stations, restaurants, and motels shall be used when applicable. The brand or trademark identification symbol used on the business sign shall be reproduced with the colors and general shape consistent with customary use. Any messages, trademarks, or brand symbols which interfere with, imitate, or resemble any official warning or regulatory traffic sign, signal, or device are prohibited;

(12) "Roadside area information panel or display" means a panel or display located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with information in the specific interest of the traveling public.

NEW SECTION. Sec. 2. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

The commission is authorized to permit the erection of roadside area information panels or displays adjacent to the state highway system within this state. The commission shall contract with private persons for the erection and operation of the information panels or displays. Compensation to the contractors shall be derived solely from the reasonable fees which the contractors will be permitted to charge participating businesses for making and exhibiting business signs and displays and for rendering services to tourists. No state funds will be expended in materials, personnel, or in any other form for the construction, fabrication, printing, painting, selling or maintenance of these panels or displays.

NEW SECTION. Sec. 3. In January of 1979 the commission shall make a report to the forty-sixth legislature on the public benefit derived, if any, from the roadside area information panels or displays it has established and shall make recommendations for the extension or curtailment of the roadside area information program.

Passed the House April 13, 1977.

Passed the Senate June 6, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 259

[Substitute House Bill No. 1142]

### JUDGMENTS AND SENTENCES—AFFIXING OF FINGERPRINTS—ATTEST

AN ACT Relating to judgments and sentences; adding a new section to chapter 10.64 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 10.64 RCW a new section to read as follows:

Following the effective date of this act, there shall be affixed to the original of every judgment and sentence of a felony conviction in every court in this state and

every order adjudicating a juvenile to be a delinquent based upon conduct which would be a felony if committed by an adult, a fingerprint of the defendant or juvenile who is the subject of the order. When requested by the clerk of the court, the actual affixing of fingerprints shall be done by a representative of the office of the county sheriff.

The clerk of the court shall attest that the fingerprints appearing on the judgment in sentence, order of adjudication of delinquency, or docket, is that of the individual who is the subject of the judgment or conviction, order, or docket entry.

NEW SECTION. Sec. 2. This 1977 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 7, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 260

[Substitute House Bill No. 1189]

### NURSING HOMES—ANNUAL COST REPORTS—AUDITS—RATES

AN ACT Relating to nursing homes; adding new sections to chapter 74.09 RCW; and providing penalties.

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

NEW SECTION. Section 1. The legislature finds that reliability of financial information is dependent upon the application of generally accepted accounting principles and adherence to published rules of the department of social and health services. To assure that these accounting principles and rules are being applied to reports submitted by nursing homes, the legislature finds it necessary to require certain reports submitted by nursing homes to be audited by the department of social and health services in the manner prescribed in sections 2 and 3 of this act.

NEW SECTION. Sec. 2. All annual cost reports submitted to the state by a nursing home shall be audited annually through a field audit conducted by auditors under contract with or employed by the department of social and health services. The secretary of the department of social and health services shall establish an audit manual and program which shall require that all audits, conducted either through contract or by department employees:

(1) Comply with generally accepted auditing standards prescribed by the American institute of certified public accountants;

(2) Include a written opinion as to whether allowable costs included in the report are presented fairly in accordance with generally accepted accounting principles and department rules, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care;

(3) Are conducted by accounting firms or auditors who, during the period of the auditors' professional engagement or employment and during the period covered by the financial statements, do not have nor are committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of a nursing home in this state;

(4) Are conducted by accounting firms or auditors who, as a condition of the contract or employment, are not allowed to have nursing home clients during or within two years of termination of their contract or employment;

(5) Are conducted by auditors who are otherwise independent as determined by the standards of independence established by the American institute of certified public accountants;

(6) Are supervised by a certified public accountant;

(7) Are completed within one year after the annual cost report is submitted by the nursing home; and

(8) Provide to the nursing home complete written interpretations which explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, and which are sufficient to permit the nursing home to calculate with reasonable certainty those costs which are allowable and the settlement to which the nursing home is entitled.

NEW SECTION. Sec. 3. (1) The department of social and health services shall prepare a written summary of any audit disallowance which exceeds five hundred dollars. Where the department pays rates or proposes settlement of accounts at less than the nursing home's actual reported costs, which have been verified by audit, the department shall for each cost center, as determined under department rules, advise the nursing home management of the rules and regulations justifying reimbursement at less than actual cost. Where the nursing home is pursuing judicial or administrative remedies in good faith regarding reimbursement settlement issues the department shall not withhold from the nursing home current payment amounts the department claims to be due from the nursing home.

(2) All financial reports and information submitted by nursing homes to the department of social and health services and all final audit narratives and summaries reviewing the submitted material shall be available for public inspection. By December 31, 1979, all nursing homes shall submit annual cost reports based on their federal tax year, which shall coincide with a common fiscal year as determined by the secretary of the department of social and health services.

(3) The department shall, without identifying individual nursing homes, make available to the public full information regarding its cost-finding and rate-setting methodology for nursing home care. The information shall include, but not necessarily be limited to, the following:

(a) Ranges, averages, and median costs for all cost centers;

(b) Departmental budget projections which reflect probable economic trends;

(c) Computer models and programs, with related documentation sufficient to explain them, used or proposed by the department to evaluate cost reports, establish cost projections, establish rates, or, in whole or in part, determine settlements; and

(d) All raw data relied upon by the department for any such cost-finding or rate-setting activities.

The department shall, prior to April 1 of each year, file with the senate ways and means and house appropriations committees, and make available to the public, a comprehensive report concerning all of the above matters.

NEW SECTION. Sec. 4. The nursing home payment system under this chapter shall provide for individually-based or class-based rates which shall be the maximum reimbursement for each nursing home for the period for which the rates are assigned. Operators of nursing homes shall refund all portions of payments received which exceed actual audited costs and all portions of payments received which are attributable to unreasonable or nonallowable costs as determined by federal or state regulations.

NEW SECTION. Sec. 5. Payment rates shall:

(1) Not be set lower prospectively than the level which may reasonably be expected to reimburse in full for actual allowable costs under federal regulations for a nursing home which is economically and efficiently operated;

(2) Realistically take into account economic conditions and trends during the time period covered by the rates;

(3) Be at least annually redetermined;

(4) Permit as allowable those expenses necessary to meet all items of expense which operators of nursing homes must incur to provide federally defined skilled or intermediate care services;

(5) Meet the reasonable cost of patient assessment activity as required by the department; and

(6) Meet the reasonable cost of accounting requirements.

Reasonable costs shall be determined independently of the level of funding available, in accordance with federal regulations and guidelines.

NEW SECTION. Sec. 6. Nothing in this chapter shall preclude the state auditor from conducting post audit examinations of public funds pursuant to RCW 43.09.330 or other applicable law.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall be added to chapter 74.09 RCW.

NEW SECTION. Sec. 8. 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.

Passed the House June 7, 1977.

Passed the Senate June 6, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.



## CHAPTER 261

[House Bill No. 448]

## REAL ESTATE BROKERS AND SALESMEN—CEASE AND DESIST ORDERS

AN ACT Relating to real estate brokers and salesmen; amending section 19, chapter 252, Laws of 1941 as last amended by section 19, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.230; and adding a new section to chapter 18.85 RCW.

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

Section 1. Section 19, chapter 252, Laws of 1941 as last amended by section 19, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.230 are each amended to read as follows:

The director may, upon his own motion, and shall upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker, associate real estate broker, or real estate salesman, regardless of whether the transaction was for his own account or in his capacity as broker, and may temporarily suspend or permanently revoke or deny the license of any holder who is guilty of:

(1) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the director;

(2) Violating any of the provisions of this chapter or any lawful rules or regulations made by the director pursuant thereto;

(3) Being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any similar offense or offenses: PROVIDED, That for the purposes of this section being convicted shall include all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended;

(4) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication or distribution of false statements, descriptions or promises of such character as to reasonably induce any person to act thereon, if the statements, descriptions or promises purport to be made or to be performed by either the licensee or his principal and the licensee then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions or promises;

(5) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme or device whereby any other person lawfully relies upon the word, representation or conduct of the licensee;

(6) Accepting the services of, or continuing in a representative capacity, any salesman who has not been granted a license, or after his license has been revoked or during a suspension thereof;

(7) Conversion of any money, contract, deed, note, mortgage, or abstract or other evidence of title, to his own use or to the use of his principal or of any other person, when delivered to him in trust or on condition, in violation of the trust or before the happening of the condition; and failure to return any money or contract,

deed, note, mortgage, abstract or other evidence of title within thirty days after the owner thereof is entitled thereto, and makes demand therefor, shall be prima facie evidence of such conversion;

(8) Failing, upon demand, to disclose any information within his knowledge to, or to produce any document, book or record in his possession for inspection of the director or his authorized representatives acting by authority of law;

(9) Continuing to sell any real estate, or operating according to a plan of selling, whereby the interests of the public are endangered, after the director has, by order in writing, stated objections thereto;

(10) Committing any act of fraudulent or dishonest dealing or a crime involving moral turpitude, and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter;

(11) Advertising in any manner without affixing the broker's name as licensed, and in the case of a salesman or associate broker, without affixing the name of the broker as licensed for whom or under whom the salesman or associate broker operates, to the advertisement;

(12) Accepting other than cash or its equivalent as earnest money unless that fact is communicated to the owner prior to his acceptance of the offer to purchase, and such fact is shown in the earnest money receipt;

(13) Charging or accepting compensation from more than one party in any one transaction without first making full disclosure of all the facts to all the parties interested in the transaction;

(14) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for the principal;

(15) Accepting employment or compensation for appraisal of real property contingent upon reporting a predetermined value;

(16) Issuing an appraisal report on any real property in which the broker or salesman has an interest unless his interest is clearly stated in the appraisal report;

(17) Misrepresentation of his membership in any state or national real estate association;

(18) Discrimination against any person in hiring or in sales activity, on the basis of race, color, creed or national origin, or violating any of the provisions of any state or federal antidiscrimination law;

(19) Failing to keep an escrow or trustee account of funds deposited with him relating to a real estate transaction, for a period of three years, showing to whom paid, and such other pertinent information as the director may require, such records to be available to the director, or his representatives, on demand, or upon written notice given to the bank;

(20) Failing to preserve for three years following its consummation records relating to any real estate transaction;

(21) Failing to furnish a copy of any listing, sale, lease or other contract relevant to a real estate transaction to all signatories thereof at the time of execution;

(22) Acceptance by a salesman, associate broker or branch manager of a commission or any valuable consideration for the performance of any acts specified in this 1972 amendatory act, from any person, except the licensed real estate broker with whom he is licensed;

(23) To direct any transaction involving his principal, to any lending institution for financing or to any escrow company, in expectation of receiving a kickback or rebate therefrom, without first disclosing such expectation to his principal;

(24) Failing to disclose to an owner his intention or true position if he directly or indirectly through third party, purchases for himself or acquires or intends to acquire any interest in, or any option to purchase, property;

(25) In the case of a broker licensee, failing to exercise adequate supervision over the activities of his licensed associate brokers and salesmen within the scope of this 1972 amendatory act;

(26) Any conduct in a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness or incompetency; or

(27) Violation of an order to cease and desist which is issued by the director under this chapter.

NEW SECTION. Sec. 2. There is added to chapter 18.85 RCW a new section to read as follows:

(1) The director may issue a cease and desist order to a person after notice and hearing and upon a determination that the person has violated a provision of this chapter or a lawful order or rule of the director.

(2) If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, he may issue a temporary cease and desist order. Before issuing the temporary cease and desist order, whenever possible the director shall give notice by telephone or otherwise of the proposal to issue a temporary cease and desist order to the person. Every temporary cease and desist order shall include a provision that a hearing will be held upon request to determine whether or not the order will become permanent.

At the time the temporary cease and desist order is served, the licensee shall be notified that he is entitled to request a hearing for the sole purpose of determining whether or not the public interest imperatively requires that the temporary cease and desist order be continued or modified pending the outcome of the hearing to determine whether or not the order will become permanent. The hearing shall be held within thirty days after the department receives the request for hearing, unless the licensee requests a later hearing. A licensee may secure review of any decision rendered at a temporary cease and desist order review hearing in the same manner as a contested case.

Passed the House June 8, 1977.

Passed the Senate June 3, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 262

[House Bill No. 1264]

### PUBLIC BODY REFUNDING BONDS

AN ACT Relating to the refunding of bonds; amending section 3, chapter 138, Laws of 1965 ex. sess. as amended by section 2, chapter 111, Laws of 1974 ex. sess. and RCW 39.53.020; amending section 5, chapter 138, Laws of 1965 ex. sess. as amended by section 3, chapter 25, Laws of 1973 1st ex.

sess. and RCW 39.53.040; amending section 6, chapter 138, Laws of 1965 ex. sess. as amended by section 3, chapter 111, Laws of 1974 ex. sess. and RCW 39.53.050; and declaring an emergency.

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

Section 1. Section 3, chapter 138, Laws of 1965 ex. sess. as amended by section 2, chapter 111, Laws of 1974 ex. sess. and RCW 39.53.020 are each amended to read as follows:

The governing body of any public body may by ordinance provide for the issuance of bonds without an election to refund outstanding bonds heretofore or hereafter issued by such public body or its predecessor, only (1) in order to pay or discharge all or any part of such outstanding series or issue of bonds, including any interest thereon, in arrears or about to become due and for which sufficient funds are not available, ~~((or))~~ (2) when necessary or in the best interest of the public body in order to modify debt service or reserve requirements, sources of payment, covenants, or other terms of the bonds to be refunded, or (3) in order to effect a saving to the public body ~~((PROVIDED, That refunding bonds shall not be issued unless the state finance committee or the public body authorized to issue refunding bonds pursuant to chapter 39.53 RCW finds that such saving will be effected by the refunding))~~. To determine whether or not a saving will be effected, consideration shall be given to the interest to fixed maturities of the refunding bonds and the bonds to be refunded, the costs of issuance of the refunding bonds, including any sale discount, the redemption premiums, if any, to be paid, and the known earned income from the investment of the refunding bond proceeds pending redemption of the bonds to be refunded.

Sec. 2. Section 5, chapter 138, Laws of 1965 ex. sess. as amended by section 3, chapter 25, Laws of 1973 1st ex. sess. and RCW 39.53.040 are each amended to read as follows:

Bonds may be refunded hereunder or under any other law of this state which authorizes the issuance of refunding bonds ~~((when the holders thereof voluntarily surrender them for exchange or payment, or, if they mature or are subject to redemption prior to maturity within fifteen years from the date of the refunding bonds))~~. In any advance refunding plan under this chapter the governing body shall provide irrevocably in the ordinance authorizing the issuance of the advance refunding bonds for the redemption or payment of the bonds to be refunded ~~((not later than six months from the date they are first subject to redemption at par or fifteen years from the date of issuance of the refunding bonds, whichever is sooner))~~.

The ordinance authorizing the issuance of advance refunding bonds pursuant to this chapter ~~((shall contain a provision that such bonds shall be subject to redemption not later than five years from date of such bonds or six months after the first date on which the bonds to be refunded may be redeemed, whichever is later. If more than one issue or series of bonds are being refunded by a single issue or series of advance refunding bonds, such advance refunding bonds must be subject to redemption not later than five years from date of issue or six months after the first date on which the series or issue of bonds being refunded having the latest first redemption date may be redeemed. The governing body may fix any redemption premium or premiums as it may in its discretion determine advisable))~~ may contain such provisions for the redemption of the refunding bonds prior to maturity and for

payment of a premium upon such redemption as the governing body shall determine in its discretion.

Sec. 3. Section 6, chapter 138, Laws of 1965 ex. sess. as amended by section 3, chapter 111, Laws of 1974 ex. sess. and RCW 39.53.050 are each amended to read as follows:

Refunding bonds may be issued in a principal amount in excess of the principal amount of the bonds to be refunded in an amount deemed reasonably required to effect such refunding except voted general obligation bonds. The principal amount of the refunding bonds may be less than or the same as the principal amount of the bonds being refunded so long as provision is duly and sufficiently made for the retirement or redemption of such bonds to be refunded. Any reserves held to secure the bonds to be refunded may be ~~((applied at the time the bonds to be refunded are paid to the redemption or retirement of such bonds, or if other available funds are sufficient and used to retire and redeem such bonds, such reserves may be pledged as security for the payment of the refunding bonds))~~ used to accomplish the refunding in accordance with the refunding plan. Reserves not so used shall be pledged as security for the refunding bonds to the extent the reserves, if any, are required. The balance of any such reserves may be used for any lawful purpose.

NEW SECTION. Sec. 4. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 21, 1977.

Passed the Senate June 6, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 263

[Substitute House Bill No. 50]

### RAILROAD LOCOMOTIVES—MANDATORY EQUIPMENT

AN ACT Relating to the regulation of railroads; adding new sections to chapter 81.44 RCW; repealing section 81.44.030, chapter 14, Laws of 1961, section 1, chapter 90, Laws of 1974 ex. sess. and RCW 81.44.030; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 81.44 RCW a new section to read as follows:

Every locomotive operated on every class 1 railroad within the state of Washington shall be equipped with:

(1) Power driven wheel brakes and appliances for operating the train brake system, so equipped that the engineer on the locomotive drawing such train can control its speed without requiring the brakeman to use hand brakes for that purpose, in operating condition at all times;

(2) Couplers coupling automatically by impact, which can be coupled or uncoupled without the necessity of men going between the locomotive and the locomotive or car to which the same is being coupled or from which it is being uncoupled, and with suitable uncoupling levers;

(3) Proper sill steps and grab irons, and with proper footboards if used in switching service;

(4) Electric headlights of approved design on each end in operating condition at all times;

(5) Except in switching service, a speedometer calibrated in miles per hour, accurate within five miles per hour, and operable at all times: **PROVIDED**, That if a speedometer is determined to be out of calibration or inoperable while the locomotive is enroute, it will be deemed as being in good working order until the locomotive reaches the next terminal where repair facilities are available or where a locomotive with a working speedometer is available for substitution;

(6) Windshields with fully operable windshield wipers capable of removing rain and snow, and adequate operable defrosters on each lead unit of the locomotive consist.

At least one unit of the leading engine—consist on every railroad in this state shall be equipped as of January, 1977, with one or more colored oscillating lights, visible on all sides of the locomotive for a distance of at least two hundred yards. Said light or lights shall be operated whenever the locomotive is in motion or is stopped on a grade crossing, and may be of any color allowed by law, other than the color of the locomotive's headlight.

**NEW SECTION.** Sec. 2. There is added to chapter 81.44 RCW a new section to read as follows:

Any railroad or railway in this state violating any of the provisions of section 1 of this act, shall be fined not less than five hundred dollars nor more than one thousand dollars for each violation; each day such condition exists shall constitute a separate violation. In setting the fine for equipment failure, the location of the locomotive at the time of the violation and access to repair facilities shall be taken into consideration. It shall also be a violation of this act subject to the same penalty as provided in this section for any railroad employee, except those charged with the duty of installation, maintenance and repair or removal of speedometers to tamper with, adjust or break the lock or alter or remove the speed recording tape therein.

**NEW SECTION.** Sec. 3. Section 81.44.030, chapter 14, Laws of 1961, section 1, chapter 90, Laws of 1974 ex. sess. and RCW 81.44.030 are each hereby repealed.

Passed the House June 6, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

## CHAPTER 264

[House Bill No. 1232]

## EMERGENCY MOTOR VEHICLES—CATALYTIC CONVERTERS

AN ACT Relating to motor vehicles; adding a new section to chapter 43.21A RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 43.21A RCW a new section to read as follows:

The department of ecology may not adopt, maintain in effect, or enforce any rule requiring the installation or maintenance of a catalytic converter in the exhaust system of any motor vehicle used as a police vehicle, or ambulance, an emergency aid vehicle, or a fire department vehicle, and any catalytic converter in the exhaust system of any such vehicle may be lawfully removed.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 7, 1977.

Passed the Senate June 6, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

## CHAPTER 265

[Substitute House Bill No. 225]

HIGHER EDUCATION—IMMIGRANT REFUGEES—TUITION AND FEES—  
RESIDENT STATUS

AN ACT Relating to higher education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature recognizes that in extending resident tuition and fee rates at the state's universities, colleges, and community colleges to Indo-Chinese and other immigrant refugees as provided for in section 2 of this 1977 act, necessary assistance is being provided to people who have suffered hardship and who require help in attaining basic and fundamental skills in order to adapt to life within their respective communities.

NEW SECTION. Sec. 2. As used herein, the term parole status shall mean that resident status heretofore granted by the Attorney General of the United States under the provisions of Title 8 United States Code, Section 1182(d)(5).

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

The state's universities, colleges, and community colleges shall grant resident status for the purpose of tuition and fee payment, including operating fees and services and activities fees, to any immigrant refugee, including but not limited to

those immigrant refugees from Vietnam, Cambodia, or Laos who entered the United States after January 1, 1975, and, before or after the effective date of this 1977 act, who is settled in Washington state for one year immediately prior to enrollment, and is either (1) on parole status, (2) has received an immigrant visa, or (3) has applied for United States citizenship. This status shall also be granted to the spouse and children of any such refugee who are settled in Washington state, whether accompanying or later joining such person in this country, and to any such refugee who had previously entered the United States under a student visa: PROVIDED, That such persons have also settled in Washington state for one year immediately prior to enrollment, and are either (1) on parole status, (2) have received an immigrant visa, or (3) have applied for United States citizenship.

NEW SECTION. Sec. 4. This 1977 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 6, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 266

[House Bill No. 285]

### VIC MEYERS GOLF COURSE AND VIC MEYERS LAKE

AN ACT Relating to a state park; officially naming it; requiring its proper designation; and creating new sections.

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

NEW SECTION. Section 1. The legislature hereby names the golf course located at Sun Lakes State Park the "Vic Meyers Golf Course", and Rainbow Lake shall be re-named "Vic Meyers Lake". The state shall provide and install a proper marker in a suitable location in the main activity area of the park which will set forth the key role Victor Aloysius Meyers had in the development of Sun Lakes State Park and the important part he had for many years in the political and governmental history of the state. In addition, the name hereby established for the golf course shall be prominently displayed at the golf course club house.

The legislature finds it appropriate to so honor Victor Aloysius Meyers for his long and dedicated service to the people of this state.

NEW SECTION. Sec. 2. The state parks and recreation commission is directed to do all things necessary to carry out the provisions of this act.

Passed the House June 6, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.



## CHAPTER 267

[House Bill No. 301]

## COUNTIES—PROCEDURE IN AWARDING CONTRACTS

AN ACT Relating to county commissioners; and amending section 36.32.250, chapter 4, Laws of 1963 as last amended by section 1, chapter 230, Laws of 1975 1st ex. sess. and RCW 36.32.250.

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

Section 1. Section 36.32.250, chapter 4, Laws of 1963 as last amended by section 1, chapter 230, Laws of 1975 1st ex. sess. and RCW 36.32.250 are each amended to read as follows:

No contract, lease or purchase shall be entered into by the county legislative authority or by any elected or appointed officer of such county until after bids have been submitted to the county legislative authority upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection, and an advertisement thereof stating the date after which bids will not be received, the character of the work to be done, or material, equipment, or service to be purchased, and that specifications therefor may be seen at the office of the clerk of the county legislative authority, shall be published in the county official newspaper (~~and~~): PROVIDED, That advertisements for public works contracts for construction, alteration, repair, or improvement of public facilities shall be additionally published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done: AND PROVIDED ((HOWEVER)) FURTHER, That if the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such ((work is)) public works are to be done publication of an advertisement of the applicable specifications in the county official newspaper only shall be sufficient. Such advertisements shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and as many additional publications as shall be determined by the county legislative authority. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at a meeting of the county legislative authority on the date named therefor in said advertisements, and after being opened, shall be filed for public inspection. No bid shall be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work, lease or purchase shall be awarded to the lowest responsible bidder; taking into consideration the quality of the articles or equipment to be purchased or leased. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. Should the bidder to whom the contract is awarded fail to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded

and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. In the letting of any contract, lease or purchase involving less than ~~((one))~~ three thousand five hundred dollars, advertisement and competitive bidding may be dispensed with on order of the county legislative authority. Notice of intention to let contracts~~(;)~~ or to enter into lease agreements ~~((or to make purchases))~~ involving amounts exceeding ~~((five hundred))~~ one thousand dollars ~~((and))~~ but less than ~~((one))~~ three thousand five hundred dollars, shall be posted by the county legislative authority on a bulletin board in its office not less than three days prior to making such ~~((purchase;))~~ lease or contract. For advertisement and competitive bidding to be dispensed with as to purchases between one thousand and three thousand five hundred dollars, the county legislative authority must authorize by resolution a county procedure for securing telephone and/or written quotations from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible, and may be purchased and stored for general use by all of the various departments which shall be charged for the supplies when withdrawn from the purchasing department.

Passed the House June 7, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 268

[House Bill No. 355]

### REAL ESTATE PROPERTY TAXES—SENIOR CITIZENS—PHYSICAL DISABILITY RETIREES—RESIDENTIAL EXEMPTION

AN ACT Relating to revenue and taxation; amending section 1, chapter 182, Laws of 1974 ex. sess. as amended by section 14, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.381; amending section 3, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.385; and declaring an emergency.

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

Section 1. Section 1, chapter 182, Laws of 1974 ex. sess. as amended by section 14, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.381 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed in accordance with the following conditions:

(1) The property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the two calendar years preceding the year in which the exemption claim is filed; or the property taxes must have been imposed upon a residence which was occupied by the

person claiming the exemption as a principal place of residence as of January 1st of the year for which the claim is filed and the person claiming the exemption must also have been a resident of the state of Washington for the last three calendar years preceding the year in which the claim is filed: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community shall be deemed to be owned by each spouse;

(3) The person claiming the exemption must have been sixty-two years of age or older on January 1st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated, on the basis of the combined income, from all sources whatsoever, of the person claiming the exemption and his or her spouse for the preceding calendar year, in accordance with the following schedule:

Income Range	Percentage of Excess Levies Exemption
<del>((\\$5,000))</del> <u>\\$7,000 or less</u>	One hundred percent
<del>((\\$5,001 - \\$6,000))</del> <u>\\$7,001 - \\$8,000</u>	Fifty percent

PROVIDED, HOWEVER, That, in addition, any person, who otherwise qualifies under the provisions of this section, and is within the income range of ~~((four))~~ six thousand dollars or less shall be exempt from any obligation to pay regular property taxes on up to five thousand dollars of valuation of his or her residence: PROVIDED FURTHER, That only two-thirds of any social security benefits, federal civil service retirement, or railroad retirement pension shall be considered as income for the purposes of this section: AND PROVIDED FURTHER, That the gain realized by any person from the sale, transfer, or upon being displaced from his or her residence shall not be considered as income for the purposes of this section if reinvested in a replacement residence within eighteen months of its realization.

Sec. 2. Section 3, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.385 are each amended to read as follows:

Claims for exemption or a renewal affidavit under RCW 84.36.381 shall be made annually and filed between January 2 and July 1 of the year in which the property tax levies are imposed and solely upon forms as prescribed and furnished by the department of revenue.

Claims under RCW 84.36.381 through 84.36.389, as now or hereafter amended, in ~~((1974))~~ 1977 shall be filed between January 2 and ~~((August))~~ October 1, ((1974)) 1977.

In January of each year the county assessor shall mail renewal affidavits for exemption to each person approved for exemption during the previous year.

If the assessor finds that the applicant does not meet the qualifications as set forth in RCW 84.36.381, as now or hereafter amended, the claim shall be denied but such denial shall be subject to appeal under the provisions of RCW 84.48.010(5). If the applicant had received exemption in prior years based on erroneous information, the taxes shall be collected subject to penalties as provided in RCW 84.40.130 for a period of not to exceed three years.

The department and each local assessor is hereby directed to publicize the qualifications and manner of making claims pursuant to this chapter, through communications media, including such paid advertisements or notices as it deems appropriate. ~~((Whenever possible))~~ Notice of the qualifications, method of making applications and availability of further information shall be included on or with property tax statements for all residential property including mobile homes, except rental properties.

NEW SECTION. Sec. 3. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 7, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 269

[Substitute House Bill No. 512]

### PUBLIC EMPLOYEES—SALARIES AND WAGES—DISBURSAL BY PAY OFFICER TO FINANCIAL INSTITUTION

AN ACT Relating to public employees; and amending section 6, chapter 59, Laws of 1969 and RCW 41.04.240.

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

Section 1. Section 6, chapter 59, Laws of 1969 and RCW 41.04.240 are each amended to read as follows:

Any official of the state or of any political subdivision, municipal corporation, or quasi municipal corporation authorized to disburse funds in payment of salaries and wages of ~~((public officers or))~~ employees is authorized upon written request of ~~((the officer or))~~ at least twenty-five employees ~~((to whom salaries or wages are to be paid;))~~ to pay ~~((the same))~~ all or part of such salaries or wages to any ~~((bank designated by the officers or employees for credit to their accounts: PROVIDED, That designated banks are qualified state depositories: AND PROVIDED FURTHER, That twenty-five or more officers or employees of an agency must authorize direct deposits to the same bank))~~ financial institution for either: (1) Credit to the employees' accounts in such financial institution; or (2) immediate transfer therefrom to the employees' accounts in any other financial institutions: PROVIDED, That nothing in this section shall be construed as authorizing any employer to

require the employees to have an account in any particular financial institution or type of financial institution. A single warrant may be drawn in favor of such ((bank)) financial institution, for the total amount due the ((officers or)) employees involved, and written directions provided to such ((bank)) financial institution of the amount to be credited to the account of ((each officer or)) an employee or to be transferred to an account in another financial institution for such employee. The issuance and delivery by the disbursing officer of a warrant in accordance with the procedure set forth herein and proper indorsement thereof by the ((bank)) financial institution shall have the same legal effect as payment directly to the ((officer or)) employee.

For the purposes of this section "financial institution" means any bank or trust company established in this state pursuant to chapter 2, Title 12, United States Code, or Title 30 RCW, and any credit union established in this state pursuant to chapter 14, Title 12, United States Code, or chapter 31.12 RCW, and any mutual savings bank established in this state pursuant to Title 32 RCW, and any savings and loan association established in this state pursuant to chapter 12, Title 12, United States Code, or Title 33 RCW.

Passed the House April 20, 1977.

Passed the Senate June 6, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 270

[Substitute House Bill No. 531]  
STATE RISK MANAGEMENT

AN ACT Relating to risk management; amending section 3, chapter 32, Laws of 1969 as last amended by section 2, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.190; amending section 43.19.1906, chapter 8, Laws of 1965 as amended by section 8, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1906; amending section 43.19.1935, chapter 8, Laws of 1965 as amended by section 9, chapter 40, Laws of 1975 and RCW 43.19.1935; amending section 43.17.100, chapter 8, Laws of 1965 as amended by section 6, chapter 40, Laws of 1975 and RCW 43.17.100; amending section 43.19.030, chapter 8, Laws of 1965 as amended by section 7, chapter 40, Laws of 1975 and RCW 43.19.030; adding new sections to chapter 43.19 RCW; creating new sections; and repealing section 11, chapter 112, Laws of 1949 and RCW 75.08.023.

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

NEW SECTION. Section 1. There is added to chapter 43.19 RCW a new section to read as follows:

It is the policy of the state for the management of risks to which it is exposed to apply the following principles consistently in a state program of risk management:

(1) To identify those liability and property risks which may have a significant economic impact on the state;

(2) To evaluate risk in terms of the state's ability to fund potential loss rather than the ability of an individual agency to fund potential loss;

(3) To eliminate or improve conditions and practices which contribute to loss whenever practical;

(4) To assume risks to the maximum extent practical;

- (5) To provide flexibility within the state program to meet the unique requirements of any state agency for insurance coverage or service;
- (6) To purchase commercial insurance:
  - (a) When the size and nature of the potential loss make it in the best interest of the state to purchase commercial insurance; or
  - (b) When the fiduciary of encumbered property insists on commercial insurance; or
  - (c) When the interest protected is not a state interest and an insurance company is desirable as an intermediary; or
  - (d) When services provided by an insurance company are considered necessary; or
  - (e) When services or coverages provided by an insurance company are cost-effective; or
  - (f) When otherwise required by statute.

NEW SECTION. Sec. 2. There is added to chapter 43.19 RCW a new section to read as follows:

There is hereby created a risk management office within the department of general administration. The director of general administration shall implement the risk management policy in section 1 of this 1977 amendatory act through the risk management office. The director of general administration shall appoint a risk manager to supervise the risk management office. The risk management office shall make recommendations when appropriate to state agencies on the application of prudent safety, security, loss prevention, and loss minimization methods so as to reduce or avoid risk or loss. The state supply management advisory board shall serve as the advisory board for the risk management office. The director of general administration shall submit a risk management progress report to the governor, with a copy to the standing committees having jurisdiction on insurance in the senate and the house of representatives at the first scheduled legislative session after December 31, 1977. The report shall include appropriate recommendations for new or amended legislation, as required, and shall at least address the following:

- (1) Improving loss control practices;
- (2) Self-insuring risks of loss to state-owned property except where bond indentures or other special considerations require the purchase of insurance;
- (3) Consolidating fire insurance coverage for properties requiring insurance by bond indenture;
- (4) Establishing an emergency fund to provide assistance to state agencies in the event of serious loss from fire or other peril;
- (5) Self-insuring liability risks to public and professional third parties;
- (6) Increasing funding of the tort claims revolving fund to reflect an expanded and formalized self-insurance system;
- (7) Purchasing a program of excess liability coverage above a selected self-insurance limit;
- (8) Inhibiting factors which have prevented full and prompt implementation of risk management policies established by the legislature in section 1 of this 1977 amendatory act;

(9) Listing of state-wide savings and cost avoidances which are expected to be achieved in the 1977-79 biennium, and each biennium thereafter, as a result of implementation of established risk management policies; and

(10) The effectiveness of the supply management advisory board as the advisory board for the risk management office.

NEW SECTION. Sec. 3. There is added to chapter 43.19 RCW a new section to read as follows:

As used in sections 1 and 2 of this 1977 amendatory act:

(1) "State agency" includes any state office, agency, commission, department, or institution, including colleges, universities, and community colleges, financed in whole or part from funds appropriated by the legislature; and

(2) "Risk management" means the total effort and continuous step by step process of risk identification, measurement, minimization, assumption, transfer, and loss adjustment which is aimed at protecting assets and revenues against accidental loss.

Sec. 4. Section 3, chapter 32, Laws of 1969 as last amended by section 2, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.190 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: **PROVIDED**, That the provisions of this act shall not apply in any manner to the operation of the state legislature except as requested by said legislature: **PROVIDED**, That primary authority for the purchase of specialized equipment, instructional and research material for their own use shall rest with the colleges, community colleges and universities: **PROVIDED FURTHER**, That primary authority for the purchase of materials, supplies and equipment for resale to other than public agencies shall rest with the state agency concerned: **PROVIDED FURTHER**, That authority to purchase services as included herein does not apply to personal services authorized for direct acquisition from vendors by state organizations and filed under the provisions of RCW 39.29.010 through 39.29.030, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: **PROVIDED FURTHER**, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935 as now or hereafter amended;

(3) Provide the required staff assistance for the state supply management advisory board through the division of purchasing;

(4) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services and supplies: **PROVIDED**, That acceptance

of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, as now or hereafter amended, or from policies established by the director after consultation with the state supply management advisory board: PROVIDED FURTHER, That delegation of such authorization to a state agency, including an educational institution, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the supply management advisory board;

(10) Provide for the maintenance of inventory records of supplies, materials, equipment, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

(12) Publish procedures and guidelines for compliance by all state agencies, including educational institutions, which implement overall state purchasing and material control policies;

(13) Conduct periodic visits to state agencies, including educational institutions, to determine if statutory provisions and supporting purchasing and material control policies are being fully implemented, and based upon such visits, take corrective action to achieve compliance with established purchasing and material control policies under existing statutes when required.

Sec. 5. Section 43.19.1906, chapter 8, Laws of 1965 as amended by section 8, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1906 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939, as now or hereafter amended. This requirement shall also apply to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 as now or hereafter amended. However, formal sealed bidding shall not be necessary for:

(1) Emergency purchases if such sealed bidding procedure would prevent or hinder the emergency from being met appropriately;



(2) Purchases not exceeding twenty-five hundred dollars: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the twenty-five hundred dollar bid limitation: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce this formal sealed bid limit of twenty-five hundred dollars to a lower dollar amount for purchases by individual state agencies, including purchases of specialized equipment, instructional, and research materials by colleges and universities, if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from two hundred dollars to twenty-five hundred dollars shall be secured from enough vendors to assure establishment of a competitive price. A record of competition for all such purchases from two hundred dollars to twenty-five hundred dollars shall be documented for audit purposes on a standard state form approved by the forms management center under the provisions of RCW 43.19.510. Purchases up to two hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this two hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of four hundred dollars by unanimous vote by all members of the state supply management advisory board, if warranted by increases in purchasing costs due to inflationary trends; ~~((and))~~

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation; and

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935 as now or hereafter amended.

Sec. 6. Section 43.19.1935, chapter 8, Laws of 1965 as amended by section 9, chapter 40, Laws of 1975 and RCW 43.19.1935 are each amended to read as follows:

As a means of providing for the procurement of insurance and ~~((public official))~~ bonds on a volume rate basis, the director of general administration through the ~~((division of purchasing))~~ risk management office shall purchase or contract for the needs of state agencies in relation to all such insurance and ~~((public official))~~ bonds: PROVIDED, That the individual ~~((public official))~~ statutory bonds of elected state officials, insurance requirements of colleges and universities, insurance requirements of toll project agencies, and insurance covering proprietary activities of state agencies, other than motor vehicle coverage, may be procured directly and independently by them after consultation with the risk management office: PROVIDED FURTHER, That authority to purchase insurance may be delegated to state agencies. Insurance in force shall be reported to the risk management office periodically under rules established by the director. Nothing contained in this section shall prohibit the use of licensed agents or brokers for the procurement and service of insurance.

The amounts of insurance or ~~((surety))~~ bond coverage shall be as fixed by law, or if not fixed by law, such amounts shall be as fixed by the director of the department of general administration.

The premium cost for insurance acquired and ~~((surety))~~ bonds furnished shall be paid from appropriations made to the state agency or agencies for which procurement is made, and all vouchers drawn in payment therefor shall bear the written approval of the ~~((division of purchasing))~~ risk management office prior to the issuance of the state warrant in payment therefor. Where deemed advisable the premium cost for insurance and bonds may be paid by the central stores revolving fund which fund shall be reimbursed by the agency or agencies for which procurement is made.

Sec. 7. Section 43.17.100, chapter 8, Laws of 1965 as amended by section 6, chapter 40, Laws of 1975 and RCW 43.17.100 are each amended to read as follows:

~~((Before entering upon the discharge of the duties of his office or employment;))~~ Every appointive state officer and employee of the state shall give a surety bond, payable to the state~~((; in such sum as is provided by law or))~~ in such sum as shall be deemed necessary by the director of the department of general administration, conditioned for the ~~((faithful performance of the duties of the office or employment;))~~ honesty of the officer or employee and for the accounting ~~((for))~~ of all property of the state that shall come into his possession by virtue of his office or employment, which bond shall be approved as to form by the attorney general and shall be filed in the office of the secretary of state.

The director of general administration may purchase one or more blanket surety bonds for the coverage required in this section.

Any bond required by this section shall not be considered an official bond and shall not be subject to chapter 42.08 RCW.

Sec. 8. Section 43.19.030, chapter 8, Laws of 1965 as amended by section 7, chapter 40, Laws of 1975 and RCW 43.19.030 are each amended to read as follows:

~~Before entering upon his office each bank examiner shall take and subscribe an oath faithfully to discharge the duties of his office~~ ~~((and shall each execute to the state a bond to be approved by the governor in such sum as may be deemed necessary by the director of the department of general administration, with a surety company authorized to do business in this state, as surety, conditioned for the faithful performance of his duties. The premiums on such bonds shall be paid by the state))~~.

Oaths ~~((and bonds))~~ shall be filed with the secretary of state.

Neither the supervisor of banking, any deputy supervisor, nor any bank examiner shall be personally liable for any act done by him in good faith in the performance of his duties.

NEW SECTION. Sec. 9. Nothing in this 1977 amendatory act shall be construed as amending, repealing, or otherwise affecting RCW 28B.20.250 through 28B.20.255.

NEW SECTION. Sec. 10. Section 11, chapter 112, Laws of 1949 and RCW 75.08.023 are each repealed.

**NEW SECTION.** Sec. 11. The risk management office shall cease to exist on June 30, 1981, unless extended by law for an additional fixed period of time.

Passed the House March 22, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

## CHAPTER 271

[Substitute House Bill No. 643]

### CHILD CUSTODY—VISITATION RIGHTS

AN ACT Relating to visitation rights; and amending section 24, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.240.

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

Section 1. Section 24, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.240 are each amended to read as follows:

A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical, mental, or emotional health. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings.

The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical, mental, or emotional health.

Passed the House June 7, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

## CHAPTER 272

[Substitute House Bill No. 880]

### SCHOOL DISTRICTS—EMPLOYMENT OF PUBLIC SCHOOL PRINCIPALS AND/OR VICE PRINCIPALS—DUTIES

AN ACT Relating to education; creating new sections; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

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

**NEW SECTION.** Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

School districts may employ public school principals and/or vice principals to supervise the operation and management of the school to which they are assigned. Such persons shall hold valid teacher and administrative certificates. In addition to

such other duties as shall be prescribed by law and by the job description adopted by the board of directors, each principal shall:

(1) Assume administrative authority, responsibility and instructional leadership, under the supervision of the school district superintendent, and in accordance with the policies of the school district board of directors, for the planning, management, supervision and evaluation of the educational program of the attendance area for which he or she is responsible.

(2) Submit recommendations to the school district superintendent regarding appointment, assignment, promotion, transfer and dismissal of all personnel assigned to the attendance area for which he or she is responsible.

(3) Submit recommendations to the school district superintendent regarding the fiscal needs to maintain and improve the instructional program of the attendance area for which he or she is responsible.

(4) Assume administrative authority and responsibility for the supervision, counseling and discipline of pupils in the attendance area for which he or she is responsible.

**NEW SECTION.** Sec. 2. 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.

Passed the House June 7, 1977.

Passed the Senate June 6, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

## CHAPTER 273

[House Bill No. 1153]

EMPLOYMENT SECURITY DEPARTMENT—SERVICES TO HANDICAPPED PERSONS  
AN ACT Relating to employment; and adding a new section to chapter 50.12 RCW.

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

**NEW SECTION.** Section 1. There is added to chapter 50.12 RCW a new section to read as follows:

It is the policy of the state of Washington that persons with physical, mental, or sensory handicaps shall be given equal opportunities in employment. The legislature recognizes that handicapped persons have faced unfair discrimination in employment.

For these reasons, the state employment service division of the employment security department shall give particular and special attention service to those persons with physical, mental, or sensory handicaps which substantially limit one or more of their major life functions as defined under P.L. 93-112 and rules promulgated thereunder. Particular and special attention service shall include but not be limited to particular and special attention in counseling, referral, notification of job listings in advance of other persons, and other services of the employment service division.

Nothing in this section shall be construed so as to affect the veteran's preference or any other requirement of the United States department of labor.

The employment security department shall establish rules to implement this section.

Passed the House June 7, 1977.

Passed the Senate June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 274

[Substitute House Bill No. 1213]

### HOUSING AUTHORITIES

AN ACT Relating to housing authorities; amending section 35.82.020, chapter 7, Laws of 1965 and RCW 35.82.020; amending section 35.82.070, chapter 7, Laws of 1965 and RCW 35.82.070; amending section 35.82.080, chapter 7, Laws of 1965 and RCW 35.82.080; amending section 35.82.090, chapter 7, Laws of 1965 and RCW 35.82.090; amending section 35.82.130, chapter 7, Laws of 1965 and RCW 35.82.130; amending section 35.82.140, chapter 7, Laws of 1965 as last amended by section 45, chapter 56, Laws of 1970 ex. sess. and RCW 35.82.140; amending section 35.82.150, chapter 7, Laws of 1965 and RCW 35.82.150; and amending section 35.82.220, chapter 7, Laws of 1965 and RCW 35.82.220.

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

Section 1. Section 35.82.020, chapter 7, Laws of 1965 and RCW 35.82.020 are each amended to read as follows:

The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(1) "Authority" or "Housing Authority" shall mean any of the public corporations created by RCW 35.82.030.

(2) "City" shall mean any city (~~(of any class)~~), town, or code city. "County" shall mean any county in the state. "The city" shall mean the particular city for which a particular housing authority is created. "The county" shall mean the particular county for which a particular housing authority is created.

(3) "Governing body" shall mean, in the case of a city, the city council or the commission and in the case of a county, the (~~(board of county commissioners)~~) county legislative authority.

(4) "Mayor" shall mean the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city.

(5) "Clerk" shall mean the clerk of the city or the clerk of the (~~(board of county commissioners)~~) county legislative authority, as the case may be, or the officer charged with the duties customarily imposed on such clerk.

(6) "Area of operation": (a) in the case of a housing authority of a city, shall include such city and the area within five miles from the territorial boundaries thereof: PROVIDED, That the area of operation of a housing authority of any city shall not include any area which lies within the territorial boundaries of some other city, as herein defined; (b) in the case of a housing authority of a county, shall include all of the county except that portion which lies within the territorial boundaries of any city as herein defined.

(7) "Federal government" shall include the United States of America, the United States housing authority or any other agency or instrumentality, corporate or otherwise, of the United States of America.

(8) "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals.

(9) "Housing project" shall mean any work or undertaking: (a) to demolish, clear or remove buildings from any slum area; such work or undertaking may embrace the adaptation of such area to public purposes, including parks or other recreational or community purposes; or (b) to provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include the rehabilitation of dwellings owned by persons of low income, and also may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare or other purposes; or (c) to accomplish a combination of the foregoing. The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

(10) "Persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(11) "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by the authority pursuant to this chapter.

(12) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(13) "Obligee of the authority" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessor demising to the authority property used in connection with a housing project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

(14) "Mortgage loan" shall mean an interest bearing obligation secured by a mortgage.

(15) "Mortgage" shall mean a mortgage deed, deed of trust or other instrument securing a mortgage loan and constituting a lien on real property held in fee simple, or on a leasehold under a lease having a remaining term at the time the mortgage is acquired of not less than the term for repayment of the mortgage loan secured by the mortgage, improved or to be improved by a housing project.

Sec. 2. Section 35.82.070, chapter 7, Laws of 1965 and RCW 35.82.070 are each amended to read as follows:

An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or

convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation: to prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to agree to rent or sell dwellings forming part of the projects to or for persons of low income. Where an agreement or option is made to sell a dwelling to a person of low income, the authority may convey the dwelling to the person upon fulfillment of the agreement irrespective of whether the person is at the time of the conveyance a person of low income. Leases, options, agreements, or conveyances may include such covenants as the authority deems appropriate to assure the achievement of the objectives of this chapter.

(3) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(4) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise including financial assistance and other aid from the state or any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein for any purpose upon the finding and declaration by the authority that the property is not needed for low income housing at that time; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

(5) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(6) Within its area of operation: to investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(7) Acting through one or more commissioners or other person or persons designated by the authority: to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

(8) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

(9) To agree (notwithstanding the limitation contained in RCW 35.82.210) to make such payments in lieu of taxes as the authority finds consistent with the achievement of the purposes of this chapter.

(10) To exercise the powers granted in this chapter within the boundaries of any city, town, or county not included in the area in which such housing authority is originally authorized to function: PROVIDED, HOWEVER, The governing or legislative body of such city, town, or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such territory.

(11) To administer contracts for assistance payments to persons of low income in accordance with section 8 of the United States Housing Act of 1937, as amended by Title II, section 201 of the Housing and Community Development Act of 1974, P.L. 93-383.

(12) To sell at public or private sale, with or without public bidding, for fair market value, any mortgage or other obligation held by the authority.

(13) To the extent permitted under its contract with the holders of bonds, notes, and other obligations of the authority, to consent to any modification with respect to rate of interest, time and payment of any installment of principal or interest security, or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the authority is a party.

(14) To make loans to persons of low income incidental to rehabilitating their dwellings or selling a dwelling to them, and to take such security therefor as is deemed necessary and prudent by the authority.



Sec. 3. Section 35.82.080, chapter 7, Laws of 1965 and RCW 35.82.080 are each amended to read as follows:

It is hereby declared to be the policy of this state that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the city or the county. To this end, an authority shall fix the rentals for ~~((dwellings))~~ rental units for persons of low income in ~~((its))~~ projects owned or leased by the authority at no higher rates than it shall find to be necessary in order to produce revenues which (together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived) will be sufficient (1) to pay, as the same become due, the principal and interest on the bonds of the authority issued to finance the projects; (2) to meet the cost of, and to provide for, maintaining and operating the projects (including the cost of any insurance) and the administrative expenses of the authority; and (3) to create (during not less than the six years immediately succeeding its issuance of any such bonds) a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter and to maintain such reserve.

Sec. 4. Section 35.82.090, chapter 7, Laws of 1965 and RCW 35.82.090 are each amended to read as follows:

In the operation and management of rental units which are rented to persons of low income in any housing project(s) an authority shall at all times observe the following duties with respect to rentals and tenant selection: (1) it may rent or lease the dwelling accommodations therein ~~((only))~~ to persons of low income and at rentals within the financial reach of such persons of low income; (2) it may rent or lease to a tenant dwelling accommodations consisting of the number of rooms (but no greater number) which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding; and (3) it shall not accept any person as a low income tenant in any housing project if the person or persons who would occupy the dwelling accommodations have an annual net income in excess of five times the annual rental of the quarters to be furnished such person or persons, except that in the case of families with three or more minor dependents, such ratio shall not exceed six to one; in computing the rental for this purpose of selecting tenants, there shall be included in the rental the average annual cost (as determined by the authority) to occupants of heat, water, electricity, gas, cooking range and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental.

Nothing contained in this section or RCW 35.82.080 shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project or cause the appointment of a receiver thereof, free from all the restrictions imposed by this section or RCW 35.82.080.

Sec. 5. Section 35.82.130, chapter 7, Laws of 1965 and RCW 35.82.130 are each amended to read as follows:

An authority shall have power to issue bonds from time to time in its discretion, for any of its corporate purposes. An authority shall also have power to issue re-funding bonds for the purpose of paying or retiring bonds previously issued by it. An authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds on which the principal and interest are payable: (1) exclusively from the income and revenues of the housing project financed with the proceeds of such bonds; (2) exclusively from the income and revenues of certain designated housing projects whether or not they are financed in whole or in part with the proceeds of such bonds; or (3) from all or part of its revenues or assets generally. Any such bonds may be additionally secured by a pledge of any grant or contributions from the federal government or other source, or a pledge of any income or revenues of the authority, or a mortgage of any housing project, projects or other property of the authority. Any pledge made by the authority shall be valid and binding from the time when the pledge is made and recorded; the revenues, moneys, or property so pledged and thereafter received by the authority shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether the parties have notice thereof. The resolution and any other instrument by which a pledge is created shall be recorded.

Neither the commissioners of an authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an authority (and such bonds and obligations shall so state on their face) shall not be a debt of the city, the county, the state or any political subdivision thereof and neither the city or the county, nor the state or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said authority. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes.

Sec. 6. Section 35.82.140, chapter 7, Laws of 1965 as last amended by section 45, chapter 56, Laws of 1970 ex. sess. and RCW 35.82.140 are each amended to read as follows:

Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

The bonds may be sold at public or private sale ((at not less than par)).

In case any of the commissioners or officers of the authority whose signatures appear on any bond or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

In any suit, action or proceedings involving the validity or enforceability of any bond of an authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income shall be conclusively deemed to have been issued for a housing project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of this chapter.

Sec. 7. Section 35.82.150, chapter 7, Laws of 1965 and RCW 35.82.150 are each amended to read as follows:

In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, an authority, in addition to its other powers, shall have power:

(1) To pledge all or any part of its gross or net rents, fees ~~((or))~~, revenues, or assets, including mortgage loans and obligations securing the same, to which its right then exists or may thereafter come into existence.

(2) To mortgage all or any part of its real or personal property, then owned or thereafter acquired.

(3) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(4) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(5) To covenant (subject to the limitations contained in this chapter) as to the rents and fees to be charged in the operation of a housing project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

(6) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(7) To covenant as to use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(8) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(9) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by said authority, to take possession and use, operate and manage any housing project or part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the authority with said trustee; to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

(10) To covenant as to the use and disposition of the gross income from mortgages owned by the authority and payment of principal of the mortgages.

(11) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of said authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

Sec. 8. Section 35.82.220, chapter 7, Laws of 1965 and RCW 35.82.220 are each amended to read as follows:

Notwithstanding any restrictions on investments contained in any laws of this state, the state and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by a housing authority pursuant to the housing authorities law of this state or issued by any public housing authority or agency in the United States, ~~((when such bonds or other obligations are secured by a pledge of annual contributions to be paid by the United States government or any agency thereof,))~~ and such bonds and other obligations shall be authorized security for all public deposits; it being the purpose of this chapter to authorize any persons, firms, corporations, associations, political subdivisions, bodies and officers, public or private, to use any funds owned or controlled by them,

including (but not limited to) sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations: **PROVIDED, HOWEVER,** That nothing contained in this chapter shall be construed as relieving any person, firm or corporation from any duty of exercising reasonable care in selecting securities.

Passed the House June 6, 1977.

Passed the Senate June 3, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

## CHAPTER 275

[House Bill No. 280]

### DEER OR ELK—LIABILITY OF PERSONS OWNING OR HARBORING DOGS

AN ACT Relating to game; amending section 77.16.100, chapter 36, Laws of 1955 and RCW 77.16.100; and prescribing penalties.

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

Section 1. Section 77.16.100, chapter 36, Laws of 1955 and RCW 77.16.100 are each amended to read as follows:

It shall be unlawful for the owner or any person harboring any dog to directly or negligently permit such dog to pursue or injure any deer or elk, or to allow dogs of any kind to accompany any person while such person is hunting deer or elk. Any dog found pursuing any game animal or game bird, or molesting the young of any game animal or game bird or destroying the nest of any game bird during the closed season on game animals or game birds may be declared to be a public nuisance. In addition to any penalty imposed by a court of competent jurisdiction, the court may order the dog destroyed.

During the months of April, May, June and July of each year it shall be unlawful to allow bird dogs, or dogs used for hunting upland game birds, to frequent areas where upland game birds may reasonably be expected to be found.

Competitive field trials for hunting dogs, with or without the shooting or use of privately owned birds, may be held only at such times and places, and under such rules and regulations, as shall be prescribed by the commission.

Passed the House March 11, 1977.

Passed the Senate June 8, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

## CHAPTER 276

[House Bill No. 584]

### INSTITUTIONS OF HIGHER EDUCATION—REEMPLOYMENT OF RETIRED PERSONS

AN ACT Relating to higher education; and amending section 28B.10.420, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.420.

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

Section 1. Section 28B.10.420, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.420 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section, faculty members or other employees designated by the boards of regents of the state universities, the boards of trustees of the state colleges, or the state board for community college education pursuant to RCW 28B.10.400 through 28B.10.420 shall be retired from their employment with their institutions of higher education not later than the end of the academic year next following their seventieth birthday.

(2) As provided in this subsection, the board of regents of a state university, the board of trustees of a state college, or the state board for community college education may reemploy any person who is "retired" pursuant to subsection (1) of this section, who applies for reemployment and who has reached seventy years of age on or after July 1, 1970. The following provisions shall govern such reemployment:

(a) Prior to the reemployment, the board of regents, board of trustees, or state board shall have found that the person possesses outstanding qualifications which in the judgment of the board would permit the person to continue valuable service to the institution.

(b) The period of reemployment shall not be counted as service under, or result in any eligibility for benefits or increased benefits under, any state authorized or supported annuity or retirement income plan. Reemployment shall not result in the reemployed person or employer making any contributions to any such plan.

(c) No person may be reemployed on a full time basis if such person is receiving benefits under any state authorized or supported annuity or retirement income plan. The reemployment of any person on a full time basis shall be immediately terminated upon the person's obtaining of any such benefits.

(d) A person may be reemployed on a part time basis and receive or continue to receive any benefits for which such person is eligible under any state authorized or supported annuity or retirement income plan. Such part time work, however, shall not exceed forty percent of full time employment during any year.

(e) A person reemployed pursuant to this section shall comply with all conditions of reemployment and all rules providing for the administration of this subsection which are prescribed or adopted by the board of regents, or board of trustees, or by the state board for community college education.

Passed the House June 8, 1977.

Passed the Senate June 7, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

## CHAPTER 277

[Substitute Senate Bill No. 2430]

### CLASS AA OR CLASS A COUNTIES—ASSUMPTION OF RIGHTS, ETC., OF METROPOLITAN MUNICIPAL CORPORATIONS

AN ACT Relating to local government; amending and reenacting section 35.58.020, chapter 7, Laws of 1965 as last amended by section 2, chapter 70, Laws of 1974 ex. sess. and by section 1, chapter 84, Laws of 1974 ex. sess. and RCW 35.58.020; adding a new chapter to Title 36 RCW; and prescribing an effective date.

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

**NEW SECTION.** Section 1. Any class AA or class A county in which a metropolitan municipal corporation has been established pursuant to chapter 35.58 RCW with boundaries coterminous with the boundaries of the county may by ordinance or resolution, as the case may be, of the county legislative authority assume the rights, powers, functions, and obligations of such metropolitan municipal corporation in accordance with the provisions of this 1977 amendatory act. The definitions contained in RCW 35.58.020 shall be applicable to this chapter.

**NEW SECTION.** Sec. 2. The assumption of the rights, powers, functions, and obligations of a metropolitan municipal corporation may be initiated by the adoption of an ordinance or a resolution, as the case may be, by the county legislative authority indicating its intention to conduct a hearing concerning assumption of such rights, powers, functions, and obligations. In the event the county legislative authority adopts such an ordinance or a resolution of intention, such ordinance or resolution shall set a time and place at which it will consider the proposed assumption of the rights, powers, functions, and obligations of the metropolitan municipal corporation, and shall state that all persons interested may appear and be heard. Such ordinance or resolution of intention shall be published for at least four times during the four weeks next preceding the scheduled hearing in newspapers of daily general circulation printed or published in said county.

**NEW SECTION.** Sec. 3. At the time scheduled for the hearing in the ordinance or resolution of intention, the county legislative authority shall consider the assumption of the rights, powers, functions, and obligations of the metropolitan municipal corporation, and hear those appearing and all protests and objections to it. The county legislative authority may continue the hearing from time to time, not exceeding sixty days in all.

**NEW SECTION.** Sec. 4. If, from the testimony given before the county legislative authority, it appears that the public interest or welfare would be satisfied by the county assuming the rights, powers, functions, and obligations of the metropolitan municipal corporation, the county legislative authority may declare that to be its intent and assume such rights, powers, functions, and obligations by ordinance or resolution, as the case may be, providing that the county shall be vested with every right, power, function, and obligation currently granted to or possessed by the metropolitan municipal corporation pursuant to chapter 35.58 RCW (including RCW 35.58.273 relating to levy and use of the motor vehicle excise tax) or other provision of state law, including but not limited to, the power and authority to levy a sales and use tax pursuant to chapter 82.14 RCW or other provision of law: **PROVIDED**, That such ordinance or resolution shall be submitted to the voters of the county for their adoption and ratification or rejection, and if a majority of the persons voting on the proposition residing within the central city shall vote in favor thereof and a majority of the persons voting on the proposition residing in the metropolitan area outside of the central city shall vote in favor thereof, the ordinance or resolution shall be deemed adopted and ratified.

Upon assumption of the rights, powers, functions, and obligations of the metropolitan municipal corporation by the county, the metropolitan council established pursuant to the provisions of RCW 35.58.120 through 35.58.160 shall be abolished,

said provisions shall be inapplicable to the county, and the county legislative authority shall thereafter be vested with all rights, powers, duties, and obligations otherwise vested by law in the metropolitan council: PROVIDED, That in any county with a home rule charter such rights, powers, functions, and obligations shall vest in accordance with the executive and legislative responsibilities defined in such charter.

NEW SECTION. Sec. 5. All employees and personnel of the metropolitan municipal corporation who are under a personnel system pursuant to RCW 35.58-.370 shall be assigned to the county personnel system to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the county personnel system.

NEW SECTION. Sec. 6. If apportionments of budgeted funds are required because of the transfers authorized by this chapter, the county budget office shall certify such apportionments to the agencies and local governmental units affected and to the state auditor. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification.

NEW SECTION. Sec. 7. No transfer of any function made pursuant to this chapter shall be construed to impair or alter any existing rights acquired under the provisions of chapter 35.58 RCW or any other provision of law relating to metropolitan municipal corporations, nor as impairing or altering any actions, activities, or proceedings validated thereunder, nor as impairing or altering any civil or criminal proceedings instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the assumption of control of any metropolitan municipal function by a county, nor any transfer of rights, powers, functions, and obligations as provided in this chapter, shall impair or alter the validity of any act performed by such metropolitan municipal corporation or division thereof or any officer thereof prior to the assumption of such rights, powers, functions, and obligations by any county as authorized by this chapter.

NEW SECTION. Sec. 8. Nothing contained in this chapter shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified as provided by law.

NEW SECTION. Sec. 9. All rules and regulations, and all pending business before the committees, divisions, boards, and other agencies of any metropolitan municipal corporation transferred pursuant to the provisions of this chapter shall be continued and acted upon by the county.

All existing contracts and obligations of the transferred metropolitan municipal corporation shall remain in full force and effect, and shall be performed by the county. No transfer authorized in this chapter shall affect the validity of any official act performed by any official or employee prior to the transfer authorized pursuant to this amendatory act.

NEW SECTION. Sec. 10. When the rights, powers, functions, and obligations of a metropolitan municipal corporation are transferred pursuant to this chapter,



all real and personal property owned by the metropolitan municipal corporation shall become that of the county.

All reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions transferred pursuant to this chapter and available to the metropolitan municipal corporation shall be made available to the county.

All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the rights, powers, functions, and obligations transferred by this chapter and available to the metropolitan municipal corporation shall be made available to the county.

All funds, credits, or other assets held in connection with powers, duties, and functions herein transferred shall be assigned to the county.

Any appropriations or federal grant made to any committee, division, board, or other department of a metropolitan municipal corporation for the purpose of carrying out the rights, powers, functions, and obligations authorized to be assumed by a county pursuant to this chapter shall on the effective date of such transfer be credited to the county for the purpose of carrying out such transferred rights, powers, functions, and obligations.

**NEW SECTION.** Sec. 11. The county shall assume and agree to provide for the payment of all of the indebtedness of the metropolitan municipal corporation including the payment and retirement of outstanding general obligation and revenue bonds issued by the metropolitan municipal corporation. Until the indebtedness of a metropolitan municipal corporation thus assumed by a county has been discharged, all property within the boundaries of the metropolitan municipal corporation and the owners and occupants of that property, shall continue to be liable for taxes, special assessments, and other charges legally pledged to pay the indebtedness of the metropolitan municipal corporation. The county shall assume the obligation of causing the payment of such indebtedness, collecting such taxes, assessments, and charges and observing and performing the other contractual obligations of the metropolitan municipal corporation. The legislative authority of the county shall act in the same manner as the governing body of the metropolitan municipal corporation for the purpose of certifying the amount of any property tax to be levied and collected therein, and may cause service and other charges and assessments to be collected from such property or owners or occupants thereof, enforce such collection and perform all acts necessary to ensure performance of the contractual obligations of the metropolitan municipal corporation in the same manner and by the same means as if the property of the metropolitan municipal corporation had not been acquired by the county.

When a county assumes the obligation of paying indebtedness of a metropolitan municipal corporation and if property taxes or assessments have been levied and service and other charges have accrued for such purpose but have not been collected by the metropolitan municipal corporation prior to such assumption, the same when collected shall belong and be paid to the county and be used by such county so far as necessary for payment of the indebtedness of the metropolitan municipal corporation existing and unpaid on the date such county assumed that indebtedness. Any funds received by the county which have been collected for the purpose

of paying any bonded or other indebtedness of the metropolitan municipal corporation shall be used for the purpose for which they were collected and for no other purpose until such indebtedness has been paid and retired or adequate provision has been made for such payment and retirement. No transfer of property as provided in this act shall derogate from the claims or rights of the creditors of the metropolitan municipal corporation or impair the ability of the metropolitan municipal corporation to respond to its debts and obligations.

Sec. 12. Section 35.58.020, chapter 7, Laws of 1965 as last amended by section 2, chapter 70, Laws of 1974 ex. sess. and by section 1, chapter 84, Laws of 1974 ex. sess. and RCW 35.58.020 are each amended and reenacted to read as follows:

As used herein:

(1) "Metropolitan municipal corporation" means a municipal corporation of the state of Washington created pursuant to this chapter, or a county which has by ordinance or resolution assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation pursuant to the provisions of this 1977 amendatory act.

(2) "Metropolitan area" means the area contained within the boundaries of a metropolitan municipal corporation, or within the boundaries of an area proposed to be organized as such a corporation.

(3) "City" means an incorporated city or town.

(4) "Component city" means an incorporated city or town within a metropolitan area.

(5) "Component county" means a county, all or part of which is included within a metropolitan area.

(6) "Central city" means the city with the largest population in a metropolitan area.

(7) "Central county" means the county containing the city with the largest population in a metropolitan area.

(8) "Special district" means any municipal corporation of the state of Washington other than a city, county, or metropolitan municipal corporation.

(9) "Metropolitan council" means the legislative body of a metropolitan municipal corporation, or the legislative body of a county which has by ordinance or resolution assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation pursuant to the provisions of this 1977 amendatory act.

(10) "City council" means the legislative body of any city or town.

(11) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made under the direction of the state census board.

(12) "Metropolitan function" means any of the functions of government named in RCW 35.58.050.

(13) "Authorized metropolitan function" means a metropolitan function which a metropolitan municipal corporation shall have been authorized to perform in the manner provided in this chapter.

(14) "Metropolitan public transportation" or "metropolitan transportation" for the purposes of this chapter shall mean the transportation of packages, passengers and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle not on an individual fare-paying basis, together

with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people-moving systems: PROVIDED, That nothing in this chapter shall be construed to prohibit a metropolitan municipal corporation from leasing its buses to private certified carriers or to prohibit the metropolitan municipal corporation from providing school bus service for the transportation of pupils.

(15) "Pollution" has the meaning given in RCW 90.48.020.

NEW SECTION. Sec. 13. Sections 1 through 11 of this 1977 amendatory act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 14. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. In the event the provisions in section 4 requiring approval by both the voters of a central city and the county voters residing outside of the central city are held to be invalid, then such provisions shall be severable and the ballot proposition on the transfer of the metropolitan municipal corporation to the county shall be decided by the majority vote of the voters voting thereon in a county-wide election.

NEW SECTION. Sec. 15. This 1977 amendatory act shall take effect July 1, 1978.

Passed the Senate June 7, 1977.

Passed the House June 3, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 278

[Engrossed Substitute Senate Bill No. 2654]  
STATE ENVIRONMENTAL POLICY

AN ACT Relating to environmental policy; amending section 2, chapter 179, Laws of 1973 1st ex. sess. as amended by section 2, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.080; amending section 6, chapter 109, Laws of 1971 ex. sess. and RCW 43.21C.060; adding new sections to chapter 43.21C RCW; providing effective dates; and providing expiration dates.

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

Section 1. Section 2, chapter 179, Laws of 1973 1st ex. sess. as amended by section 2, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C.080 are each amended to read as follows:

(1) Notice of any action taken by a governmental agency may be publicized by the acting governmental agency, the applicant for, or the proponent of such action, in substantially the form as set forth in subsection (3) of this section and in the following manner:

(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located;

(b) By filing notice of such action with the department of ecology at its main office in Olympia prior to the date of the last newspaper publication; and

(c) ~~((Where no detailed statement is filed and where the property which is the subject matter of the action is under ten acres, such action shall be publicized by sending a notice of such action through the United States mail, first class, postage prepaid, to all owners of property abutting the property which is the subject matter of such action, as such property owners appear on the property tax rolls of the county treasurer. An affidavit of mailing of such notice may be filed with the department of ecology at the same time as the filing of the notice of the governmental action.))~~ Except for those actions which are of a nonproject nature, by one of the following methods which shall be accomplished prior to the date of last newspaper publication;

(i) Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed through United States mail, first class, postage prepaid.

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed.

(2) (a) Any action to set aside, enjoin, review, or otherwise challenge any such governmental action for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within ~~((sixty))~~ thirty days from the date of ~~((filing of the notice with the department of ecology, the date of final newspaper publication, or date of mailing, if applicable, whichever is later))~~ last newspaper publication of the notice pursuant to subsection (1) of this section, or be barred: PROVIDED, HOWEVER, That ((+)) the time period within which an action shall be commenced shall be ninety days (i) for projects to be performed by a governmental agency or to be performed under government contract, or ((2)) (ii) for thermal power plant projects: PROVIDED FURTHER, That any subsequent governmental action ((of the acting governmental agency for which the regulations of the acting governmental agency permit the same detailed statement to be utilized and as long as there is no substantial change in the project between the time of the action and any such subsequent action, shall not be set aside, enjoined, reviewed, or thereafter challenged on grounds of noncompliance with RCW 43.21C.030(2)(c)) on the proposal for which notice has been given as provided in subsection (1) of this section shall not be set aside, enjoined, reviewed, or otherwise challenged on grounds of noncompliance with the provisions of RCW 43.21C.030(2)(a) through (h) unless there has been a substantial change in the proposal between the time of the first governmental action and the subsequent governmental action, or unless the action now being considered was identified in an earlier detailed statement or declaration of nonsignificance as being one which would require further environmental evaluation. (b) Any action to challenge a subsequent governmental action based upon any provisions of this chapter shall be commenced within thirty days from the date of last newspaper publication of the subsequent governmental action except (i) for projects to be performed by a governmental agency or to be performed under governmental contract, or (ii) for thermal power plant projects which shall be challenged within ninety days from the date of last newspaper publication of the subsequent governmental action, or be barred.

(3) The form for such notice of action shall be issued by the department of ecology and shall be made available by the governmental agency taking an action subject to being publicized pursuant to this section, by the county auditor, and/or the city clerk to the project applicant or proposer. The form of such notice shall be substantially as follows:

NOTICE OF ACTION BY

.....  
(Government agency or entity)

Pursuant to the provisions of chapter 43.21C RCW, notice is hereby given that: The ..... (Government agency or entity) did on ..... (date), take the action (~~((which may or may not be held or deemed to be "a major action significantly affecting the quality of the environment"))~~) described below.

Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced within ..... days or be barred.

The action taken by ..... (Government agency or entity), notice of which is hereby given, was as follows:

(1) ..... (Here insert description of action taken such as: Adoption Ordinance No. ....; Issued Building Permit; Approved preliminary (or final) plat, etc.)

(2) ..... (Here insert brief description of the complete project or proposal.)

(3) Said action pertained to property commonly known as:  
.....  
.....  
.....  
.....  
(Sufficient description to locate property, but complete legal description not required)

(4) Pertinent documents may be examined during regular business hours at the office of: ..... located at:

.....  
(Location, including room number)

.....  
(Name of government agency, proponent, or applicant giving notice)

Filed by .....  
(Signature of individual and capacity in which such individual is signing)

Sec. 2. Section 6, chapter 109, Laws of 1971 ex. sess. and RCW 43.21C.060 are each amended to read as follows:

The policies and goals set forth in this chapter are supplementary to those set forth in existing authorizations of all branches of government of this state, including state agencies, municipal and public corporations, and counties: **PROVIDED, HOWEVER, That any governmental action, not requiring a legislative decision, may be conditioned or denied pursuant to this chapter only on the basis of specific adverse environmental impacts which are both identified in the environmental documents prepared pursuant to the chapter and stated in writing by the responsible**

official of the acting governmental agency. In the case of counties with a population of more than seventy thousand people and cities with a population of more than thirty-seven thousand people, such conditions or denials made more than one year from the effective date of this 1977 amendatory act shall also be based upon policies developed by the appropriate local governmental authority and incorporated into resolutions, regulations, ordinances, plans, or codes. In the case of counties with a population of less than seventy thousand people and cities with a population of less than thirty-seven thousand people, such conditions or denials made more than three years from the effective date of this 1977 amendatory act shall also be based upon policies developed by the appropriate local governmental authority, and incorporated into resolutions, regulations, ordinances, plans, or codes: PROVIDED, FURTHER, That, except for permits and variances issued pursuant to chapter 90-.58 RCW, when such a governmental action, not requiring a legislative decision, is conditioned or denied by a nonelected official of a local governmental agency, the decision shall be appealable to the legislative authority of the acting local governmental agency in accordance with procedures established for such appeals by the legislative authority of the acting local governmental agency.

Passed the Senate June 6, 1977.

Passed the House June 3, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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## CHAPTER 279

[Engrossed Senate Bill No. 2668]

### MOBILE HOME LANDLORD-TENANT ACT

AN ACT Relating to landlord and tenant; and adding a new chapter to Title 59 RCW.

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

NEW SECTION. Section 1. This chapter shall be known and may be cited as the "Mobile Home Landlord-Tenant Act".

NEW SECTION. Sec. 2. Every duty under this chapter and every act which must be performed as a condition precedent to the exercise of a right or remedy under this chapter imposes an obligation of good faith in its performance or enforcement.

NEW SECTION. Sec. 3. For purposes of this chapter:

(1) "Landlord" means the owner of a mobile home park and includes the agents of a landlord;

(2) "Mobile home lot" means a portion of a mobile home park designated as the location of one mobile home and its accessory buildings, and intended for the exclusive use of the occupants of that mobile home;

(3) "Mobile home park" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income;

(4) "Tenant" means any person, except a transient, who rents a mobile home lot;

(5) "Transient" means a person who rents a mobile home lot for a period of less than one month.

**NEW SECTION.** Sec. 4. This chapter shall regulate and determine legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot. All such rental agreements shall be unenforceable to the extent of any conflict with any provision of this chapter. Chapter 59.12 RCW shall be applicable only in implementation of the provisions of this chapter and not as an alternative remedy to this chapter which shall be exclusive where applicable: PROVIDED, That the provision of RCW 59.12.090, 59.12.100, and 59.12.170 shall not apply to any rental agreement included under the provisions of this chapter. RCW 59.18.370 through 59.18.410 shall be applicable to any action of forcible entry or detainer or unlawful detainer arising from a tenancy under the provisions of this chapter. Rentals of mobile homes themselves are governed by the Residential Landlord-Tenant Act, chapter 59.18 RCW.

**NEW SECTION.** Sec. 5. (1) On and after the effective date of this act, no landlord may offer a mobile home lot for rent without offering to a prospective tenant a written rental agreement for a term of one year or more. A prospective tenant who desires to occupy a mobile home lot for other than a term of one year or more may have the option to be on a month to month basis but must waive, in writing, the right to such one year or more term. Except pursuant to such waiver, no landlord shall allow a mobile home to be moved into a mobile home park in this state until a written rental agreement has been signed by the landlord and the tenant and a copy provided for the tenant;

(2) The requirements of subsection (1) of this section shall not apply if:

(a) The mobile home park or part thereof has been acquired or is under imminent threat of condemnation for a public works project, or

(b) An employer-employee relationship exists between a landlord and tenant;

(3) The provisions of this section shall apply to any tenancy in existence prior to the effective date of this act, upon expiration of the term of any oral or written rental agreement governing such tenancy.

**NEW SECTION.** Sec. 6. (1) Any rental agreement executed between the landlord and tenant shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) Reasonable rules for guest parking which shall be clearly stated;

(c) The rules and regulations of the park;

(d) The name and address of the person who is the landlord, and if such person does not reside in the state where the mobile home park is located there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent; and

(e) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement.

(2) Any rental agreement executed between the landlord and tenant shall not contain:

(a) Any provision which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: PROVIDED, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;

(b) Any provision which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of said vehicle;

(c) Any provision which allows the landlord to increase the rent or alter the due date for rent payment during the term of the rental agreement: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year;

(d) Any provision by which the tenant agrees to waive or forego rights or remedies under this chapter; or

(e) Any provision allowing the landlord to charge an "entrance fee" or an "exit fee".

**NEW SECTION. Sec. 7. A landlord shall not:**

(1) Deny any tenant the right to sell such tenant's mobile home within a park or require the removal of the mobile home from the park solely because of the sale thereof: PROVIDED, That:

(a) A rental agreement for a fixed term shall be assignable by the tenant to any person to whom he sells or transfers title to the mobile home, subject to the approval of the landlord after fifteen days' written notice of such intended assignment;

(b) The assignee of the rental agreement shall assume all the duties and obligations of his assignor for the remainder of the term of the rental agreement unless, by mutual agreement, a new rental agreement is entered into with the landlord; and

(c) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant; or

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements on a mobile home lot: PROVIDED, That door-to-door solicitation in the mobile home park may be restricted in the rental agreement.

**NEW SECTION. Sec. 8. Tenancy during the term of a rental agreement may be terminated by the landlord only for one or more of the following reasons:**



(1) Substantial or repeated violation of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant. The tenant shall be given written notice of a fifteen day period in which to comply or vacate. In the case of periodic rather than continuous violation, said notice shall specify that the same violation repeated shall result in termination;

(2) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(3) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate.

**NEW SECTION.** Sec. 9. (1) Unless otherwise agreed rental agreements shall be for a term of one year. Any rental agreement for a term of one year and any rental agreement renewed for a six-month term shall be automatically renewed for an additional six-month term unless:

(a) Otherwise specified in the original written rental agreement; or

(b) The landlord notifies the tenant in writing three months prior to the expiration of the rental agreement that it will not be renewed or will be renewed only with the changes contained in such notice.

A tenant shall notify the landlord in writing one month prior to the expiration of a rental agreement of an intention not to renew.

(2) The tenant may terminate the rental agreement upon thirty days written notice whenever a change in the location of the tenant's employment requires a change in his residence, and shall not be liable for rental following such termination unless after due diligence and reasonable effort the landlord is not able to rent the mobile home lot at a fair rental. If the landlord is not able to rent the lot, the tenant shall remain liable for the rental specified in the rental agreement until the lot is rented or the original term ends;

(3) Any tenant who is a member of the armed forces may terminate a rental agreement with less than thirty days notice if he receives reassignment orders which do not allow greater notice.

**NEW SECTION.** Sec. 10. Improvements, except a natural lawn, purchased and installed by a tenant on a mobile home lot shall remain the property of the tenant even though affixed to or in the ground and may be removed or disposed of by the tenant prior to the termination of the tenancy: PROVIDED, That a tenant shall leave the mobile home lot in substantially the same or better condition than upon taking possession.

**NEW SECTION.** Sec. 11. In any action arising out of this chapter, the prevailing party shall be entitled to reasonable attorney's fees and costs.

**NEW SECTION.** Sec. 12. Venue for any action arising under this chapter shall be in the district or superior court of the county in which the mobile home lot is located.

**NEW SECTION.** Sec. 13. 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. 14. Sections 1 through 12 of this act shall constitute a new chapter in Title 59 RCW.

Passed the Senate June 6, 1977.

Passed the House June 4, 1977.

Approved by the Governor June 15, 1977.

Filed in Office of Secretary of State June 15, 1977.

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CHAPTER 280

[Substitute Senate Bill No. 2445]

AUTOMOTIVE REPAIR

AN ACT Relating to automotive repair; adding a new chapter to Title 46 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. For purposes of this chapter:

(1) "Automotive repairman" means a person who engages in the business of repairing and/or diagnosing malfunctions of motor vehicles for compensation; and

(2) "Automotive repairing" includes:

(a) All repairs to vehicles commonly performed in a repair shop by a motor vehicle mechanic including the installation, exchange, or repair of mechanical parts or units for any vehicle or the performance of any electrical or mechanical adjustment to any vehicle;

(b) All work performed in shops that are limited to any specialty within the automotive repair trade including but not limited to body, frame, front-end, brake repair, transmission, tune-up, and electrical repair work and muffler installation; and

(c) "automotive repairing" should not include the change or repair of tires; the lubrication of vehicles; the installation of light bulbs, batteries, windshield wiper blades, and other minor accessories; the cleansing, adjustment, and replacement of spark plugs; the replacement of fan belts, oil and oil filters; and other minor services which are customarily performed by gasoline service stations.

NEW SECTION. Sec. 2. All work done and all parts supplied by an automotive repairman, including all warranty work, shall be recorded on an invoice. If any used, rebuilt, or reconditioned parts are supplied the invoice shall clearly state the fact. One copy of the invoice shall be given to the customer and one copy of the invoice shall be retained by the automotive repairman.

NEW SECTION. Sec. 3. Upon request of the customer when the work order is taken, except for parts covered by a manufacturer's warranty, the automotive repairman shall return replaced parts to the customer at the time the work is completed.

If a customer requests the return of a part that must be returned to the manufacturer or distributor under the terms of a warranty agreement, the repairman shall offer to show the part to the customer at the time the work is completed. The repairman shall show the part to the customer when the work is completed if the customer accepts the offer. The repairman shall not be required to show a replaced part when no charge is being made for the replacement part.

NEW SECTION. Sec. 4. (1) If the price is estimated to exceed fifty dollars, the automotive repairman shall, prior to the commencement of supplying any parts or the performance of any labor, provide the customer a written estimate or the following choice of estimate alternatives:

**"YOU ARE ENTITLED TO A WRITTEN PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED. YOU ARE ALSO ENTITLED TO REQUIRE THE REPAIRMAN TO OBTAIN YOUR ORAL OR WRITTEN CONSENT TO EXCEED THE WRITTEN PRICE ESTIMATE. YOUR SIGNATURE OR INITIALS WILL INDICATE YOUR SELECTION.**

1. I request an estimate in writing before you begin repairs. Contact me if the price will exceed this estimate by more than ten percent.

.....

2. Proceed with repairs but contact me if the price will exceed \$ .....

3. I do not want a written estimate. .... "

These alternatives shall not be required when the customer's motor vehicle has been brought to the automotive repairman without face-to-face contact between the customer and the automotive repairman or the repairman's representative.

(2) If the customer signs or initials alternative 1 or if none of the alternatives is signed or initialed by the customer, the automotive repairman shall, prior to supplying any parts or performing any labor, give to the customer a written price estimate for the labor and parts necessary for the specific repair requested. The repairman may not charge for work done or parts supplied which are not a part of the written price estimate and may not charge the customer more than one hundred ten percent of the total shown on the written price estimate: PROVIDED, That neither of these limitations shall apply if, prior to performing the additional labor and/or supplying the additional parts, the repairman obtains either the oral or written authorization of the customer to exceed the written price estimate.

NEW SECTION. Sec. 5. A repairman who performs work or supplies parts which are not a part of the written price estimate without the oral or written consent of the customer shall be barred from asserting a possessory or chattel lien for the amount of the unauthorized parts or labor upon the motor vehicle. A repairman who supplies used, rebuilt, or reconditioned parts in violation of section 2 of this act or who fails or refuses to return replaced parts as required by section 3 of this act shall be barred from asserting a possessory or chattel lien for the amount charged for that replacement part upon the motor vehicle.

NEW SECTION. Sec. 6. Every automotive repairman shall retain and make available for inspection upon request true copies of the written price estimates and invoices required under sections 2 and 4 of this act for at least one year after the date on which the motor vehicle was repaired.

**NEW SECTION.** Sec. 7. The assertion of a possessory or chattel lien in violation of this chapter shall be an unfair practice under chapter 19.86 RCW. Notwithstanding RCW 46.64.050, no violation of this chapter shall give rise to criminal liability under that section.

**NEW SECTION.** Sec 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 46 RCW.

Passed the Senate June 7, 1977.

Passed the House June 7, 1977.

Approved by the Governor June 17, 1977.

Filed in Office of Secretary of State June 17, 1977.

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## CHAPTER 281

[Engrossed Senate Bill No. 2460]

### HOSTELS

AN ACT Relating to hostels; and adding new sections to chapter 43.51 RCW.

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

**NEW SECTION.** Section 1. There is added to chapter 43.51 RCW a new section to read as follows:

The legislature finds that there is a need for hostels in the state for the safety and welfare of transient persons with limited resources. It is the intent of sections 1 through 3 of this act that such facilities be established using locally donated structures. It is the further intent of sections 1 through 3 of this act that the state dispende any available federal or other moneys for such related projects and provide assistance where possible.

**NEW SECTION.** Sec. 2. There is added to chapter 43.51 RCW a new section to read as follows:

For purposes of this chapter, "hostel" means a simple basic structure that serves as a safe, low-cost accommodation for mobile people of all ages from this country and abroad.

**NEW SECTION.** Sec. 3. There is added to chapter 43.51 RCW a new section to read as follows:

Any political subdivision of the state is authorized to establish hostels within its jurisdiction. The facilities and services shall include, but not be limited to:

(1) Short term sleeping accommodations including adequate restroom and bathing facilities; and

(2) Information and referral services, including, but not limited to availability of employment and health services.

Details of operations and regulations, including the establishment of appropriate fees to recover actual operating and maintenance costs, shall be within the discretion of the operating authority: **PROVIDED**, That the consumption of alcoholic beverages or the possession or use of a controlled substance in violation of chapter 69.50 RCW shall be prohibited.

**NEW SECTION.** Sec. 4. There is added to chapter 43.51 RCW a new section to read as follows:

The parks and recreation commission is authorized to accept grants or moneys from any federal or private source for support of hostels. The commission at its discretion is directed to apportion and transfer any such moneys to contracting agencies or political subdivisions which operate hostels: PROVIDED, That the commission shall establish rules and regulations for the operation of hostels which are substantially similar to the operating standards and customs established by the American Youth Hostels Incorporated.

Passed the Senate June 9, 1977.

Passed the House June 7, 1977.

Approved by the Governor June 17, 1977.

Filed in Office of Secretary of State June 17, 1977.

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## CHAPTER 282

[Senate Bill No. 2493]

### COMMUNITY COLLEGES

AN ACT Relating to community colleges; amending section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 17, chapter 62, Laws of 1973 and RCW 28B.50.100; amending section 28B.50.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 16, chapter 62, Laws of 1973 and RCW 28B.50.090; amending section 17, chapter 15, Laws of 1970 ex. sess. as amended by section 19, chapter 62, Laws of 1973 and RCW 28B.50.140; amending section 28B.50.300, chapter 223, Laws of 1969 ex. sess. as amended by section 73, chapter 81, Laws of 1971 and RCW 28B.50.300; amending section 38, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.860; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW; repealing section 28B.50.570, chapter 223, Laws of 1969 ex. sess., section 23, chapter 62, Laws of 1973 and RCW 28B.50.570; repealing section 28B.50.590, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.590; repealing section 28B.50.750, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.750; repealing section 6, chapter 133, Laws of 1972 ex. sess. and RCW 28B.56.060; and making effective dates.

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

**NEW SECTION.** Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

The district board of trustees of any community college district currently operating an educational program with funds provided by another state agency, including federal funds, which program has been in existence for five or more years under the administration of one or more community college districts, shall provide for the award or denial of tenure to anyone who holds a special faculty appointment in such curricular program and for as long as the program continues to be funded in such manner, utilizing the prescribed probationary processes and procedures set forth in this chapter with the exception that no student representative shall be required to serve on the review committee defined in RCW 28B.50.851: PROVIDED, That such review processes and procedures shall not be applicable to faculty members whose contracts are renewed after the effective date of this 1977 amendatory act and who have completed at least three consecutive years of satisfactory full time service in such program, who shall be granted tenure by the community college district: PROVIDED FURTHER, That faculty members who have completed one year or more of satisfactory full time service in such program shall be credited with such service for the purposes of this section: PROVIDED, FURTHER, That provisions relating to tenure for faculty under the provisions of this section shall be

distinct from provisions relating to tenure for other faculty of the community college district and faculty appointed to such special curricular program shall be treated as a separate unit as respects selection, retention, reduction in force or dismissal hereunder: **AND PROVIDED FURTHER**, That the provisions of this section shall only be applicable to faculty holding a special faculty appointment in an educational program operated in a state correctional institution pursuant to a written contract with a community college district.

Sec. 2. Section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 17, chapter 62, Laws of 1973 and RCW 28B.50.100 are each amended to read as follows:

There is hereby created a community college board of trustees for each community college district as set forth in this chapter. Each community college board of trustees shall be composed of five trustees, who shall be appointed by the governor for terms commencing October 1st of the year in which appointed. In making such appointments the governor shall give consideration to geographical exigencies, and the interests of labor, industry, agriculture, the professions and ethnic groups.

The successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term.

Every trustee shall be a resident and qualified elector of his community college district. No trustee may be an employee of the community college system, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, or an elected officer or member of the legislative authority of any municipal corporation.

Each board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules and regulations as it deems necessary for its own government. Three members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The district president, or if there be none, the president of the community college, shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

NEW SECTION. Sec. 3. Notwithstanding any other provisions of law, the terms for present members of the community college boards of trustees shall be extended for a period of six months, or not later than October 1st of the year of expiration, to carry out the purposes of section 2 of this 1977 amendatory act.

Sec. 4. Section 28B.50.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 16, chapter 62, Laws of 1973 and RCW 28B.50.090 are each amended to read as follows:

The college board shall have general supervision and control over the state system of community colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the community college boards of trustees, prepare a single budget for the support of the state system of community colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090; the coordinating council shall assist with the preparation of the community college budget that has to do with vocational education programs;

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the community college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority:

(a) that each community college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education: PROVIDED, That notwithstanding any other provisions of this chapter, a community college shall not be required to offer a program of vocational-technical training, when such a program as approved by the coordinating council for occupational education is already operating in the district;

(b) that each community college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of his residence or because of his educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, he would not be competent to profit from the curriculum offerings of the community college, or would, by his presence or conduct, create a disruptive atmosphere within the community college not consistent with the purposes of the institution;

(4) Prepare a comprehensive master plan for the development of community college education and training in the state; and assist the office of program planning and fiscal management in the preparation of enrollment projections to support plans for providing adequate community college facilities in all areas of the state;

(5) Define and administer criteria and guidelines for the establishment of new community colleges or campuses within the existing districts;

(6) Establish criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community colleges with respect to:

(a) qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) the content of the curriculums and other educational and training programs, and the requirements, degrees and diplomas awarded by the colleges,

(d) standard admission policies;

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various community college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter;

(11) Authorize the various community colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community college real and personal property, except such property as is received by a community college district in accordance with RCW 28B.50.140(8), when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community college system;

(13) Notwithstanding the provisions of subsection (12) of this section, may receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs and may sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

The college board shall have the power of eminent domain.

Sec. 5. Section 17, chapter 15, Laws of 1970 ex. sess. as amended by section 19, chapter 62, Laws of 1973 and RCW 28B.50.140 are each amended to read as follows:

Each community college board of trustees:

(1) Shall operate all existing community colleges and vocational-technical institutes in its district;

(2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);

(3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president, if deemed necessary by the board, in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative



officers and other employees as may be necessary or appropriate and fix their salaries and duties;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and notwithstanding any other provision of law, publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules and regulations adopted by the state board for community college education: PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes.

(17) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association; and

~~((+7))~~ (18) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

Sec. 6. Section 28B.50.300, chapter 223, Laws of 1969 ex. sess. as amended by section 73, chapter 81, Laws of 1971 and RCW 28B.50.300 are each amended to read as follows:

Title to or all interest in real estate, choses in action and all other assets, including but not limited to assignable contracts, cash, deposits in county funds (including any interest or premiums thereon), equipment, buildings, facilities, and appurtenances thereto held as of the date of passage of this act by or for a school district and obtained identifiably with federal, state or local funds appropriated for community college purposes or post-high school vocational educational purposes, or used or obtained with funds budgeted for community college purposes or post-high school vocational educational purposes, or used or obtained primarily for community college or vocational educational purposes, shall, on the date on which the first board of trustees of each district takes office, vest in or be assigned to the state board for community college education: PROVIDED, That cash, funds, accounts or other deposits obtained or raised by a school district to pay for indebtedness,

bonded or otherwise, contracted on or before April 3, 1967 for community college purposes shall remain with and continue to be, after April 3, 1967, an asset of the school district: AND PROVIDED FURTHER, That any option acquired by the school district to purchase real property which in the judgment of the school district will be used in the common school program may remain with the school district notwithstanding that such option was obtained in consideration of the purchase by such school district of other property for community college purposes: AND PROVIDED FURTHER, That unexpended funds of a common school district derived from the sale, prior to July 1, 1967, of bonds authorized for any purpose which includes community college purposes and not committed for any existing construction contract, shall remain with and continue to be an asset of such common school district, unless within thirty days after said date such common school district determines to transfer such funds to the board of trustees.

~~((For the purposes of this section and to facilitate the process of allocating the assets, the board of directors of each school district in which a community college is located, and the president of each community college, shall each submit to the state board of education, and the state board for community college education within sixty days of April 3, 1967, an inventory listing all real estate, personal property, choses in action, and other assets, held by a school district, which under the criteria of this section, will become the assets of the state board for community college education: PROVIDED, That assets used "primarily" for community college purposes shall include, but not be limited to, all assets currently held by school districts which have been used on an average of at least seventy-five percent of the time during the school year 1965-1966, or if acquired subsequent to July 1, 1966, since its time of acquisition, for community college purposes: PROVIDED, FURTHER, That the ultimate decision and approval with respect to the allocation and disposition of the assets under this section shall be made by the governor, or an advisory committee appointed by him for that purpose. The decision of the governor or his advisory committee may be appealed within sixty days after such decision is issued by appealing to the district court of Thurston county. The decision of the superior court may be appealed to the supreme court or the court of appeals of the state in accordance with the provision of the Administrative Procedure Act, chapter 34.04 RCW:))~~

Sec. 7. Section 38, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.860 are each amended to read as follows:

A tenured faculty member, upon appointment to an administrative appointment(~~(, except that of president;))~~) shall be allowed to retain his tenure.

NEW SECTION. Sec. 8. The following acts or parts thereof are hereby repealed:

- (1) Section 28B.50.570, chapter 223, Laws of 1969 ex. sess., section 23, chapter 62, Laws of 1973 and RCW 28B.50.570;
- (2) Section 28B.50.590, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.590;
- (3) Section 28B.50.750, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.750; and
- (4) Section 6, chapter 133, Laws of 1972 ex. sess. and RCW 28B.56.060.

NEW SECTION. Sec. 9. Sections 2 and 3 of this 1977 amendatory act shall not take effect until January 1, 1978.

NEW SECTION. Sec. 10. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate June 8, 1977.

Passed the House June 8, 1977.

Approved by the Governor June 17, 1977.

Filed in Office of Secretary of State June 17, 1977.

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## CHAPTER 283

[Engrossed Substitute Senate Bill No. 2810]  
EDUCATIONAL SERVICE DISTRICTS

AN ACT Relating to existing educational service districts; amending section 1, chapter 176, Laws of 1969 ex. sess. as last amended by section 1, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.010; amending section 2, chapter 176, Laws of 1969 ex. sess. as amended by section 2, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.020; amending section 3, chapter 176, Laws of 1969 ex. sess. as last amended by section 3, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.030; amending section 5, chapter 75, Laws of 1974 ex. sess. as amended by section 6, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.0304; amending section 6, chapter 75, Laws of 1974 ex. sess. as amended by section 7, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.0305; amending section 4, chapter 282, Laws of 1971 ex. sess. as last amended by section 9, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.035; amending section 5, chapter 176, Laws of 1969 ex. sess. as last amended by section 12, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.050; amending section 6, chapter 176, Laws of 1969 ex. sess. as last amended by section 68, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28A.21.060; amending section 19, chapter 34, Laws of 1969 ex. sess. as last amended by section 22, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.105; amending section 20, chapter 34, Laws of 1969 ex. sess. as last amended by section 23, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.106; amending section 20, chapter 282, Laws of 1971 ex. sess. as amended by section 30, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.135; amending section 3, chapter 239, Laws of 1967 as last amended by section 1, chapter 115, Laws of 1975 1st ex. sess. and RCW 39.34.020; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; adding new sections to chapter 28A.21 RCW; repealing section 7, chapter 176, Laws of 1969 ex. sess., section 2, chapter 84, Laws of 1970 ex. sess., section 9, chapter 282, Laws of 1971 ex. sess., section 14, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.070; repealing section 2, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.0301; repealing section 3, chapter 75, Laws of 1974 ex. sess., section 4, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.0302; and repealing section 8, chapter 176, Laws of 1969 ex. sess., section 10, chapter 282, Laws of 1971 ex. sess., section 15, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.080.

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

Section 1. Section 1, chapter 176, Laws of 1969 ex. sess. as last amended by section 1, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.010 are each amended to read as follows:

It shall be the intent and purpose of this chapter to ~~((reorganize existing intermediate school district offices in order))~~ establish educational service districts as regional agencies which are intended to:

(1) ~~((Establish intermediate school district offices as educational service agencies which will))~~ Provide cooperative and informational services to local school districts;

(2) Assist the superintendent of public instruction and the state board of education in the performance of their respective statutory or constitutional duties; and

(3) ~~((Make the territorial organization of intermediate school district offices, hereafter to be known as educational service district offices, as such educational service agencies and the school districts more readily and efficiently adaptable to the changing economic pattern and educational programs within the state, and~~

~~(4))) Provide ((the pupils within the state with)) services to school districts to assure equal educational opportunities.~~

~~((After September 8, 1975 all intermediate school districts shall be known as and referred to as educational service districts.))~~

Sec. 2. Section 2, chapter 176, Laws of 1969 ex. sess. as amended by section 2, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.020 are each amended to read as follows:

The state board of education upon its own initiative, ~~((at any time it deems advisable))~~ or upon petition of any educational service district board, or upon petition of at least half of the district superintendents within an educational service district, or upon request of the superintendent of public instruction, may make changes in the number and boundaries of the educational service districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the educational service districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW 28A.21.010: **PROVIDED**, That no reduction in the number of educational service districts will take effect without a majority approval vote by the affected school directors voting in such election by mail ballot. Prior to making any such changes, the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The state board in making any change in boundaries shall give consideration to, but not be limited by, the following factors: Size, population, topography, and climate of the proposed district.

The superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable educational service district boards and superintendents to consider the proposed changes.

Sec. 3. Section 6, chapter 176, Laws of 1969 ex. sess. as last amended by section 68, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28A.21.060 are each amended to read as follows:

The actual expenses of educational service board members in going to, returning from and attending meetings called or held pursuant to district business or while otherwise engaged in the performance of their duties under this chapter shall be paid ~~((up to the amounts provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended))~~; all such claims shall be approved by the educational service district board and paid from the budget of the educational service district.

**NEW SECTION.** Sec. 4. There is added to chapter 28A.21 RCW a new section to read as follows:

(1) Every educational service district board shall employ and set the salary of an educational service district superintendent who shall be employed by a written

contract for a term to be fixed by the board, but not to exceed three years, and who may be discharged for sufficient cause.

(2) There is hereby established within each educational service district an educational service district superintendent review committee. Such review committee shall be composed of two school district superintendents from within the educational service district selected by the educational service district board and a representative of the state superintendent of public instruction selected by the state superintendent of public instruction.

(3) Prior to the employment by the educational service district board of a new educational service district superintendent, the review committee shall screen all applicants for the position and recommend to the board a list of three candidates. The educational service district board shall select the new superintendent from the list of three candidates or shall reject the entire list and request the review committee to submit three additional candidates, and the educational service district board shall repeat this process until a superintendent is selected.

(4) To be eligible for nomination or selection to the office of educational service district superintendent, a candidate must meet the educational and experience requirements statutorily set for school district superintendents: PROVIDED, That any person employed on the effective date of this 1977 amendatory act as an educational service district superintendent or assistant-superintendent shall be deemed qualified to hold the office of educational service district superintendent.

NEW SECTION. Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The superintendent of public instruction may delegate to any educational service district or combination of educational service districts all or any portion of a program, project, or service authorized or directed by the legislature to be performed by the superintendent of public instruction: PROVIDED, That any such delegation shall be by contract pursuant to chapter 39.34 RCW, as now or hereafter amended.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

The state board of education may delegate to any educational service district or combination of educational service districts all or any portion of a program, project, or service authorized or directed by the legislature to be performed by the state board of education: PROVIDED, That any such delegation shall be by contract pursuant to chapter 39.34 RCW, as now or hereafter amended.

Sec. 7. Section 19, chapter 34, Laws of 1969 ex. sess. as last amended by section 22, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.105 are each amended to read as follows:

No certificated employee of an educational service district (~~(superintendent or board)~~) shall be employed as such except by written contract, which shall be in conformity with the laws of this state. Every such contract shall be made in duplicate, one copy of which shall be retained by the educational service district superintendent and the other shall be delivered to the employee.

Every educational service district superintendent or board determining that there is probable cause or causes that the employment contract of a certificated

employee thereof is not to be renewed for the next ensuing term shall be notified in writing on or before ((April)) May 15th preceding the commencement of such term of that determination, which notification shall specify the cause or causes for nonrenewal of contract. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for the review of the decision of the hearing officer, superintendent or board and appeal therefrom shall be as prescribed for nonrenewal cases of teachers in RCW 28A.58.450 through 28A.58.515, 28A.67-.070 and 28A.88.010 and in any amendments hereafter made thereto. Appeals may be filed in the superior court of any county in the educational service district.

Sec. 8. Section 20, chapter 34, Laws of 1969 ex. sess. as last amended by section 23, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.106 are each amended to read as follows:

Every educational service district superintendent or board determining that there is probable cause or causes for a certificated employee or superintendent, hereinafter referred to as employee, of that ((~~superintendent or board~~)) educational service district to be discharged or otherwise adversely affected in his contract status shall notify such employee in writing of its decision, which notice shall specify the cause or causes for such action. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for review of the decision of the superintendent or board and appeal therefrom shall be as prescribed in discharge cases of teachers in RCW 28A.58.450 through 28A.58.515, 28A.67.070 and 28A.88.010 and in any amendments hereafter made thereto. The board and the educational service district superintendent, respectively, shall have the duties of the boards of directors and ((~~clerks~~)) superintendents of school districts in RCW 28A.58.450 through 28A.58.515, 28A.67.070 and 28A.88.010 and in any amendments hereafter made thereto. Appeals may be filed in the superior court of any county in the educational service district.

NEW SECTION. Sec. 9. There is added to chapter 28A.21 RCW a new section to read as follows:

It is the intent of the legislature that a basic core of uniform services be provided by educational service districts and be identified in statute so that biennial budget requests for educational service districts may be based upon measurable goals and needs. Educational service districts as noted in RCW 28A.21.010, are intended primarily to:

(1) Provide cooperative and informational services to local districts and to perform functions for those districts when such functions are more effectively or economically administered from the regional level;

(2) Assist the state educational agencies, office of superintendent of public instruction and the state board of education in the legal performance of their duties; and

(3) Assist in providing pupils with equal educational opportunities.

The purpose of sections 9 and 10 of this 1977 amendatory act is to further identify those core services in order to prepare educational service district budgets for the 1979-81 biennium, and those bienniums beyond.

**NEW SECTION.** Sec. 10. There is added to chapter 28A.21 RCW a new section to read as follows:

The basic core services and cost upon which educational service districts are budgeted shall include, but not be limited to, the following:

- (1) Educational service district administration and facilities such as office space, maintenance and utilities;
- (2) Cooperative administrative services such as assistance in carrying out procedures to abolish sex and race bias in school programs, fiscal services, grants management services, special education services and transportation services;
- (3) Personnel services such as certification/registration services;
- (4) Learning resource services such as audio visual aids;
- (5) Cooperative curriculum services such as health promotion and health education services, in-service training, workshops and assessment; and
- (6) Special needs of local education agencies.

**NEW SECTION.** Sec. 11. There is added to chapter 28A.21 RCW a new section to read as follows:

The superintendent of public instruction, pursuant to RCW 28A.21.135, as now or hereafter amended, shall prepare the biennial budget request for the operation of educational service districts based upon a formula using the following factors:

- (1) The core service cost itemized in section 9 of this 1977 amendatory act which shall receive primary weighting for formula purposes;
- (2) A weighting factor constituting a geographical factor which shall be used to weight the larger sized educational service districts for formula purposes; and
- (3) A weighting factor which shall be based on the number and size of local school districts within each educational service district for formula purposes.

The sum of subsection (1) of this section, together with the weighting factors of subsections (2) and (3) of this section for each educational service district, shall reflect the variables among the educational service districts and when combined, a total budget for all educational service districts shall be the result.

Sec. 12. Section 20, chapter 282, Laws of 1971 ex. sess. as amended by section 30, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.135 are each amended to read as follows:

The superintendent of public instruction by rule and regulation shall adopt budgeting procedures for educational service districts modeled after the statutory procedures for school districts as provided in chapter 28A.65 RCW and in accordance with sections 8, 9, and 10 of this 1977 amendatory act.

Sec. 13. Section 3, chapter 239, Laws of 1967 as last amended by section 1, chapter 115, Laws of 1975 1st ex. sess. and RCW 39.34.020 are each amended to read as follows:

For the purposes of this chapter, the term "public agency" shall mean any city, town, county, public utility district, irrigation district, port district, fire protection district, school district, educational service district, air pollution control authority,



rural county library districts, intercounty rural library districts, public hospital districts, regional planning agency created by any combination of county and city governments, health department or district, weed control district, county transit authority, Indian tribe recognized as such by the federal government, or metropolitan municipal corporation of this state; any agency of the state government or of the United States; and any political subdivision of another state.

The term "state" shall mean a state of the United States.

Sec. 14. Section 3, chapter 176, Laws of 1969 ex. sess. as last amended by section 3, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.030 are each amended to read as follows:

Except as otherwise provided in this ~~((section))~~ chapter, in each educational service district there shall be an educational service district board consisting of seven members elected by the ~~((voters))~~ school directors of the educational service district, one from each of seven educational service district board-member districts. Board-member districts in districts reorganized under RCW 28A.21.020, or as provided for in RCW 28A.21.035, as now or hereafter amended, and under this section, shall be initially determined by the state board of education. If a reorganization pursuant to RCW 28A.21.020 places the residence of a board member into another or newly created educational service district, such member shall serve on the board of the educational service district of residence ~~((until))~~ and at the next ~~((general school))~~ election ~~((at which time))~~ called by the secretary to the state board of education pursuant to section 14 of this 1977 amendatory act a new seven member board shall be elected. If the redrawing of board-member district boundaries pursuant to this chapter shall cause the resident board-member district of two or more board members to coincide, such board members shall continue to serve on the board ~~((until))~~ and at the next ~~((general school))~~ election ~~((at which time))~~ called by the secretary to the state board of education a new board shall be elected. The board-member districts shall be arranged so far as practicable on a basis of equal population, with consideration being given existing board members of existing educational service district boards. Each educational service district board member shall be elected by the ~~((registered voters of the respective board-member district))~~ school directors of each school district within the educational service district. Beginning in 1971 and every ten years thereafter, educational service district boards shall review and, if necessary, shall change the boundaries of board-member districts so as to provide so far as practicable equal representation according to population of such board-member districts and to conform to school district boundary changes: PROVIDED, That all board-member district boundaries, to the extent necessary to conform with this chapter, shall be immediately redrawn for the purposes of the next ~~((general school))~~ election ~~((immediately))~~ called by the secretary to the state board of education following any reorganization pursuant to this chapter. Such district board, if failing to make the necessary changes prior to June 1 of the appropriate year, shall refer for settlement questions on board-member district boundaries to the state board of education, which, after a public hearing, shall decide such questions.

**NEW SECTION.** Sec. 15. On or before the twenty-fifth day of August, 1978, and not later than the twenty-fifth day of August of every subsequent year, the secretary to the state board of education shall call an election to be held in each

educational service district within which resides a member of the board of the educational service district whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in such educational service district. Such notice shall include instructions, rules, and regulations established by the state board of education for the conduct of the election.

NEW SECTION. Sec. 16. Candidates for membership on an educational service district board shall file declarations of candidacy with the secretary to the state board of education on forms prepared by the secretary. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, nor later than the sixteenth day of September. The secretary to the state board of education may not accept any declaration of candidacy that is not on file in his or her office or is not postmarked before the seventeenth day of September.

NEW SECTION. Sec. 17. Each member of an educational service district board shall be elected by a majority of the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the secretary to the state board of education and no votes shall be accepted for counting if postmarked after the sixteenth day of October following the call of the election. The secretary to the state board of education and an election board comprised of three persons appointed by the state board of education shall count and tally the votes not later than the twenty-fifth day of October in the following manner: Each vote cast by a school director shall be accorded as one vote. If no candidate receives a majority of the votes cast, then, not later than the first day of November, the secretary to the state board of education shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of votes at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the secretary to the state board of education. Within ten days following the count of votes in an election at which a member of an educational service district board is elected, the secretary to the state board of education shall certify to the county auditor of the headquarters county of the educational service district the name or names of the persons elected to be members of the educational service district board.

NEW SECTION. Sec. 18. Any common school district board member eligible to vote for a candidate for membership on an educational service district or any candidate for the position, within ten days after the secretary to the state board of education's certification of election, may contest the election of the candidate pursuant to RCW 28A.04.065, as now or hereafter amended.

Sec. 19. Section 5, chapter 75, Laws of 1974 ex. sess. as amended by section 6, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.0304 are each amended to read as follows:

Any educational service district board may elect by resolution of the board to increase the board member size to nine board members. In such case positions number eight and nine shall be filled at the next ~~((general school))~~ election called by the secretary to the state board of education, position numbered eight to be for a term of two years, position numbered nine to be for a term of four years. Thereafter the terms for such positions shall be for four years.

Sec. 20. Section 6, chapter 75, Laws of 1974 ex. sess. as amended by section 7, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.0305 are each amended to read as follows:

The term of every educational service district board member shall begin ~~((after the election returns have been certified, a certificate of election issued, and the oath of office taken))~~ on the second Monday in January next following the election at which he or she was elected: PROVIDED, That a person elected to less than a full term pursuant to this section shall take office as soon as the election returns have been certified and he or she has qualified. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by the educational service district board. In the event that there are more than three vacancies in a seven-member board or four vacancies in a nine-member board, the state board of education shall fill by appointment sufficient vacancies so that there shall be a quorum of the board serving. Each appointed board member shall serve until his or her successor has been elected at the next ((general school)) election((, at which time there shall be elected a member to fill the unexpired term)) called by the secretary to the state board of education and has qualified.

Sec. 21. Section 4, chapter 282, Laws of 1971 ex. sess. as last amended by section 9, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.035 are each amended to read as follows:

Any educational service district board which elects under RCW 28A.21.0304, as now or hereafter amended, to increase the size of the educational service district board from seven to nine members, after at least four years, may elect by resolution of the board to return to a membership of seven educational service board members. In such case ~~((the term of office of all existing educational service board members shall expire)),~~ at the next ~~((general school))~~ election ~~((and))~~ a new board consisting of seven educational service board members shall be elected in accordance with the provisions of ((RCW 28A.21.030, 28A.21.0301 through 28A.21.0303, 28A.21.0305 and 28A.21.0306)) this chapter.

Sec. 22. Section 5, chapter 176, Laws of 1969 ex. sess. as last amended by section 12, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.050 are each amended to read as follows:

Every candidate for ~~((member of the))~~ membership on a educational service district board shall be a registered voter and a resident of the board-member district for which such candidate files. On or before the date for taking office, every member shall make an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of the office according to the best of such member's ability. The members of the board

shall not be required to give bond unless so directed by the state board of education. At the first meeting (~~(after each general school election)~~) of newly elected members and after the qualification for office of the newly elected members, each educational service district board shall reorganize by electing a chairman and a vice chairman. A majority of all of the members of the board shall constitute a quorum.

NEW SECTION. Sec. 23. Educational service district board members elected to their office prior to the effective date of this 1977 amendatory act shall complete their terms of office and for the purposes of sections 13 through 22 of this 1977 amendatory act the date for expiration of terms of office shall be the second Monday of January next following the election of their successors pursuant to sections 13 through 22 of this 1977 amendatory act.

NEW SECTION. Sec. 24. Sections 14 through 17, and section 22 of this 1977 amendatory act are added to chapter 28A.21 RCW.

NEW SECTION. Sec. 25. The following acts or parts thereof are each hereby repealed:

- (1) Section 2, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.0301;
- (2) Section 3, chapter 75, Laws of 1974 ex. sess., section 4, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.0302;
- (3) Section 7, chapter 176, Laws of 1969 ex. sess., section 2, chapter 84, Laws of 1970 ex. sess., section 9, chapter 282, Laws of 1971 ex. sess., section 14, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.070; and
- (4) Section 8, chapter 176, Laws of 1969 ex. sess., section 10, chapter 282, Laws of 1971 ex. sess., section 15, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.080.

NEW SECTION. Sec. 26. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate June 6, 1977.

Passed the House June 9, 1977.

Approved by the Governor June 17, 1977.

Filed in Office of Secretary of State June 17, 1977.

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## CHAPTER 284

[Substitute Senate Bill No. 2502]

### PROPERTY TAXATION—EQUALIZATION—COUNTY INDICATED RATIO

AN ACT Relating to revenue and taxation; amending section 42, chapter 26, Laws of 1967 ex. sess. and RCW 82.03.130; and adding a new section to chapter 84.48 RCW.

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

NEW SECTION. Section 1. It is the intent of the legislature that the methodology used in the equalization of property values for the purposes of the state levy, public utility assessment, and other purposes, shall be designed to ensure uniformity and equity in taxation throughout the state to the maximum extent possible.

It is the purpose of this 1977 amendatory act to provide certain guidelines for the determination of the ratio of assessed value to the full true and fair value of the general property in each county.

Sec. 2. Section 42, chapter 26, Laws of 1967 ex. sess. and RCW 82.03.130 are each amended to read as follows:

The board shall have jurisdiction to decide the following types of appeals:

- (1) Appeals taken pursuant to RCW 82.03.190.
- (2) Appeals from a county board of equalization pursuant to RCW 84.08.130.
- (3) Appeals by an assessor or landowner from an order of the director of revenue made pursuant to RCW 84.08.010 and 84.08.060, the right to such an appeal being hereby established.
- (4) Appeals by an assessor or owner of an intercounty public utility or private car company from determinations by the director of revenue of equalized assessed valuation of property and the apportionment thereof to a county made pursuant to chapter 84.12 RCW and 84.16 RCW, the right to such appeal being hereby established.

(5) Appeals by an assessor from a determination of any county indicated ratio for such county compiled by the department of revenue pursuant to section 3 of this amendatory act: PROVIDED, That

(a) Said appeal be filed after review of the ratio by the assessor with the department of revenue and upon or before August 11th; and

(b) The hearing before the board shall be expeditiously held in accordance with rules prescribed by the board and shall take precedence over all matters of the same character.

NEW SECTION. Sec. 3. There is added to chapter 84.48 RCW a new section to read as follows:

(1) The department of revenue shall annually, prior to the first Monday in August, determine the indicated ratio for each county: PROVIDED, That the department shall establish rules and regulations pertinent to the determination of the indicated ratio, the indicated real property ratio and the indicated personal property ratio: PROVIDED FURTHER, That these rules and regulations may provide that data, as is necessary for said determination, which is available from the county assessor of any county and which has been audited as to its validity by the department, may be utilized by the department in determining the indicated ratio.

(2) To such extent as is reasonable, the department may define use classes of property for the purposes of determination of the indicated ratio. Such use classes may be defined with respect to property use and may include agricultural, open space, timber and forest lands.

(3) Prior to equalization of assessments pursuant to RCW 84.48.080, but no later than August 1st, the department shall submit its findings or preliminary findings to each of the county assessors allowing a reasonable time for review by the assessor.

Passed the Senate June 8, 1977.

Passed the House June 3, 1977.

Approved by the Governor June 17, 1977.

Filed in Office of Secretary of State June 17, 1977.

## CHAPTER 285

[Engrossed Senate Bill No. 2662]

## STATE VETERAN AFFAIRS ADVISORY COMMITTEE

AN ACT Relating to the veterans affairs advisory committee; amending section 14, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.080; creating a new section; and providing an expiration date.

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

Section 1. Section 14, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.080 are each amended to read as follows:

(1) There is hereby created a state veterans affairs advisory committee which shall serve in an advisory capacity to the governor and the director of the department of veterans affairs. The committee shall be composed of ~~((nine))~~ eleven members to be appointed by the governor, and shall consist of two veterans at large, one of whom shall be a Viet Nam era veteran(~~(;)~~); one representative of the Washington soldiers' home and colony at Orting; one representative of the Washington veterans' home at Retsil; and one representative of each of the following congressionally chartered veterans organizations: American Legion, Veterans of Foreign Wars, American Veterans of World War II, Korea and Vietnam, Disabled American Veterans, Military Order of the Purple Heart, Marine Corps League, and Veterans of World War I. The seven members representing the foregoing organizations shall be chosen from a list of twenty-one nominees consisting of three names submitted to the governor by each of the named organizations. The first members of the committee shall hold office as follows: Three members to serve two years; three members to serve three years; and three members to serve four years. The first members appointed to represent the soldiers' home and colony at Orting and the veterans' home at Retsil shall hold office for four years. Upon expiration of said original terms, subsequent appointments shall be for four years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

(2) The state advisory committee shall have the following powers and duties:

(a) To serve in an advisory capacity to the ~~((director and the))~~ governor and the director on all matters pertaining to the department of veterans affairs;

(b) To acquaint themselves fully with the operations of the department and recommend such changes to the governor and the director as they deem advisable.

(3) Members of the state advisory committee shall receive no compensation for the performance of their duties but shall receive a per diem allowance and mileage expense according to the provisions of chapter 43.03 RCW.

NEW SECTION. Sec. 2. The state veterans affairs advisory committee and its duties shall cease to exist on June 30, 1983, unless extended by law for an additional fixed period of time.

Passed the Senate June 8, 1977.

Passed the House June 1, 1977.

Approved by the Governor June 17, 1977.

Filed in Office of Secretary of State June 17, 1977.

## CHAPTER 286

[Senate Bill No. 3068]

## MINIMUM ANNUAL SCHOOL TERM—COMMENCEMENT

AN ACT Relating to education; and amending section 28A.01.020, chapter 223, Laws of 1969 ex. sess. as amended by section 22, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.01.020.

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

Section 1. Section 28A.01.020, chapter 233, Laws of 1969 ex. sess. as amended by section 22, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.01.020 are each amended to read as follows:

The school year shall begin on the first day of September and end with the last day of August: PROVIDED, That any school district may elect to commence the minimum annual school term as required under RCW 28A.58.180 in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

Passed the Senate April 29, 1977.

Passed the House June 7, 1977.

Approved by the Governor June 17, 1977.

Filed in Office of Secretary of State June 17, 1977.

## CHAPTER 287

[Engrossed Senate Bill No. 2667]

## MIGRANT LABOR HOUSING PROJECT—CONTINUATION

AN ACT Relating to labor; amending section 1, chapter 125, Laws of 1974 ex. sess. as amended by section 1, chapter 50, Laws of 1975 1st ex. sess. (uncodified); amending section 4, chapter 125, Laws of 1974 ex. sess. as amended by section 3, chapter 50, Laws of 1975 1st ex. sess. (uncodified); and repealing section 3, chapter 125, Laws of 1974 ex. sess., section 2, chapter 50, Laws of 1975 1st ex. sess. (uncodified).

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

Section 1. Section 1, chapter 125, Laws of 1974 ex. sess. as amended by section 1, chapter 50, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

The legislature finds that the migrant labor housing ~~((demonstration pilot))~~ project ~~((being))~~ constructed on property purchased by the state in Yakima county ~~((during the 1973-75 biennium))~~ should be ~~((completed))~~ continued until December 1, 1978.

Sec. 2. Section 4, chapter 125, Laws of 1974 ex. sess. as amended by section 3, chapter 50, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

~~((At the close of the 1975-77 biennium))~~ The department of general administration is authorized ~~((and directed))~~ to enter into such agreements and contracts as may be necessary to ~~((dispose of any of the state's property interests in the project to either))~~ provide for the continued operation of the facility by a state agency, ~~((to))~~ an appropriate local governmental body, or ~~((to))~~ by such other entity as the director may deem appropriate and in the state's best interest.

NEW SECTION. Sec. 3. Section 3, chapter 125, Laws of 1974 ex. sess., section 2, chapter 50, Laws of 1975 1st ex. sess. (uncodified) are each repealed.

Passed the Senate June 8, 1977.

Passed the House June 7, 1977.

Approved by Governor June 17, 1977.

Filed in Office of Secretary of State June 17, 1977.

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## CHAPTER 288

[Second Substitute House Bill No. 449]

### WASHINGTON STATE WOMEN'S COMMISSION

AN ACT Relating to state government; creating the Washington state women's commission; creating a new chapter in Title 43 RCW; making an appropriation; and providing an expiration date for the Washington state women's commission.

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

NEW SECTION. Section 1. The legislature reaffirms that the public policy of this state is to insure equal opportunity for all of its citizens. The legislature finds that women have unique and special problems. It is the purpose of this chapter to improve the status and well-being of women by insuring their full and equal participation in government, business and education and recognizing their contribution to the home, family, and community. The legislature further finds that it is desirable to direct a continuing evaluation and study of state laws and rules as they affect women; and further, to encourage the education of the citizens of this state in respect to public policy as it relates to the diverse pursuits of women, and to encourage the promotion of equality. Therefore, the legislature deems it necessary to create a commission to carry out the purposes of this chapter.

NEW SECTION. Sec. 2. There is established a Washington state women's commission in the office of the governor. Upon the effective date of this act, the Washington state women's commission shall replace the Washington state women's council, and all equipment, files, and records of the council shall be transferred to the commission.

NEW SECTION. Sec. 3. (1) The commission shall consist of fourteen members appointed by the governor with the advice and consent of the senate. Two members of the senate, not of the same political party, appointed by the president of the senate, and two members of the house of representatives, not of the same political party, appointed by the speaker of the house, shall serve as advisory members. The governor shall consider nominations for membership based upon maintaining a balanced distribution of ethnic, geographic, sex, age, and occupational representation, where practicable.

(2) All women's commission members shall serve at the pleasure of the governor, but in no case shall any member serve more than three years without formal reappointment by the governor. All legislative advisory members shall serve for a two year term, and the position of any legislative advisory member shall be deemed vacated whenever such member ceases to be a member of the house from which he or she was appointed. Of the persons initially appointed by the governor to the women's commission, five shall be appointed to serve one year, five to serve two years,



and four to serve three years. Upon expiration of such terms, subsequent appointments shall be for three years. Any vacancies occurring in the membership of the commission shall be filled for the remainder of the unexpired term in the same manner as the original appointments.

(3) Members shall be reimbursed for subsistence, lodging, and transportation expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(4) Fifty percent of the membership plus one shall constitute a quorum for the purpose of conducting business.

(5) The governor shall appoint an executive director of the commission.

NEW SECTION. Sec. 4. The executive director shall appoint a staff who shall be state employees pursuant to Title 41 RCW.

NEW SECTION. Sec. 5. The commission shall adopt, pursuant to chapter 34.04 RCW, the Administrative Procedure Act, rules necessary to carry out the purposes of this chapter.

NEW SECTION. Sec. 6. (1) The commission shall examine and define issues pertaining to the rights and needs of all women and make recommendations to the governor, the legislature, and state agencies with respect to desirable changes in programs, laws, and administrative practices.

(2) The commission shall further advise such state agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of women.

(3) The commission is authorized to gather data and disseminate information to the public in order to implement the purposes of this chapter.

(4) Each state department and agency shall provide appropriate and reasonable assistance to the commission as needed in order that the commission may carry out the purposes of this chapter.

NEW SECTION. Sec. 7. In carrying out its duties the commission may establish such relationships with public and private institutions, local governments, private industry, community organizations, and other segments of the general public as may be needed to promote equal opportunity for women in government, education, economic security, employment, and services.

NEW SECTION. Sec. 8. The commission shall have authority to receive such gifts, grants, and endowments from private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the commission and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments, and the purposes of this chapter. The executive director shall make a report of such funds received from private sources to the legislative budget committee on a current basis. Such funds received from private sources shall not be applied to reduce or substitute for the commission's budget as appropriated by the legislature, but, shall be applied and expended toward projects and functions authorized by this chapter which were not funded by the legislature.

NEW SECTION. Sec. 9. 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. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 11. To carry out the provisions of this act there is appropriated to the Washington state women's commission from the general fund for the biennium ending June 30, 1979, the sum of two thousand dollars, or so much thereof as shall be necessary.

NEW SECTION. Sec. 12. The Washington state women's commission shall cease to exist on June 30, 1983, unless extended by law for an additional fixed period of time.

Passed the House June 11, 1977.

Passed the Senate June 9, 1977.

Approved by the Governor June 17, 1977.

Filed in Office of Secretary of State June 17, 1977.

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## CHAPTER 289

[Substitute House Bill No. 564]

### WASHINGTON SUNSET ACT OF 1977

AN ACT Relating to state government; amending section 43.06.010, chapter 8, Laws of 1965 as last amended by section 25, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.010; creating new sections; repealing section 1, chapter 201, Laws of 1967, section 1, chapter 97, Laws of 1970 ex. sess. and RCW 18.28.010; repealing section 2, chapter 201, Laws of 1967 and RCW 18.28.020; repealing section 3, chapter 201, Laws of 1967, section 6, chapter 266, Laws of 1971 ex. sess., section 23, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.28.030; repealing section 4, chapter 201, Laws of 1967 and RCW 18.28.040; repealing section 5, chapter 201, Laws of 1967 and RCW 18.28.050; repealing section 6, chapter 201, Laws of 1967, section 1, chapter 141, Laws of 1967 ex. sess., section 20, chapter 292, Laws of 1971 ex. sess. and RCW 18.28.060; repealing section 7, chapter 201, Laws of 1967 and RCW 18.28.070; repealing section 8, chapter 201, Laws of 1967, section 2, chapter 141, Laws of 1967 ex. sess. and RCW 18.28.080; repealing section 9, chapter 201, Laws of 1967 and RCW 18.28.090; repealing section 10, chapter 201, Laws of 1967 and RCW 18.28.100; repealing section 11, chapter 201, Laws of 1967 and RCW 18.28.110; repealing section 12, chapter 201, Laws of 1967 and RCW 18.28.120; repealing section 13, chapter 201, Laws of 1967 and RCW 18.28.130; repealing section 14, chapter 201, Laws of 1967 and RCW 18.28.140; repealing section 15, chapter 201, Laws of 1967 and RCW 18.28.150; repealing section 16, chapter 201, Laws of 1967 and RCW 18.28.160; repealing section 17, chapter 201, Laws of 1967 and RCW 18.28.170; repealing section 18, chapter 201, Laws of 1967 and RCW 18.28.180; repealing section 19, chapter 201, Laws of 1967 and RCW 18.28.190; repealing section 20, chapter 201, Laws of 1967 and RCW 18.28.200; repealing section 21, chapter 201, Laws of 1967 and RCW 18.28.210; repealing section 22, chapter 201, Laws of 1967 and RCW 18.28.220; repealing section 23, chapter 201, Laws of 1967 and RCW 18.28.900; repealing section 24, chapter 201, Laws of 1967 and RCW 18.28.910; repealing section 1, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.010; repealing section 2, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.020; repealing section 3, chapter 72, Laws of 1967 ex. sess., section 70, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.82.030; repealing section 4, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.040; repealing section 5, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.050; repealing section 6, chapter 72, Laws of 1967 ex. sess., section 71, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.82.060; repealing section 7, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.070; repealing section 8, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.080; repealing section 9, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.090; repealing section 11, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.900; repealing section 13, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.910; repealing section 12, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.920; repealing section 2533, Code of 1881 and RCW 19.44.010; repealing section 2536, Code of 1881 and RCW 19.44.020; repealing section 2534, Code of 1881 and RCW 19.44.030; repealing section 2532, Code of 1881 and RCW 19.44.040; repealing section 2535, Code of 1881 and RCW 19.44.050; repealing section 1, chapter 200, Laws of 1907 and RCW 88.04.010; repealing section 27, chapter 200, Laws of 1907, section 1, chapter 137, Laws of 1947, section 177, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 88.04.020; repealing section 28, chapter 200, Laws of 1907 and

RCW 88.04.030; repealing section 2, chapter 200, Laws of 1907 and RCW 88.04.040; repealing section 3, chapter 200, Laws of 1907 and RCW 88.04.050; repealing section 4, chapter 200, Laws of 1907 and RCW 88.04.060; repealing section 26, chapter 200, Laws of 1907 and RCW 88.04.070; repealing section 14, chapter 200, Laws of 1907 and RCW 88.04.080; repealing section 8, chapter 200, Laws of 1907 and RCW 88.04.090; repealing section 9, chapter 200, Laws of 1907 and RCW 88.04.100; repealing section 5, chapter 200, Laws of 1907 and RCW 88.04.110; repealing section 6, chapter 200, Laws of 1907 and RCW 88.04.120; repealing section 7, chapter 200, Laws of 1907 and RCW 88.04.130; repealing section 10, chapter 200, Laws of 1907 and RCW 88.04.140; repealing section 13, chapter 200, Laws of 1907 and RCW 88.04.150; repealing section 19, chapter 200, Laws of 1907 and RCW 88.04.160; repealing section 20, chapter 200, Laws of 1907 and RCW 88.04.170; repealing section 15, chapter 200, Laws of 1907 and RCW 88.04.180; repealing section 11, chapter 200, Laws of 1907 and RCW 88.04.190; repealing section 17, chapter 200, Laws of 1907 and RCW 88.04.200; repealing section 18, chapter 200, Laws of 1907 and RCW 88.04.210; repealing section 12, chapter 200, Laws of 1907 and RCW 88.04.220; repealing section 16, chapter 200, Laws of 1907 and RCW 88.04.230; repealing section 21, chapter 200, Laws of 1907 and RCW 88.04.240; repealing section 22, chapter 200, Laws of 1907 and RCW 88.04.250; repealing section 23, chapter 200, Laws of 1907 and RCW 88.04.260; repealing section 24, chapter 200, Laws of 1907 and RCW 88.04.270; and repealing section 25, chapter 200, Laws of 1907 and RCW 88.04.280; declaring an emergency; providing effective dates; and providing an expiration date.

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

**NEW SECTION.** Section 1. Sections 1 through 14 of this 1977 amendatory act may be known and cited as the Washington Sunset Act of 1977.

**NEW SECTION.** Sec. 2. The state legislature finds that state agencies may fail to deliver services as effectively and efficiently as is expected by the general public and as originally contemplated by the legislature. It further finds that state government actions have produced a substantial increase in numbers of agencies, growth of programs, and proliferation of rules and regulations, and that the entire process has evolved without sufficient legislative and executive oversight, regulatory accountability, or a system of checks and balances. The legislature further finds that by establishing a system for the termination, continuation, or modification of state agencies, coupled with a system of scheduled review of such agencies, it will be in a better position to evaluate the need for the continued existence of existing and future state agencies. The legislature recognizes that the executive branch shares in this duty and responsibility to assure that state government operates in an efficient, orderly, and responsive manner.

**NEW SECTION.** Sec. 3. As used in sections 1 through 14 of this 1977 amendatory act the following words and phrases shall have the following meanings unless the context clearly requires otherwise.

(1) "Committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider termination, modification, or reestablishment of state agencies pursuant to sections 1 through 14 of this 1977 amendatory act.

(2) "Person" includes every natural person, firm, partnership, corporation, association, or organization.

(3) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which licenses or regulates one or more professions, occupations, industries, businesses, or other endeavors in the state of Washington.

(4) "State agency" includes every state office, department, board, commission, regulatory entity and agency of the state, and where provided by law, programs and activities involving less than the full responsibility of a state agency.

**NEW SECTION.** Sec. 4. Any state agency scheduled for termination by the processes provided in sections 1 through 14 of this 1977 amendatory act may be reestablished by the legislature for a period of time specified by law, but not to exceed six years. At the end of such period of time the legislature shall again review such state agency in a manner consistent with the provisions of this act and reestablish, modify, or consolidate such state agency or allow it to be terminated.

**NEW SECTION.** Sec. 5. The legislative budget committee shall cause to be conducted a program and fiscal review of each state agency scheduled for termination by the processes provided in sections 1 through 14 of this 1977 amendatory act. Such program and fiscal review shall be completed and a report prepared on or before September 30th of the year prior to the date established for termination. Upon completion of its report, the legislative budget committee shall transmit copies of the report as well as working papers, related studies, and documents to the office of financial management. The office of financial management may then conduct its own program and fiscal review of the agency scheduled for termination and shall prepare a report on or before December 31st of the year prior to the date established for termination. Upon completion of its report the office of financial management shall transmit copies of its report as well as related studies and documents to the legislative budget committee. The legislative budget committee shall prepare a final report that includes the reports of both the office of financial management and the legislative budget committee as well as related studies and documents. The legislative budget committee shall transmit the final report to all members of the legislature, to the state agency concerned, to the governor, and to the state library.

**NEW SECTION.** Sec. 6. In conducting the review of a regulatory entity, the legislative budget committee shall consider, but not be limited to, the following factors where applicable:

- (1) The extent to which the regulatory entity has permitted qualified applicants to serve the public;
- (2) The extent to which the regulatory entity restricts or inhibits competition or otherwise adversely affects the state's economic climate;
- (3) The extent to which the system of regulation has contributed directly or indirectly to increasing or decreasing the costs of any goods or services involved;
- (4) The duties of the regulatory entity and the costs incurred in carrying out such duties;
- (5) Whether the regulatory entity has operated in the public interest, including the extent to which the regulatory entity has:
  - (a) Sought and achieved public participation in making its rules and decisions including consideration of recommending appointment of one or more "public" members to the entity;
  - (b) Processed to completion in a timely and equitable manner the formal complaints filed with it;
  - (c) Implemented an effective system of evaluating the impact on the public of its rules and decisions regarding economy, availability, and improvement of the services rendered to the persons it regulates;

(d) Initiated administrative procedures or recommended statutory changes to the legislature that would benefit the public as opposed to the persons it regulates; and

(e) Identified the needs and problems of the recipients of goods and services provided by those regulated;

(6) The extent to which persons regulated by the regulatory entity have been encouraged to participate in assessing problems in their profession, occupation, or industry which affect the public;

(7) The impact and effectiveness of the regulatory entity with respect to the problems or needs the entity was intended to address;

(8) The consequences of eliminating or modifying the program of the regulatory entity;

(9) The extent to which the regulatory entity duplicates the activities of other regulatory entities or of the private sector, where appropriate; and

(10) The extent to which the absence or modification of regulation would adversely affect the public health, safety, or welfare.

NEW SECTION. Sec. 7. In conducting the review of a state agency other than a regulatory entity, the legislative budget committee shall consider, but not be limited to, the following factors where applicable:

(1) The extent to which the state agency has complied with legislative intent;

(2) The extent to which the state agency is operating in an efficient and economical manner which results in optimum performance;

(3) The extent to which the state agency is operating in the public interest by effectively providing a needed service that should be continued rather than modified, consolidated, or eliminated;

(4) The extent to which the state agency duplicates the activities of other state agencies or of the private sector, where appropriate; and

(5) The extent to which the termination or modification of the state agency would adversely affect the public health, safety, or welfare.

NEW SECTION. Sec. 8. (1) Following receipt of the final report from the legislative budget committee, the appropriate committees of reference in the senate and the house of representatives shall jointly hold a public hearing to consider the final report and any related data. The committees shall also receive testimony from representatives of the state agency involved, which shall have the burden of demonstrating a public need for its continued existence; and from the governor or the governor's designee, and other interested parties, including the general public.

(2) When requested jointly by the presiding members of the appropriate senate and house committees of reference, a regulatory entity under review shall mail an announcement of the joint hearing to the persons it regulates who have requested notice of agency rule-making proceedings as provided in RCW 34.04.025(1)(a), as now existing or hereafter amended, or who have requested notice of hearings held pursuant to the provisions of this section. On request of either presiding member, such mailing shall include an explanatory statement not exceeding one page in length prepared and supplied by the member's committee.

(3) The presiding members of the senate committee on ways and means and the house committee on appropriations may designate one or more liaison members to

each committee of reference in their respective chambers for purposes of participating in the joint hearing and in subsequent committee of reference discussions and to seek a coordinated approach between the committee of reference and the committee they represent in a liaison capacity.

(4) Following the joint hearing by the committees of reference, such committees may separately hold additional meetings or hearings to come to a final determination as to whether a state agency has demonstrated a public need for its continued existence or whether modifications in existing procedures are needed. In the event that a committee of reference concludes that a state agency shall be reestablished or modified or its functions transferred elsewhere, it shall make such determination as a bill. No more than one state agency shall be reestablished or modified in any one bill.

**NEW SECTION. Sec. 9.** If terminated, a state agency shall continue in existence until June 30th of the next succeeding year for the purpose of concluding its affairs: **PROVIDED**, That the powers and authority of the state agency shall not be reduced or otherwise limited during this period. Unless otherwise provided:

(1) All employees of terminated state agencies classified under chapter 41.06 RCW, the state civil service law, shall be transferred as appropriate or as otherwise provided in the procedures adopted by the personnel board pursuant to RCW 41.06.150;

(2) All documents and papers, equipment, or other tangible property in the possession of the terminated state agency shall be delivered to the custody of the agency assuming the responsibilities of the terminated agency or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration;

(3) All funds held by, or other moneys due to, the terminated state agency shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund;

(4) Notwithstanding the provisions of RCW 34.04.940, all rules made by a terminated state agency shall be repealed, without further action by the state agency, at the end of the period provided in this section, unless assumed and reaffirmed by the agency assuming the related legal responsibilities of the terminated state agency;

(5) All contractual rights and duties of a state agency shall be assigned or delegated to the agency assuming the responsibilities of the terminated state agency, or if there is none to such agency as the governor shall direct.

**NEW SECTION. Sec. 10.** Sections 1 through 14 of this 1977 amendatory act shall not affect the right to institute or prosecute any cause of action by or against a state agency terminated pursuant to sections 1 through 14 of this 1977 amendatory act if the cause of action arose prior to the end of the period provided in section 9 of this 1977 amendatory act. Such causes of action may be instituted, prosecuted, or defended in the name of the state of Washington by the office of the attorney general. Any hearing or other proceeding pending before a state agency to be terminated and not completed before the end of the period provided in section 9 of this 1977 amendatory act, may be completed by the agency assuming the responsibilities of the terminated state agency.

**NEW SECTION.** Sec. 11. Any reference in sections 1 through 14 of this 1977 amendatory act to a committee of the legislature including the legislative budget committee shall also refer to the successor of that committee.

**NEW SECTION.** Sec. 12. (1) The speaker of the house of representatives and the president of the senate shall appoint a select joint committee consisting of ten members of the legislature within thirty days of the effective date of this 1977 amendatory act. The speaker shall appoint three members of the majority party and two members of the minority party. The president shall appoint three members of the majority party and two members of the minority party. The committee shall be responsible for the development of legislation which provides a schedule for the termination of state agencies in a manner consistent with the terms of sections 1 through 14 of this 1977 amendatory act and of RCW 43.06.010 as now or hereafter amended. The termination of such state agencies shall occur over a period of six years, beginning on June 30, 1979. In the development of such legislation, the select joint committee shall:

(a) Identify state agencies which might appropriately be scheduled for termination and arrange for automatic termination of state agencies, with a reasonable number of state agencies to be terminated on June 30, 1979, a reasonable number of state agencies to be terminated on June 30, 1981, and a reasonable number of state agencies to be terminated on June 30, 1983; no more than one state agency shall be so identified or scheduled for automatic termination in any one section of such legislation;

(b) Seek to schedule state agencies with like goals, objectives, or functions for termination on the same date so as to better assure identification of duplicative activities and provide for appropriate modification or consolidation of state agencies to avoid future duplication; and

(c) Seek to schedule state agencies for termination in a manner which assures that as many committees of reference as possible have sufficient opportunity to develop experience in conducting reviews as provided pursuant to the terms of sections 1 through 14 of this 1977 amendatory act, and which assures that no such committee is given responsibility for review of an unreasonable number of state agencies during any legislative session.

(2) In identifying those state agencies to be scheduled for termination, the select joint committee shall consider, but not be limited to, the following factors where applicable:

(a) The extent to which the burden of compliance on the executive and legislative branches with the terms of sections 1 through 14 of this 1977 amendatory act is reasonable;

(b) The extent to which a state agency may serve the interests of a particular profession, occupation, or industry as opposed to the interests of the public;

(c) The extent to which a state agency may have outlived its original statutory purpose; and

(d) The potential for fiscal savings.

(3) The select joint committee shall also be responsible for assisting in the implementation of the terms and provisions of sections 1 through 14 of this 1977 amendatory act and shall establish proposed procedures which facilitate legislative

review as required by sections 1 through 14 of this 1977 amendatory act for presentation to the legislature. Such committee shall recommend legislative rules which assure effective and appropriate consideration of all bills and reports regarding termination, modification, consolidation, or reauthorization of state agencies scheduled for termination.

(4) Proposed legislation, recommendations, and findings shall be submitted to the legislature as soon as is practicable, but no later than the first day the legislature is in session after January 1, 1978.

NEW SECTION. Sec. 13. Nothing in sections 1 through 14 of this 1977 amendatory act or RCW 43.06.010 as now or hereafter amended, shall prevent the legislature from abolishing or modifying a state agency scheduled for termination prior to the agency's established termination date or from abolishing or modifying any other state agency.

NEW SECTION. Sec. 14. (1) The following programs shall be terminated on June 30, 1978:

- (a) Debt adjusting (chapter 18.28 RCW);
- (b) Proprietary schools (chapter 18.82 RCW);
- (c) Grist mills (chapter 19.44 RCW); and
- (d) Regulation of vessels (chapter 88.04 RCW).

(2) The following state agencies and programs shall be terminated on June 30, 1979:

- (a) Driving instructors examining committee;
- (b) Water well construction operators examining board;
- (c) Forest fire advisory board;
- (d) Escrow commission;
- (e) Employment agency advisory board.

(3) The state agencies scheduled for termination in this section shall be subject to all of the processes provided in sections 1 through 14 of this 1977 amendatory act. The state agencies set forth in this section may also be included in the schedule of state agencies to be terminated which shall be developed by the select joint committee as provided in section 12 of this 1977 amendatory act. If any state agency set forth in this section is reestablished or modified, such agency shall remain subject to the provisions of section 12 of this 1977 amendatory act. If any state agency set forth in this section is not reestablished or modified according to the provisions of this section, then the inclusion of that state agency in the schedule provided in section 12 of this 1977 amendatory act shall be null.

Sec. 15. Section 43.06.010, chapter 8, Laws of 1965 as last amended by section 25, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.010 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) ~~((He))~~ The governor shall supervise the conduct of all executive and ministerial offices;

(2) ~~((He))~~ The governor shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;



(3) ~~((He))~~ The governor shall make the appointments and supply the vacancies mentioned in this title;

(4) ~~((He))~~ The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, ~~((he))~~ the governor may direct the attorney general to appear on behalf of the state, and report the same to ~~((him))~~ the governor, or to any grand jury designated by ~~((him))~~ the governor, or to the legislature when next in session;

(6) ~~((He))~~ The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to ~~((him))~~ the governor, or to any grand jury designated by ~~((him))~~ the governor, or to the legislature when next in session;

(7) ~~((He))~~ The governor may require the attorney general to aid any prosecuting attorney in the discharge of his duties;

(8) ~~((He))~~ The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison or of any person who has committed or is charged with the commission of a felony;

(9) ~~((He))~~ The governor shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) ~~((He))~~ The governor shall issue and transmit election proclamations as prescribed by law;

(11) ~~((He))~~ The governor may require any officer or board to make, upon demand, special reports to ~~((him))~~ the governor, in writing;

(12) ~~((He))~~ The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted ~~((him))~~ the governor during a state of emergency shall be effective only within the area described in the proclamation;

(13) The governor shall, when appropriate, submit to the select joint committee created by section 12 of this 1977 amendatory act, lists of state agencies, as defined by section 3 of this 1977 amendatory act, which agencies might appropriately be scheduled for termination by a bill proposed by the select joint committee.

NEW SECTION. Sec. 16. Except for sections 14, 15, and 17 of this 1977 amendatory act, this 1977 amendatory act shall expire on June 30, 1983, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed, effective June 30, 1979:

(1) Section 1, chapter 201, Laws of 1967, section 1, chapter 97, Laws of 1970 ex. sess. and RCW 18.28.010;

(2) Section 2, chapter 201, Laws of 1967 and RCW 18.28.020;

(3) Section 3, chapter 201, Laws of 1967, section 6, chapter 266, Laws of 1971 ex. sess., section 23, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.28.030;

- (4) Section 4, chapter 201, Laws of 1967 and RCW 18.28.040;
- (5) Section 5, chapter 201, Laws of 1967 and RCW 18.28.050;
- (6) Section 6, chapter 201, Laws of 1967, section 1, chapter 141, Laws of 1967 ex. sess., section 20, chapter 292, Laws of 1971 ex. sess. and RCW 18.28.060;
- (7) Section 7, chapter 201, Laws of 1967 and RCW 18.28.070;
- (8) Section 8, chapter 201, Laws of 1967, section 2, chapter 141, Laws of 1967 ex. sess. and RCW 18.28.080;
- (9) Section 9, chapter 201, Laws of 1967 and RCW 18.28.090;
- (10) Section 10, chapter 201, Laws of 1967 and RCW 18.28.100;
- (11) Section 11, chapter 201, Laws of 1967 and RCW 18.28.110;
- (12) Section 12, chapter 201, Laws of 1967 and RCW 18.28.120;
- (13) Section 13, chapter 201, Laws of 1967 and RCW 18.28.130;
- (14) Section 14, chapter 201, Laws of 1967 and RCW 18.28.140;
- (15) Section 15, chapter 201, Laws of 1967 and RCW 18.28.150;
- (16) Section 16, chapter 201, Laws of 1967 and RCW 18.28.160;
- (17) Section 17, chapter 201, Laws of 1967 and RCW 18.28.170;
- (18) Section 18, chapter 201, Laws of 1967 and RCW 18.28.180;
- (19) Section 19, chapter 201, Laws of 1967 and RCW 18.28.190;
- (20) Section 20, chapter 201, Laws of 1967 and RCW 18.28.200;
- (21) Section 21, chapter 201, Laws of 1967 and RCW 18.28.210;
- (22) Section 22, chapter 201, Laws of 1967 and RCW 18.28.220;
- (23) Section 23, chapter 201, Laws of 1967 and RCW 18.28.900;
- (24) Section 24, chapter 201, Laws of 1967 and RCW 18.28.910;
- (25) Section 1, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.010;
- (26) Section 2, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.020;
- (27) Section 3, chapter 72, Laws of 1967 ex. sess., section 70, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.82.030;
- (28) Section 4, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.040;
- (29) Section 5, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.050;
- (30) Section 6, chapter 72, Laws of 1967 ex. sess., section 71, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.82.060;
- (31) Section 7, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.070;
- (32) Section 8, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.080;
- (33) Section 9, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.090;
- (34) Section 11, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.900;
- (35) Section 13, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.910;
- (36) Section 12, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.920;
- (37) Section 2533, Code of 1881 and RCW 19.44.010;
- (38) Section 2536, Code of 1881 and RCW 19.44.020;
- (39) Section 2534, Code of 1881 and RCW 19.44.030;
- (40) Section 2532, Code of 1881 and RCW 19.44.040;
- (41) Section 2535, Code of 1881 and RCW 19.44.050;
- (42) Section 1, chapter 200, Laws of 1907 and RCW 88.04.010;
- (43) Section 27, chapter 200, Laws of 1907, section 1, chapter 137, Laws of 1947, section 177, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 88.04.020;
- (44) Section 28, chapter 200, Laws of 1907 and RCW 88.04.030;
- (45) Section 2, chapter 200, Laws of 1907 and RCW 88.04.040;

- (46) Section 3, chapter 200, Laws of 1907 and RCW 88.04.050;
- (47) Section 4, chapter 200, Laws of 1907 and RCW 88.04.060;
- (48) Section 26, chapter 200, Laws of 1907 and RCW 88.04.070;
- (49) Section 14, chapter 200, Laws of 1907 and RCW 88.04.080;
- (50) Section 8, chapter 200, Laws of 1907 and RCW 88.04.090;
- (51) Section 9, chapter 200, Laws of 1907 and RCW 88.04.100;
- (52) Section 5, chapter 200, Laws of 1907 and RCW 88.04.110;
- (53) Section 6, chapter 200, Laws of 1907 and RCW 88.04.120;
- (54) Section 7, chapter 200, Laws of 1907 and RCW 88.04.130;
- (55) Section 10, chapter 200, Laws of 1907 and RCW 88.04.140;
- (56) Section 13, chapter 200, Laws of 1907 and RCW 88.04.150;
- (57) Section 19, chapter 200, Laws of 1907 and RCW 88.04.160;
- (58) Section 20, chapter 200, Laws of 1907 and RCW 88.04.170;
- (59) Section 15, chapter 200, Laws of 1907 and RCW 88.04.180;
- (60) Section 11, chapter 200, Laws of 1907 and RCW 88.04.190;
- (61) Section 17, chapter 200, Laws of 1907 and RCW 88.04.200;
- (62) Section 18, chapter 200, Laws of 1907 and RCW 88.04.210;
- (63) Section 12, chapter 200, Laws of 1907 and RCW 88.04.220;
- (64) Section 16, chapter 200, Laws of 1907 and RCW 88.04.230;
- (65) Section 21, chapter 200, Laws of 1907 and RCW 88.04.240;
- (66) Section 22, chapter 200, Laws of 1907 and RCW 88.04.250;
- (67) Section 23, chapter 200, Laws of 1907 and RCW 88.04.260;
- (68) Section 24, chapter 200, Laws of 1907 and RCW 88.04.270; and
- (69) Section 25, chapter 200, Laws of 1907 and RCW 88.04.280.

**NEW SECTION.** Sec. 18. If any provision of this 1977 amendatory act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the 1977 amendatory act which can be given effect without the invalid provision or application, and to this end the provisions of this 1977 amendatory act are declared severable.

**NEW SECTION.** Sec. 19. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 10, 1977.

Passed the Senate June 10, 1977.

Approved by the Governor June 17, 1977.

Filed in Office of Secretary of State June 17, 1977.

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## CHAPTER 290

[Engrossed Senate Bill No. 2451]

### COUNTY BOARDS OF EQUALIZATION—APPEALS—CONVENING

AN ACT Relating to property taxes; amending section 84.08.130, chapter 15, Laws of 1961 as amended by section 156, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.08.130; and amending section 84.48.010, chapter 15, Laws of 1961 and RCW 84.48.010, as amended by section 2, chapter 55, Laws of 1970 ex. sess.

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

Section 1. Section 84.08.130, chapter 15, Laws of 1961 as amended by section 156, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.08.130 are each amended to read as follows:

Any taxpayer or taxing unit feeling aggrieved by the action of any county board of equalization may appeal to the board of tax appeals by filing with the county auditor a notice of appeal in duplicate within ~~((ten))~~ thirty days after the action of such board of equalization, which notice shall specify the actions complained of, and said auditor shall forthwith transmit one of said notices to the board of tax appeals; and in like manner any county assessor may appeal to the board of tax appeals from any action of any county board of equalization. The board of tax appeals shall require the board appealed from to certify the minutes of its proceedings resulting in such action and all evidence taken in connection therewith, and may receive further evidence, and shall make such order as in its judgment is just and proper.

Sec. 2. Section 84.48.010, chapter 15, Laws of 1961 and RCW 84.48.010 as amended by section 2, chapter 55, Laws of 1970 ex. sess., are each amended as follows:

Prior to July 1st, the county commissioners shall form a board for the equalization of the assessment of the property of the county. The members of said board may receive twenty-five dollars per day for each day of actual attendance of the meeting of the board of equalization to be paid out of the current expense fund of the county: PROVIDED, That when the county commissioners constitute the board they shall not receive the per diem allowance. The board of equalization shall meet in open session for this purpose annually on the first Monday in July and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county and proceed to equalize the same, so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, according to the measure of value used by the county assessor in such assessment year, and subject to the following rules:

First. They shall raise the valuation of each tract or lot or item of real property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, after at least five days' notice shall have been given in writing to the owner or agent.

Second. They shall reduce the valuation of each tract or lot or item which in their opinion is returned above its true and fair value to such price or sum as they believe to be the true and fair value thereof.

Third. They shall raise the valuation of each class of personal property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever they believe that such aggregate value is less than the true valuation of the taxable personal property possessed by such individual, to such sum or amount as they believe to be the true value thereof, after at least five days' notice shall have been given in writing to the owner or agent thereof.

Fourth. They shall, upon complaint in writing of any party aggrieved, reduce the valuation of each class of personal property enumerated on the detail and assessment list of the current year, which in their opinion is returned above its true and fair value, to such price or sum as they believe to be the true and fair value thereof; and, upon like complaint, they shall reduce the aggregate valuation of the personal property of such individual who, in their opinion, has been assessed at too large a sum, to such sum or amount as they believe was the true and fair value of his personal property.

Fifth. The board may review all claims for either real or personal property tax exemption, and shall consider any taxpayer appeals from the decision of the assessor thereon to determine (1) if the taxpayer is entitled to an exemption, and (2) if so, the amount thereof.

The clerk of the board shall keep an accurate journal or record of the proceedings and orders of said board in a book kept for that purpose, showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county commissioners, and shall make a true record of the changes of the descriptions and assessed values ordered by the county board of equalization. The assessor shall correct the real and personal assessment rolls in accordance with the changes made by the said county board of equalization, and he shall make duplicate abstracts of such corrected values, one copy of which shall be retained in his office, and one copy forwarded to the state board of equalization on or before the fifth day of August next following the meeting of the county board of equalization.

The county board of equalization shall meet on the first Monday in July and may continue in session and adjourn from time to time during a period not to exceed four weeks, but shall remain in session not less than three days: PROVIDED, That, in addition to the several times fixed by statute, any county board of equalization may be reconvened for special or general purposes, but not later than three years after the date of adjournment of its regularly convened session by order of the department of revenue: PROVIDED, FURTHER, That the county board of equalization with the approval of the county legislative authority may convene at any time when petitions filed exceed twenty-five, or ten percent of the number of appeals filed in the preceding year, whichever is greater.

No taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the state board of equalization for the purpose of raising the state revenue.

Boards of county commissioners as such shall at no time have any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person.

Passed the Senate June 9, 1977.

Passed the House June 8, 1977.

Approved by the Governor June 17, 1977.

Filed in Office of Secretary of State June 17, 1977.

## CHAPTER 291

[Third Substitute House Bill No. 371]

## JUVENILES

AN ACT Relating to juveniles; amending section 2, chapter 160, Laws of 1913 as last amended by section 1, chapter 65, Laws of 1937 and RCW 13.04.030; amending section 3, chapter 160, Laws of 1913 as last amended by section 9, chapter 331, Laws of 1959 and RCW 13.04.040; amending section 3, chapter 30, Laws of 1965 as last amended by section 3, chapter 71, Laws of 1975-'76 2nd ex. sess. and RCW 74.13.020; amending section 17, chapter 172, Laws of 1967 as last amended by section 4, chapter 71, Laws of 1975-'76 2nd ex. sess. and RCW 74.13.031; amending section 5, chapter 160, Laws of 1913 and RCW 13.04.060; amending section 6, chapter 160, Laws of 1913 and RCW 13.04.070; amending section 7, chapter 160, Laws of 1913 as amended by section 4, chapter 302, Laws of 1961 and RCW 13.04.080; amending section 5, chapter 302, Laws of 1961 and RCW 13.04.091; amending section 15, chapter 160, Laws of 1913 and RCW 13.04.150; amending section 8, chapter 160, Laws of 1913 as last amended by section 1, chapter 138, Laws of 1969 ex. sess. and RCW 13.04.100; amending section 1, chapter 188, Laws of 1955 as amended by section 8, chapter 302, Laws of 1961 and RCW 13.04.105; amending section 5, chapter 13, Laws of 1965 as last amended by section 28, chapter 80, Laws of 1977 1st ex. sess. and RCW 26.44.050; amending section 28A.27.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.27.070; amending section 9A.76.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.010; adding new chapters to Title 13 RCW; adding new sections to chapter 13.04 RCW; creating new sections; repealing section 1, chapter 160, Laws of 1913, section 1, chapter 302, Laws of 1961 and RCW 13.04.010; repealing section 2, chapter 302, Laws of 1961, section 1, chapter 101, Laws of 1973 1st ex. sess. and RCW 13.04.053; repealing section 3, chapter 302, Laws of 1961 and RCW 13.04.056; repealing section 6, chapter 302, Laws of 1961, section 1, chapter 137, Laws of 1967, section 2, chapter 71, Laws of 1975-'76 2nd ex. sess. and RCW 13.04.095; repealing section 9, chapter 160, Laws of 1913 and RCW 13.04.110; repealing section 12, chapter 160, Laws of 1913, section 1, chapter 132, Laws of 1945, section 1, chapter 58, Laws of 1959 and RCW 13.04.120; repealing section 14, chapter 160, Laws of 1913 and RCW 13.04.140; repealing section 1, chapter 116, Laws of 1953 and RCW 13.04.170; repealing section 10, chapter 302, Laws of 1961 and RCW 13.04.190; repealing section 4, chapter 297, Laws of 1957, section 2, chapter 251, Laws of 1959, section 12, chapter 302, Laws of 1961, section 16, chapter 80, Laws of 1977 1st ex. sess. and RCW 13.04.200; repealing section 13, chapter 302, Laws of 1961 and RCW 13.04.210; repealing section 14, chapter 302, Laws of 1961, section 54, chapter 81, Laws of 1971 and RCW 13.04.220; repealing section 15, chapter 302, Laws of 1961 and RCW 13.04.230; repealing section 1, chapter 93, Laws of 1967 and RCW 13.04.250; prescribing penalties; making an appropriation; declaring an emergency; and providing effective dates.

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

## PART A

NEW SECTION. Section 1. This chapter shall be known as the "basic juvenile court act".

NEW SECTION. Sec. 2. For purposes of this chapter:

- (1) "Juvenile", "youth", and "child" shall mean any individual who is under the chronological age of eighteen years;
- (2) "Juvenile offender" and "juvenile offense" shall have the meaning ascribed in sections 55 through 78 of this 1977 amendatory act; and
- (3) "Court" when used without further qualification shall mean the juvenile court.

NEW SECTION. Sec. 3. (1) The juvenile court shall be a division of the superior court. In judicial districts having more than one judge of the superior court, the judges of such court shall annually, in the month of January, assign one or more of their number to the juvenile court division. In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and

jurisdiction, concurrent with a juvenile court judge, to hear all cases under this chapter and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050.

(2) Cases in the juvenile court shall be tried without a jury.

Sec. 4. Section 2, chapter 160, Laws of 1913 as last amended by section 1, chapter 65, Laws of 1937 and RCW 13.04.030 are each amended to read as follows:

The (~~superior~~) juvenile courts in the several counties of this state, shall have exclusive original jurisdiction (~~(in all cases coming within the terms of this chapter)~~) over all proceedings:

(1) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(2) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in sections 31 through 45 of this 1977 amendatory act;

(3) Relating to the termination of a parent and child relationship as provided in sections 46 through 49 of this 1977 amendatory act;

(4) To approve or disapprove alternative residential placement as provided in sections 24 through 27 of this 1977 amendatory act;

(5) Relating to children alleged to be or found to be in need of involuntary civil commitment as provided in chapter 72.23 RCW;

(6) Relating to youth alleged or found to be a juvenile offender as provided in sections 56 through 77 of this 1977 amendatory act, unless:

(a) The juvenile court transfers jurisdiction to adult criminal court; or

(b) The period of limitations of actions applicable to adult prosecution for the offense alleged in the petition has expired; or

(c) The alleged offense involves a violation of the traffic laws, which is not a misdemeanor, by juveniles over fifteen years of age; and

(7) Under the interstate compact on juveniles as provided in chapter 13.24 RCW.

**NEW SECTION.** Sec. 5. Any person aggrieved by a final order of the juvenile court may appeal said order as provided by this section. All appeals in matters other than those related to commission of a juvenile offense shall be taken in the same manner as in other civil cases. Except as otherwise provided in this title, all appeals in matters related to the commission of a juvenile offense shall be taken in the same manner as criminal cases and the right to collateral relief shall be the same as in criminal cases. The order of the juvenile court shall stand pending the disposition of the appeal: **PROVIDED**, That the juvenile court or the appellate court may upon application stay said order.

If the final order from which an appeal is taken grants the custody of the child to, or withholds it from, any of the parties, or if the child is committed as provided under this chapter, the appeal shall be given priority in hearing.

**NEW SECTION.** Sec. 6. Juvenile court, probation counselor, and detention services shall be administered by the superior court, except that by local court rule

and agreement with the legislative authority of the county they may be administered by the legislative authority of the county in the manner prescribed by RCW 13.20.060: PROVIDED, That in any class AA county such services shall be administered in accordance with chapter 13.20 RCW. The administrative body shall appoint an administrator of juvenile court, probation counselor, and detention services who shall be responsible for day-to-day administration of such services, and who may also serve in the capacity of a probation counselor.

NEW SECTION. Sec. 7. The administrator shall after consultation with the state planning agency established under Title II of the federal juvenile justice and delinquency prevention act of 1974 (P.L. No. 93-415; 42 U.S.C. 5611 et seq.) following a public hearing, and after approval of the body responsible for administering the juvenile court, and no later than one hundred eighty days after the effective date of this 1977 amendatory act, adopt standards for the regulation and government of detention facilities for juveniles. Such standards may be revised from time to time, according to the procedure outlined in this section. Each detention facility shall keep a copy of such standards available for inspection at all times. Such standards shall be reviewed and the detention facilities shall be inspected annually by the administrator.

Sec. 8. Section 3, chapter 160, Laws of 1913 as last amended by section 9, chapter 331, Laws of 1959 and RCW 13.04.040 are each amended to read as follows:

The ~~((court))~~ administrator shall, in any county or judicial district in the state, appoint or designate one or more persons of good character to serve as probation counselors during the pleasure of the ~~((court))~~ administrator. ~~((In case a probation counselor shall be appointed by any court, the clerk of the court, if practicable, shall notify him in advance when a child is to be brought before said court.))~~ The probation counselor shall ~~((make such investigations as may be required by the court. The probation counselor shall inquire into the antecedents, character, family history, environments and cause of dependency or delinquency of every alleged dependent or delinquent child brought before the juvenile court and shall make his report in writing to the judge thereof. He shall be present in order to represent the interests of the child when the case is heard; he shall furnish the court such information and assistance as it may require, and shall take charge of the child before and after the trial as may be directed by the court))~~:

(1) Receive and examine referrals to the juvenile court for the purpose of considering the filing of a petition pursuant to sections 24, 32, 46, and 61 of this 1977 amendatory act;

(2) Make recommendations to the court regarding the need for continued detention or shelter care of a child unless otherwise provided in this title;

(3) Arrange and supervise diversion agreements as provided in section 62 of this 1977 amendatory act and ensure that the requirements of such agreements are met except as otherwise provided in this title;

(4) Prepare predisposition studies as required in sections 40 and 67 of this 1977 amendatory act and be present at the disposition hearing to respond to questions



regarding the predisposition study: PROVIDED, That such duties shall be performed by the department of social and health services for cases relating to dependency or to the termination of a parent and child relationship in any class A or AA county; and

(5) Supervise court orders of disposition to ensure that all requirements of the order are met.

All probation counselors shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests of juveniles under their supervision for the violation of any state law or county or city ordinance ~~((relative to the care, custody, and control of delinquent and dependent children))~~.

The ~~((court))~~ administrator may, in any county or judicial district in the state, appoint one or more persons who shall have charge of detention rooms or house of detention.

The probation counselors and persons appointed to have charge of detention facilities shall each receive compensation which shall be fixed by the board of county commissioners, or ~~((fin))~~ in cases of joint counties, judicial districts of more than one county, or joint judicial districts such sums as shall be agreed upon by the boards of county commissioners of the counties affected, and such persons shall be paid as other county officers are paid.

The administrator is hereby authorized, and to the extent possible is encouraged to, contract with private agencies existing within the community for the provision of services to youthful offenders and youth who have entered into diversion agreements pursuant to section 62 of this 1977 amendatory act.

NEW SECTION. Sec. 9. It shall be the duty of the prosecuting attorney or the prosecuting attorney's deputy to present the evidence supporting any petition where the facts are contested, except in petitions to approve or disapprove alternative residential placement: PROVIDED, That it shall be the duty of the attorney general or the attorney general's assistant to present the evidence supporting any petition alleging dependency, or any petition seeking the termination of a parent and child relationship, which is filed in a class A or AA county, where the facts are contested: PROVIDED FURTHER, That the responsibility of the prosecuting attorney for proceedings relating to the commission of a juvenile offense shall be as provided in sections 61 and 63 of this 1977 amendatory act.

NEW SECTION. Sec. 10. (1) The following records shall be confidential and shall be released only pursuant to this chapter:

(a) The official juvenile court file: PROVIDED, That the official juvenile court file shall be open to public inspection in cases involving the commission of a juvenile offense;

(b) The social file;

(c) The records of public agencies, private agencies, or persons with respect to children committed to their custody; and

(d) All records pertaining to and in any way identifying juveniles subject to dependency or juvenile offender proceedings, such records having been produced or retained by any juvenile justice or care agency which shall include the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, or the department of social and health services and its contracting agencies.

(2) The official juvenile court file for a proceeding shall include the petition or information, motions, memorandums, briefs, findings of the court, court orders, and other reports and papers filed in juvenile court.

(3) The social file is the records and reports of the probation counselor and shall be filed separate from the official juvenile court file.

(4) Each petition or information filed with the court shall include only one child and each petition or information shall be filed under a separate docket number.

**NEW SECTION.** Sec. 11. (1) Where a specific provision of this chapter controls the use of information, then that specific provision governs, and in all other cases release and use of information will be governed by the provisions set forth in this section and section 12 of this 1977 amendatory act.

(2) It shall be the duty of any juvenile justice or care agency providing information to insure the accuracy of that information. To this end:

(a) An agency shall never knowingly record or provide inaccurate information;

(b) An agency shall take steps to insure the security of its records and to prevent tampering therewith; and

(c) An agency shall not supply any record which is not complete, i.e., does not contain information as to all action taken to date with respect to any incident, even if that action has been taken by another agency.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by such other participant or when such other participant is assigned the responsibility of supervising the juvenile. This section shall permit, in accordance with the laws on discovery of evidence applicable in adult criminal cases, counsel for the prosecution and defense and an accused juvenile full access to the records of other juveniles alleged to have committed offenses connected with the offense with which the accused juvenile is charged, and any juvenile witnesses involved in the case. The juvenile court and prosecutor may set up and maintain a central record keeping system which may receive information on all alleged juvenile offenders whether or not their cases are currently pending before the court, except as limited by subsection (2) of this section. The central record keeping system may be computerized and shall have adequate safeguards to protect against improper disclosure of information.

(4) Upon request of a juvenile or such juvenile's parents or attorney, information concerning such juvenile shall be released to the juvenile, or to such juvenile's parents or attorney, for purposes of checking its accuracy.

(5) Information which could not reasonably be expected to identify the youth or the youth's family may be released to the public.

(6) Upon request of the victim of the crime or the victim's immediate family, the identity of an alleged or proven juvenile offender and his or her parent, guardian, or custodian and the circumstances of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(7) Information which is necessary to the preparation of an accused juvenile's defense or to protect a juvenile's interests in a dependency proceeding shall be released to such juvenile or to such juvenile's parents or attorney.

(8) Information which has not been destroyed pursuant to section 12 of this 1977 amendatory act shall be released to participants in the adult criminal justice and corrections system including prosecutors, defendants, defense counsel, and probation or parole officers, concerning the juvenile record of an adult criminal defendant or witness in an adult criminal proceeding after a charge has actually been filed in court.

(9) Nothing in this chapter shall be construed as preventing a crime victim or a member of the victim's family from divulging the identity of the juvenile offender or the juvenile's family where necessary in a civil proceeding.

**NEW SECTION.** Sec. 12. (1) Any person who believes that he or she may be the subject of any juvenile justice or care record keeping shall have the right, in person or through a parent or attorney, to inquire as to whether a record exists and to be shown such record if it exists. If that record is properly in the possession of the agency maintaining it, the subject shall have the right to challenge the information therein and to have it corrected if it is in error. If that record is not properly in the possession of the agency maintaining it, the subject shall have the right to have it destroyed. Any agency maintaining such records shall promulgate administrative procedures to facilitate such inquiries, and the subject of any record shall have the right to enforce the provisions of this section by equitable or legal proceedings in the superior court.

(2) On motion on the part of a person who has been the subject of an information alleging a juvenile offense or the subject of a dependency petition, or on the court's own motion, the court shall vacate its order and findings, if any, and order the sealing of the legal and social files and records of the court and of any other agency in the case if it finds that:

(a) Two years have elapsed since the final discharge of the person from legal custody or since the entry of any other court order not involving custody; and

(b) The person has not entered into a diversion agreement nor has been found to have committed a crime prior to the filing of the motion, and no proceeding is pending seeking such conviction or adjudication. The motion and the order may include the files and records specified in subsections (3) and (4) of this section.

(3) Reasonable notice of the motion shall be given to:

(a) The prosecutor;

(b) Defense counsel of record;

(c) The department of social and health services, if custody of the child has ever been transferred to the department; and

(d) The law enforcement officers, department, and central depository having custody of the files and records if the files and records specified in section 11 of this 1977 amendatory act are included in the motion.

(4) Upon the entry of the order, the proceedings in the case shall be treated as if they never occurred, and the court and law enforcement officers and departments shall reply and the subject person may reply to any inquiry that juvenile records are confidential.

Inspection of the files and records included in the order may thereafter be permitted by the court only upon motion of the person who is the subject of such records or the prosecuting attorney, and only by those persons named in such motion.

However, the court in its discretion may by special order in an individual case permit inspection by or release of information in the records to any clinic, hospital, or agency which has the subject person under care or treatment, or individuals or agencies engaged in research.

(5) Any adjudication of the commission of a crime subsequent to sealing shall have the effect of nullifying the sealing order.

(6) A person who has been the subject of an information alleging a juvenile offense and has met the conditions stipulated in subsection (2)(b) of this section may, five years after reaching the age of majority, file a motion requesting the destruction of all records pertaining to his or her case. If the court grants the motion, copies of the order shall be sent to all offices or agencies that are repositories of such records and all such offices and agencies shall comply with the order.

(7) A person who has been the subject of an information alleging a juvenile offense shall be notified of his or her rights under this section at the time of his or her final discharge.

NEW SECTION. Sec. 13. Nothing in this chapter shall be construed to prevent the expungement of any juvenile record ordered expunged by a court to preserve the due process rights of its subject.

NEW SECTION. Sec. 14. Notwithstanding any other provision of this chapter, whenever a child is arrested for a violation of any law, including municipal ordinances, regulating the operation of vehicles on the public highways, a copy of the traffic citation and a record of the action taken by the juvenile court shall be forwarded by the court to the director of licenses in the same manner as provided in RCW 46.20.280.

NEW SECTION. Sec. 15. Sections 1, 2, 3, 5, 6, 7, and 9 through 14 of this 1977 amendatory act shall be added to chapter 13.04 RCW.

## PART B

NEW SECTION. Sec. 16. This chapter shall be known as the "Runaway Youth Act".

NEW SECTION. Sec. 17. A law enforcement officer may take a juvenile into limited custody subject to the limitations of this chapter if (1) a law enforcement agency has been contacted by the parent, guardian, or custodian of the child that their child is absent from home without their consent, or (2) if the officer reasonably believes that a juvenile is in circumstances which constitute a substantial and immediate danger to the juvenile's physical safety. In no event shall limited custody extend more than twelve hours from the time of the juvenile's initial contact with the law enforcement officer.

NEW SECTION. Sec. 18. (1) An officer taking a juvenile into limited custody shall inform the juvenile of the reason for such custody and shall, if the juvenile consents, transport the juvenile to his or her home or to a relative or other responsible person, or arrange for such transportation.

(2) The officer so releasing a juvenile from limited custody shall inform the parent, custodian, relative, or other responsible person of the reason for taking the juvenile into limited custody and shall, if he or she believes further services may be needed, inform the juvenile and the person to whom the juvenile is released of the

nature and location of appropriate services and shall offer to assist in establishing contact between the family and the service agency.

(3) Where a parent or custodian cannot be reached and release is made to a relative or other responsible person, the officer shall notify the parent or custodian as soon as practicable of the fact and circumstances of the limited custody, the release of the juvenile, and any information given respecting further services.

(4) Where a juvenile is released from limited custody to a person other than a parent or custodian, such person shall reasonably establish that he or she is willing and able to be responsible for the safety of the juvenile.

(5) If the law enforcement officer is unable by all reasonable efforts to contact a parent, custodian, relative, or other responsible person; or if the person contacted lives at an unreasonable distance; or if the juvenile refuses to be taken to his or her home or other appropriate residence; or if the officer is otherwise unable despite all reasonable efforts to make arrangements for the safe release of the juvenile taken into limited custody, the law enforcement officer shall take the juvenile to a designated temporary nonsecure residential facility licensed by the department of social and health services and established pursuant to chapter 74.13 RCW.

NEW SECTION. Sec. 19. A law enforcement officer acting reasonably and in good faith pursuant to this chapter in releasing a juvenile to a person other than a parent or custodian of such juvenile shall be immune from civil or criminal liability for such action.

NEW SECTION. Sec. 20. Sections 16 through 19 of this 1977 amendatory act shall constitute a new chapter in Title 13 RCW.

Sec. 21. Section 3, chapter 30, Laws of 1965 as last amended by section 3, chapter 71, Laws of 1975-'76 2nd ex. sess. and RCW 74.13.020 are each amended to read as follows:

As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(1) Preventing or remedying, or assisting in the solution of problems which may result in the neglect, abuse, exploitation, or delinquency of children;

(2) Protecting and caring for homeless, dependent, (~~incorrigible as defined in RCW 13.04.010(7))~~) or neglected children;

(3) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts;

(4) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

~~((4))~~ (5) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

As used in this chapter, child means a person less than eighteen years of age.

Sec. 22. Section 17, chapter 172, Laws of 1967 as last amended by section 4, chapter 71, Laws of 1975-'76 2nd ex. sess. and RCW 74.13.031 are each amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, and supervise a plan that establishes, extends aid to, and strengthens services for the protection and care of homeless, dependent children, ~~((incorrigible children as defined by RCW 13.04.010(7).))~~ neglected children, or ~~((children in danger of becoming delinquent))~~ juvenile offenders.

(2) Investigate complaints of neglect, abuse, or abandonment of children by parents, guardians, custodians, or persons serving in loco parentis, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, guardians, custodians or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. If the investigation reveals that a crime may have been committed, notify the appropriate law enforcement agency.

(3) Offer, on a voluntary basis, crisis intervention to families who are in conflict.

Crisis intervention services (a) shall consist of an interview or series of interviews with the child or his or her family, as needed, conducted within a brief period of time by qualified professional persons, and designed to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or the family; and (b) may include, but are not limited to, the provision of or referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.

Nothing in this section shall prohibit an officer of the child welfare services from referring any child who, as a result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive towards others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, to a community mental health center pursuant to RCW 72.23.070.

(4) Have authority to accept for temporary residential care in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW a child who has been taken into limited custody pursuant to section 17 of this 1977 amendatory act: PROVIDED, That a juvenile shall in no event remain in temporary residential care for a period longer than seventy-two hours from the time of the juvenile's initial contact with the law enforcement officer except as otherwise provided in this section. Upon accepting the child, the staff of the facility shall notify the child's parents or custodian of his or her whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement and shall undertake to make arrangements for the child's return home.

In every case crisis intervention services shall be provided as needed and the staff of the temporary facility shall seek to effect the child's return home or alternative living arrangement agreeable to the child and the parent or custodian as soon as practicable.

(a) If, after his or her admission to a temporary residential facility, a child who is absent from home without permission and his or her parent or custodian agrees to the child's return home, the staff of the facility shall arrange transportation for the juvenile, as soon as practicable, to the county of residence of the parent or custodian, at the latter's expense to the extent of his or her ability to pay.

(b) If the child refuses to return home and if no other living arrangements agreeable to the child and the parent or custodian can be made, the staff of the facility shall arrange transportation for the child to a temporary nonsecure residential facility in the county of residence of the parent or custodian, at the expense of the latter to the extent of his or her ability to pay. If there is no such facility in the county of that residence, the nearest such facility to that residence shall be used.

(c) If a child's legal residence is outside the state of Washington and such child refuses to return home, the provisions of RCW 13.24.010 shall apply.

(d) If the parent or custodian refuses to permit the child to return home, and no other living arrangement agreeable to the child and the parent or custodian can be made, staff of the child welfare services section shall notify the juvenile court to appoint legal counsel for the child and shall file a dependency petition in the juvenile court in the jurisdiction of the residence of the parent or custodian.

(e) If a child and his or her parent or guardian agree to an arrangement for alternative residential placement, such placement may continue as long as there is agreement. During any alternative residential placement, there shall be provided to the child and to his or her family such services as may be appropriate to the particular case, to the end that the child may be reunited with the family as soon as practicable.

(f) If such child and his or her parent or custodian cannot agree to an arrangement for alternative residential placement in the first instance, or cannot agree to the continuation of such placement, the child or his or her parent or custodian may file with the juvenile court a petition to approve alternative residential placement pursuant to section 24 of this 1977 amendatory act. The child shall remain in the placement where he or she is located at the time a petition to approve alternative residential placement is filed until a placement decision is made pursuant to section 26 of this 1977 amendatory act.

(g) In no event shall alternative residential placement for a child in conflict with his or her family be arranged in a secure detention facility or in a secure institution except as provided in this subsection and section 42 of this 1977 amendatory act. A child in conflict with his or her parents may be detained in a secure detention facility operated by a county for a maximum of seventy-two hours if:

(i) The staff of the child welfare services section find that the child taken into limited custody has previously been placed in alternative residential care and has run away from such placement and that it is likely that the child will run away from another and different residential placement; or

(ii) The child refuses to return home and refuses to be placed in alternative residential care.

During such detention, efforts shall be continued to the end that the child may be returned home or other living arrangements agreeable to the child and his or her parent, guardian, or custodian are made. If an agreement concerning living arrangements for the child cannot be reached a petition shall be filed within forty-eight hours after initial detention of the child, pursuant to subsection (4)(f) of this section. The hearing on the petition shall be held within seventy-two hours, excluding Sundays and holidays, of the initial detention of the child. If the hearing on the petition is not held within these time limits the child shall be released from detention.

(5) Cooperate with other public and voluntary agencies and organizations in the development and coordination of programs and activities in behalf of children including but not limited to contracting with private and public entities to provide basic education and vocational training and crisis intervention services.

~~((4))~~ (6) Have authority to accept custody of children from parents, guardians, and/or juvenile courts, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and to make payment of maintenance costs if needed. ~~((A child in need of detention, whether alleged to be dependent or delinquent, shall, prior to findings and disposition by the court pursuant to RCW 13.04.095 as now or hereafter amended, be the responsibility of and provided for by the juvenile court.))~~

~~((5))~~ (7) Have authority to purchase care for children and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

~~((6))~~ (8) Establish a child welfare and day care advisory committee who shall act as an advisory committee to the state advisory committee and to the secretary in the development of policy on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto.

(9) Notwithstanding any other provision of sections 16 through 19, 21, and 22 of this 1977 amendatory act, all services to be provided by the department of social and health services under subsections (3) and (4) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Title II of the federal juvenile justice and delinquency prevention act of 1974 (P.L. No. 93-415; 42 U.S.C. 5634 et seq.).

NEW SECTION. Sec. 23. This chapter shall be known as the "Juvenile Court Procedure for Families In Conflict".

NEW SECTION. Sec. 24. A child or a child's parent or custodian may file with the juvenile court a petition to approve alternative residential placement as provided in RCW 74.13.031(4)(f) as now or hereafter amended. The filing of a petition to approve such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent or custodian, and confers upon the court a special jurisdiction to approve or disapprove alternative residential placement or its continuation.

NEW SECTION. Sec. 25. The juvenile court shall promptly appoint legal counsel for the child whether or not the child is the moving party, schedule a hearing date, and notify the child and his or her parent or custodian of the hearing date, the legal consequences of an approval or disapproval of alternative residential placement, the right of both parties to present evidence at the hearing, and the right of the parent or custodian to be represented by legal counsel at the hearing.

NEW SECTION. Sec. 26. The hearing shall be upon the question of the child's placement. Prior to approving an alternative residential placement, the court shall find by a preponderance of the evidence that the reasons for request of alternative residential placement are not capricious and that there is a conflict between the



parent and the child that cannot be remedied by counseling, crisis intervention, or continued placement in the parental home.

After making such a finding the court may approve the placement in which the child resides or wishes to reside or the court may place the child in such nonsecure licensed care as is deemed appropriate taking into account the interests of the parents and the best interests of the child.

NEW SECTION. Sec. 27. Upon approving an alternative residential placement pursuant to this section, the court shall schedule the matter on the calendar for review within six months, advise the parties of the date thereof, appoint legal counsel to represent the child at the review hearing, and notify the parties of their rights to present evidence at the review hearing and of the right of the parent or custodian to be represented by legal counsel. At each review hearing, the juvenile court: (1) Shall approve or disapprove the continuation of the alternative residential placement according to the same standards and limitations as governed the initial approval; (2) shall determine that such interim services as may be appropriate have been offered the child and his or her family, pursuant to RCW 74.13.031 as now or hereafter amended; and (3) shall again set the matter on the calendar for further review in six months, notifying the parties as before.

NEW SECTION. Sec. 28. Sections 23 through 27 of this 1977 amendatory act shall constitute a new chapter in Title 13 RCW.

### PART C

NEW SECTION. Sec. 29. This chapter shall be known as the "Juvenile Court Act in Cases Relating to Dependency of a Child and the Termination of a Parent and Child Relationship".

NEW SECTION. Sec. 30. The legislature declares that the family unit is a fundamental resource of American life which should be nurtured. Toward the continuance of this principle, the legislature declares that the family unit should remain intact in the absence of compelling evidence to the contrary.

NEW SECTION. Sec. 31. For purposes of this chapter:

- (1) "Child" and "juvenile" shall mean any individual under the age of eighteen years;
- (2) "Dependent child" shall mean any child:
  - (a) Who has been abandoned; that is, left by his or her parents, guardian, or other custodian without parental care and support; or
  - (b) Who is abused or neglected as defined in chapter 26.44 RCW; or
  - (c) Who has no parent, guardian, or custodian; or
  - (d) Any child:
    - (i) Who is in conflict with his or her parent, guardian, or custodian;
    - (ii) Who refuses to remain in any nonsecure residential placement ordered by a court pursuant to section 26 of this 1977 amendatory act;
    - (iii) Whose conduct evidences a substantial likelihood of degenerating into serious delinquent behavior if not corrected; and
    - (iv) Who is in need of custodial treatment in a diagnostic and treatment facility.

Sec. 32. Section 5, chapter 160, Laws of 1913 and RCW 13.04.060 are each amended to read as follows:

Any person may file with the clerk of the superior court a petition showing that there is within the county, or residing within the county, a dependent (~~(or delinquent)~~) child and praying that the superior court deal with such child as provided in this chapter: PROVIDED, That in counties having paid probation officers, such officers shall, as far as possible, first determine if such petition is reasonably justifiable. Such petition shall be verified and shall contain a statement of facts constituting such dependency (~~(or delinquency)~~), as defined in (~~(RCW 13.04.010)~~) this chapter, and the names and residence, if known to the petitioner, of the parents, guardian, or custodian of such dependent (~~(or delinquent)~~) child. There shall be no fee for filing such petitions.

NEW SECTION. Sec. 33. The juvenile court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a child into custody if a petition is filed with the juvenile court alleging that the child is dependent and the court finds reasonable grounds to believe the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody.

NEW SECTION. Sec. 34. (1) A child taken into custody pursuant to section 33 or 51 of this 1977 amendatory act shall be immediately placed in shelter care. "Shelter care" means temporary physical care in a foster family home or receiving home licensed pursuant to RCW 74.15.030. In no case shall a child who is taken into custody pursuant to section 33 or 51 of this 1977 amendatory act be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a preliminary shelter care hearing. The court shall hold a preliminary shelter care hearing if one is requested.

(2) The juvenile court counselor assigned to the matter shall advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in section 37 of this 1977 amendatory act.

(3) At the commencement of the shelter care hearing the court shall advise the parties of their basic rights as provided in section 37 of this 1977 amendatory act and shall appoint counsel pursuant to section 37 of this 1977 amendatory act if counsel has not been retained by the parent or guardian or if the parent or guardian is indigent, unless the court finds that the right to counsel has been expressly and voluntarily waived.

(4) The court shall take testimony concerning the circumstances for taking the child into custody and the need for shelter care. The court shall give the child and the child's parent or guardian and the parent's or guardian's counsel an opportunity to introduce evidence, to be heard in their own behalf, and to examine witnesses.

(5) In class A and AA counties the department of social and health services (and in all other counties the juvenile court probation counselor) shall submit a recommendation to the court as to the further need for shelter care.

(6) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or custodian or other suitable person able and willing to provide supervision and care for such child unless the court finds there is reasonable cause to believe that:

(a) The child has no parent, guardian, custodian, or other suitable person to provide supervision and care for such child; or

(b) The release of such child would present a serious threat of substantial harm to such child.

If continued shelter care is ordered, the court shall set forth its reasons for continued shelter care.

(7) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(8) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. No child shall be detained for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

Sec. 35. Section 6, chapter 160, Laws of 1913 and RCW 13.04.070 are each amended to read as follows:

(1) Upon the filing of ((an information, or)) the petition, the clerk of the court shall issue a summons ((requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall not be less than twenty-four hours after service. The parents of the child, if living, and their residence is known, or its legal guardian, if there be one or if there is neither parent nor guardian, or if his or her residence is not known, then some relative, if there be one, and his residence is known, shall be notified of the proceedings, and in any case the judge shall appoint some suitable person or association to act in behalf of the child)), one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel.

(4) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(5) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to section 33 of this 1977 amendatory act, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him to the place of shelter designated by the court.

(6) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally at least five court days before

the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail at least ten court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(7) Service of summons may be made under the direction of the court by any person twenty-one years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department of social and health services social worker.

(8) If the person summoned as herein provided, shall fail without reasonable cause to appear and abide the order of the court, ((or bring the child;)) he ((shall)) may be proceeded against as for contempt of court. ((In case the summons cannot be served or the parties served fail to obey [the] same, and in any case when it shall be made to appear to the court that said summons will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian or the person having custody of the child, or with whom the child may be, or against the child itself. On return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of the case, the child may be retained in the possession of the person having charge of same, or may be kept in some suitable place provided by the city or county authorities, or by any association having for one of its objects the care of delinquent and dependent children.))

Sec. 36. Section 7, chapter 160, Laws of 1913 as amended by section 4, chapter 302, Laws of 1961 and RCW 13.04.080 are each amended to read as follows:

In ~~((any))~~ a dependency case where it shall appear by the petition or verified statement, that the person standing in the position of natural or legal guardian of the person of any child, is a nonresident of this state, or that the name or place of residence or whereabouts of such person is unknown, as well as in all cases where, after due diligence, the officer has been unable to make service of the summons or notice provided for in ~~((RCW 13.04.070))~~ section 35 of this 1977 amendatory act, and a copy of said notice has been deposited in the post office, postage prepaid, directed to such person at his last known place of residence, the court may order said notice published in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. Such notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known, or if unknown, the phrase "To whom it may concern" shall be used and apply to, and be binding upon, any such persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition and the date of hearing and the object of the proceeding in general terms, shall be set forth and the

whole shall be subscribed by the clerk. There shall be filed with the clerk an affidavit showing due publication of the notice and the cost of publication shall be paid by the county at not to exceed the rate paid by the county for other legal notices. The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section.

**NEW SECTION. Sec. 37.** Any party has a right to be represented by an attorney of his or her own choosing in all proceedings under this chapter, to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact-finder.

At all stages of a proceeding in which a child is alleged to be dependent pursuant to section 31 (2) (a), (b), or (c) of this 1977 amendatory act, the child's parent or guardian shall have the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court.

A child alleged to be dependent pursuant to section 31(2)(d) of this 1977 amendatory act shall have the right to appointed counsel.

**NEW SECTION. Sec. 38.** The court, at any stage of a proceeding under this chapter, may appoint a guardian ad litem for a child who is a party to the proceedings. A party to the proceeding or the party's employee or representative shall not be so appointed. Such guardian ad litem shall receive all notice contemplated for a parent in all proceedings under this chapter.

Sec. 39. Section 5, chapter 302, Laws of 1961 and RCW 13.04.091 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days. No social file or social study shall be considered by the court in connection with the fact-finding hearing or prior to factual determination. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases shall not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded and only such persons shall be admitted who are found by the judge to have a direct interest in the case or in the work of the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

**NEW SECTION. Sec. 40. (1)** To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made. The study shall include all social records and shall be made available to the court. The court shall consider the social file and social study at the disposition hearing in addition to evidence produced at the fact-finding hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to section 31(2)(b) of this 1977 amendatory act shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent further harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

NEW SECTION. Sec. 41. If, after a fact-finding hearing pursuant to section 39 of this 1977 amendatory act, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of section 31(2) (a), (b), or (c) of this 1977 amendatory act; after consideration of the predisposition report prepared pursuant to section 39 of this 1977 amendatory act and after a disposition hearing has been held pursuant to section 39 of this 1977 amendatory act, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be placed in foster care. Such an order may be made only if:

(i) There is no parent or guardian available to care for such child; or

(ii) The child is unwilling to reside in the custody of the child's parent or guardian; or

(iii) The parent or guardian is not willing to take custody of the child; or

(iv) A manifest danger would exist that the child will suffer further abuse or neglect if the child is not removed from the home.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties.

(a) The agency plan shall specify what services the parents will receive in order to enable them to resume custody and what actions the parents must take in order to resume custody.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(d) The agency charged with supervising a child in placement shall be responsible for assuming that all services are provided. It shall report to the court if it is unable to provide such services.

(3) The status of all children found to be dependent shall be reviewed by the court at least every six months at a hearing in which it shall be determined whether court supervision should continue.

(a) A child shall be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section still exists. When a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) What services have been provided to or offered to the parents to facilitate reunion;

(ii) The extent to which the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(iii) Whether the agency is satisfied with the cooperation given to it by the parents;

(iv) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order such services; and

(v) When return of the child can be expected.

(c) If a child is not returned to the child's home, at such review hearing the court shall advise the parents that a petition to seek termination of parental rights may be ordered at the next review hearing.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

**NEW SECTION.** Sec. 42. If after a fact-finding hearing it has been proven beyond a reasonable doubt that a child is dependent within the meaning of section 31(2)(d) of this 1977 amendatory act, and after consideration of the predisposition report and after a disposition hearing, the court may order one of the following dispositions of the child:

(a) Placement of the child in an alternative nonsecure residential facility pursuant to section 26 of this 1977 amendatory act;

(b) Commitment to the department of social and health services for placement in a custodial diagnostic and treatment facility for not more than thirty days only if other less restrictive alternatives have failed, if such a treatment facility is available, and if the diagnosis and treatment is reasonably expected to prevent degeneration of the child's conduct into serious delinquent behavior: PROVIDED, That

such housing and treatment shall be entirely separate from that of youth who have been found guilty of committing a felony or misdemeanor.

Sec. 43. Section 15, chapter 160, Laws of 1913 and RCW 13.04.150 are each amended to read as follows:

Any order made by the court in the case of a dependent (~~(or delinquent)~~) child may at any time be changed, modified or set aside, as to the judge may seem meet and proper.

Sec. 44. Section 8, chapter 160, Laws of 1913 as last amended by section 1, chapter 138, Laws of 1969 ex. sess. and RCW 13.04.100 are each amended to read as follows:

~~((An order of commitment may be temporary or permanent in the discretion of the court, and may be revoked or modified as the circumstances of the case may thereafter require.))~~ In any case in which the court shall find the child dependent (~~(or delinquent)~~), it may in the same or subsequent proceeding upon the parent or parents, guardian, or other person having custody of said child, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such persons or person to support the child or contribute to its support, and if the court shall find such person or persons able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its decrees: PROVIDED, That no support payments shall be required of a parent who, throughout a dependence proceeding pursuant to section 31 (2) (d) of this 1977 amendatory act, has continuously sought reconciliation with, and the return of, his or her child, unless such parent has been found to have abused or neglected such children.

Sec. 45. Section 1, chapter 188, Laws of 1955 as amended by section 8, chapter 302, Laws of 1961 and RCW 13.04.105 are each amended to read as follows:

In any case in which an order or decree of the juvenile court requiring a parent or parents, guardian, or other person having custody of a child to pay for (~~(detention)~~) shelter care and/or support of such child is not complied with, the court may, upon such person or persons being duly summoned or voluntarily appearing, proceed to inquire into the amount due upon said order or decree and enter judgment for such amount against the defaulting party or parties, and such judgment shall be docketed as are other judgments for the payment of money.

In such judgments, the county in which the same are entered shall be denominated the judgment creditor, or the state may be the judgment creditor where the child is in the custody of a state agency and said judgments may be enforced by the prosecuting attorney of such county, or the attorney general where the state is the judgment creditor and any moneys recovered thereon shall be paid into the registry of the juvenile court and shall be disbursed to such person, persons, agency, or governmental department as the court shall find to be entitled thereto.

Such judgments shall remain as valid and enforceable judgments for a period of six years subsequent to the entry thereof.

NEW SECTION. Sec. 46. A petition seeking termination of a parent and child relationship may be filed in juvenile court. Such petition shall conform to the requirements of RCW 13.04.060 as now or hereafter amended and shall allege:



(1) That the child has been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under section 31(2)(a) or (b) of this 1977 amendatory act; and

(2) That the conditions which led to the removal still persist; and

(3) That there is little likelihood that those conditions will be remedied so that the child can be returned to the parent in the near future; and

(4) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home; and

(5) That, if the finding of dependency has been pursuant to section 31(2)(b) of this 1977 amendatory act, necessary services have been provided or offered to the parent to facilitate a reunion; and

(6) That the parent has substantially failed to accept such services; and

(7) That if the parent is subject to an order of disposition pursuant to the finding of dependency, the parent has substantially failed to comply with the order.

NEW SECTION. Sec. 47. After hearings pursuant to RCW 13.04.091, the court may enter an order terminating all parental rights to a child if the court finds that:

(1) The allegations contained in the petition as provided in section 46 of this 1977 amendatory act are established by clear, cogent, and convincing evidence; and

(2) Such an order is in the best interests of the child.

NEW SECTION. Sec. 48. (1) Upon the termination of parental rights pursuant to section 46 of this 1977 amendatory act, all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceedings concerning the child: PROVIDED, That any support obligation existing prior to the effective date of the order terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.

(2) An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this chapter be deemed to affect any rights and benefits that a native American child derives from the child's descent from a member of a federally recognized Indian tribe.

NEW SECTION. Sec. 49. If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department of social and health services or to a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption, or in the absence thereof in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within two years after the date of the order and a general guardian of the child has not been appointed by the court, the child shall

be returned to the court for entry of further orders for his or her care, custody, and control.

NEW SECTION. Sec. 50. Sections 29, 30, 31, 33, 34, 37, 38, 40, 41, 42, and 46 through 49 of this 1977 amendatory act shall constitute a new chapter in Title 13 RCW. The following sections of the Revised Code of Washington, as now or hereafter amended, are hereby decodified and shall be recodified as part of said new chapter: RCW 13.04.060, 13.04.070, 13.04.080, 13.04.091, 13.04.100, 13.04.105, and 13.04.150.

Sec. 51. Section 5, chapter 13, Laws of 1965 as last amended by section 28, chapter 80, Laws of 1977 1st ex. sess. and RCW 26.44.050 are each amended to read as follows:

Upon the receipt of a report concerning the possible occurrence of abuse or neglect, it shall be the duty of the law enforcement agency or the department of social and health services to investigate and provide the protective services section with a report in accordance with the provision of chapter 74.13 RCW, and where necessary to refer such report to the court.

A law enforcement officer may take, or cause to be taken, a child into custody without a court order if there is probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order pursuant to section 33 of this 1977 amendatory act. Notwithstanding the provisions of RCW 13.04.130 as now or hereafter amended, the law enforcement agency or the department of social and health services investigating such a report is hereby authorized to photograph such a child or adult developmentally disabled person for the purpose of providing documentary evidence of the physical condition of the child or disabled person at the time the child or disabled person was taken into custody.

Sec. 52. Section 28A.27.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.27.070 are each amended to read as follows:

Any attendance officer, sheriff, deputy sheriff, marshal, policeman, or any other officer authorized to make arrests, shall take into custody without a warrant a child who is required under the provisions of RCW 28A.27.010 through 28A.27.130 to attend school, such child then being a truant from instruction at the school which he is lawfully required to attend, and shall forthwith deliver a child so detained either (1) to the custody of a person in parental relation to the child or (2) to the ~~((teacher from whom)) school from which the child is then a truant~~~~((, or, if after consulting the teacher or other school officials it appears such child be an habitual or incorrigible truant, shall deliver such child into the hands of a juvenile probation officer as provided for in chapter 13.04 RCW for such further action thereon as such officer shall determine under chapter 13.04 RCW))~~. A designated school official may inform an habitual truant and such child's parents, and shall inform any student who has been expelled from school in accordance with procedures provided by law and such child's parents, of the nature and location of services provided for in RCW 74.13.020(3) if such services may be appropriate to the needs of the child, and shall offer to assist in establishing contact between such family and such services. An habitual ~~((or incorrigible))~~ truant for the purposes of this section is one who absents himself with frequency from the school he is required to attend~~((, or is~~

~~guilty of wilful and continued disobedience to the school rules and regulations or laws, or whose conduct is pernicious and injurious to the school)).~~

Sec. 53. Section 9A.76.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.010 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Custody" means restraint pursuant to a lawful arrest or an order of a court: PROVIDED, That custody pursuant to sections 16 through 19, 21 through 27, and 29 through 49 of this 1977 amendatory act shall not be deemed custody for purposes of this chapter;

(2) "Detention facility" means any place used for the confinement of a person (a) arrested for, charged with or convicted of an offense, or (b) charged with being or adjudicated to be a ~~((dependent or delinquent child))~~ juvenile offender as defined in ~~((RCW 13.04.010))~~ section 56 of this 1977 amendatory act as now existing or hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, except an order under sections 23 through 27 and 29 through 49 of this 1977 amendatory act, or (e) in any work release, furlough, or other such facility or program;

(3) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court.

NEW SECTION. Sec. 54. Any child taken into custody or receiving services under sections 16 through 52 of this 1977 amendatory act may not be delivered to or placed with a parent who has not been awarded temporary or permanent custody of such child, pursuant to a child custody order under chapter 26.09 RCW, unless such child has been found by the juvenile court to be a dependent child as provided in section 31 of this 1977 amendatory act.

#### PART D

NEW SECTION. Sec. 55. (1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that both communities and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, it shall be the purpose of this chapter to:

- (a) Protect the citizenry from criminal behavior;
- (b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;
- (c) Make the juvenile offender accountable for his or her criminal behavior;
- (d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;
- (e) Provide due process for juveniles alleged to have committed an offense;
- (f) Provide necessary treatment, supervision, and custody for juvenile offenders;
- (g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;

(h) Provide for restitution to victims of crime;

(i) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels; and

(j) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services.

**NEW SECTION.** Sec. 56. For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree, rape in the first degree, or rape in the second degree; or

(c) Assault in the second degree, extortion in the first degree, indecent liberties, kidnaping in the second degree, robbery in the second degree, burglary in the second degree, statutory rape in the first degree, or statutory rape in the second degree, where such offenses include the infliction of grievous bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator uses a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed by the offender as punishment for committing an offense;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth for a period of time not to exceed one year. Such an order may include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(c) Attendance of information classes;

(d) Counseling; or

(e) Such other services to the extent funds are available for such services, conditions, or limitations as the court may require which may not include partial confinement or confinement;

(4) "Confinement" means any commitment to a facility operated by or pursuant to a contract with the state, or by or pursuant to a contract with any county;

(5) "Court", when used without further qualification, means the juvenile department of the superior court;

(6) "Criminal history" shall include all criminal complaints against the respondent where:

(a) The allegations were found correct by a juvenile court. In any judgment where a respondent is convicted of two or more charges arising out of the same course of conduct, where one charge is included within the other, then only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

- (7) "Department" means the department of social and health services;
- (8) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender or any other person or entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to section 8 of this 1977 amendatory act or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;
- (9) "Institution" means a juvenile facility established pursuant to chapters 72-.05 and 72.16 through 72.20 RCW;
- (10) "Juvenile", "youth", and "child" shall mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court, or who is over the age of eighteen years but remaining under the jurisdiction of the court as provided in RCW 13.04.260 as recodified by this 1977 amendatory act;
- (11) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense;
- (12) "Manifest injustice" means a disposition that would impose an excessive penalty on the juvenile or a clear danger to society in light of the purposes of this chapter;
- (13) "Minor or first offender" means a person sixteen years of age or younger who has committed an offense which if committed by an adult would be a class C felony, a gross misdemeanor, or a misdemeanor, and whose prior criminal history, if any, does not include any class A or B felony, more than two class C felonies, or more than one class C felony plus any series of misdemeanors and/or gross misdemeanors totalling three or more, or any series of misdemeanors and/or gross misdemeanors totalling four or more; or who has committed an offense which if committed by an adult would be a class B felony (except for any felony which is listed in subsections (1)(a), (b), or (c) of this section) and who has no prior criminal history;
- (14) "Offense" means an act designated a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;
- (15) "Partial confinement" means confinement in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days of the week spent under community supervision;
- (16) "Respondent" means a juvenile who is alleged or proven to have committed an offense;
- (17) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, and lost wages resulting from physical injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

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

(19) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter; and

(20) "Shelter care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care.

NEW SECTION. Sec. 57. (1) The secretary shall propose to the legislature no later than November 1st of each even-numbered year disposition standards for all offenses. The standards shall establish, in accordance with the purposes of this chapter, ranges which may include terms of confinement and/or partial confinement and/or community supervision established on the basis of a youth's age, the instant offense, and the history and seriousness of previous offenses, but in no case shall the period of confinement and supervision exceed that to which an adult may be subjected for the same offense(s). Standards proposed for offenders listed in section 56(1) of this 1977 amendatory act shall include a range of confinement which shall not be less than thirty days. No standard range may include a period of confinement which includes both more than thirty, and thirty or less, days. Disposition standards proposed by the department shall provide that in all cases where a youth is sentenced to a term of confinement in excess of thirty days the department may impose an additional period of parole not to exceed eighteen months. Standards of confinement which may be proposed shall relate only to the length of the proposed terms and not to the nature of the security to be imposed. The secretary shall also submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review at the same time the department proposes its disposition standards.

(2) The legislature may adopt the proposed standards or refer the proposed standards to the secretary for modification. If the legislature fails to adopt or refer the proposed standards to the secretary by February 15th of the following year, the proposed standards shall take effect without legislative approval on July 1st of that year.

(3) If the legislature refers the proposed standards to the secretary for modification on or before February 15th, the secretary shall resubmit the proposed modifications to the legislature no later than March 1st. The legislature may adopt or modify the resubmitted proposed standards. If the legislature fails to adopt or modify the resubmitted proposed standards by April 1st, the resubmitted proposed standards shall take effect without legislative approval on July 1st of that year.

(4) Notwithstanding any other provision of this section, the secretary shall propose standards and submit guidelines to the legislature no later than November 1, 1977. The legislature shall consider the proposed standards and submitted guidelines during the following year in the manner prescribed by subsections (2) and (3) of this section. Such standards shall be in effect for the period July 1, 1978, to June 30, 1979.

(5) Any term of confinement in excess of thirty days shall be served at a facility operated by or pursuant to a contract with the state of Washington.

(6) In developing and promulgating the permissible ranges of confinement under this section the secretary shall be subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range shall be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range shall be no less than eighty percent of the maximum term in the range.

(7) In developing and promulgating the permissible ranges of partial confinement under this section, the secretary shall be subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range.

**NEW SECTION.** Sec. 58. (1) A youth may be taken into custody: .

(a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the youth has committed an offense or has violated terms of community supervision;

(b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section;

(c) Pursuant to a court order that the youth be held as a material witness; or

(d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender.

(2) A youth shall not be held in detention unless:

(a) The youth has been taken into custody and referred to the court for allegedly committing an offense or when the youth has allegedly failed, or has been found to have failed, to meet the terms of his or her community supervision, and that the youth's past conduct or statements give reason to believe that:

(i) The youth will likely fail to appear for further proceedings; or

(ii) Detention is required to protect a youth who is dangerous to himself or herself;

(b) The court has ordered detention as a material witness;

(c) The youth is a fugitive from justice;

(d) The secretary or the secretary's designee has suspended the early release of a juvenile offender;

(e) There is clear and convincing evidence that the youth is dangerous to others; or

(f) The youth will seek to intimidate witnesses or otherwise unlawfully interfere with the administration of justice.

(3) Upon a finding that members of the community have threatened the health of a youth taken into custody, at the youth's request the court may order continued detention pending further order of the court.

(4) A youth detained under this section may be released upon posting bond set by the court. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the youth and shall set the date of his or her next court appearance. The court shall advise the youth of any conditions specified in the order and may at any time amend such an order in order to impose additional or different conditions of release upon the youth or to return the youth to custody for failing to conform to the conditions imposed. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping.

NEW SECTION. Sec. 59. (1) When a youth taken into custody is held in detention:

(a) An information shall be filed within seventy-two hours, Saturdays, Sundays, and holidays excluded, or the youth shall be released; and

(b) A detention hearing shall be held within seventy-two hours, Saturdays, Sundays, and holidays excluded, from the time of filing the information, to determine whether continued detention is necessary under section 58 of this 1977 amendatory act.

(2) Written notice of the detention hearing, stating the time, place, and purpose of the hearing, and stating the right to counsel, shall be given to the parent, guardian, or custodian if such person can be found and shall also be given to the youth if over twelve years of age.

(3) At the commencement of the detention hearing, the court shall advise the parties of their rights under this chapter and shall appoint counsel as specified in this chapter.

(4) The court shall, based upon the allegations in the information, determine whether the case is properly before it or whether the case should be treated as a diversion case under section 62 of this 1977 amendatory act. If the case is not properly before the court the juvenile shall be ordered released.

(5) Notwithstanding a determination that the case is properly before the court and that probable cause exists, a child shall at the detention hearing be ordered released on the child's personal recognizance pending further hearing unless the court finds detention is necessary under section 58 of this 1977 amendatory act.

(6) If detention is not necessary under section 58 of this 1977 amendatory act the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions:

(a) Place the child in the custody of a designated person agreeing to supervise such child;

(b) Place restrictions on the travel of the child during the period of release;

(c) Require the child to report regularly to and remain under the supervision of the juvenile court;

(d) Impose any condition other than detention deemed reasonably necessary to assure appearance as required; or

(e) Require that the child return to detention during specified hours.



**NEW SECTION.** Sec. 60. (1) Proceedings under this chapter shall be commenced in the county where the child resides. However, proceedings may be commenced in the county where an element of the alleged criminal offense occurred if so requested by the child or by the prosecuting attorney of the county where the incident occurred.

(2) If the hearing takes place in the county where an element of the alleged criminal offense occurred, the case and copies of all legal and social documents pertaining thereto shall be transferred to the county where the child resides for a disposition hearing. All costs and arrangements for care and transportation of the child in custody shall be the responsibility of the receiving county as of the date of the transfer, unless the counties otherwise agree.

(3) The court upon motion of any party or upon its own motion may, at any time, transfer a proceeding to another juvenile court when:

- (a) There is reason to believe that an impartial proceeding cannot be held in the county in which the proceeding was begun; or
- (b) It appears that venue is incorrect under this section.

**NEW SECTION.** Sec. 61. (1) Complaints referred to the court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint for legal sufficiency. The purpose of such screening shall be to determine whether:

- (a) The alleged facts bring the case within the jurisdiction of the court; and
- (b) On a basis of available evidence there is probable cause to believe that the youth did commit the offense.

(2) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(3) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if the alleged offender is one or more of the following:

(a) An alleged offender accused of a class A felony, an attempt to commit a class A felony, a class B felony, an attempt to commit a class B felony, assault in the third degree, rape in the third degree, or any other offense listed in section 56(1)(b) or (c) of this 1977 amendatory act; or

(b) An alleged offender with a criminal history of at least a class A or class B felony, or two class C felony offenses, or at least one class C felony offense and at least one misdemeanor or gross misdemeanor, or at least two gross misdemeanors, or at least one gross misdemeanor and two misdemeanors, or at least three misdemeanors; or

(c) An alleged offender accused of violating his or her diversion agreement or who wishes to be prosecuted rather than enter into a diversion agreement or who has been referred by the diversion unit for prosecution: PROVIDED, That if the prosecutor elects not to file a charge for which there is probable cause, he shall maintain a record, for one year, of such election and the reasons therefor.

(4) If it appears that there is probable cause to believe that an offense has been committed by a youth, the prosecutor may file an information with the juvenile court if the alleged offender is an alleged offender accused of a class C felony.

(5) Whenever the alleged offender is an alleged offender listed in subsection (3) of this section, the prosecutor may file an information on any other criminal complaint regardless of whether or not the other offense is listed in subsection (3)(a) of this section. In lieu of filing an information, the prosecutor may file a motion to modify or revoke community supervision if a criminal complaint alleges a violation of a condition of community supervision.

(6) If an alleged offender does not fall within subsection (3) or (4) of this section, the prosecutor shall refer the complaint to the diversionary unit for the formation of a diversion agreement pursuant to section 62 of this 1977 amendatory act.

(7) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile.

(8) The responsibilities of the prosecutor under subsections (1) through (7) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

**NEW SECTION.** Sec. 62. (1) A diversion agreement shall be a contract between a youth accused of an offense and a diversionary unit whereby the youth agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it.

(2) A diversion agreement may include:

(a) Periods of community service not to exceed one hundred fifty hours, but if the youth is attending school, no community service shall be required during normal school hours;

(b) Restitution limited to the amount of actual loss incurred by the victim, and the youth shall be required to make restitution to the victim unless the youth does not have the means and could not acquire the means to do so;

(c) In assessing periods of community service to be performed and restitution to be paid by a youth who has entered into a diversion agreement, the court officer to whom this task is assigned shall to the extent possible involve members of the community. Such members of the community shall meet with the youth and advise the court officer as to the terms of the diversion agreement and shall supervise the youth in carrying out its terms;

(d) A diversion agreement shall not exceed a period of six months for a misdemeanor or one year for a felony. Any restitution assessed during its term shall not exceed an amount which the youth could be reasonably expected to pay during this period. If additional time is necessary for the youth to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months; and

(e) An informational, educational, or counseling interview may be required at a community agency.

(3) The youth shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(4) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether said youths are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No youth shall be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the youth;

(d) The hearing shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the diverted youth has substantially violated the terms of his or her diversion agreement.

(5) The diversion unit shall be responsible for advising a youth of his or her rights as provided in this chapter.

(6) The right to counsel shall inure prior to the initial interview for purposes of advising the youth as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The youth may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The youth shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews shall mean all interviews regarding the diversion agreement process.

The youth shall be advised that a diversion agreement shall constitute a part of the youth's criminal history as defined by section 56(6) of this 1977 amendatory act. A signed acknowledgement of such advisement shall be obtained from the youth, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(7) When a youth enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

(a) The fact that a charge or charges were made;

(b) The fact that a diversion agreement was entered into;

(c) The youth's obligations under such agreement;

(d) Whether the alleged offender performed his or her obligations under such agreement; and

(e) The facts of the alleged offense.

(8) A diversionary unit may refuse to enter into a diversion agreement with a youth. It shall immediately refer such youth to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such youth fails to make restitution or perform community service as required by the diversion agreement.

(9) A diversionary unit may, in instances where it determines that the act or omission of an act for which a youth has been referred to it involved no victim, or where it determines that the youth referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a youth without entering into a diversion agreement: **PROVIDED**, That any youth so handled shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the youth's criminal history as defined by section 56(6) of this 1977 amendatory act. A signed acknowledgment of such advisement shall be obtained from the youth and the document shall be maintained by the unit and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language: **PROVIDED FURTHER**, That a youth determined to be eligible by a diversionary unit for such release shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other youth referred to the unit.

**NEW SECTION. Sec. 63.** The county prosecuting attorney shall be a party to all juvenile court proceedings involving juvenile offenders or alleged juvenile offenders.

The prosecuting attorney may, after giving appropriate notice to the juvenile court, decline to represent the state of Washington in juvenile court matters except felonies unless requested by the court on an individual basis to represent the state at an adjudicatory hearing in which case he or she shall participate. When the prosecutor declines to represent the state, then such function may be performed by the juvenile court probation counselor authorized by the court or local court rule to serve as the prosecuting authority.

If the prosecuting attorney elects not to participate, the prosecuting attorney shall file with the county clerk each year by the first Monday in July notice of intent not to participate. In a county wherein the prosecuting attorney has elected not to participate in juvenile court, he or she shall not thereafter until the next filing date participate in juvenile court proceedings unless so requested by the court on an individual basis, in which case the prosecuting attorney shall participate.

**NEW SECTION. Sec. 64. (1)** Upon the filing of an information, the clerk of the court shall issue a summons directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the

petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons.

(2) A copy of the information shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel.

(4) The judge may endorse upon the summons an order directing the parents, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(5) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to section 33 of this 1977 amendatory act the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take the child to the place of detention or shelter designated by the court.

(6) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally at least five court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail at least ten court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the party's address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(7) Service of summons may be made under the direction of the court by any law enforcement officer or probation counselor.

(8) If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court, the person may be proceeded against as for contempt of court.

NEW SECTION. Sec. 65. (1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held where:

(a) The respondent is sixteen or seventeen years of age and the petition alleges a class A felony or an attempt to commit a class A felony; or

(b) The respondent is seventeen years of age and the petition alleges assault in the second degree, extortion in the first degree, indecent liberties, kidnaping in the second degree, rape in the second degree, or robbery in the second degree.

(2) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

**NEW SECTION.** Sec. 66. The court shall hold an adjudicatory hearing on the information, and, after it has announced its findings of fact and its verdict, shall hold a hearing to consider disposition of the case pursuant to sections 69 and 70 of this 1977 amendatory act immediately following the adjudicatory hearing or at a continued hearing within fourteen days unless good cause is shown for a further continuance. Notice of the time and place of the continued hearing may be given in open court. If notice is not given in open court to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases shall not be heard in conjunction with other business of any other division of the superior court.

**NEW SECTION.** Sec. 67. (1) The respondent shall be advised of the allegations in the information and shall be required to plead guilty or not guilty to the allegation(s). The state or the respondent may make preliminary motions up to the time of the plea.

(2) If the respondent pleads guilty, the court may proceed with disposition or may continue the case for a dispositional hearing. If the respondent denies guilt, a hearing date shall be set.

(3) At the adjudicatory hearing it shall be the burden of the prosecution to prove the allegations of the information beyond a reasonable doubt.

(4) The court shall record its findings of fact and shall enter its verdict upon the record. Such findings shall set forth the evidence relied upon by the court in reaching its verdict.

(5) If the respondent is found not guilty he or she shall be released from detention.

(6) If the respondent is found guilty the court may immediately proceed to disposition or may continue the case for a dispositional hearing.

(7) The court following an adjudicatory hearing may request that a predisposition study be prepared to aid the court in its evaluation of the matters relevant to disposition of the case.

(8) In sentencing an offender, the court shall use the disposition standards in effect on the date of the offense.

**NEW SECTION.** Sec. 68. (1) A youth shall be advised of his or her rights when appearing before the court.

(2) A youth and his or her parent, guardian, or custodian shall be advised by the court or its representative that the youth has a right to be represented by counsel at all critical stages of the proceedings. Unless waived, counsel shall be provided to a youth, who is financially unable to obtain counsel without causing substantial hardship to himself or herself or the youth's family, in any proceeding where the youth may be subject to transfer for criminal prosecution, or in any proceeding where the youth may be in danger of confinement or partial confinement. The ability to pay part of the cost of counsel shall not preclude assignment. In no

case shall a youth be deprived of counsel because of a parent, guardian, or custodian refusing to pay therefor. The youth shall be fully advised of his or her right to an attorney and of the relevant services an attorney can provide.

(3) The right to counsel shall include the right to the appointment of experts necessary and the experts shall be required pursuant to the procedures and requirements established by the supreme court.

(4) Upon application of a party, the clerk of the court shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, or other tangible objects at any hearing, or such subpoenas may be issued by an attorney of record.

(5) All proceedings shall be transcribed verbatim by means which will provide an accurate record.

(6) The general public and press shall be permitted to attend any hearing unless the court, for good cause, orders a particular hearing to be closed. The presumption shall be that all such hearings will be open.

(7) In all adjudicatory proceedings before the court, all parties shall have the right to adequate notice, discovery as provided in criminal cases, opportunity to be heard, confrontation of witnesses except in such cases as this chapter expressly permits the use of hearsay testimony, findings based solely upon the evidence adduced at the hearing, and an unbiased fact-finder.

(8) A juvenile shall be accorded the privilege against self-incrimination. An extra judicial statement which would be constitutionally inadmissible in a criminal proceeding shall not be received in evidence at an adjudicatory hearing over objection. Evidence illegally seized or obtained shall not be received in evidence over objection at an adjudicatory hearing to prove the allegations against the child. An extra judicial admission or confession made by the child out of court is insufficient to support a finding that the child committed the acts alleged in the information unless a corpus delicti is first established.

(9) Waiver of any right which a child has under this chapter must be an express waiver intelligently made by the child after the child has been fully informed of the right being waived.

(10) Whenever this chapter refers to waiver or objection by a child, the word child shall be construed to refer to a child who is at least twelve years of age. If a child is under twelve years of age, the child's parent, guardian, or custodian shall give any waiver or offer any objection contemplated by this chapter.

**NEW SECTION.** Sec. 69. (1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

(a) Consider the facts supporting the allegations of criminal conduct by the respondent;

(b) Consider information and arguments offered by parties and their counsel;

(c) Consider any predisposition reports;

(d) Afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;

(e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;

(f) Determine the amount of restitution owing to the victim, if any;

(g) Determine whether the respondent is a serious offender or a minor or first offender;

(h) Consider whether or not any of the following mitigating factors exist:

(i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;

(ii) The respondent acted under strong and immediate provocation;

(iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;

(iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and

(v) There has been at least one year between the respondent's current offense and any prior criminal offense;

(i) Consider whether or not any of the following aggravating factors exist:

(i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;

(ii) The offense was committed in an especially heinous, cruel, or depraved manner;

(iii) The victim or victims were particularly vulnerable;

(iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement; and

(v) The respondent was the leader of a criminal enterprise involving several persons;

(j) The following factors shall not be considered in determining the punishment to be imposed:

(i) The sex of the respondent;

(ii) The race or color of the respondent or the respondent's family;

(iii) The creed or religion of the respondent or the respondent's family;

(iv) The economic or social class of the respondent or the respondent's family; and

(v) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter;

(k) A court shall not commit a youth to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community.

**NEW SECTION. Sec. 70. (1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for a determinate sentence consisting of the standard range of disposition for the offense.**



If the court finds that a disposition within the standard range would effectuate a manifest injustice, the court may impose a disposition outside the range but only after it enters reasons upon which it bases its conclusion that disposition within the standard range would effectuate a manifest injustice. A disposition imposed outside a standard range is appealable under section 77 of this 1977 amendatory act by the state or the respondent. A disposition within the standard range is not appealable under section 77 of this 1977 amendatory act.

(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition. A disposition other than a community supervision shall be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. Any disposition other than community supervision may be appealed as provided in section 77 of this 1977 amendatory act by the state or the respondent. A disposition of community supervision may not be appealed under section 77 of this 1977 amendatory act.

(3) A juvenile appearing before the court for formal disposition who has declined to enter into a diversion agreement and who would otherwise be so entitled shall, if determined to be a first or minor offender, be referred to a diversionary unit under the supervision of which such youth may only be required to perform the term of community service and, where there is a victim, shall be required to make restitution under the limits specified in this chapter.

(4) Where the respondent is found to have committed an offense and is neither a serious offender nor a minor or first offender, consistent with the purposes of this chapter the court shall: (a)(i) Where the appropriate standard range includes a period of confinement exceeding thirty days, sentence the offender to the department for a term consisting of the appropriate standard range, or (ii) where the appropriate standard range does not include a period of confinement exceeding thirty days, sentence the offender to a determinate term within the appropriate standard range in which case the court shall consider only those aggravating and mitigating factors set forth in section 69 of this 1977 amendatory act and shall state its reasons for selecting the particular punishment imposed, or (b) shall impose a term of community supervision. If the court sentencing pursuant to subsection (a)(i) or (ii) of this section finds that a disposition within the standard range would effectuate a manifest injustice, it may impose a disposition other than community supervision outside the range but only after it enters reasons upon which it bases its conclusion that disposition within the standard range would effectuate a manifest injustice. A disposition so imposed outside the standard range may be appealed as provided in section 77 of this 1977 amendatory act by the state or the respondent. A disposition within the standard range or of community supervision shall not be appealable under section 77 of this 1977 amendatory act.

(5) A court may require a juvenile offender to serve a period of partial confinement not to exceed thirty days or a period of confinement not to exceed the minimum period of confinement included within the standard range for the offense(s)

for which he or she was found guilty, but in no case to exceed thirty days: **PROVIDED**, That such periods of partial confinement and confinement may be required only of youthful offenders who are: (a) Not sentenced to a sentence within a range established by the legislature; (b) not committed to the department; (c) not first and minor offenders; and (d) are serving terms of community supervision: **PROVIDED FURTHER**, That all such terms of partial confinement and confinement shall be served in a facility operated by or pursuant to a contract with a county or city.

**NEW SECTION.** Sec. 71. The fingerprints and photograph may be taken of any serious offender.

**NEW SECTION.** Sec. 72. Where a disposition is imposed on a youth for two or more offenses, the terms shall run consecutively, subject to the following limitations: (1) Where the offenses were committed through a single act or omission, or through an act or omission which in itself constituted one of the offenses and also was an element of the other, the aggregate of all the terms shall not exceed one hundred fifty percent of the term imposed for the most serious offense; and (2) in all other cases, the aggregate of all consecutive terms shall not exceed three hundred percent of the term imposed for the most serious offense.

**NEW SECTION.** Sec. 73. (1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution: **PROVIDED**, That the court shall not require the respondent to pay full or partial restitution if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay such restitution.

(2) When a respondent who has been ordered by a court to pay a fine or restitution, or to perform service for the public good fails to fulfill that order, the court upon the motion of the prosecutor or upon its own motion, shall require the respondent to show cause why the respondent should not be confined in a detention facility for nonfulfillment. The court may issue a summons or a warrant for arrest to compel the respondent's appearance.

(3) The respondent shall have the burden of showing that the nonpayment or nonfulfillment was not a wilful refusal and that he or she did not have the means and could not reasonably acquire the means to pay the fine or restitution or to perform the service for the public good. If the court finds that the default was wilful, it may order the youth detained in a county facility for one day for each twenty-five dollars of restitution or fine on which the youth wilfully defaulted or may order the youth detained in a county facility for one day for each eight hours of community service on which the youth wilfully defaulted.

**NEW SECTION.** Sec. 74. Consistent with the purposes of this chapter, if the respondent violates a condition of his or her community supervision, community

supervision may be revoked or modified and further permissible punishment imposed pursuant to the provisions of this chapter. Such punishment may include a period of confinement and/or partial confinement in a county facility not to exceed thirty days. Community supervision may only be revoked or modified upon the same due process as would be afforded an adult alleged probation violator.

**NEW SECTION.** Sec. 75. (1) The secretary shall, except in the case of a youth committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the youth was found to be guilty established pursuant to section 57 of this 1977 amendatory act, set a release or discharge date for each youth committed to its custody which shall be within the prescribed range to which a youth has been committed. Such dates shall be determined prior to the expiration of sixty percent of a youth's minimum term of confinement included within the prescribed range to which the youth has been committed.

(2) Following the youth's release pursuant to subsection (1) of this section, the secretary may require the youth to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months. The secretary shall, for the period of parole, facilitate the youth's reintegration into his or her community and to further this goal may require the youth to: (a) Undergo available medical or psychiatric treatment; (b) report as directed to a parole officer; (c) pursue a course of study or vocational training; (d) remain within prescribed geographical boundaries and notify the department of any change in his or her address; and (e) refrain from committing new offenses. After termination of the parole period, the youth shall be discharged from the department's supervision.

(3) The department may also revoke or modify parole for violation thereof. If, after affording a youth all of the due process rights to which he or she would be entitled if the youth were an adult, the secretary finds that a youth has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (a) Continued supervision under the same conditions previously imposed; (b) intensified supervision with increased reporting requirements; (c) additional conditions of supervision authorized by this chapter; and (d) imposition of a period of partial confinement not to exceed thirty days.

(4) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest such person.

**NEW SECTION.** Sec. 76. Whenever legal custody of a child is vested in someone other than his or her parents, after due notice to the parents or other persons legally obligated to care for and support the child, and after a hearing, the court may order and decree that the parent or other legally obligated person shall pay in such a manner as the court may direct a reasonable sum representing in whole or in part the costs of support, treatment, and confinement of the child after the decree is entered. If the parent or other legally obligated person wilfully fails or refuses to pay such sum, the court may proceed against such person for contempt.

**NEW SECTION.** Sec. 77. (1) Dispositions reviewed pursuant to section 70 of this 1977 amendatory act shall be reviewed in the appropriate division of the court of appeals.

An appeal under this section shall be heard solely upon the record that was before the disposition court. No written briefs shall be required and the appeal shall be heard within thirty days following the date of sentencing and a decision rendered within fifteen days following the argument. The supreme court shall promulgate any necessary rules to effectuate the purposes of this section.

(2) To uphold a disposition outside the standard range, or which imposes confinement for a minor or first offender, the court of appeals must find (a) that the reasons supplied by the disposition judge are supported by the record which was before the judge and that those reasons clearly and convincingly support the conclusion that a disposition within the range, or nonconfinement for a minor or first offender, would constitute a manifest injustice, and (b) that the sentence imposed was neither clearly excessive nor clearly too lenient.

(3) If the court does not find subsection (2)(a) of this section it shall remand the case for disposition within the standard range or for community supervision without confinement as would otherwise be appropriate pursuant to this chapter.

(4) If the court finds subsection (2)(a) but not subsection (2)(b) of this section it shall remand the case with instructions for further proceedings consistent with the provisions of this chapter.

(5) Pending appeal, a respondent shall not be committed or detained for a period of time in excess of the standard range for the offense(s) committed and shall not be detained if a first or minor offender: PROVIDED, That if the order of the disposition court is below the standard range, the respondent shall be committed or detained for no longer than the term set by the disposition court.

(6) Dispositions imposed by the disposition court shall not be final until either the deadline for appeal pursuant to state law or supreme court rule has passed without an appeal being taken, or the court of appeals has issued its decision on the appeal.

**NEW SECTION.** Sec. 78. All references to juvenile delinquents or juvenile delinquency in other chapters of the Revised Code of Washington shall be construed as meaning juvenile offenders or the commitment of an offense by juveniles as defined by this chapter.

**NEW SECTION.** Sec. 79. (1) There is appropriated for the period July 1, 1978, to June 30, 1979, from the general fund nine hundred eighty-three thousand six hundred dollars to be allocated to counties for the cost of operating diversion units as required by this chapter.

(2) The secretary shall administer the funds and shall promulgate, pursuant to chapter 34.04 RCW, rules establishing a planning process and standards which meet the intent of this chapter. The secretary shall also monitor and evaluate, against established standards, all programs and services funded by this appropriation.

(3) The total sum shall be allocated by the secretary to the counties. Diversion units funded by this section shall be administered and operated separately from the court: PROVIDED, That counties of classes other than AA and A may request for an exemption from this requirement. The secretary may grant such exemption if it

is clearly demonstrated that resources do not exist nor can be established in such county to operate diversion units separately from the court.

(4) In meeting the requirements of this chapter, there shall be a maintenance of effort whereby counties shall exhaust existing resources prior to the utilization of funds appropriated by this section.

(5) It is the intent of the legislature that these funds shall be the maximum amount necessary to meet the requirement of this chapter for the stated period. Courts shall be required to provide diversion programs and services to the extent made possible by available sources. In addressing diverted youths, a resource priority continuum shall be developed whereby the highest priority in resource allocation shall be given to diverted youths who have inflicted bodily harm while the lowest priority shall be given to diverting youths who have committed victimless crimes or minor property offenses.

NEW SECTION. Sec. 80. Sections 55 through 78 of this 1977 amendatory act shall constitute a new chapter in Title 13 RCW. RCW 13.04.260 is hereby decodified and shall be recodified as part of that new chapter.

NEW SECTION. Sec. 81. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 160, Laws of 1913, section 1, chapter 302, Laws of 1961 and RCW 13.04.010;

(2) Section 2, chapter 302, Laws of 1961, section 1, chapter 101, Laws of 1973 1st ex. sess. and RCW 13.04.053;

(3) Section 3, chapter 302, Laws of 1961 and RCW 13.04.056;

(4) Section 6, chapter 302, Laws of 1961, section 1, chapter 137, Laws of 1967, section 2, chapter 71, Laws of 1975-'76 2nd ex. sess. and RCW 13.04.095;

(5) Section 9, chapter 160, Laws of 1913 and RCW 13.04.110;

(6) Section 12, chapter 160, Laws of 1913, section 1, chapter 132, Laws of 1945, section 1, chapter 58, Laws of 1959 and RCW 13.04.120;

(7) Section 14, chapter 160, Laws of 1913 and RCW 13.04.140;

(8) Section 1, chapter 116, Laws of 1953 and RCW 13.04.170;

(9) Section 10, chapter 302, Laws of 1961 and RCW 13.04.190;

(10) Section 4, chapter 297, Laws of 1957, section 2, chapter 251, Laws of 1959, section 12, chapter 302, Laws of 1961, section 16, chapter 80, Laws of 1977 1st ex. sess. and RCW 13.04.200;

(11) Section 13, chapter 302, Laws of 1961 and RCW 13.04.210;

(12) Section 14, chapter 302, Laws of 1961, section 54, chapter 81, Laws of 1971 and RCW 13.04.220;

(13) Section 15, chapter 302, Laws of 1961 and RCW 13.04.230; and

(14) Section 1, chapter 93, Laws of 1967 and RCW 13.04.250.

NEW SECTION. Sec. 82. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 83. Section 57 of this 1977 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing public institutions, and shall take effect on July

1, 1977. The remainder of this 1977 amendatory act shall take effect on July 1, 1978.

Passed the House June 10, 1977.

Passed the Senate June 8, 1977.

Approved by the Governor June 18, 1977.

Filed in Office of Secretary of State June 18, 1977.

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## CHAPTER 292

[Engrossed Senate Bill No. 2480]

### UNEMPLOYMENT COMPENSATION

AN ACT Relating to unemployment compensation; amending section 7, chapter 3, Laws of 1971 and RCW 50.04.116; amending section 16, chapter 35, Laws of 1945 as last amended by section 1, chapter 264, Laws of 1957 and RCW 50.04.150; amending section 17, chapter 35, Laws of 1945 as amended by section 4, chapter 215, Laws of 1947 and RCW 50.04.160; amending section 28, chapter 35, Laws of 1945 and RCW 50.04.270; amending section 31, chapter 35, Laws of 1945 as amended by section 10, chapter 3, Laws of 1971 and RCW 50.04.300; amending section 44, chapter 35, Laws of 1945 as last amended by section 11, chapter 3, Laws of 1971 and RCW 50.12.050; amending section 60, chapter 35, Laws of 1945 as last amended by section 4, chapter 73, Laws of 1973 and RCW 50.16.010; amending section 2, chapter 1, Laws of 1971 as amended by section 7, chapter 73, Laws of 1973 and RCW 50.22.010; amending section 104, chapter 35, Laws of 1945 as last amended by section 1, chapter 35, Laws of 1972 ex. sess. and RCW 50.24.160; amending section 19, chapter 3, Laws of 1971 and RCW 50.44.020; amending section 20, chapter 3, Laws of 1971 as amended by section 2, chapter 35, Laws of 1972 ex. sess. and RCW 50.44.030; amending section 21, chapter 3, Laws of 1971 as last amended by section 1, chapter 67, Laws of 1975 1st ex. sess. and RCW 50.44.040; amending section 22, chapter 3, Laws of 1971 as last amended by section 17, chapter 288, Laws of 1975 1st ex. sess. and RCW 50.44.050; amending section 23, chapter 3, Laws of 1971 and RCW 50.44.060; adding new sections to chapter 35, Laws of 1945 and to chapter 50.04 RCW; adding new sections to chapter 35, Laws of 1945 and to chapter 50.20 RCW; adding new sections to chapter 3, Laws of 1971 and to chapter 50.44 RCW; adding new sections to chapter 35, Laws of 1945 and to chapter 50.98 RCW; creating a new section; repealing section 21, chapter 35, Laws of 1945, section 7, chapter 265, Laws of 1951, section 1, chapter 276, Laws of 1953, section 1, chapter 8, Laws of 1953 ex. sess., section 9, chapter 3, Laws of 1971 and RCW 50.04.200; repealing section 26, chapter 35, Laws of 1945 and RCW 50.04.250; repealing section 27, chapter 35, Laws of 1945, section 1, chapter 265, Laws of 1951 and RCW 50.04.260; making an appropriation; providing effective dates; and declaring an emergency.

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

Section 1. Section 7, chapter 3, Laws of 1971 and RCW 50.04.116 are each amended to read as follows:

The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States (except in Canada ((or the Virgin Islands)), and in the case of the Virgin Islands after December 31, 1971 and prior to January 1 of the year following the year in which the United States secretary of labor approves the unemployment compensation law of the Virgin Islands under section 3304(a) of the Internal Revenue Code of 1954) in the employ of an American employer (other than service which is deemed "employment" under the provisions of RCW 50.04.110 or 50.04.120 or the parallel provisions of another state's law), if:

(1) The employer's principal place of business in the United States is located in this state; or

(2) The employer has no place of business in the United States but:

(a) The employer is an individual who is a resident of this state; or

(b) The employer is a corporation which is organized under the laws of this state; or

(c) The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any one other state; or

(3) None of the criteria ~~((fin))~~ in subsections (1) and (2) of this section is met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the laws of this state.

(4) An "American employer", for the purposes of this section, means a person who is:

(a) An individual who is a resident of the United States; or

(b) A partnership if two-thirds or more of the partners are residents of the United States; or

(c) A trust, if all of the trustees are residents of the United States; or

(d) A corporation organized under the laws of the United States or of any state.

Sec. 2. Section 16, chapter 35, Laws of 1945 as last amended by section 1, chapter 264, Laws of 1957 and RCW 50.04.150 are each amended to read as follows:

The term "employment" shall not include service performed in agricultural labor except as otherwise provided in section 3 of this 1977 amendatory act.

Agricultural labor is defined as services performed:

(1) On a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wild life, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or

(2) In packing, packaging, grading, storing, or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations. The exclusions from the term "employment" provided in this paragraph shall not be deemed to be applicable with respect to commercial packing houses, commercial storage establishments, commercial canning, commercial freezing, or any other commercial processing or with respect to services performed in connection with the cultivation, raising, harvesting and processing of oysters or raising and harvesting of mushrooms or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

NEW SECTION. Sec. 3. There is added to chapter 35, Laws of 1945 and to chapter 50.04 RCW a new section to read as follows:

(1) Service performed in agricultural labor on and after January 1, 1978, for a farm operator or crew leader will be deemed services in employment if the farm operator or crew leader:

(a) Paid twenty thousand dollars or more as remuneration to individuals employed in agricultural labor during any calendar quarter in the current or preceding calendar year; or

(b) Employed ten or more individuals in agricultural labor for some portion of the day in each of twenty different calendar weeks in either the current or preceding calendar year regardless of whether they were employed at the same moment of time or whether or not the weeks were consecutive.

(2) A farm operator is the owner or tenant of the farmlands who stands to gain or lose economically from the operations of the farm. Employment will be considered employment by the farm operator unless it is established to the satisfaction of the commissioner that the services were performed in the employ of a crew leader. The risk of nonpersuasion is upon the farm operator. The operator will nonetheless be liable for contributions under RCW 50.24.130 even though services performed on the operator's farmlands would not be sufficient to bring the services under the term employment if services performed on the operator's land in the employ of a crew leader would be covered and the crew leader has failed to pay contributions on the services. For the purposes of the preceding sentence and RCW 50.24.130, all moneys paid or payable to the crew leader by the farm operator shall be deemed paid for services unless there is a written contract clearly specifying the amounts of money to be attributed to items other than services of the crew leader or the crew leader's employees.

(3) For the purposes of this section, a crew leader is a person who furnishes individuals to perform services in agricultural labor for the benefit of any other person, who pays for the services performed in agricultural labor (either on his or her own behalf or on behalf of the other person), and who has not made a written agreement making himself or herself an employee of the other person: PROVIDED, That no person shall be deemed a crew leader unless he or she is established independently of the person for whom the services are performed and either has a valid certificate of registration under the farm labor contractor registration act of 1963 or substantially all the members of his or her crew operate or maintain tractors, mechanized harvesting or crop dusting equipment, or any other mechanized equipment which is provided by the crew leader.

Sec. 4. Section 17, chapter 35, Laws of 1945 as amended by section 4, chapter 215, Laws of 1947 and RCW 50.04.160 are each amended to read as follows:

~~((The term "employment" shall not include domestic service in a private home, local college club, or local chapter of a college fraternity or sorority: PROVIDED, HOWEVER, That))~~ Services performed in domestic service in a private home, local college club, or local chapter of a college fraternity or sorority shall not be considered services in employment unless the services are performed after December 31, 1977, for a person who paid remuneration of one thousand dollars or more to individuals employed in this domestic service in any calendar quarter in the current or the preceding calendar year. The terms local college club and local chapter of a college fraternity or sorority shall not be deemed to include alumni clubs or chapters.

NEW SECTION. Sec. 5. There is added to chapter 35, Laws of 1945 and to chapter 50.04 RCW a new section to read as follows:



Services performed by aliens legally or illegally admitted to the United States shall be considered services in employment subject to the payment of contributions to the extent that services by citizens are covered.

NEW SECTION. Sec. 6. There is added to chapter 35, Laws of 1945 and to chapter 50.20 RCW a new section to read as follows:

Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if the individual performed the services in the first of the seasons (or similar periods) and there is a reasonable assurance that the individual will perform the services in the latter of the seasons (or similar periods).

Sec. 7. Section 28, chapter 35, Laws of 1945 and RCW 50.04.270 are each amended to read as follows:

The term "employment" shall not include casual labor not in the course of the employer's trade or business (labor which does not promote or advance the trade or business of the employer). Temporary labor in the usual course of an employer's trade or business or domestic services as defined in RCW 50.04.160 shall not be deemed to be casual labor.

Sec. 8. Section 31, chapter 35, Laws of 1945 as amended by section 10, chapter 3, Laws of 1971 and RCW 50.04.300 are each amended to read as follows:

"State" includes, in addition to the states of the United States of America, the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico.

Sec. 9. Section 44, chapter 35, Laws of 1945 as last amended by section 11, chapter 3, Laws of 1971 and RCW 50.12.050 are each amended to read as follows:

As used in this section the terms "other state" and "another state" shall be deemed to include any state or territory of the United States, the District of Columbia, the Commonwealth of Puerto Rico and any foreign government and, where applicable, shall also be deemed to include the federal government or provisions of a law of the federal government, as the case may be.

As used in this section the term "claim" shall be deemed to include whichever of the following terms is applicable, to wit: "Application for initial determination", "claim for waiting period credit", or "claim for benefits".

The commissioner shall enter into an agreement with any other state whereby in the event an individual files a claim in another state against wages earned in employment in this state, or against wage credits earned in this state and in any other state or who files a claim in this state against wage credits earned in employment in any other state, or against wages earned in this state and in any other state, the claim will be paid by this state or another state as designated by the agreement in accordance with a determination on the claim as provided by the agreement and pursuant to the qualification and disqualification provisions of this title or under the provisions of the law of the designated paying state (including another state) or under such a combination of the provisions of both laws as shall be determined by the commissioner as being fair and reasonable to all affected interests, and whereby the wages of such individual, if earned in two or more states

(including another state) may be combined, and further, whereby this state or another state shall reimburse the paying state in an amount which shall bear the same ratio to the amount of benefits already paid as the amount of wage credits transferred by this state or another state, and used in the determination, bear to the total wage credits used in computing the claimant's maximum amount of benefits potentially payable.

Whenever any claim is filed by an individual involving the combination of wages or a reciprocal arrangement for the payment of benefits, which is governed by the provisions of this section, the employment security department of this state, when not designated as the paying state, shall promptly make a report to the other state making the determination, showing wages earned in employment in this state.

The commissioner is hereby authorized to make to another state and to receive from another state reimbursements from or to the unemployment compensation fund in accordance with arrangements made pursuant to the provisions of this section.

**NEW SECTION.** Sec. 10. There is added to chapter 35, Laws of 1945 and to chapter 50.20 RCW a new section to read as follows:

(1) Benefits shall not be paid on the basis of services performed by an alien unless the alien is an individual who has been lawfully admitted for permanent residence or otherwise is permanently residing in the United States under color of law (including an alien who is lawfully present in the United States as a result of the application of 8 U.S.C. Sec. 1153(a)(7) or 8 U.S.C. Sec. 1182(d)(5): **PROVIDED**, That any modifications to 26 U.S.C. Sec. 3304(a)(14) as provided by PL 94-566 which specify other conditions or other effective date than stated herein for the denial of benefits based on services performed by aliens and which modifications are required to be implemented under state law as a condition for full tax credit against the tax imposed by 26 U.S.C. Sec. 3301 shall be deemed applicable under this section.

(2) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(3) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of his or her alien status shall be made except upon a preponderance of the evidence.

Sec. 11. Section 2, chapter 1, Laws of 1971 as amended by section 7, chapter 73, Laws of 1973 and RCW 50.22.010 are each amended to read as follows:

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after whichever of the following weeks occurs first:

(i) A week for which there is a national "on" indicator((:); or

(ii) A week for which there is a state "on" indicator((: ~~PROVIDED, That, as there was a state "on" indicator for the week which was three weeks prior to October 11, 1970, an extended benefit period began on that date.);~~ and

(b) Ends with the third week after the first week for which there is both a national "off" indicator and a state "off" indicator: **PROVIDED**, That no extended

benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state(~~(: AND PROVIDED FURTHER, That prior to January 1, 1972, an extended benefit period may become effective and be terminated in this state solely by reason of a state "on" and a state "off" indicator, respectively)).~~

(2) There is a "national 'on' indicator" for a week if the United States secretary of labor determines that ((for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four and five-tenths percent)) for the period consisting of such week and the twelve weeks immediately preceding it, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four and five-tenths percent (determined by reference to the average monthly covered employment for the first four of the most recent six calendar quarters ending before the close of the period).

(3) There is a "national 'off' indicator" for a week if the United States secretary of labor determines that ((for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states was less than four and five-tenths percent)) for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (seasonally adjusted) for all states was less than four and five-tenths percent (determined by reference to the average monthly covered employment for the first four of the most recent six calendar quarters ending before the close of the period).

(4) There is a "state 'on' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) ((as determined under the provisions of subsection (6) of this section)) either:

(a) Equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years(;) and equaled or exceeded four percent; or

(b) Equaled or exceeded ((four)) five percent.

(5) There is a "state 'off' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) ((as determined under the provisions of subsection (6) of this section)) was either:

(a) Less than ((one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years)) four percent; or

(b) ((Less than)) Four percent or more but less than five percent and the rate of insured unemployment was less than one hundred twenty percent of the average of the rates for the corresponding thirteen week period ending in each of the two preceding calendar years.

~~(6) ("Rate of insured unemployment", for purposes of subsections (4) and (5) of this section, means the percentage derived by dividing the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent thirteen consecutive week period, as determined by the commissioner on the basis of his reports to the United States secretary of labor; by the average monthly employment covered under this title for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period:~~

~~(7))~~ "Regular benefits" means benefits payable to an individual under this title or ~~(;)~~ under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

~~((8))~~ (7) "Extended benefits" means benefits payable for weeks of unemployment beginning in an extended benefit period to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than ~~((emergency benefits payable to an individual under the provisions of this chapter for weeks of unemployment in his eligibility period))~~ regular or additional benefits.

~~((9))~~ (8) "Additional benefits" are benefits ((other than regular benefits or extended benefits)) totally financed by the state and payable under this title to exhaustees by reason of conditions of high unemployment or by reason of other special factors.

~~((10))~~ (9) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period that is in effect in this state and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

~~((11))~~ (10) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were payable to him under this title or any other state law (including dependents' allowances and regular benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week; or

(b) Has received, prior to such week, all of the regular benefits that were available to him under this title or any other state law (including dependents' allowances and regular benefits available to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week, after the cancellation of some or all of his wage credits or the total or partial reduction of his rights to regular benefits: PROVIDED, That, for the purposes of (a) and (b), an individual shall be deemed to have received in his current benefit year all of the regular benefits that were payable to him, or available to him, as the case may be, even though:

(i) As a result of a pending appeal with respect to wages or employment, or both, that were not included in the original monetary determination with respect to his current benefit year, he may subsequently be determined to be entitled to more regular benefits; or

(ii) By reason of the seasonal provisions of another state law, he is not entitled to regular benefits with respect to such week of unemployment (although he may

be entitled to regular benefits with respect to future weeks of unemployment in the next season, as the case may be, in his current benefit year), and he is otherwise an exhaustee within the meaning of this section with respect to his right to regular benefits under such state law seasonal provisions during the season or off season in which that week of unemployment occurs; or

(iii) Having established a benefit year, no regular benefits are payable to him during such year because his wage credits were canceled or his right to regular benefits was totally reduced as the result of the application of a disqualification; or

(c) His benefit year having ended prior to such week, he has insufficient wages or employment, or both, on the basis of which he could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he is precluded from receiving regular benefits by reason of the provision in RCW 50.04.030 which meets the requirement of section 3304(a)(7) of the Federal Unemployment Tax Act, or the similar provision in any other state law; and

(d) (i) Has no right for such week to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(ii) Has not received and is not seeking for such week unemployment benefits under the unemployment compensation law of the Virgin Islands or Canada, unless the appropriate agency finally determines that he is not entitled to unemployment benefits under such law for such week.

~~((+2))~~ (11) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954.

Sec. 12. Section 104, chapter 35, Laws of 1945 as last amended by section 1, chapter 35, Laws of 1972 ex. sess. and RCW 50.24.160 are each amended to read as follows:

Any employing unit for which services that do not constitute employment as defined in this title are performed may file with the commissioner a written election that all such services performed by any distinct class or group of individuals or by all individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this title for not less than two calendar years. Upon the written approval of such election by the commissioner, such services shall be deemed to constitute employment subject to this title from and after the date stated in such approval(~~(: PROVIDED, HOWEVER, That any political subdivision of this state or any instrumentality of a political subdivision may elect coverage in accordance with the provisions of RCW 50.44.030 as a matter of right)~~). Services covered pursuant to this section shall cease to be deemed employment subject hereto as of January 1st of any calendar year subsequent to such two calendar years, only if the employing unit files with the commissioner prior to the fifteenth day of January of such year a written application for termination of coverage(~~(: PROVIDED, FURTHER, That the provisions of RCW 50.04.200 to the contrary notwithstanding, public port districts may elect to cover the services of all or any distinct class or group of individuals in its employ on a contribution basis; such election shall preclude said port districts from~~

~~covering contemporaneous services of any other class or group of employees under the provisions of RCW 50.44.030)).~~

Sec. 13. Section 19, chapter 3, Laws of 1971 and RCW 50.44.020 are each amended to read as follows:

Commencing with benefit years beginning on or after January 28, 1971, services performed subsequent to September 30, 1969 in the employ of this state or any of its wholly owned instrumentalities or jointly owned instrumentalities of this state and another state or this state and one or more of its political subdivisions shall be deemed services in employment unless such services are excluded from the term employment by RCW 50.44.040.

The state shall make payments in lieu of contributions with respect to benefits attributable to such employment as provided with respect to nonprofit organizations in subsections (2) and (3) of RCW 50.44.060: PROVIDED, HOWEVER, That for weeks of unemployment beginning after January 1, 1979, the state shall pay in addition to the full amount of regular and additional benefits so attributable the full amount of extended benefits so attributable: PROVIDED, FURTHER, That no payment will be required from the state until the expiration of the twelve-month period following the end of the biennium in which the benefits attributable to such employment were paid. The amount of this payment shall include an amount equal to the amount of interest that would have been realized for the benefit of the unemployment compensation trust fund had such payments been received within thirty days after the day of the quarterly billing provided for in RCW 50.44.060(2)(a).

Sec. 14. Section 20, chapter 3, Laws of 1971 as amended by section 2, chapter 35, Laws of 1972 ex. sess. and RCW 50.44.030 are each amended to read as follows:

~~((Any political subdivision of this state or any instrumentality of a political subdivision may elect to cover the services of all or any distinct class or group of individuals in its employ: PROVIDED, HOWEVER, That public utility districts and public power authorities may not elect coverage under this section: PROVIDED, FURTHER, That any political subdivision of this state or any instrumentality of a political subdivision which elects to cover the services of any employees in an institution of higher education or hospital operated by said political subdivision or instrumentality shall cover the services of all employees in all institutions of higher education and all hospitals operated by said political subdivision or instrumentality.~~

~~For the purposes of this chapter the term "hospital" means any institution primarily engaged in the treatment of emotional or physical disability which provides, on a regular basis, twenty-four hour per day bed care under the supervision of licensed medical personnel and those components, of other institutions, which are primarily engaged in the treatment of emotional or physical disability and which provide, on a regular basis, twenty-four hour per day bed care under the supervision of licensed medical personnel.~~

~~For the purposes of this chapter, the term "institution of higher education" means an educational institution in this state which~~

~~(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;~~

~~(2) Is legally authorized within this state to provide a program of education beyond high school;~~

~~(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and~~

~~(4) Is a public or other nonprofit institution;~~

~~(5) Notwithstanding any of the foregoing subsections, all colleges and universities in this state are "institutions of higher education".~~

~~Services covered by the election performed subsequent to the date of such election shall be deemed services in employment unless such services are excluded from the term "employment" by RCW 50.44.040.~~

~~Any political subdivision or instrumentality electing coverage under this section shall make payments in lieu of contributions with respect to benefits attributable to such employment as provided with respect to nonprofit organizations in subsections (2) and (3) of RCW 50.44.060.~~

~~An election under the provisions of this section shall be for no less than two calendar years. A political subdivision or instrumentality of a political subdivision desiring to terminate coverage may do so by filing a written application for termination of coverage no later than the December fifteenth preceding the calendar year with respect to which such termination is to be effective. Termination of coverage will not relieve the political subdivision or instrumentality of a political subdivision of the obligation to reimburse the unemployment compensation fund for all benefits paid attributable to service performed during the covered period in the employ of such political subdivision or instrumentality of a political subdivision.))~~

(1) All services performed for any political subdivision or instrumentality of one or more political subdivisions of this state or one or more political subdivisions of this state and any other state after December 31, 1977, will be deemed to be services in employment to the extent coverage is not exempted under RCW 50.44.040.

(2) All such units of government shall file, before December 15, 1977, a written registration with the commissioner of the employment security department. Such registration shall specify the manner in which the unit of government will finance the payment of benefits. The elections available to counties, cities and towns are the local government tax, provided for in section 15 of this 1977 amendatory act, or payments in lieu of contributions, as described in RCW 50.44.060. The elections available to other units of government are the contributions plan in chapters 50.24 and 50.29 RCW, or payments in lieu of contributions, described in RCW 50.44.060. Under any election the governmental unit will be charged the full amount of regular and additional benefits attributable to its account plus one-half the amount of extended benefits so attributable: PROVIDED, HOWEVER, That beginning with weeks of unemployment commencing after January 1, 1979, the unit of government which is financing the payment of benefits under the payment in lieu of contributions option shall, in addition to paying the full amount of regular and additional benefits attributable to its account, pay the full amount of extended benefits so attributable.

(3) Any political subdivision or instrumentality of more than one political subdivision of this state is hereby authorized to enter into agreements with other political subdivisions or instrumentalities of more than one political subdivision of this state to form pool accounts for the purpose of making payments in lieu of contributions. These accounts shall be formed and administered in accordance with applicable regulations. The formation of such accounts shall not relieve the governmental unit of the responsibility for making required payments in the event that the pool account does not make the payments.

NEW SECTION. Sec. 15. There is added to chapter 3, Laws of 1971 and to chapter 50.44 RCW a new section to read as follows:

(1) Any county, city or town not electing to make payments in lieu of contributions shall pay a "local government tax." Taxes paid under this section shall be paid into an administratively identifiable account in the unemployment compensation fund. This account shall be self-sustaining. For calendar years 1978 and 1979 all such employers shall pay local government tax at the rate of one and one-quarter percent of all remuneration paid by the governmental unit for services in its employment. For each year after 1979 each such employer's rate of tax shall be determined in accordance with this section: PROVIDED, HOWEVER, That whenever it appears to the commissioner that the anticipated benefit payments from the account would jeopardize reasonable reserves in this identifiable account the commissioner may at the commencement of any calendar quarter, impose an emergency excess tax of not more than one percent of remuneration paid by the participating governmental units which "excess tax" shall be paid in addition to the applicable rate computed pursuant to this section until the calendar year following the next September 1.

(2) A reserve account shall be established for each such employer.

(a) The "reserve account" of each such employer shall be credited with tax amounts paid and shall be charged with benefit amounts charged in accordance with the formula set forth in RCW 50.44.060 as now or hereafter amended except that such employer's account shall be charged for the full amount of extended benefits so attributable for weeks of unemployment commencing after January 1, 1979. Such credits and charges shall be cumulative from January 1, 1978.

(b) After the cutoff date, the "reserve ratio" of each such employer shall be computed by dividing its reserve account balance as of the computation date by the total remuneration paid during the preceding calendar year for services in its employment. This division shall be carried to four decimal places, with the remaining fraction, if any, disregarded.

(3) A "benefit cost ratio" for each such employer shall be computed by dividing its total benefit charges during the thirty-six months ending on June 30 by its total remuneration during the three preceding calendar years: PROVIDED, That after August 31 in 1979 each employer's total benefit charges for the twelve months ending on June 30 shall be divided by its total remuneration paid in the last three quarters of calendar year 1978; and after August 31 in 1980 each employer's total benefit charges for the twenty-four months ending June 30 shall be divided by its total remuneration paid in the last three calendar quarters of 1978 and the four calendar quarters of 1979. Such computations shall be carried to four decimal places, with the remaining fraction, if any, disregarded.



(4) For each such employer its benefit cost ratio shall be subtracted from its reserve ratio. One-third of the resulting amount shall be subtracted from its benefit cost ratio. The resulting figure, expressed as a percentage and rounded to the nearest tenth of one percent, shall become its local government tax rate for the following rate year. For the rate year 1980 no tax rate shall be less than 0.6 percent nor more than 2.2 percent. For 1981 no tax rate shall be less than 0.4 percent nor more than 2.6 percent. For years after 1981 no tax rate shall be less than 0.2 percent or more than 3.0 percent. No individual rate shall be increased any more than 1.0 percent from one rate year to the next.

(5) Any county, city or town electing participation under this section at any time after December 15, 1977, shall be assigned a tax rate of one and one-quarter percent of total remuneration for the first eight quarters of the participation.

(6) Each year after 1980 the commissioner shall review the local government tax system and make recommendations to the legislature for changes in said system.

(7) "Local government tax" shall be deemed to be "contributions" to the extent that such usage is consistent with the purposes of this title. Such construction shall include but not be limited to those portions of this title and the rules and regulations enacted pursuant thereto dealing with assessments, interest, liens, collection procedures and remedies, administrative and judicial review, and the imposition of administrative, civil and criminal sanctions.

NEW SECTION. Sec. 16. There is added to chapter 3, Laws of 1971 and to chapter 50.44 RCW a new section to read as follows:

For the purposes of this chapter, the term "institution of higher education" means an educational institution in this state which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized within this state to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and

(4) Is a public or other nonprofit institution.

Notwithstanding any of the foregoing subsections, all colleges and universities in this state are "institutions of higher education".

Sec. 17. Section 21, chapter 3, Laws of 1971 as last amended by section 1, chapter 67, Laws of 1975 1st ex. sess. and RCW 50.44.040 are each amended to read as follows:

The term "employment" as used in RCW 50.44.010, 50.44.020, and 50.44.030 shall not include service performed:

(1) In the employ of (a) a church or convention or association of churches, or (b) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) Before January 1, 1978, in the employ of a nongovernmental educational institution, approved or accredited by the state board of education, which is not an "institution of higher education" (, or in the employ of a nongovernmental preschool. A preschool is an organization devoted exclusively to the area of child development training of preschool-age children through an established curriculum of formal classroom and/or laboratory instruction)); or

(4) In a facility conducted for the purpose of carrying out a program of (a) rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or (b) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

(5) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by a federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work-relief or work-training; or

(6) For a (~~hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution~~) custodial or penal institution by an inmate of the custodial or penal institution; or

(7) In the employ of a hospital, if such service is performed by a patient of such hospital; or

(8) In the employ of a school, college, or university, if such service is performed (a) by a student who is enrolled and is regularly attending classes at such school, college, or university, or (b) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that (i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (ii) such employment will not be covered by any program of unemployment insurance; or

(9) By an individual under the age of twenty-two who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employee, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers; or

(10) Before January 1, 1978, in the employ of the state or one of its instrumentalities or a political subdivision or one of its instrumentalities by an individual who is (a) occupying an elective office, or (b) who is compensated solely on a fee or per diem basis; or

(11) Before January 1, 1978, in the employ of the legislature of the state of Washington by an individual who is compensated pursuant to an agreement which provides for a guaranteed rate of compensation for irregular hours worked; or

(12) In the employ of a nongovernmental preschool which is devoted exclusively to the area of child development training of preschool age children through an established curriculum of formal classroom or laboratory instruction which did not employ four or more individuals on each of some twenty days during the calendar year or the preceding calendar year, each day being in a different calendar week; or

(13) After December 31, 1977, in the employ of the state or any of its instrumentalities or political subdivisions of this state in any of its instrumentalities by an individual in the exercise of duties:

(a) As an elected official;

(b) As a member of the national guard or air national guard; or

(c) In a policymaking position the performance of the duties of which ordinarily do not require more than eight hours per week.

Sec. 18. Section 22, chapter 3, Laws of 1971 as last amended by section 17, chapter 288, Laws of 1975 1st ex. sess. and RCW 50.44.050 are each amended to read as follows:

Benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title: PROVIDED HOWEVER, That benefits based on service in an instructional, research or principal administrative capacity in an ~~((institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for an institution or institutions of higher education for both such academic years or both such terms; or during any nonwork period occurring during a term that does not diminish the individual's salary for the term: PROVIDED FURTHER, That benefits based on service in an instructional, research, or principal administrative capacity in an educational institution other than an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity in an educational institution or institutions other than an institution of higher education for both such academic years or both such terms; or during any nonwork period occurring during a term that does not diminish the individual's salary for the term: PROVIDED FURTHER, That))~~ educational institution shall not be paid to an individual for any week of unemployment suffered after December 31, 1977, which commences during the period between two successive academic years or during the period between two terms, successive or otherwise, or during a period of paid sabbatical leave provided in the individual's contract if the individual performs the services in the first of the academic years or terms and there is a contract or a reasonable assurance that the individual will

perform services in the capacity for any educational institution in the second of the academic years or terms; or during any nonwork period occurring during a term that does not diminish the individual's salary for the term. Any employee of a common school district who is ~~((conclusively))~~ presumed to ~~((have been))~~ be re-employed pursuant to RCW 28A.67.070 shall be deemed to have a contract for the ensuing term.

Benefits shall not be paid based on services in any other capacity for an educational institution (other than an institution of higher education as defined in section 15 of this amendatory act) for any week of unemployment suffered after December 31, 1977, which commences during the period between two successive academic years or during the period between two terms, successive or otherwise, if the individual performs these services in the first of such academic years or terms and there is an individual contract or an individual written notice to the employee that the individual will perform services for an educational institution (other than an institution of higher education as defined in section 15 of this amendatory act) in the second of the academic years or terms; or during any nonwork period occurring during a term that does not diminish the individual's salary for the term.

Sec. 19. Section 23, chapter 3, Laws of 1971 and RCW 50.44.060 are each amended to read as follows:

Benefits paid to employees of "nonprofit organizations" shall be financed in accordance with the provisions of this section. For the purpose of this section and RCW 50.44.070, the term "nonprofit organization" is limited to those organizations described in RCW 50.44.010, and joint accounts composed exclusively of such organizations.

(1) Any nonprofit organization which is, or becomes subject to this title on or after January 1, 1972 shall pay contributions under the provisions of RCW 50.24.010, unless it elects, in accordance with this subsection, to pay to the commissioner for the unemployment compensation fund an amount equal to the full amount of regular and additional benefits and one-half of the amount of extended benefits paid to individuals for weeks of unemployment which begin during the effective period of such election to the extent that such payments are attributable to service in the employ of such nonprofit organization.

~~(a) ((Any nonprofit organization which is, or becomes, subject to this title on January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than one taxable year beginning with January 1, 1972: PROVIDED, That it files with the commissioner a written notice of its election within the thirty-day period immediately following such date.~~

~~(b))~~ Any nonprofit organization which becomes subject to this title after January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than twelve months beginning with the date on which such subjectivity begins by filing a written notice of its election with the commissioner not later than thirty days immediately following the date of the determination of such subjectivity.

~~((c))~~ (b) Any nonprofit organization which makes an election in accordance with paragraph~~((s))~~ (a) ~~((or (b)))~~ of this subsection will continue to be liable for

payments in lieu of contributions until it files with the commissioner a written notice terminating its election not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective.

~~((d))~~ (c) Any nonprofit organization which has been paying contributions under this title for a period subsequent to January 1, 1972 may change to a reimbursable basis by filing with the commissioner not later than thirty days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

~~((e))~~ (d) The commissioner may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.

~~((f))~~ (e) The commissioner, in accordance with such regulations as he may prescribe, shall notify each nonprofit organization of any determination which he may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Any nonprofit organization subject to such determination and dissatisfied with such determination may file a request for review and redetermination with the commissioner within thirty days of the mailing of the determination to the organization. Should such request for review and redetermination be denied, the organization may, within ten days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this paragraph.

(2) Payments in lieu of contributions shall be made in accordance with the provisions of this section including either paragraph (a) or (b) of this subsection.

(a) At the end of each calendar quarter, the commissioner shall bill each nonprofit organization or group of such organizations which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular and additional benefits plus one-half of the amount of extended benefits paid during such quarter that is attributable to service in the employ of such organization.

(b) (i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make such payments as provided in this paragraph. Such method of payment shall become effective upon approval by the commissioner.

(ii) At the end of each calendar quarter, or at the end of such other period as determined by the commissioner, the commissioner shall bill each nonprofit organization for an amount representing one of the following:

(A) ~~((For 1972, six-tenths of one percent of its total payroll for 1971.~~

~~(B) For years after 1972, such))~~ The percentage of its total payroll for the immediately preceding calendar year as the commissioner shall determine. Such determination shall be based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.

~~((C))~~ (B) For any organization which did not pay wages throughout the four calendar quarters of the preceding calendar year, such percentage of its payroll during such year as the commissioner shall determine.

(iii) At the end of each taxable year, the commissioner may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

(iv) At the end of each taxable year, the commissioner shall determine whether the total of payments for such year made by a nonprofit organization is less than, or in excess of, the total amount of regular and additional benefits plus one-half of the amount of extended benefits paid to individuals during such taxable year based on wages attributable to service in the employ of such organization. Each nonprofit organization whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with paragraph (c). If the total payments exceed the amount so determined for the taxable year, all of the excess payments will be retained in the fund as part of the payments which may be required for the next taxable year, or a part of the excess may, at the discretion of the commissioner, be refunded from the fund or retained in the fund as part of the payments which may be required for the next taxable year.

(c) Payment of any bill rendered under paragraph (a) or (b) shall be made not later than thirty days after such bill was mailed to the last known address of the nonprofit organization or was otherwise delivered to it, and if not paid within such thirty days, the reimbursement payments itemized in the bill shall be deemed to be delinquent and the whole or part thereof remaining unpaid shall bear interest from and after the end of such thirty days at the rate and in the manner set forth in RCW 50.24.040.

(d) Payments made by any nonprofit organization under the provisions of this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization. Any deduction in violation of the provisions of this paragraph shall be unlawful.

(3) Each employer that is liable for payments in lieu of contributions shall pay to the commissioner for the fund the total amount of regular and additional benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount (~~(payable)~~) payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of paragraphs (a) (~~(or (b))~~) through (d) of this subsection.

(a) If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

(b) If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to

the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

~~((4) Notwithstanding any other provisions in this section, any nonprofit organization which prior to January 1, 1969, paid contributions into the unemployment compensation fund, and pursuant to this section, elects, within thirty days after January 1, 1972 to make payments in lieu of contributions, shall not be required to make any such payment on account of any regular, additional, or extended benefits paid, on the basis of wages paid by such organization to individuals for weeks of unemployment which begin on or after the effective date of such election until the total amount of such benefits equals the amount of the positive balance in the experience rating account of such organization:))~~

NEW SECTION. Sec. 20. There is added to chapter 35, Laws of 1945 and to chapter 50.98 RCW a new section to read as follows:

(1) Effective with benefit years beginning on and after January 1, 1978, base year wages shall include remuneration paid for previously uncovered services: PROVIDED, That the maximum benefits payable to an individual as computed for the benefit year will be reduced to the extent that benefits were paid on the basis of identical calendar quarters of the previously uncovered services with respect to a claim filed by the individual under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974. Benefits will be paid, subject to the provisions of this title, based upon the previously uncovered services to the extent that the unemployment compensation trust fund will be reimbursed for the cost thereof by the federal government under section 121 of PL 94-566 and regulations published by the secretary of labor relating thereto.

(2) For the purposes of this section, the term "previously uncovered services" means services performed before January 1, 1978, which are not employment as defined in Title 50 RCW at any time during the one year period ending December 31, 1975, and which:

(a) Is agricultural labor as defined in RCW 50.04.150 and covered by section 3 of this 1977 amendatory act or domestic services as defined in and covered by RCW 50.04.160; or

(b) Is service performed by an employee of this state or a political subdivision of this state newly covered by this 1977 amendatory act or by an employee of a nonprofit educational institution which is not an institution of higher education as provided in RCW 50.44.040(3).

(3) Any nonprofit organization or governmental entity electing to make payments in lieu of contributions shall not be liable to make payments with respect to benefits paid any individual whose base year wages include wages for previously uncovered services as defined in subsection (2) (a) and (b) of this section to the extent that the unemployment compensation fund is reimbursed for the benefits under section 121 of PL 94-566.

(4) Benefits paid any individual whose base year wages include wages for previously uncovered services as defined in subsection (2) (a) and (b) of this section shall not be charged to the experience rating account of any contribution paying employer to the extent that the unemployment compensation fund is reimbursed for the benefits under section 121 of PL 94-566.

**NEW SECTION.** Sec. 21. There is added to chapter 35, Laws of 1945 and to chapter 50.98 RCW a new section to read as follows:

This 1977 amendatory act has been enacted to meet the requirements imposed by the federal unemployment tax act as amended by PL 94-566. Internal references in any section of this 1977 amendatory act to the provisions of that act are intended only to apply to those provisions as they existed as of the effective date of this 1977 amendatory act.

In view of the importance of compliance of this 1977 amendatory act with the federal unemployment tax act, any ambiguities contained herein should be resolved in a manner consistent with the provisions of that act. Considerable weight has been given to the commentary contained in that document entitled "Draft Language and Commentary to Implement the Unemployment Compensation Amendments of 1976 PL 94-566", published by the United States department of labor, employment and training administration, and that commentary should be referred to when interpreting the provisions of this 1977 amendatory act.

**NEW SECTION.** Sec. 22. The commissioner is authorized, with the approval of the governor, to collect from the three-tenths of one percent increase in employer contributions provided in section 10 of chapter 33, Laws of 1977 1st ex. sess., for calendar years 1978 and 1979, nine and one-tenth percent of the additional revenue generated by the three-tenths of one percent increase, or so much thereof as may be deemed appropriate by the commissioner, to be deposited in the administrative contingency fund, one-half of such deposit to be extended for the purpose of operating a quality control program similar to the pilot quality program project which ended in 1976, in local employment security offices, and one-half for increased audits and investigations of employers subject to Title 50 RCW. In determining the amount of the deposit, if any, authorized by this section, the commissioner and the governor shall consider the impact any such deposit would have on employer contributions required by the federal government for the repayment of a loan from the federal unemployment trust fund.

**NEW SECTION.** Sec. 23. (1) The provisions of this act mandating coverage of employees of political subdivisions have been enacted to comply with the provisions of Public Law 94-566. Therefore, as provided in subsection (2), this mandatory feature shall be contingent on the existence of valid and constitutional federal law requiring the Secretary of Labor to refuse to certify as approved the employment security laws of this state if such laws did not continue such mandatory coverage.

(2) In the event the mandatory coverage feature for political subdivisions ceases to be necessary for compliance with valid and constitutional federal law, then the mandatory feature of this 1977 act shall cease to be effective as of the end of the next quarter following the quarter in which the mandatory feature contained in this 1977 act is not necessary for such compliance.

(3) In the event mandatory coverage ceases to be effective pursuant to subsection (2), then the sections, or subsections as the case may be, of this 1977 amendatory act shall to the extent that they apply to coverage of employees of political subdivisions be deemed nullified and the language of the sections being amended shall be deemed reinstated as the laws of this state.

(4) Benefits paid based on the services covered during the effective life of the mandatory coverage feature shall be financed as follows:



(a) If the political subdivision was financing payment of benefits on a reimbursable basis, benefits attributable to employment with the political subdivision shall be assessed to and paid by the political subdivision;

(b) If the political subdivision is a county, city, or town which elected financing pursuant to section 15 of this 1977 amendatory act, such political subdivision will pay "the local government tax" for all earnings by employees through the end of the calendar quarter in which the mandatory coverage is no longer effective pursuant to subsection (2);

(c) If the political subdivision was financing benefits by the contribution method it will pay contributions on wages earned by its employees through the end of the calendar quarter in which mandatory coverage is no longer effective pursuant to subsection (2).

Sec. 24. Section 60, chapter 35, Laws of 1945 as last amended by section 4, chapter 73, Laws of 1973 and RCW 50.16.010 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund and an administrative contingency fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) interest earned upon any moneys in the fund,

(3) any property or securities acquired through the use of moneys belonging to the fund,

(4) all earnings of such property or securities,

(5) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

(6) all money recovered on official bonds for losses sustained by the fund,

(7) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

(8) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

(9) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title after June 20, 1953, all fines and penalties collected pursuant to the provisions of this title, and all sums recovered on official bonds for losses sustained by the fund and sums collected pursuant to section 23 of this amendatory act: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. The amount in this fund ((in excess of)) that exceeds the amount deposited pursuant to section 23 of this amendatory act by one hundred thousand dollars

on the close of business of the last day of each calendar quarter shall be immediately transferred to this state's account in the unemployment trust fund. Moneys available in the administrative contingency fund shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

NEW SECTION. Sec. 25. The provisions of section 11 of this 1977 amendatory act shall apply to the week ending May 21, 1977, and all weeks thereafter.

NEW SECTION. Sec. 26. Section 21, chapter 35, Laws of 1945, section 7, chapter 265, Laws of 1951, section 1, chapter 276, Laws of 1953, section 1, chapter 8, Laws of 1953 ex. sess., section 9, chapter 3, Laws of 1971 and RCW 50.04.200 are each repealed on January 1, 1978.

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

(1) Section 26, chapter 35, Laws of 1945 and RCW 50.04.250; and

(2) Section 27, chapter 35, Laws of 1945, section 1, chapter 265, Laws of 1951 and RCW 50.04.260.

NEW SECTION. Sec. 28. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately: PROVIDED, That sections 6, 12, 14, 15, 16, and 18 of this 1977 amendatory act shall take effect on January 1, 1978.

Passed the Senate June 18, 1977.

Passed the House June 17, 1977.

Approved by the Governor June 18, 1977.

Filed in Office of Secretary of State June 18, 1977.

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## CHAPTER 293

[Substitute House Bill No. 866]

### TEACHERS' RETIREMENT SYSTEM

AN ACT Relating to the teachers' retirement system; amending section 1, chapter 80, Laws of 1947 as last amended by section 149, chapter 275, Laws of 1975 1st ex. sess. and RCW 41.32.010; adding new sections to chapter 41.32 RCW; prescribing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. LEGISLATIVE FINDING. The legislature finds and determines that those members first employed on or before September 30, 1977, shall not suffer any diminishment or loss of benefits or rights, whether current or prospective, as the result of the enactment of this 1977 amendatory act.

**NEW SECTION. Sec. 2. APPLICATION TO CERTAIN PERSONS.** Sections 3 through 16 of this 1977 amendatory act shall apply only to those persons who are initially employed by an employer on or after October 1, 1977.

**NEW SECTION. Sec. 3. COMPUTATION OF THE RETIREMENT ALLOWANCE.** A member of the retirement system shall receive a retirement allowance equal to two percent of such member's average final compensation for each year of service.

**NEW SECTION. Sec. 4. RETIREMENT FOR SERVICE. (1) NORMAL RETIREMENT.** Any member with at least five years of service who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 3 of this 1977 amendatory act.

(2) **EARLY RETIREMENT.** Any member who has completed at least twenty years of service who has attained at least age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 3 of this 1977 amendatory act, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

**NEW SECTION. Sec. 5. POST-RETIREMENT COST-OF-LIVING.** Beginning July 1, 1979, and every year thereafter, the department shall determine the following information for each retired member or beneficiary whose retirement allowance has been in effect for at least one year:

- (1) The original dollar amount of the retirement allowance;
- (2) The index for the calendar year prior to the effective date of the retirement allowance, to be known as "index A";
- (3) The index for the calendar year prior to the date of determination, to be known as "index B"; and
- (4) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the original retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

- (a) Produce a retirement allowance which is lower than the original retirement allowance;
- (b) Exceed three percent in the initial annual adjustment; or
- (c) Differ from the previous year's annual adjustment by more than three percent.

For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

**NEW SECTION. Sec. 6. EMPLOYER AND MEMBER CONTRIBUTIONS.** The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary: PROVIDED, That the employer contribution shall be contributed as provided in RCW 41.32.401.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the employers.

Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

The director shall notify the retirement board of any pending adjustment in the required contribution rate and such increase shall be announced at a board meeting held at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members earnable compensation each payroll period. The members contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends and the employers contribution shall be remitted as provided by law.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute 5.66% of earnable compensation: PROVIDED, That employers shall initially contribute an additional 5.80% of earnable compensation per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

**NEW SECTION. Sec. 7. TEACHERS REQUIRED TO BE MEMBERS.** All teachers who become employed by an employer on or after October 1, 1977, shall be members of the retirement system and shall be governed by the provisions of sections 2 through 16 of this 1977 amendatory act.

**NEW SECTION. Sec. 8. OPTIONS FOR PAYMENT OF RETIREMENT ALLOWANCES.** Upon retirement for service as prescribed in section 4 of this 1977 amendatory act, a member shall elect to have the retirement allowance paid pursuant to Option 1, 2, or 3 with Options 2 and 3 calculated so as to be actuarially equivalent to Option 1.

(1) **OPTION 1.** A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(2) **OPTION 2.** A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

(3) **OPTION 3.** A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

**NEW SECTION. Sec. 9. EARNED DISABILITY ALLOWANCE.** A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department upon recommendation of the retirement board shall be eligible to receive an allowance under the provisions of sections 2 through 16 of this 1977 amendatory act. Such member shall receive a monthly disability allowance computed as provided for in section 3 of this 1977 amendatory act and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age sixty-five.

Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, such member shall cease to be eligible for such allowance.

**NEW SECTION. Sec. 10. APPLICATION FOR AND EFFECTIVE DATE OF RETIREMENT ALLOWANCES.** Any member or beneficiary eligible to receive a retirement allowance under the provisions of sections 4, 9, or 12 of this 1977 amendatory act shall be eligible to commence receiving a retirement allowance after having filed written application with the department.

(1) Retirement allowances paid to members under the provisions of section 4 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following such member's separation from employment.

(2) Retirement allowances paid to vested members no longer in service, but qualifying for such an allowance pursuant to section 4 of this 1977 amendatory act, shall accrue from the first day of the calendar month immediately following such qualification.

(3) Disability allowances paid to disabled members under the provisions of section 9 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following such member's separation from employment for disability.

(4) Retirement allowances paid as death benefits under the provisions of section 12 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following the member's death.

**NEW SECTION. Sec. 11. SUSPENSION OF RETIREMENT ALLOWANCE UPON REEMPLOYMENT BY AN EMPLOYER.** No retiree under the provisions of sections 2 through 16 of this 1977 amendatory act shall be eligible to receive such retiree's monthly retirement allowance if such retiree is performing service for any nonfederal public employer in this state.

Upon cessation of service for any nonfederal public employer in this state such retiree shall have benefits actuarially recomputed pursuant to the rules adopted by the department.

**NEW SECTION. Sec. 12. DEATH BENEFITS.** (1) If a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible children shall elect to receive either:

(a) A retirement allowance computed as provided for in section 4(1) of this 1977 amendatory act actuarially adjusted to reflect Option 2 of section 8 of this 1977 amendatory act and if the member was not eligible for normal retirement at the date of death a further reduction as described in section 4(2) of this 1977 amendatory act; if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions.

**NEW SECTION. Sec. 13. SERVICE CREDIT FOR AUTHORIZED LEAVE OF ABSENCE.** A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of sections 2 through 16 of this 1977 amendatory act.

A member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes both the employer and member contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner: **PROVIDED**, That for the purpose of this subsection the contribution shall not include the contribution for the unfunded supplemental present value as required by section 6 of this 1977 amendatory act. The contributions required shall be based on the average of the member's compensation earnable at both the time the authorized leave of absence was granted and the time the member resumed employment.

A member who is inducted into the armed forces of the United States shall be deemed to be on an unpaid, authorized leave of absence.

**NEW SECTION.** Sec. 14. VESTED MEMBERSHIP. A member who separates or has separated after having completed at least five years of service may remain a member during the period of such member's absence from service for the exclusive purpose only of receiving a retirement allowance under the provisions of section 4 of this 1977 amendatory act if such member maintains the member's accumulated contributions intact.

**NEW SECTION.** Sec. 15. REFUND OF CONTRIBUTIONS ON TERMINATION. A member who ceases to be an employee of an employer may request a refund of the members accumulated contributions. The refund shall be made within ninety days following the receipt of the request and notification of termination by the employer; except that in the case of death, an initial payment shall be made within thirty days of receipt of request for such payment. A member who files a request for refund and subsequently enters into employment with another employer prior to the refund being made shall not be eligible for a refund. The refund of accumulated contributions shall terminate all benefits under the provisions of sections 2 through 16 of this 1977 amendatory act.

**NEW SECTION.** Sec. 16. REENTRY. A member, who had left service and withdrawn the member's accumulated contributions, shall receive service credit for such prior service if the member restores all withdrawn accumulated contributions together with interest since the time of withdrawal as determined by the department. The restoration of such funds must be completed within five years of the resumption of service or prior to retirement, whichever occurs first.

**NEW SECTION.** Sec. 17. DUTIES OF PAYROLL OFFICER. The person responsible for making up the payroll shall transmit promptly to the department at the end of each and every payroll period a copy of the original payroll voucher or such other payroll report as the department may require showing thereon all deductions for contributions for the teachers' retirement system made from the earnable compensation of a member of the teachers' retirement system together with warrants or checks covering the total of such deductions. The department shall place such moneys into the proper funds established in this chapter.

Sec. 18. Section 1, chapter 80, Laws of 1947 as last amended by section 149, chapter 275, Laws of 1975 1st ex. sess. and RCW 41.32.010 are each amended to read as follows:

**DEFINITIONS.** As used in this chapter, unless a different meaning is plainly required by the context:

(1) (a) "Accumulated contributions" for persons who establish membership in the retirement system on or before September 30, 1977, means the sum of all regular annuity contributions with regular interest thereon less cost of operation.

(b) "Accumulated contributions" for persons who establish membership in the retirement system on or after October 1, 1977, means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the board of trustees and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance or other benefit provided for by the teachers' retirement law.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

(8) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability. This subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(11) (a) "Earnable compensation" for persons who establish membership in the retirement system on or before September 30, 1977, means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the board of trustees shall fix the value of that part of the compensation not paid in money: PROVIDED, That if a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for his two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(b) "Earnable compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That in any year in which a member



serves in the legislature such member's earnable compensation shall be the greater of:

(i) the earnable compensation the member would have received had such member not served in the legislature; or

(ii) such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to exempt himself from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(18) "Pension" means the moneys payable per year during life from the pension fund.

(19) "Pension fund" means a fund from which all pension obligations are to be paid.

(20) "Pension reserve fund" is a fund in the state treasury in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system.

(21) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(22) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(23) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(24) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to his individual account in the annuity fund. This subsection shall apply only to persons establishing membership in the retirement system on or before September 30, 1977.

(25) "Regular interest" means ~~((the interest on funds of the retirement system for the current school year and such other earnings as may be applied thereon by the board of trustees))~~ such rate as the department may determine.

(26) (a) "Retirement allowance" for persons who establish membership in the retirement system on or before September 30, 1977, means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for persons who establish membership in the retirement system on or after October 1, 1977, means monthly payments to a retiree or beneficiary as provided in this chapter.

(27) "Retirement system" means the Washington state teachers' retirement system.

(28) (a) "Service" means the time during which a member has been employed by an employer for compensation: PROVIDED, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which earnable compensation is earned for ninety or more hours per calendar month. Members shall receive twelve months of service for each contract year or school year of employment.

Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive service credit for the time spent in a state elective position by making the required member contributions.

If a member receives earnable compensation from two or more employers during any calendar year such member shall receive a total of not more than twelve months of service for such calendar year.

(29) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members. This subsection shall apply only to persons establishing membership in the retirement system on or before September 30, 1977.

(30) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity, including state, educational service district, city superintendents and their assistants and certificated employees; and in addition thereto any qualified school librarian, any registered nurse or any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(31) "Average final compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average earnable compensation of the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(32) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(33) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(34) "Director" means the director of the department.

(35) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(36) "State actuary" means the person appointed pursuant to RCW 44.44.010(2).

(37) "Retirement board" means the board of trustees provided for in RCW 41.32.040.

NEW SECTION. Sec. 19. There is added to chapter 41.32 RCW a new section to read as follows:

The provisions of the following sections of this chapter shall apply only to those persons who establish membership in the retirement system on or before June 30, 1977: RCW 41.32.250, 41.32.260, 41.32.270, 41.32.280, 41.32.290, 41.32.300, 41.32.310, 41.32.320, 41.32.330, 41.32.340, 41.32.350, 41.32.360, 41.32.365, 41.32.366, 41.32.380, 41.32.390, 41.32.430, 41.32.440, 41.32.470, 41.32.480, 41.32.491, 41.32.492, 41.32.493, 41.32.4931, 41.32.4932, 41.32.494, 41.32.4943, 41.32.4944, 41.32.4945, 41.32.497, 41.32.498, 41.32.4982, 41.32.4983, 41.32.499, 41.32.500, 41.32.510, 41.32.520, 41.32.522, 41.32.523, 41.32.530, 41.32.540, 41.32.550, 41.32.560, 41.32.561, 41.32.565, 41.32.567, 41.32.570, and 41.32.583.

NEW SECTION. Sec. 20. Section headings used in this 1977 amendatory act shall not constitute any part of the law.

NEW SECTION. Sec. 21. Sections 1 through 17 of this 1977 amendatory act shall be added to chapter 41.32 RCW and shall be codified as consecutive sections of the Revised Code of Washington within such chapter.

NEW SECTION. Sec. 22. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect October 1, 1977.

Passed the House June 17, 1977.

Passed the Senate June 17, 1977.

Approved by the Governor June 18, 1977.

Filed in Office of Secretary of State June 18, 1977.

## CHAPTER 294

[Substitute House Bill No. 867]

## LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.030; amending section 3, chapter 257, Laws of 1971 ex. sess. as last amended by section 8, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.045; amending section 4, chapter 257, Laws of 1971 ex. sess. as last amended by section 12, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.046; amending section 9, chapter 209, Laws of 1969 ex. sess. as last amended by section 6, chapter 131, Laws of 1972 ex. sess. and RCW 41.26.090; amending section 17, chapter 209, Laws of 1969 ex. sess. as last amended by section 5, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.160; adding new sections to chapter 41.26 RCW; prescribing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. LEGISLATIVE FINDING. The legislature finds and determines that those members first employed on or before September 30, 1977, shall not suffer any diminishment or loss of benefits or rights, whether current or prospective, as the result of the enactment of this 1977 amendatory act.

NEW SECTION. Sec. 2. APPLICATION TO CERTAIN PERSONS. Sections 3 through 16 of this 1977 amendatory act shall apply only to those persons who are initially employed by an employer on or after October 1, 1977.

NEW SECTION. Sec. 3. COMPUTATION OF THE RETIREMENT ALLOWANCE. A member of the retirement system shall receive a retirement allowance equal to two percent of such member's average final compensation for each year of service.

NEW SECTION. Sec. 4. RETIREMENT FOR SERVICE. (1) NORMAL RETIREMENT. Any member with at least five years of service who has attained at least age fifty-eight shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 3 of this 1977 amendatory act.

(2) EARLY RETIREMENT. Any member who has completed at least twenty years of service and has attained age fifty shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 3 of this 1977 amendatory act, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age fifty-eight.

NEW SECTION. Sec. 5. POST-RETIREMENT COST-OF-LIVING. Beginning July 1, 1979, and every year thereafter, the department shall determine the following information for each retired member or beneficiary whose retirement allowance has been in effect for at least one year:

- (1) The original dollar amount of the retirement allowance;
- (2) The index for the calendar year prior to the effective date of the retirement allowance, to be known as "index A";
- (3) The index for the calendar year prior to the date of determination, to be known as "index B"; and
- (4) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the original retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

- (a) Produce a retirement allowance which is lower than the original retirement allowance;
- (b) Exceed three percent in the initial annual adjustment; or
- (c) Differ from the previous year's annual adjustment by more than three percent.

For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

**NEW SECTION. Sec. 6. EMPLOYER, MEMBER, AND STATE CONTRIBUTIONS.** The required contribution rates to the retirement system for members, employers, and the state of Washington shall be established by the director from time to time as may be necessary upon the advice of the state actuary.

The member, the employer and the state shall each contribute the following shares of the cost of the retirement system:

Member	50%
Employer	30%
State	20%

Any adjustments in contribution rates required from time to time for future costs shall likewise be shared proportionally by the members, employers, and the state: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the state.

Any increase in the contribution rate required as the result of a failure of the state or of an employer to make any contribution required by this section shall be borne in full by the state or by that employer not making the contribution.

The director shall notify the retirement board of any pending adjustment in the required contribution rate and such increase shall be announced at a board meeting held at least thirty days prior to the effective date of the change.

Members' contributions required by this section shall be deducted from the members basic salary each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members, employers of such members, and the state shall each contribute the following percentages of basic salary:

Member	8.14%
Employer	4.88%
State	3.28%

In addition, the state shall initially contribute an additional twenty percent of basic salary per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

**NEW SECTION. Sec. 7. OPTIONS FOR PAYMENT OF RETIREMENT ALLOWANCES.** Upon retirement for service as prescribed in section 4 of this

1977 amendatory act, a member shall elect to have the retirement allowance paid pursuant to Option 1, 2, or 3 with Options 2 and 3 calculated so as to be actuarially equivalent to Option 1.

(1) **OPTION 1.** A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(2) **OPTION 2.** A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

(3) **OPTION 3.** A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

**NEW SECTION. Sec. 8. EARNED DISABILITY ALLOWANCE.** A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department upon recommendation of the retirement board shall be eligible to receive an allowance under the provisions of sections 2 through 16 of this 1977 amendatory act. Such member shall receive a monthly disability allowance computed as provided for in section 3 of this 1977 amendatory act and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age fifty-eight.

Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, such member shall cease to be eligible for such allowance.

**NEW SECTION. Sec. 9. INDUSTRIAL INSURANCE.** Notwithstanding any other provision of law, members shall be eligible for industrial insurance as provided by Title 51 RCW, as now or hereafter amended, and shall be included in the payroll of the employer for such purpose.

**NEW SECTION. Sec. 10. APPLICATION FOR AND EFFECTIVE DATE OF RETIREMENT ALLOWANCES.** Any member or beneficiary eligible to receive a retirement allowance under the provisions of sections 4, 8, or 12 of this

1977 amendatory act shall be eligible to commence receiving a retirement allowance after having filed written application with the department.

(1) Retirement allowances paid to members under the provisions of section 4 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following such member's separation from employment.

(2) Retirement allowances paid to vested members no longer in service, but qualifying for such an allowance pursuant to section 4 of this 1977 amendatory act, shall accrue from the first day of the calendar month immediately following such qualification.

(3) Disability allowances paid to disabled members under the provisions of section 8 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following such member's separation from employment for disability.

(4) Retirement allowances paid as death benefits under the provisions of section 12 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following the member's death.

**NEW SECTION. Sec. 11. SUSPENSION OF RETIREMENT ALLOWANCE UPON REEMPLOYMENT BY AN EMPLOYER.** No retiree under the provisions of sections 2 through 16 of this 1977 amendatory act shall be eligible to receive such retiree's monthly retirement allowance if such retiree is performing service for any nonfederal public employer in this state.

Upon cessation of service for any nonfederal public employer in this state such retiree shall have benefits actuarially recomputed pursuant to the rules adopted by the department.

**NEW SECTION. Sec. 12. DEATH BENEFITS.** (1) If a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in section 4(1) of this 1977 amendatory act actuarially adjusted to reflect Option 2 of section 7 of this 1977 amendatory act and if the member was not eligible for normal retirement at the date of death a further reduction as described in section 4(2) of this 1977 amendatory act; if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to

receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions.

**NEW SECTION. Sec. 13. SERVICE CREDIT FOR AUTHORIZED LEAVE OF ABSENCE.** (1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of sections 2 through 16 of this 1977 amendatory act.

(2) A member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes the employer, member, and state contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner: **PROVIDED**, That for the purpose of this subsection the contribution shall not include the contribution for the unfunded supplemental present value as required by section 6 of this 1977 amendatory act. The contributions required shall be based on the average of the member's basic salary at both the time the authorized leave of absence was granted and the time the member resumed employment.

A member who is inducted into the armed forces of the United States shall be deemed to be on an unpaid, authorized leave of absence.

**NEW SECTION. Sec. 14. VESTED MEMBERSHIP.** A member who separates or has separated after having completed at least five years of service may remain a member during the period of such member's absence from service for the exclusive purpose only of receiving a retirement allowance under the provisions of section 4 of this 1977 amendatory act if such member maintains the member's accumulated contributions intact.

**NEW SECTION. Sec. 15. REFUND OF CONTRIBUTIONS ON TERMINATION.** A member who ceases to be an employee of an employer may request a refund of the member's accumulated contributions. The refund shall be made within ninety days following the receipt of the request and notification of termination by the employer; except that in the case of death, an initial payment shall be made within thirty days of receipt for such payment. A member who files a request for refund and subsequently enters into employment with another employer prior to the refund being made shall not be eligible for a refund. The refund of accumulated contributions shall terminate all rights to benefits under sections 2 through 16 of this 1977 amendatory act.

**NEW SECTION. Sec. 16. REENTRY.** A member, who had left service and withdrawn the member's accumulated contributions, shall receive service credit for such prior service if the member restores all withdrawn accumulated contributions together with interest since the time of withdrawal as determined by the department.

The restoration of such funds must be completed within five years of the resumption of service or prior to retirement, whichever occurs first.



Sec. 17. Section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.030 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers; and

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW; PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply.

(4) "Fire fighter" means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which

requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) supervisory fire fighter personnel;

(d) any full time executive secretary of an association of fire protection districts authorized under chapter 52.08 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(f) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter; and

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of this 1972 amendatory act are hereby ratified.

(6) "Surviving spouse" means the surviving widow or widower of a member. The word shall not include the divorced spouse of a member.

(7) "Child" or "children" whenever used in this chapter means every natural born child and stepchild where that relationship was in existence prior to the date benefits are payable under this chapter, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, ((stepchild)) and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is

transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12) (a) "Final average salary" for persons who establish membership in the retirement system on or before September 30, 1977, means ((a)) (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; ((b)) (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; ((c)) (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; ((d)) (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for persons who establish membership in the retirement system on or after October 1, 1977, means the monthly average of the member's basic salary for the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13) (a) "Basic salary" for persons who establish membership in the retirement system on or before September 30, 1977, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any

form of severance pay: PROVIDED, That in any year in which a member serves in the legislature such member's compensation earnable shall be the greater of:

(i) the compensation earnable the member would have received had such member not served in the legislature; or

(ii) such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(14) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after his initial commencement of employment as a fire fighter or law enforcement officer, during which he worked for ten days or more, or the equivalent thereof, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include ~~((a))~~ (i) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under his particular prior pension act, and ~~((b))~~ (ii) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: PROVIDED, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter: PROVIDED FURTHER, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: AND PROVIDED FURTHER, That where a member is employed by two employers at the same time, he

shall only be credited with service to one such employer for any month during which he rendered such dual service.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month.

Members of the retirement system who are elected or appointed to a state elective position as defined in RCW 41.40.010(30) may elect to continue to be members of this retirement system.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar year such member shall receive a total of not more than twelve months of service for such calendar year.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay his future benefits during the period of his retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110 for persons who establish membership in the retirement system on or before September 30, 1977.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to his full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(20) "Disability retirement" for persons who establish membership in the retirement system on or before September 30, 1977, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" for persons who establish membership in the retirement system on or before September 30, 1977, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(23) "Regular interest" means such rate as the department may determine.

(24) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(26) "Director" means the director of the department.

(27) "State actuary" means the person appointed pursuant to RCW 44.44.010(2).

NEW SECTION. Sec. 18. There is added to chapter 41.26 RCW a new section to read as follows:

The provisions of the following sections of this chapter shall apply only to persons who establish membership in the retirement system on or before September 30, 1977: RCW 41.26.080, 41.26.090, 41.26.100, 41.26.110, 41.26.120, 41.26.130,

41.26.140, 41.26.150, 41.26.160, 41.26.190, 41.26.200, 41.26.240, 41.26.250, 41.26.260, and 41.26.270.

**NEW SECTION.** Sec. 19. There is added to chapter 41.26 RCW a new section to read as follows:

Notwithstanding any other provision of law to the contrary, the employer shall provide such information as required by the state actuary regarding the award of the disability leave allowance. Such information shall include, but shall not be limited to:

- (1) The number of persons receiving disability leaves;
- (2) The certified reason for disability; when the disability was initially incurred; and, if it was duty related;
- (3) The disability leave allowance paid and for how long;
- (4) The number of replacement personnel required to cover the loss of personnel on disability leave allowance and the resulting cost incurred; and,
- (5) The age of the employee and the length of service at the time of the disability leave.

The employer shall also provide such information as required by the state actuary regarding disability and medical benefit costs including, but not limited to, those required under provisions of this chapter.

The information required by this section shall be from March 1, 1970, forward.

Sec. 20. Section 3, chapter 257, Laws of 1971 ex. sess. as last amended by section 8, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.045 are each amended to read as follows:

Notwithstanding any other provision of law after February 19, 1974 no law enforcement officer or fire fighter, may become eligible for coverage in the pension system established by this chapter, until he has met and has been certified as having met minimum medical and health standards: **PROVIDED**, That an elected sheriff or an appointed chief of police or fire chief, shall not be required to meet the age standard: **PROVIDED FURTHER**, That in cities and towns having not more than two law enforcement officers and/or not more than two fire fighters and if one or more of such persons do not meet the minimum medical and health standards as required by the provisions of this chapter, then such person or persons may join any other pension system that the city has available for its other employees: **AND PROVIDED FURTHER**, That for one year after February 19, 1974 any such medical or health standard now existing or hereinafter adopted, insofar as it establishes a maximum age beyond which an applicant is to be deemed ineligible for coverage, shall be waived as to any applicant for employment or reemployment who is otherwise eligible except for his age, who has been a member of any one or more of the retirement systems created by chapter 41.20 of the Revised Code of Washington and who has restored all contributions which he has previously withdrawn from any such system or systems.

Sec. 21. Section 4, chapter 257, Laws of 1971 ex. sess. as last amended by section 12, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.046 are each amended to read as follows:

By July 31, 1971, the retirement board shall adopt minimum medical and health standards for membership coverage into the Washington law enforcement

officers' and fire fighters' retirement system act. In adopting such standards the retirement board shall consider existing standards recommended by the international association of chiefs of police and the international association of fire fighters, and shall adopt equal or higher standards, together with appropriate standards and procedures to insure uniform compliance with this chapter. The standards when adopted shall be published and distributed to each employer, and each employer shall adopt certification procedures and such other procedures as are required to insure that no law enforcement officer or fire fighter receives membership coverage unless and until he has actually met minimum medical and health standards: **PROVIDED**, That an elected sheriff or an appointed chief of police or fire chief shall not be required to meet the age standard. The retirement board may amend the minimum medical and health standards as experience indicates, even if the standards as so amended are lower or less rigid than those recommended by the international associations mentioned above. The cost of the medical examination contemplated by this section is to be paid by the employer.

Sec. 22. Section 9, chapter 209, Laws of 1969 ex. sess. as last amended by section 6, chapter 131, Laws of 1972 ex. sess. and RCW 41.26.090 are each amended to read as follows:

Retirement of a member for service shall be made by the board as follows:

(1) Any member having five or more years of service and having attained the age of fifty years shall be eligible for a service retirement allowance and shall be retired upon his written request effective the first day following the date upon which the member is separated from service.

(2) Any member having five or more years of service, who terminates his employment with any employer, may leave his contributions in the fund. Any employee who so elects, upon attaining age fifty, shall be eligible to apply for and receive a service retirement allowance based on his years of service, commencing on the first day following his attainment of age fifty. This section shall also apply to a person who rendered service as a law enforcement officer or fire fighter, as those terms are defined in RCW 41.26.030, on or after July 1, 1969, but who was not employed as a law enforcement officer or fire fighter on March 1, 1970, by reason of his having been elected to a public office. Any member selecting this optional vesting with less than twenty years of service shall not be covered by the provisions of RCW 41.26.150, and his survivors shall not be entitled to the benefits of RCW 41.26.160 unless his death occurs after he has attained the age of fifty years. Those members selecting this optional vesting with twenty or more years service shall not be covered by the provisions of RCW 41.26.150 until the attainment of the age of fifty years: **PROVIDED**, That a member selecting this option, with less than twenty years of service credit, who shall die prior to attaining the age of fifty years, shall have paid from the Washington law enforcement officers' and fire fighters' retirement fund, to such member's surviving spouse, if any, otherwise to such beneficiary as the member shall have designated in writing, or if no such designation has been made, to the personal representative of his estate, a lump sum which is equal to the amount of such member's accumulated contributions plus accrued interest: **PROVIDED FURTHER**, That if the vested member has twenty or more years of service credit the surviving spouse or children shall then become eligible



for the benefits of RCW 41.26.160 regardless of his age at the time of his death, to the exclusion of the lump sum amount provided by this subsection.

(3) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty and may not thereafter be employed as a law enforcement officer or fire fighter: PROVIDED, That for any member who is elected or appointed to the office of sheriff, chief of police, or fire chief, his election or appointment shall be considered as a waiver of the age sixty provision for retirement and nonemployment for whatever number of years remain in his present term of office and any succeeding periods for which he may be so elected or appointed: PROVIDED FURTHER, That the provisions of this subsection shall not apply to any member who is employed as a law enforcement officer or fire fighter on March 1, 1970.

Sec. 23. Section 17, chapter 209, Laws of 1969 ex. sess as last amended by section 5, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.160 are each amended to read as follows:

(1) In the event of the death of any member who is in active service, or who has vested under the provisions of RCW 41.26.090 with twenty or more years of service, or who is on disability leave or retired, whether for disability or service, his surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of his final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of his death if retired for service or disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in RCW 41.26.030(7), as now or hereafter amended, subject to a maximum combined allowance of sixty percent of final average salary: PROVIDED, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian.

(2) If at the time of the death of a vested member with twenty or more years service as provided above or a member retired for service or disability, the surviving spouse has not been lawfully married to such member for one year prior to his retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: PROVIDED, That if a member dies as a result of a disability incurred in the line of duty, then if he was married at the time he was disabled, his surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in RCW 41.26.030(7), as now or hereafter amended, there shall be paid to the legal heirs of said member the excess, if any, of accumulated contributions of said member at the time of his death over all payments made to his survivors on his behalf under this chapter: PROVIDED,

That payments under this subsection to children shall be prorated equally among the children, if more than one.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies (~~or remarries~~) and there are children as defined in RCW 41.26.030(7), as now or hereafter amended, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) above.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date.

**NEW SECTION.** Sec. 24. Section headings used in this 1977 amendatory act shall not constitute any part of the law.

**NEW SECTION.** Sec. 25. Sections 1 through 16 of this 1977 amendatory act shall be added to chapter 41.26 RCW and shall be codified as consecutive sections of the Revised Code of Washington within such chapter.

**NEW SECTION.** Sec. 26. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 27. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect October 1, 1977.

Passed the House June 17, 1977.

Passed the Senate June 17, 1977.

Approved by the Governor June 18, 1977.

Filed in Office of Secretary of State June 18, 1977.

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## CHAPTER 295

[Substitute House Bill No. 865]

### PUBLIC EMPLOYEES' RETIREMENT SYSTEM

AN ACT Relating to the public employees' retirement system; amending section 1, chapter 274, Laws of 1947 as last amended by section 2, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.010; amending section 4, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.40.165; amending section 35, chapter 274, Laws of 1947 and RCW 41.40.340; amending section 36, chapter 274, Laws of 1947 and RCW 41.40.350; amending section 38, chapter 274, Laws of 1947 as last amended by section 1, chapter 126, Laws of 1963 and RCW 41.40.370; adding new sections to chapter 41.40 RCW; prescribing an effective date; and declaring an emergency.

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

**NEW SECTION.** Section 1. LEGISLATIVE FINDING. The legislature finds and determines that those members first employed on or before September 30, 1977, shall not suffer any diminishment or loss of benefits or rights, whether current or prospective, as the result of the enactment of this 1977 amendatory act.

**NEW SECTION. Sec. 2. APPLICATION TO CERTAIN PERSONS.** Sections 3 through 15 of this 1977 amendatory act shall apply only to those persons who are initially employed by an employer on or after October 1, 1977.

**NEW SECTION. Sec. 3. COMPUTATION OF THE RETIREMENT ALLOWANCE.** A member of the retirement system shall receive a retirement allowance equal to two percent of such member's average final compensation for each year of service.

**NEW SECTION. Sec. 4. RETIREMENT FOR SERVICE. (1) NORMAL RETIREMENT.** Any member with at least five years of service who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 3 of this 1977 amendatory act.

(2) **EARLY RETIREMENT.** Any member who has completed at least twenty years of service and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 3 of this 1977 amendatory act, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

**NEW SECTION. Sec. 5. POST-RETIREMENT COST-OF-LIVING.** Beginning July 1, 1979, and every year thereafter, the department shall determine the following information for each retired member or beneficiary whose retirement allowance has been in effect for at least one year:

- (1) The original dollar amount of the retirement allowance;
- (2) The index for the calendar year prior to the effective date of the retirement allowance, to be known as "index A";
- (3) The index for the calendar year prior to the date of determination, to be known as "index B"; and
- (4) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the original retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

- (a) Produce a retirement allowance which is lower than the original retirement allowance;
- (b) Exceed three percent in the initial annual adjustment; or
- (c) Differ from the previous year's annual adjustment by more than three percent.

For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

**NEW SECTION. Sec. 6. EMPLOYER AND MEMBER CONTRIBUTIONS.** The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the employers.

Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

The director shall notify the retirement board of any pending adjustment in the required contribution rate and such increase shall be announced at a board meeting held at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members compensation earnable each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute 5.51% of compensation earnable: PROVIDED, That employers shall initially contribute an additional one and one-half percent of compensation earnable per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

**NEW SECTION. Sec. 7. OPTIONS FOR PAYMENT OF RETIREMENT ALLOWANCES.** Upon retirement for service as prescribed in section 4 of this 1977 amendatory act, a member shall elect to have the retirement allowance paid pursuant to Option 1, 2, or 3 with Options 2 and 3 calculated so as to be actuarially equivalent to Option 1.

(1) **OPTION 1.** A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(2) **OPTION 2.** A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

(3) **OPTION 3.** A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have

nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

**NEW SECTION. Sec. 8. EARNED DISABILITY ALLOWANCE.** A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department upon recommendation of the retirement board shall be eligible to receive an allowance under the provisions of sections 2 through 15 of this 1977 amendatory act. Such member shall receive a monthly disability allowance computed as provided for in section 3 of this 1977 amendatory act and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age sixty-five.

Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, such member shall cease to be eligible for such allowance.

**NEW SECTION. Sec. 9. APPLICATION FOR AND EFFECTIVE DATE OF RETIREMENT ALLOWANCES.** Any member or beneficiary eligible to receive a retirement allowance under the provisions of sections 4, 8, or 11 of this 1977 amendatory act shall be eligible to commence receiving a retirement allowance after having filed written application with the department.

(1) Retirement allowances paid to members under the provisions of section 4 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following such member's separation from employment.

(2) Retirement allowances paid to vested members no longer in service, but qualifying for such an allowance pursuant to section 4 of this 1977 amendatory act, shall accrue from the first day of the calendar month immediately following such qualification.

(3) Disability allowances paid to disabled members under the provisions of section 8 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following such member's separation from employment for disability.

(4) Retirement allowances paid as death benefits under the provisions of section 11 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following the member's death.

**NEW SECTION. Sec. 10. SUSPENSION OF RETIREMENT ALLOWANCE UPON REEMPLOYMENT BY AN EMPLOYER.** No retiree under the provisions of sections 2 through 15 of this 1977 amendatory act shall be eligible to receive such retiree's monthly retirement allowance if such retiree is performing service for any nonfederal public employer in this state.

Upon cessation of service for any nonfederal public employer in this state such retiree shall have benefits actuarially recomputed pursuant to the rules adopted by the department.

**NEW SECTION. Sec. 11. DEATH BENEFITS.** (1) If a member or a vested member who has not completed at least ten years of service dies, the amount of the

accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in section 4(1) of this 1977 amendatory act actuarially adjusted to reflect Option 2 of section 7 of this 1977 amendatory act and if the member was not eligible for normal retirement at the date of death a further reduction as described in section 4(2) of this 1977 amendatory act; if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions.

**NEW SECTION. Sec. 12. SERVICE CREDIT FOR AUTHORIZED LEAVE OF ABSENCE.** A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of sections 2 through 15 of this 1977 amendatory act.

A member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes both the employer and member contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner: **PROVIDED**, That for the purpose of this subsection the contribution shall not include the contribution for the unfunded supplemental present value as required by section 6 of this 1977 amendatory act. The contributions required shall be based on the average of the member's compensation earnable at both the time the authorized leave of absence was granted and the time the member resumed employment.

A member who is inducted into the armed forces of the United States shall be deemed to be on an unpaid, authorized leave of absence.

**NEW SECTION. Sec. 13. VESTED MEMBERSHIP.** A member who separates or has separated after having completed at least five years of service may remain a member during the period of such member's absence from service for the

exclusive purpose only of receiving a retirement allowance under the provisions of section 4 of this 1977 amendatory act if such member maintains the member's accumulated contributions intact.

**NEW SECTION. Sec. 14. REFUND OF CONTRIBUTIONS.** A member who ceases to be an employee of an employer may request a refund of the member's accumulated contributions. The refund shall be made within ninety days following the receipt of the request and notification of termination by the employer; except that in the case of death, an initial payment shall be made within thirty days of receipt of request for such payment. A member who files a request for refund and subsequently enters into employment with another employer prior to the refund being made shall not be eligible for a refund. The refund of accumulated contributions shall terminate all rights to benefits under sections 2 through 15 of this 1977 amendatory act.

**NEW SECTION. Sec. 15. REENTRY.** A member, who had left service and withdrawn the member's accumulated contributions, shall receive service credit for such prior service if the member restores all withdrawn accumulated contributions together with interest since the time of withdrawal as determined by the department.

The restoration of such funds must be completed within five years of the resumption of service or prior to retirement, whichever occurs first.

Sec. 16. Section 1, chapter 274, Laws of 1947 as last amended by section 2, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.010 are each amended to read as follows:

**TERMS DEFINED.** As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter and chapter 41.26 RCW (~~to administer said retirement system~~).

(3) "State treasurer" means the treasurer of the state of Washington.

(4) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 36.70.060 and 35.63.070 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 36.70.060, 35.63.070, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided he has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) (a) "Compensation earnable" for persons who establish membership in the retirement system on or before September 30, 1977, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money maintenance compensation shall be included upon the basis of the schedules established by the member's employer: PROVIDED, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(b) "Compensation earnable" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service, but shall exclude nonmoney maintenance compensation and lump sum payments for deferred annual sick leave, unused accumulated



vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That in any year in which a member serves in the legislature such member's compensation earnable shall be the greater of:

(i) the compensation earnable the member would have received had such member not served in the legislature; or

(ii) such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(9) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for ten days or more or an equivalent period of work in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: PROVIDED FURTHER, That where an individual is employed by two employers he shall only receive a total of twelve months of service credit during any calendar year.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which compensation earnable is earned for ninety or more hours per calendar month.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

Members employed by school districts, the state school for the blind, the state school for the deaf, institutions of higher education, or community colleges shall receive twelve months of service for each contract year or school year of employment.

Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

If a member receives compensation earnable from two or more employers during any calendar year such member shall receive a total of not more than twelve months of service for such calendar year.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the retirement board) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member, prior to July 1, 1974 of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period.

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member prior to July 1, 1974, of five percent of such member's salary during said period of probationary service.

(12) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(13) "Regular interest" means such rate as the ((retirement board)) department may determine.

(14) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in his individual account together with the regular interest thereon.

(15) (a) "Average final compensation" for persons who establish membership in the retirement system on or before September 30, 1977, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if he has less than two years of service then the annual average compensation earnable during his total years of service for which service credit is allowed.

(b) "Average final compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average compensation earnable of the highest consecutive sixty months of service prior to such

member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of his employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the retirement board.

(22) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(23) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(24) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (23).

(25) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(26) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(27) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(28) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(29) "Director" means the director of the department.

(30) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(31) "State actuary" means the person appointed pursuant to RCW 44.44.010(2).

Sec. 17. Section 4, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.40.165 are each amended to read as follows:

No person appointed to membership on any committee, board, or commission on or after July 1, 1976, who is compensated for service on such committee, board, or commission for less than ten days or seventy hours in any month, whichever amount is less, shall receive service credit for such service for that month: PROVIDED, That on and after October 1, 1977, appointive and elective officials who

receive monthly compensation earnable from an employer in an amount equal to or less than ninety times the state minimum hourly wage shall not receive any service credit for such employment.

Sec. 18. Section 35, chapter 274, Laws of 1947 and RCW 41.40.340 are each amended to read as follows:

The deductions from the compensation of members, provided for in RCW 41.40.330 or section 6 of this 1977 amendatory act, shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for in this chapter and shall receipt in full for his salary or compensation, and payment less said deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to benefits provided for under this chapter.

Sec. 19. Section 36, chapter 274, Laws of 1947 and RCW 41.40.350 are each amended to read as follows:

The ~~((officer))~~ person responsible for making up the payroll shall transmit promptly to the ~~((retirement board))~~ department at the end of each and every payroll period a copy of the original payroll voucher or such other payroll report as the ~~((retirement board))~~ department may require showing thereon all deductions for the retirement system made from the ~~((salary))~~ compensation earnable of each member, together with warrants or checks covering the total of such deductions. The ~~((retirement board))~~ department after making a record of all such receipts shall pay them to the state treasurer for use according to the provisions of this chapter.

Sec. 20. Section 38, chapter 274, Laws of 1947 as last amended by section 1, chapter 126, Laws of 1963 and RCW 41.40.370 are each amended to read as follows:

(1) The ~~((retirement board))~~ department shall ascertain and report to each employer the amount it shall provide for pension benefits for the ensuing biennium or fiscal year whichever is applicable to the said employer's operations. The amount to be so provided shall be computed by applying the rates of contribution as established by RCW 41.40.361 or section 6 of this 1977 amendatory act to an estimate of the total compensation earnable of all the said employer's members during the period for which provision is to be made.

(2) Beginning April 1, 1949, or October 1, 1977, as the case may be, the amount to be collected as the employer's contribution for pension benefits shall be computed by applying the applicable rates established by RCW 41.40.361 or section 6 of this 1977 amendatory act to the total compensation earnable of employer's members as shown on the current payrolls of the said employer. The ~~((retirement board))~~ department shall bill each said employer at the end of each month for the amount due for that month and the same shall be paid as are its other obligations: PROVIDED, That the ~~((retirement board))~~ department may, at its discretion, establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter and shall be based upon the employer's payrolls for that quarter.

(3) In the event of failure, for any reason, of an employer other than a political subdivision of the state to have remitted amounts due for membership service of any of the employer's members rendered during a prior biennium, the ~~((retirement board))~~ department shall bill such employer through the ~~((budget))~~ director of the office of program planning and fiscal management for such employer's contribution. Such billing shall be paid by the employer as, and the same shall be, a proper charge against any moneys available or appropriated to such employer for payment of current biennial payrolls. If any such employer shall fail or refuse to honor such a billing, the ~~((budget))~~ director of the office of program planning and fiscal management shall cause the same to be paid from any funds appropriated to the ~~((budget))~~ director of the office of program planning and fiscal management for such purposes.

NEW SECTION. Sec. 21. There is added to chapter 41.40 RCW a new section to read as follows:

The provisions of the following sections of this chapter shall apply only to persons who establish membership in the retirement system on or before September 30, 1977: RCW 41.40.150, 41.40.160, 41.40.170, 41.40.180, 41.40.185, 41.40.190, 41.40.193, 41.40.195, 41.40.200, 41.40.210, 41.40.220, 41.40.230, 41.40.235, 41.40.250, 41.40.260, 41.40.280, 41.40.300, 41.40.310, 41.40.320, and 41.40.330.

NEW SECTION. Sec. 22. Section headings used in this 1977 amendatory act shall not constitute any part of the law.

NEW SECTION. Sec. 23. Sections 1 through 15 of this 1977 amendatory act shall be added to chapter 41.40 RCW and shall be codified as consecutive sections of the Revised Code of Washington within such chapter.

NEW SECTION. Sec. 24. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 25. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect October 1, 1977.

Passed the House June 17, 1977.

Passed the Senate June 17, 1977.

Approved by the Governor June 18, 1977.

Filed in Office of Secretary of State June 18, 1977.

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## CHAPTER 296

[Substitute House Bill No. 105]

### ECONOMIC ASSISTANCE ACT—'ELIGIBLE INVESTMENT PROJECT'; CRITERIA

AN ACT Relating to economic development; and amending section 13, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.130.

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

Section 1. Section 13, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A-.130 are each amended to read as follows:

As used in RCW 43.31A.140 through 43.31A.180:

(1) "Eligible investment project" shall mean construction of new buildings or major improvements to existing buildings and the machinery installed in such buildings in the course of such construction or major improvements, when said buildings and machinery are used or are to be used for activities defined in RCW 82.04.120 (the definition of the term "to manufacture"): PROVIDED, That an investment project undertaken by a business as defined in RCW 82.16.010(5) (an electrical utility) shall not be eligible: PROVIDED FURTHER, That one or more ~~((foff))~~ of the following criteria must be met:

(a) The investment project is or will be located in an economic assistance area or special impact area;

(b) A minimum of twenty percent of the employees at the plant complex for which the deferral is requested shall be of a minority race;

(c) The plant complex shall be within an industry classification which is not currently a major employing industry in the county in which the plant complex is located. The industry classification of the plant complex shall be determined by the standard industrial classification as assigned by the department of employment security. The major employing industries in a county shall be the two manufacturing ~~((sectors, as defined by the two-digit standard industrial classification,))~~ industries which employed the greatest number of persons on an annual average basis in the most recent calendar year for which such information is available from the department of employment security.

(2) "Buildings" shall mean and include only those structures used or to be used to house or shelter manufacturing activities. The term shall include plant offices and warehouses or other facilities for the storage of raw material or finished goods when such facilities are an essential or an integral part of a factory, mill, or manufacturing plant and such factory, mill, or manufacturing plant is used or to be used in the business of manufacture for sale or commercial or industrial use of an article, substance, or commodity. Where a building is used partly for manufacturing and partly for other purposes the applicable tax deferral shall be determined by apportionment of the costs of construction under such rules as the department of revenue shall provide;

(3) "Machinery" shall mean all industrial fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation;

(4) "Major improvement" shall mean the expansion, modernization, or renovation of existing buildings wherein the costs are in excess of twenty-five percent of the true and fair value of the plant complex prior to the improvement;

(5) "Plant complex" shall mean land, machinery, and buildings adapted to industrial use as a single functional or operational unit for the assembling, processing, or manufacturing of finished or partially finished products from raw materials or fabricated parts.

Passed the House April 14, 1977.

Passed the Senate June 10, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

## CHAPTER 297

[Substitute House Bill No. 138]

## COMMISSION ON ASIAN-AMERICAN AFFAIRS—EXPIRATION—APPROPRIATION

AN ACT Relating to the Washington state commission on Asian-American affairs; amending section 14, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.910; making an appropriation; prescribing an effective date; and declaring an emergency.

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

Section 1. Section 14, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.910 are each amended to read as follows:

This chapter shall expire automatically on June 30, ~~((1977))~~ 1983, unless ~~((such expiration date be removed or extended by subsequent action of the legislature))~~ extended by law for an additional fixed period of the time.

NEW SECTION. Sec. 2. There is appropriated to the Washington state commission on Asian-American affairs from the general fund for the biennium ending June 30, 1979, the sum of one hundred five thousand three hundred and forty dollars, or so much thereof as shall be necessary.

NEW SECTION. Sec. 3. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977.

Passed the House June 11, 1977.

Passed the Senate June 9, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

## CHAPTER 298

[Substitute House Bill No. 217]

## AUTO TRANSPORTATION COMPANIES—LIABILITY AND PROPERTY DAMAGE INSURANCE—SURETY BOND

AN ACT Relating to auto transportation companies; and amending section 81.68.060, chapter 14, Laws of 1961 and RCW 81.68.060.

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

Section 1. Section 81.68.060, chapter 14, Laws of 1961 and RCW 81.68.060 are each amended to read as follows:

The commission shall in the granting of certificates to operate any auto transportation company, for transporting persons, and baggage, mail and express on the vehicles of auto transportation companies carrying passengers, for compensation require the owner or operator to first procure liability and property damage insurance from a company licensed to make liability insurance in the state of Washington or a surety bond of a company licensed to write surety bonds in the state of Washington on each motor propelled vehicle used or to be used in transporting persons for compensation, in the amount of not ~~((to exceed five))~~ less than one hundred thousand dollars for any recovery for personal injury by one person

and not less than ~~((ten))~~ three hundred thousand dollars for any vehicle having a capacity of sixteen passengers or less and not less than five hundred thousand dollars ~~((and in such additional amount as the commission shall determine;))~~ for any vehicle having a capacity of seventeen passengers or more for all persons receiving personal injury by reason of at least one act of negligence and not ((to exceed one)) less than fifty thousand dollars for damage to property of any person other than the assured((- and maintain)). The commission shall fix the amount of the insurance policy or policies or security deposit giving due consideration to the character and amount of traffic, the number of persons affected, and the degree of danger which the proposed operation involves. Such liability and property damage insurance or surety bond shall be maintained in force on each motor propelled vehicle while so used, each policy for liability or property damage insurance or surety bond required herein, shall be filed with the commission and kept in full force and effect and failure so to do shall be cause for the revocation of the certificate.

Passed the House June 10, 1977.

Passed the Senate June 9, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

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## CHAPTER 299

[Substitute House Bill No. 292]

### WATER DISTRICTS

AN ACT Relating to water districts; amending section 3, chapter 108, Laws of 1959 and RCW 57.08.090; amending section 1, chapter 50, Laws of 1953 and RCW 57.08.015; amending section 6, chapter 18, Laws of 1959 as amended by section 6, chapter 108, Laws of 1959 and RCW 57.16.010; amending section 8, chapter 18, Laws of 1959 as amended by section 8, chapter 108, Laws of 1959 and RCW 57.16.030; amending section 10, chapter 108, Laws of 1959 and RCW 57.16.035; amending section 9, chapter 18, Laws of 1959 as last amended by section 70, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.16.040; amending section 11, chapter 18, Laws of 1959 as amended by section 1, chapter 39, Laws of 1965 ex. sess. and RCW 57.16.060; amending section 17, chapter 251, Laws of 1953 as amended by section 13, chapter 108, Laws of 1959 and RCW 57.20.025; and adding a new section to chapter 57.08 RCW.

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

Section 1. Section 3, chapter 108, Laws of 1959 and RCW 57.08.090 are each amended to read as follows:

The district may, at any time after the connection charges or rates and charges for water supplied and penalties are delinquent for a period of sixty days, bring suit in foreclosure by civil action in the superior court of the county in which the district is situated. The court may allow, in addition to the costs and disbursements provided by statute, such an attorney's fee as it adjudges reasonable. The action shall be in rem, and may be brought in the name of the district against an individual, or against all of those who are delinquent in one action, and the laws and rules of the court shall control as in other civil actions.

In addition to the right to foreclose provided in this section, the district may also cut off all or part of the service after charges for water supplied are delinquent for a period of sixty days.



Sec. 2. Section 1, chapter 50, Laws of 1953 and RCW 57.08.015 are each amended to read as follows:

The board of commissioners of a water district may sell, at public or private sale, property belonging to the district if the board determines by unanimous vote of the elected members of the board that the property is not and will not be needed for district purposes and if the board gives notice of intention to sell as in this section provided: PROVIDED, That no such notice of intention shall be required to sell personal property of less than two hundred-fifty dollars in value.

The notice of intention to sell shall be published once a week for three consecutive weeks in a newspaper of general circulation in the district. The last publication shall be at least twenty days but not more than thirty days before the date of sale. The notice shall describe the property and state the time and place at which it will be sold or offered for sale, the terms of sale, whether the property is to be sold at public or private sale, and if at public sale the notice shall call for bids, fix the conditions thereof and shall reserve the right to reject any and all bids.

Sec. 3. Section 6, chapter 18, Laws of 1959 as amended by section 6, chapter 108, Laws of 1959 and RCW 57.16.010 are each amended to read as follows:

The water district commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring any indebtedness shall adopt a general comprehensive plan of water supply for the district. They shall investigate the several portions and sections of the district for the purpose of determining the present and reasonably foreseeable future needs thereof; shall examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for present and reasonably foreseeable future needs thereof; and shall consider and determine a general system or plan for acquiring such water supply or water supplies; and the lands, waters and water rights and easements necessary therefor, and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe lines to convey the same throughout such district. There may be included as part of the system the installation of fire hydrants at suitable places throughout the district, and the purchase and maintenance of necessary fire fighting equipment and apparatus, together with facilities for housing same. The water district commissioners shall determine a general comprehensive plan for distributing such water throughout such portion of the district as may then reasonably be served by means of subsidiary aqueducts and pipe lines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts or utility local improvement districts within such water district for any lawful purpose, and including any such local improvement district or utility local improvement district lying wholly or partially within the limits of any city or town in such district, and shall determine whether the whole or part of the cost and expenses shall be paid from water revenue bonds as in this act provided. The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out the objects and purposes of this act.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of

health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the water district lies. If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authority of cities and towns before becoming effective.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition effects a particular city or town, shall the amendment, alteration or addition be subject to approval by such particular city or town legislative authority.

Sec. 4. Section 8, chapter 18, Laws of 1959 as amended by section 8, chapter 108, Laws of 1959 and RCW 57.16.030 are each amended to read as follows:

The commissioners may ~~((submit at any general or special election, a proposition that))~~, without submitting a proposition to the voters, authorize by resolution the district to issue revenue bonds for the construction costs, interest during the period of construction and six months thereafter, working capital or other costs of any part or all of the general comprehensive plan. The amount of the bonds to be issued shall be included in the ~~((proposition))~~ resolution submitted.

~~((The proposition to issue such))~~ Any resolution authorizing the issuance of revenue bonds may include provision for refunding any local improvement district bonds of a district, out of the proceeds of sale of revenue bonds, and a district may pay off any outstanding local improvement bonds with such funds either by purchase in the open market below their par value and accrued interest or by call at par value and accrued interest at the next succeeding coupon maturity date.

~~((No proposition for the issuance of revenue bonds shall be submitted at any election if there are outstanding any district local improvement district bonds issued under the provisions of RCW 57.20.030 to 57.20.090, unless the proposition provides that all such local improvement district bonds shall be paid out of the proceeds of the sale of the revenue bonds.~~

The proposition for issuance of revenue bonds shall be adopted by a majority of the voters voting thereon.) When a ~~((proposition))~~ resolution authorizing revenue bonds has been adopted the commissioners may forthwith carry out the general comprehensive plan to the extent specified.

Sec. 5. Section 10, chapter 108, Laws of 1959 and RCW 57.16.035 are each amended to read as follows:

Whenever a water district shall have adopted a general comprehensive plan and bonds to defray the cost thereof shall have been authorized by ~~((the electors of the district))~~ resolution of the board of water commissioners, and before the completion of the improvements the board of water commissioners shall find by resolution that the authorized bonds are not sufficient to defray the cost of such improvements due to the increase of costs of construction subsequent to the adoption of said plan, the board of water commissioners may by resolution ~~((, without submitting the matter to the voters of the district,))~~ authorize the issuance and sale of additional water

revenue bonds for such purpose in excess of those previously ~~((authorized: PROVIDED, That in no event shall the principal amount of such additional water revenue bonds exceed twenty percent of such previously authorized bonds))~~ issued.

Sec. 6. Section 9, chapter 18, Laws of 1959 as last amended by section 70, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.16.040 are each amended to read as follows:

In the same manner as provided for the adoption of the original general comprehensive plan, a plan providing for additions and betterments to the original general comprehensive plan may be adopted. Without limiting its generality "additions and betterments" shall include any necessary change in, amendment of or addition to the general comprehensive plan.

The district may incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations for the construction of the additions and betterments in the same way that general indebtedness may be incurred for the construction of the original general comprehensive plan after submission to the voters of the entire district in the manner the original proposition to incur indebtedness was submitted. Upon ratification the additions and betterments may be carried out by the commissioners to the extent specified or referred to in the proposition to incur the general indebtedness.

The district may issue revenue bonds to pay for the construction of the additions and the betterments pursuant to resolution of the board of water commissioners ~~((without submitting a proposition therefor to the voters of the district))~~.

Sec. 7. Section 11, chapter 18, Laws of 1959 as amended by section 1, chapter 39, Laws of 1965 ex. sess. and RCW 57.16.060 are each amended to read as follows:

Local improvement districts or utility local improvement districts to carry out the whole or any portion of the general comprehensive plan of improvements or plan providing for additions and betterments to the original general comprehensive plan previously adopted may be initiated either by resolution of the board of water commissioners or by petition signed by the owners according to the records of the office of the county auditor of at least fifty-one percent of the area of the land within the limits of the local improvement district to be created.

In case the board of water commissioners shall desire to initiate the formation of a local improvement district or a utility local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed local improvement district or utility local improvement district, and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

In case any such local improvement district or utility local improvement district shall be initiated by petition, such petition shall set forth the nature and territorial extent of the proposed improvement requested to be ordered and the fact that the signers thereof are the owners according to the records of the county auditor of at least fifty-one percent of the area of land within the limits of the local improvement district or utility local improvement district to be created. Upon the filing of

such petition the board shall determine whether the same shall be sufficient, and the board's determination thereof shall be conclusive upon all persons. No person shall withdraw his name from the petition after the same has been filed with the board of water commissioners. If the board shall find the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of said improvement, designating the number of the proposed local district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

Notice of the adoption of the resolution of intention, whether the resolution was adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of water commissioners. Notice of the adoption of the resolution of intention shall also be given each owner or reputed owner of any lot, tract, parcel of land or other property within the proposed improvement district by mailing said notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon. Whenever such notices are mailed, the water commissioners shall maintain a list of such reputed property owners, which list shall be kept on file at a location within the water district and shall be made available for public perusal. The notices shall refer to the resolution of intention and designate the proposed improvement district by number. Said notices shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the date, time and place of the hearing before the board of water commissioners(~~(; and)~~). In the case of improvements initiated by resolution, said notice shall also: (1) State that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board of water commissioners before the time fixed for said public hearing; (2) state that if owners of at least forty percent of the area of land within the proposed district file written protests with the secretary of the board, the power of the water commissioners to proceed with the creation of the proposed district shall be divested; (3) provide the name and address of the secretary of the board; and (4) state the hours and location within the water district where the names of the property owners within the proposed district are kept available for public perusal. In the case of the notice given each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract, parcel of land or other property.

Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in the plans for the proposed improvement as shall be deemed necessary: PROVIDED, That the board may not change the

boundaries of the district to include property not previously included therein without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time herein provided for the original notice.

After said hearing the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution: **PROVIDED**, That the jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the secretary of the board prior to said public hearing signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district.

If the commissioners find that the district should be formed, they shall by resolution order the improvement, provide the general funds of the water district to be applied thereto, adopt detailed plans of the local improvement district or utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the water district such eminent domain proceedings as may be necessary to entitle the district to proceed with the work. The board shall thereupon proceed with the work and file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated within the improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

Sec. 8. Section 17, chapter 251, Laws of 1953 as amended by section 13, chapter 108, Laws of 1959 and RCW 57.20.025 are each amended to read as follows:

The board of water commissioners of any water district may by resolution(~~(; without submitting the matter to the voters of the district;)~~) provide for the issuance of refunding revenue bonds to refund outstanding general obligation bonds and/or revenue bonds, or any part thereof, and/or all outstanding local improvement district bonds, at maturity thereof, or before maturity thereof if they are subject to call for prior redemption or all of the holders thereof consent thereto. The total interest cost to the district over the life of the refunding bonds shall not exceed the total cost to the district which the district would have incurred but for such refunding over the remainder of the life of the bonds to be refunded thereby. The refunding bonds may be exchanged for the bonds to be refunded thereby, or may be sold in such manner as the board of water commissioners deems to be for the best interest of the district, and the proceeds used, except as hereinafter provided, exclusively for the purpose of paying, retiring and canceling the bonds to be refunded and interest thereon.

All unpaid utility local improvement district assessments payable into the revenue bond redemption fund established for payment of the bonds to be refunded shall thereafter when collected be paid into the revenue bond redemption fund established for payment of the refunding revenue bonds.

Whenever local improvement district bonds have been refunded as **((required))** provided by RCW 57.16.030 as now or hereafter amended, or pursuant to this section, all local improvement district assessments remaining unpaid shall thereafter

when collected be paid into the revenue bond redemption fund established for payment of the refunding revenue bonds, and the cash balance, if any, in the local improvement guaranty fund of the district and the proceeds received from any other assets owned by such fund shall be used in whole or in part as a reserve fund for the refunding revenue bonds or be transferred in whole or in part to any other funds of the district as the board of water commissioners may determine. In the event that any warrants are outstanding against the local improvement guaranty fund of the district at the time of the issuance of such refunding revenue bonds, said bonds shall be issued in an amount sufficient also to fund and pay such outstanding warrants.

The provisions of RCW 57.20.020 shall apply to the refunding revenue bonds issued under this title.

Passed the House June 11, 1977.

Passed the Senate June 10, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

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## CHAPTER 300

[Substitute House Bill No. 293]

### SEWER DISTRICTS

AN ACT Relating to sewer districts; amending section 11, chapter 210, Laws of 1941 as last amended by section 2, chapter 272, Laws of 1971 ex. sess. and RCW 56.08.020; amending section 15, chapter 210, Laws of 1941 as amended by section 7, chapter 250, Laws of 1953 and RCW 56.08.050; amending section 16, chapter 210, Laws of 1941 as last amended by section 5, chapter 103, Laws of 1959 and RCW 56.16.020; amending section 17, chapter 210, Laws of 1941 as last amended by section 64, chapter 195, Laws of 1973 1st ex. sess. and RCW 56.16.030; amending section 7, chapter 103, Laws of 1959 and RCW 56.16.035; amending section 23, chapter 210, Laws of 1941 as last amended by section 5, chapter 272, Laws of 1971 ex. sess. and RCW 56.16.100; amending section 24, chapter 210, Laws of 1941 as last amended by section 6, chapter 272, Laws of 1971 ex. sess. and RCW 56.16.110; amending section 16, chapter 250, Laws of 1953 as last amended by section 66, chapter 195, Laws of 1973 1st ex. sess. and RCW 56.16.115; amending section 17, chapter 210, Laws of 1941 as last amended by section 64, chapter 195, Laws of 1973 1st ex. sess. and RCW 56.16.030; amending section 4, chapter 58, Laws of 1974 ex. sess. and RCW 56.20.015; amending section 27, chapter 210, Laws of 1941 as last amended by section 5, chapter 58, Laws of 1974 ex. sess. and RCW 56.20.020; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 11, chapter 210, Laws of 1941 as last amended by section 2, chapter 272, Laws of 1971 ex. sess. and RCW 56.08.020 are each amended to read as follows:

The sewer commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring indebtedness shall adopt a general comprehensive plan for a system of sewers for the district. They shall investigate all portions and sections of the district and select a general comprehensive plan for a system of sewers for the district suitable and adequate for present and reasonably foreseeable future needs thereof. The general comprehensive plan shall provide for treatment plants and other methods for the disposal of sewage and industrial and other liquid wastes now produced or which may reasonably be expected to be produced within the district and shall, for such portions of the district as may then reasonably be served, provide for the acquisition or construction and installation of

laterals, trunk sewers, intercepting sewers, syphons, pumping stations, or other sewage collection facilities. The general comprehensive plan shall provide the method of distributing the cost and expense of the sewer system provided therein against the district and against utility local improvement districts within the district, including any utility local improvement district lying wholly or partially within any other political subdivision included in the district; and provide whether the whole or some part of the cost and expenses shall be paid from sewer revenue bonds. The commissioners may employ such engineering and legal services as they deem necessary in carrying out the purposes hereof. The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the ~~((county commissioners))~~ legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the sewer district lies. If the district includes portions or all of one or more cities or towns ((or counties)), the general comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authority of cities and towns ((and counties)) before becoming effective. ((This section and RCW 56.08.030, 56.08.040, 56.08.050, 56.16.010, and 56.16.020 shall not apply to reorganized districts, except as specifically referred to in this section.))

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition, effects a particular city or town, shall the amendment, alteration, or addition be subject to approval by such particular city or town legislative authority.

Sec. 2. Section 15, chapter 210, Laws of 1941 as amended by section 7, chapter 250, Laws of 1953 and RCW 56.08.050 are each amended to read as follows:

When the electors of a district have authorized the issuance of general obligation bonds ((or sewer revenue bonds)) of the district to carry out the general comprehensive plan, the commissioners may proceed with the improvement to the extent specified or referred to in the proposition or propositions to incur the indebtedness and issue the bonds. In the event no general obligation bonds are authorized to be issued to carry out the general comprehensive plan, the commissioners may proceed with the improvement authorized in the general comprehensive plan after they have authorized, by resolution, the issuance of revenue bonds for the construction of such improvement. The amount of the revenue bonds to be issued shall be included in the resolution submitted.

Sec. 3. Section 16, chapter 210, Laws of 1941 as last amended by section 5, chapter 103, Laws of 1959 and RCW 56.16.020 are each amended to read as follows:

((At any general or special election, a proposition that)) The ((district)) sewer commissioners may, by resolution, issue revenue bonds for the construction costs,

interest during the period of construction and six months thereafter, working capital, or other costs of any part or all of the general comprehensive plan (~~((may be submitted. The amount of the revenue bonds to be issued shall be included in the proposition submitted. The proposition shall be adopted by a majority of the voters of the district voting thereon. When the proposition has been adopted, the commissioners may forthwith carry out the general plan to the extent specified therein))~~) without submitting a proposition therefor to the voters. The resolution shall include the amount of the bonds to be issued.

Sec. 4. Section 17, chapter 210, Laws of 1941 as last amended by section 64, chapter 195, Laws of 1973 1st ex. sess. and RCW 56.16.030 are each amended to read as follows:

In the same manner as herein provided for the adoption of the general comprehensive plan, and after the adoption of the general comprehensive plan, a plan providing for additions and betterments to the general comprehensive plan, or reorganized district may be adopted. Without limiting its generality "additions and betterments" shall include any necessary change in, amendment of, or addition to the general comprehensive plan. The sewer district may incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the general comprehensive plan. Upon ratification by the voters of the entire district, of the proposition to incur such indebtedness, the additions and betterments may be carried out by the sewer commissioners to the extent specified or referred to in the proposition to incur such general indebtedness. The sewer district may issue revenue bonds to pay for the construction of the additions and betterments by resolution of the board of sewer commissioners ((without submitting a proposition therefor to the voters)).

Sec. 5. Section 7, chapter 103, Laws of 1959 and RCW 56.16.035 are each amended to read as follows:

Whenever a sewer district shall have adopted a general comprehensive plan, and bonds to defray the cost thereof shall have been authorized by the (~~(electors of the district))~~ board of commissioners, and if before completion of the improvements the board of commissioners shall by resolution find that the authorized bonds are not sufficient to defray the cost of such improvements due to the increase of costs of construction subsequent to the adoption of said plan, the board of commissioners may, by resolution(~~(, without submitting the matter to the voters of the district))~~, authorize the issuance and sale of additional sewer revenue bonds for such purpose in excess of those previously (~~(authorized. PROVIDED, That in no event shall the principal amount of such additional sewer revenue bonds exceed twenty percent of such previously authorized indebtedness))~~ issued.

Sec. 6. Section 23, chapter 210, Laws of 1941 as last amended by section 5, chapter 272, Laws of 1971 ex. sess. and RCW 56.16.100 are each amended to read as follows:

The commissioners shall enforce collection of the sewer connection charges and sewerage disposal service charges against property to which and its owners ((receiving)) to whom the service is available, such charges being deemed charges



against the property (~~(served)~~) to which the service is available, by addition of penalties of not more than ten percent thereof in case of failure to pay the charges at times fixed by resolution. The commissioners may provide by resolution that where either sewer connection charges or sewer service charges are delinquent for any specified period of time, the district shall certify the delinquencies to the treasurer of the county in which the real property is located, and the charges and any penalties added thereto and interest thereon at the rate (~~(of not more than eight percent per year)~~) fixed by resolution, shall be a lien against the property (~~(upon)~~) to which the service was (~~(received)~~) available, subject only to the lien for general taxes.

Sec. 7. Section 24, chapter 210, Laws of 1941 as last amended by section 6, chapter 272, Laws of 1971 ex. sess. and RCW 56.16.110 are each amended to read as follows:

The district may, at any time after the sewer connection charges or sewerage disposal service charges and penalties provided for in RCW 56.16.100, as now or hereafter amended, are delinquent for a period of sixty days, bring suit in foreclosure by civil action in the superior court of the county in which the real property is situated. The court may allow, in addition to the costs and disbursements provided by statute, such an attorney's fee as it may adjudge reasonable. The action shall be in rem against the property, and in addition may be brought in the name of the district against an individual, or against all of those who are delinquent in one action, and the laws and rules of the court shall control as in other civil actions.

Sec. 8. Section 16, chapter 250, Laws of 1953 as last amended by section 66, chapter 195, Laws of 1973 1st ex. sess. and RCW 56.16.115 are each amended to read as follows:

The board of sewer commissioners may by resolution, without submitting the matter to the voters of the district, authorize the issuance of refunding general obligation bonds to refund any outstanding general obligation bonds, or any part thereof, at maturity thereof, or before the maturity thereof, if they are subject to call for prior redemption, or if all of the holders thereof consent thereto. The total cost to the district over the life of the refunding bonds shall not exceed the total cost, which the district would have incurred but for such refunding, over the remainder of the life of the bonds being refunded. The provisions of RCW 56.16.040 specifying the form and maturities of general obligation bonds and providing for annual tax levies in excess of the constitutional and/or statutory tax limitations shall apply to the refunding general obligation bonds issued under this title.

The board of sewer commissioners may by resolution (~~(, without submitting the matter to the voters of the district,)~~) provide for the issuance of refunding revenue bonds to refund outstanding general obligation bonds and/or revenue bonds, or any part thereof, at maturity thereof, or before maturity thereof, if they are subject to call for prior redemption, or if all of the holders thereof consent thereto. The total cost to the district over the life of said refunding revenue bonds shall not exceed the total cost, which the district would have incurred but for such refunding, over the remainder of the life of the bonds being refunded. Uncollected assessments originally payable into the revenue bond fund of a refunded revenue bond issue shall be paid into the revenue bond fund of the refunding issue. The provisions of RCW

56.16.060 specifying the form and maturities of revenue bonds shall apply to the refunding revenue bonds issued under this title.

Refunding general obligation bonds or refunding revenue bonds may be exchanged for the bonds being refunded or may be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district.

Sec. 9. Section 4, chapter 58, Laws of 1974 ex. sess. and RCW 56.20.015 are each amended to read as follows:

In addition to all of the powers and authorities set forth in Title 56 RCW, any sewer district shall have all of the powers of cities as set forth in (~~chapter 35.43 RCW and~~) chapter 35.44 RCW. Sewer districts may also exercise all of the powers permitted to a water district under Title 57 RCW relating to the constructing, maintaining, and operating of water supply systems.

Sec. 10. Section 27, chapter 210, Laws of 1941 as last amended by section 5, chapter 58, Laws of 1974 ex. sess. and RCW 56.20.020 are each amended to read as follows:

Utility local improvement districts to carry out all or any portion of the comprehensive plan, or additions and betterments thereof, adopted for the sewer district may be initiated either by resolution of the board of sewer commissioners or by petition signed by the owners according to the records of the office of the county auditor of at least fifty-one percent of the area of the land within the limits of the utility local improvement district to be created.

In case the board of sewer commissioners shall desire to initiate the formation of a utility local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed utility local improvement district, describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed local district, which date shall, unless there is an emergency, be no less than thirty days and no more than ninety days from the day the resolution of intention was adopted.

In case any such utility local improvement district shall be initiated by petition, such petition shall set forth the nature and territorial extent of such proposed improvement and the fact that the signers thereof are the owners according to the records of the county auditor of at least fifty-one percent of the area of land within the limits of the utility local improvement district to be created. Upon the filing of such petition with the secretary of the board of sewer commissioners, the board shall determine whether the same shall be sufficient, and the board's determination thereof shall be conclusive upon all persons. No person shall withdraw his name from said petition after the filing thereof with the secretary of the board of sewer commissioners. If the board shall find the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of said improvement, designating the number of the proposed local district, describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and

fixing a date, time and place for a public hearing on the formation of the proposed local district.

Notice of the adoption of the resolution of intention, whether the resolution was adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of sewer commissioners. Notice of the adoption of the resolution of intention shall also be given each owner or reputed owner of any lot, tract, parcel of land or other property within the proposed improvement district by mailing said notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon. Whenever such notices are mailed, the sewer commissioners shall maintain a list of such reputed property owners, which list shall be kept on file at a location within the sewer district and shall be made available for public perusal. The notices shall refer to the resolution of intention and designate the proposed improvement district by number. Said notices shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the date, time and place of the hearing before the board of sewer commissioners(~~(-and)~~). In the case of improvements initiated by resolution, said notice shall also: (1) State that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board of sewer commissioners before the time fixed for said public hearing; (2) state that if owners of at least forty percent of the area of land within the proposed district file written protests with the secretary of the board, the power of the sewer commissioners to proceed with the creation of the proposed district shall be divested; (3) provide the name and address of the secretary of the board; and (4) state the hours and location within the sewer district where the names of the property owners within the proposed district are kept available for public perusal. In the case of the notice given each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract, parcel of land or other property.

Passed the House June 11, 1977.

Passed the Senate June 10, 1977.

Approved by the Governor June 21, 1977.

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## CHAPTER 301

[Substitute House Bill No. 323]

### FINANCIAL INSTITUTIONS DISCLOSURE ACT—FAIRNESS IN LENDING ACT

AN ACT Relating to financial institutions; amending section 1, chapter 68, Laws of 1959 as amended by section 9, chapter 141, Laws of 1973 and RCW 49.60.175; adding a new chapter to Title 19 RCW; adding new sections to chapter 30.04 RCW; prescribing penalties; and prescribing an expiration date.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. This chapter shall be known and may be cited as the "Financial Institutions Disclosure Act".

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the following terms when used in this chapter shall have the meanings ascribed to them in this section:

(1) "Application" means a written request for an extension of credit made in accordance with procedures established by a financial institution for the type of credit requested;

(2) "Default" means that a loan payment due on or before the first day of the month preceding the month in which the reporting period ends remains unpaid;

(3) "Financial institution" means any bank or trust company, mutual savings bank, savings and loan association or credit union which operates or has a place of business in this state whether or not regulated by the state or federal government and which has more than ten million dollars in assets, and any mortgage company which operates or has a place of business in this state;

(4) "Foreclosure" means the transfer of title as a result of foreclosure proceedings, a trustee's sale or the giving of a deed in lieu of foreclosure;

(5) "Home improvement loan" means a loan, unsecured or secured by collateral other than a first lien on residential real property, (a) the proceeds of which are to be used for the purpose of repairing, rehabilitating, or remodeling an existing residential dwelling, as stated by the borrower to the financial institution at the time of the loan transaction, and (b) that is recorded on the books of the financial institution as a home improvement loan;

(6) "Neighborhood" means an area designated by a census tract, or where no area has been designated by a census tract, an area designated by a zip code;

(7) "Rejection" means a refusal to commit a loan to a person who has made an application, as defined above;

(8) "Single-family" means a residence consisting of from one to four dwelling units; and

(9) "Multifamily" means a residence consisting of more than four dwelling units.

**NEW SECTION.** Sec. 3. (1) Beginning on July 1, 1977, each financial institution with a home office or branch within a standard metropolitan statistical area shall file annually with the secretary of state, on or before a date of ninety days after the end of the fiscal year of the institution, for each neighborhood in which said financial institution has received, made, or rejected a loan application when such neighborhood lies wholly or partially within a standard metropolitan statistical area, a statement, for the loan categories designated in subsection (2) of this section, showing:

(a) The number and aggregate loan amount of owned loans closed subsequent to July 1, 1977, outstanding at the beginning and end of the reporting period: PROVIDED, That this section shall not require reporting of loans closed prior to July 1, 1977;

(b) The number and aggregate loan amount of serviced loans closed subsequent to July 1, 1977, outstanding at the beginning and end of the reporting period: PROVIDED, That this section shall not require reporting of loans closed prior to July 1, 1977;

- (c) The number and aggregate dollar amount of applications processed and applications rejected during the reporting period;
  - (d) The number and amount of loans closed during the reporting period;
  - (e) The number of foreclosures for the reporting period;
  - (f) The number of loans in default for the reporting period.
- (2) For each of the following loan categories, the information designated in subsection (1) (a) through (f) of this section shall be separately disclosed;
- (a) Conventional single-family first mortgages with twenty or more percent down payment;
  - (b) Conventional single-family first mortgages with less than twenty percent down payment;
  - (c) Single-family mortgage loans guaranteed under the provisions of the federal Veterans' Benefits Act, Title 38, United States Code, chapter 37, subchapter II;
  - (d) Single-family mortgage loans insured under the federal National Housing Act, Title 12, United States Code, chapter 13;
  - (e) Single-family home improvement loans and loans made in accordance with subchapter I, "Housing Renovation and Modernization", of the National Housing Act, Title 12, United States Code, chapter 13;
  - (f) Other residential loans including multifamily dwelling loans.

**NEW SECTION.** Sec. 4. Each statement filed under the provisions of this chapter shall be verified by a certified public accountant or by two officers of the financial institution and shall be filed on forms promulgated by the secretary of state. Wherever possible, the secretary of state shall make the forms consistent with the disclosure forms required to be filed by financial institutions under the Federal Home Loan Mortgage Disclosure Act of 1975.

**NEW SECTION.** Sec. 5. The secretary of state shall make statements filed under the provisions of this chapter available for public inspection during the regular business hours of his office, and shall provide copies of the statements to any interested person upon payment of a reasonable fee to cover the cost of copying. Each financial institution which has filed a statement shall make a copy of such statements available for public inspection during regular business hours in each office located in a standard metropolitan statistical area.

**NEW SECTION.** Sec. 6. (1) An institution which is required to file statements by this chapter and which fails to submit a statement on the date required in section 3 of this amendatory act, is guilty of a business offense and shall be fined five hundred dollars or one hundred dollars for each day on which the statement has not been filed after the required date, whichever is greater. The secretary of state shall refer any violation of this subsection to the attorney general for enforcement.

(2) Any person who files or participates in the filing of any statement required by this chapter with knowledge that such statement is false or misleading in any material regard is guilty of a gross misdemeanor pursuant to chapter 9A.20 RCW.

**NEW SECTION.** Sec. 7. To insure and protect the confidential nature of an individual's financial status, no provision of this chapter shall be construed as requiring any institution to divulge the names of individual depositors or mortgagors.

**NEW SECTION.** Sec. 8. The disclosure provisions of this chapter shall be exclusive and shall supersede all statutes, charter provisions, ordinances, resolutions,

regulations, and requirements promulgated by the state or any political subdivision thereof.

NEW SECTION. Sec. 9. The provisions of this chapter shall expire on January 1, 1981.

NEW SECTION. Sec. 10. Sections 11 through 13 of this amendatory act shall be known and may be cited as the "Fairness in Lending Act".

NEW SECTION. Sec. 11. As used in sections 11 through 13 of this amendatory act:

(1) "Financial institution" means any bank or trust company, mutual savings bank, credit union, mortgage company, or savings and loan association which operates or has a place of business in this state whether regulated by the state or federal government.

(2) "Particular type of loan" refers to a class of loans which is substantially similar with respect to the following:

- (a) FHA, VA, or conventional as defined in section 3(2) of this amendatory act;
- (b) Uniform or nonuniform payment;
- (c) Uniform or nonuniform rate of interest;
- (d) Purpose; and

(e) The location of the real estate offered as security for the loan as being inside or outside of that financial institution's lending area.

(3) "Varying the terms of a loan" includes, but is not limited to the following practices:

(a) Requiring a greater down payment than is usual for the particular type of a loan involved;

(b) Requiring a shorter period of amortization than is usual for the particular type of loan involved;

(c) Charging a higher interest rate than is usual for the particular type of loan involved;

(d) A deliberate underappraisal of the value of the property offered as security.

NEW SECTION. Sec. 12. Subject to section 13 of this amendatory act, it shall be unlawful for any financial institution, in processing any application for a loan to be secured by a single-family residence to:

(1) Deny or vary the terms of a loan on the basis that a specific parcel of real estate offered as security is located in a specific geographical area, unless building, remodeling, or continued habitation in such specific geographical area is prohibited or restricted by any local, state, or federal law or rules or regulations promulgated thereunder.

(2) Utilize lending standards that have no economic basis.

NEW SECTION. Sec. 13. Nothing contained in sections 11 through 12 of this amendatory act shall preclude a financial institution from considering sound underwriting practices in processing any application for a loan to any person. Such practices shall include the following:

(1) The willingness and the financial ability of the borrower to repay the loan.

(2) The market value of any real estate and of any other item of property proposed as security for any loan.

(3) Diversification of the financial institution's investment portfolio.

Sec. 14. Section 1, chapter 68, Laws of 1959 as amended by section 9, chapter 141, Laws of 1973 and RCW 49.60.175 are each amended to read as follows:

It shall be an unfair practice to use (~~or require designation of~~) the sex, race, creed, color, (~~or~~) national origin, or marital status of any person (~~on any document~~) concerning an application for credit in any credit transaction to determine the credit worthiness of an applicant.

NEW SECTION. Sec. 15. Sections 11 through 13 of this 1977 amendatory act are each added to chapter 30.04 RCW.

NEW SECTION. Sec. 16. Sections 1 through 9 of this amendatory act shall constitute a new chapter in Title 19 RCW.

Passed the House June 11, 1977.

Passed the Senate June 10, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

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## CHAPTER 302

[Substitute House Bill No. 353]

### VICTIMS OF CRIMES

AN ACT Relating to victims of crimes; amending section 1, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.010; amending section 2, chapter 122, Laws of 1973 1st ex. sess. as amended by section 1, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.020; amending section 5, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.050; amending section 6, chapter 122, Laws of 1973 1st ex. sess. as amended by section 2, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.060; amending section 7, chapter 122, Laws of 1973 1st ex. sess. as amended by section 3, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.070; amending section 9, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.075; amending section 11, chapter 122, Laws of 1973 1st ex. sess. as amended by section 5, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.110; amending section 13, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.130; adding new sections to chapter 7.68 RCW; repealing section 4, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.040; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.010 are each amended to read as follows:

It is the intent of the legislature of the state of Washington to provide a method of compensating and assisting (~~(those residents of the state who are)~~) innocent victims of criminal acts (~~and~~) who suffer bodily injury or death as a consequence thereof. To that end, it is the intention of the legislature to make certain of the benefits and services which are now or hereafter available to injured workmen under Title 51 RCW also available to innocent victims of crime as defined and provided for in this chapter.

Sec. 2. Section 2, chapter 122, Laws of 1973 1st ex. sess. as amended by section 1, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.020 are each amended to read as follows:

The following words and phrases as used in this chapter shall have the following meanings unless the context otherwise requires:

- (1) "Department" means the department of labor and industries.

(2) "Criminal act" means an act committed or attempted in this state which is punishable as a felony or gross misdemeanor under the laws of this state: PROVIDED, That the operation of a motor vehicle, motorcycle, train, boat, or aircraft in violation of law does not constitute a "criminal act" unless the injury or death was intentionally inflicted or the operation thereof was part of the commission of another criminal act as defined in this section: PROVIDED FURTHER: (a) That neither an acquittal in a criminal prosecution nor the absence of any such prosecution shall be admissible in any claim or proceeding under this chapter as evidence of the noncriminal character of the acts giving rise to such claim or proceeding; (b) that evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter shall be admissible in such claim or proceeding for the limited purpose of proving the criminal character of the acts; (c) that acts which, but for the insanity or mental irresponsibility of the perpetrator, would constitute criminal conduct shall be deemed to be criminal conduct within the meaning of this chapter.

(3) "Victim" means a ~~((resident of the state))~~ person who suffers bodily injury or death as a proximate result of a criminal act of another person, the victim's own good faith and reasonable effort to prevent a criminal act, or his good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits pursuant to this chapter, "victim" shall be interchangeable with "employee" or "workman" as defined in chapter 51.08 RCW as now or hereafter amended.

(4) "Child", "accredited school", "dependent", "beneficiary", "average monthly wage", "director", "injury", "invalid", "permanent partial disability", and "permanent total disability" shall have the meanings assigned to them in chapter 51.08 RCW as now or hereafter amended.

(5) "Gainfully employed" means engaging on a regular and continuous basis in a lawful activity from which a person derives a livelihood.

~~(((6) "Resident", for the purpose of eligibility for benefits under this chapter, means a person who has been in this state for thirty days or has clearly signified an intent to remain in this state for at least thirty days.))~~

Sec. 3. Section 5, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.050 are each amended to read as follows:

No right of action at law ~~((against a person who has committed a criminal act,))~~ for damages incurred as a consequence of ~~((such))~~ a criminal act(;) shall be lost as a consequence of ~~((receiving))~~ being entitled to benefits under the provisions of this chapter. In the event any person ~~((receiving))~~ entitled to benefits under this chapter additionally seeks a remedy for damages ~~((from the person or persons who have committed the criminal act resulting in damages))~~ incurred as a consequence of a criminal act, then and in that event the department shall be subrogated to the rights of such person and have a lien upon any recovery so made to the extent of the ~~((payments made))~~ benefits paid or payable by the department to or on behalf of such person under this chapter. If the recovery involved is against the state, the lien of the department shall include the interest on the benefits paid by the department to or on behalf of such person under this chapter computed at the rate of eight percent per annum from the date of payment.



Sec. 4. Section 6, chapter 122, Laws of 1973 1st ex. sess. as amended by section 2, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.060 are each amended to read as follows:

For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28-.020, 51.28.030, 51.28.040 and 51.28.060 as now or hereafter amended shall apply: PROVIDED, That no compensation of any kind shall be available under this chapter if:

(1) An application for benefits is not received by the department within one ~~((hundred eighty days))~~ year after the date of the criminal act or ~~((one hundred twenty days after))~~ the date ~~((of death of the victim, or))~~ the rights of dependents or beneficiaries accrued, ~~((if such is the case;))~~ or

(2) The criminal act is not reported by the victim or someone on his behalf to a local police department or sheriff's office within seventy-two hours of its occurrence or, if it could not reasonably have been reported within that period, within seventy-two hours of the time when a report could reasonably have been made.

Sec. 5. Section 7, chapter 122, Laws of 1973 1st ex. sess. as amended by section 3, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, ~~((51.32.070))~~ 51.32.072, 51.32.073, 51.32.180, 51.32.190 and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, or his family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, and the rights, duties, responsibilities, limitations and procedures applicable to a workman as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person shall be entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation or incitement by the victim;

(b) The result of an act or acts committed by a person living in the same household with the victim;

(c) The result of an act or acts committed by a person who is at the time of the criminal act the spouse, child, parent, or sibling of the victim by the half or whole blood, adoption or marriage, or the parent of the spouse of or sibling of the spouse of the victim by the half or whole blood, adoption, or marriage, or the son-in-law or daughter-in-law of the victim, unless in the director's sole discretion it is determined that:

(i) The parties to the marriage which establishes the relationship between the person committing the criminal act and the victim described above are estranged and living apart, and

(ii) The interests of justice require otherwise in the particular case;

(d) The result of the victim assisting, attempting, or committing a criminal act;  
or

(e) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services.

(4) The benefits established upon the death of a workman and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: **PROVIDED**, That in the event the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act;

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived him or where such spouse has legal custody of all of his children, shall be limited to burial expenses as provided in RCW 51.32.050 as now or hereafter amended and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits shall be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: **PROVIDED**, That in the event a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, such victim shall receive monthly during the period of such disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of such average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of such average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of such average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of such average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of such average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of such average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of such average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of such average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of such average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of such average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of such average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of such average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: PROVIDED, That no person shall be eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended shall apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workmen contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160 and 51.32.210 as now or hereafter amended shall be applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person shall be entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

Sec. 6. Section 9, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.075 are each amended to read as follows:

Notwithstanding the provisions of any of the sections, as now or hereafter amended, of Title 51 RCW which are made applicable to this chapter, the marital status of all victims shall be deemed to be fixed as of the date of the criminal act. All references to the child or children living or conceived of the victim in this chapter shall be deemed to refer to such child or children as of the date of the criminal act unless the context clearly indicates the contrary.

Payments for or on account of any such child or children shall cease when such child is no longer a "child" as defined in RCW (~~(51.32.005)~~) 51.08.030, as now or hereafter amended, or on the death of any such child whichever occurs first.

Payments to the victim or surviving spouse for or on account of any such child or children shall be made only when the victim or surviving spouse has legal custody of any such child or children. Where the victim or surviving spouse does not have such legal custody any payments for or on account of any such child or children shall be made to the person having legal custody of such child or children and the amount of payments shall be subtracted from the payments which would have been due the victim or surviving spouse had legal custody not been transferred to another person.

Sec. 7. Section 11, chapter 122, Laws of 1973 1st ex. sess. as amended by section 5, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.110 are each amended to read as follows:

The provisions contained in chapter 51.52 RCW as now or hereafter amended relating to appeals shall govern appeals under this chapter: PROVIDED, That no provision contained in chapter 51.52 RCW concerning employers as parties to any settlement, appeal, or other action shall apply to this chapter: PROVIDED FURTHER, That appeals taken from a decision of the board of industrial insurance appeals under this chapter shall be governed by the provisions relating to judicial review of administrative decisions contained in RCW 34.04.130 and 34.04.140 as now or hereafter amended, and the department shall have the same right of review from a decision of the board of industrial insurance appeals as does the claimant.

Sec. 8. Section 13, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.130 are each amended to read as follows:

Benefits (~~(paid)~~) payable pursuant to this chapter shall be reduced by the amount of any other public or private insurance, industrial insurance, or medical health or disability benefits available. Payment by the department under this chapter shall be secondary to such other insurance or benefits, notwithstanding the provision of any contract or coverage to the contrary: PROVIDED, That in the case of life insurance proceeds, the first forty thousand dollars of such proceeds shall not be considered for purposes of any such reduction in benefits.

NEW SECTION. Sec. 9. There is added to chapter 7.68 RCW a new section to read as follows:

Each law enforcement agency to which a criminal act has been reported and which criminal act results in physical injury or death to a victim shall make a reasonable effort to inform the known victim or his surviving dependent(s) of the existence of this chapter and the procedure for making application for benefits provided

by this chapter: **PROVIDED**, That the failure to so act will not stay the operation of RCW 7.68.060.

**NEW SECTION.** Sec. 10. There is added to chapter 7.68 RCW a new section to read as follows:

(1) Whenever any person is found guilty in any court of competent jurisdiction of having committed an act prohibited under the provisions of Title 9A RCW as now or hereafter amended, which act involved a victim and is punishable as a felony or gross misdemeanor, there shall be imposed by the court upon such convicted person a penalty assessment in the amount of twenty-five dollars or ten percent of any other penalty or fine, whichever is greater, which penalty assessment shall be in addition to any other penalty or fine imposed by law.

(2) Whenever any person accused of having committed a criminal act prohibited under the provisions of Title 9A RCW as now or hereafter amended, which act involved a victim and is punishable as a felony or gross misdemeanor, posts bail pursuant to the provisions of chapter 10.19 RCW, and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment of twenty-five dollars, in addition to any other penalty or fine imposed by law.

(3) Notwithstanding any other provision of law, such penalty assessments shall be paid by the clerk of the court to the city or county treasurer, as the case may be, who shall monthly transmit such penalty assessments to the state treasurer. The state treasurer shall deposit such assessments in an account within the state general fund to be known as the crime victims compensation account, hereby created, and all moneys derived from such assessments shall be used exclusively for the administration of this chapter.

**NEW SECTION.** Sec. 11. Section 4, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.040 are each repealed.

**NEW SECTION.** Sec. 12. There is added to chapter 7.68 RCW a new section to read as follows:

(1) If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances, is not affected.

(2) Subsection (1) of this section shall be effective retroactively to July 1, 1974.

Passed the House June 13, 1977.

Passed the Senate June 10, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

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## CHAPTER 303

[Substitute House Bill No. 656]

### EDUCATION—DISPOSAL OF SURPLUS BOOKS, ETC.

AN ACT Relating to education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW a new section to read as follows:

Notwithstanding any other provision of law, school districts, educational service districts, or any other state or local governmental agency concerned with education, when declaring texts and other books, equipment, instructional materials or relocatable facilities as surplus, shall, prior to other disposal thereof, serve notice in writing to any private school in Washington state annually requesting such a notice, that the same is available for sale to private schools, at depreciated cost or fair market value, whichever is greater: PROVIDED, That students wishing to purchase texts pursuant to RCW 28A.58.103(2) shall have priority as to such texts.

Passed the House June 10, 1977.

Passed the Senate June 9, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

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## CHAPTER 304

### [Substitute House Bill No. 674] AGRICULTURAL PRODUCTS

AN ACT Relating to agricultural products; amending section 1, chapter 139, Laws of 1959 as last amended by section 2, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.010; amending section 3, chapter 139, Laws of 1959 as last amended by section 18, chapter 7, Laws of 1975 1st ex. sess. and RCW 20.01.030; amending section 6, chapter 139, Laws of 1959 as last amended by section 4, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.060; amending section 8, chapter 139, Laws of 1959 as amended by section 5, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.080; amending section 8, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.086; amending section 5, chapter 232, Laws of 1963 as last amended by section 5, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.210; amending section 6, chapter 232, Laws of 1963 as amended by section 9, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.212; amending section 33, chapter 139, Laws of 1959 as amended by section 11, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.330; amending section 37, chapter 139, Laws of 1959 as last amended by section 6, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.370; amending section 42, chapter 240, Laws of 1967 as amended by section 7, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.385; amending section 43, chapter 139, Laws of 1959 as amended by section 9, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.430; amending section 10, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.445; amending section 14, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.480; amending section 15, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.500; amending section 20, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.550; and adding new sections to chapter 20.01 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 139, Laws of 1959 as last amended by section 2, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.010 are each amended to read as follows:

(1) "Director" means the director of agriculture or his duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) "Agricultural product" means any horticultural, viticultural, berry, poultry, poultry product, grain including mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form by or for the producer thereof, bee, or other agricultural products, and livestock except

horses, mules, and ((asses)) donkeys: PROVIDED, That horses, mules, and donkeys purchased or sold for slaughter shall be considered agricultural products for the purposes of this chapter.

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of such products, or producing such products for others holding the title thereof.

(5) "Consignor" means any producer, person or his agent who sells, ships or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale or resale.

(6) "Commission merchant" means any person who shall receive on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of such consignor, or who shall accept any farm product in trust from the consignor thereof for the purpose of resale, or who shall sell or offer for sale on commission any agricultural product, or who shall in any way handle for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a commission merchant or cash buyer, as defined in subsection (9) of this section, who solicits, contracts for, or obtains from the consignor thereof((;)) for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase: PROVIDED, That for the purpose of this ((1971 amendatory act)) chapter the term dealer includes any person who purchases livestock on behalf of and for the account of another.

(8) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product: PROVIDED, That no broker may handle the agricultural products involved or proceeds of such sale.

(9) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession or control of any agricultural product or who contracts for the title, possession or control of any agricultural product, or who buys or agrees to buy any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of such agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check or bankdraft may be used for such payment.

(10) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of such business at any location other than at the principal place of business of his employer: PROVIDED, That, with the exception of an agent for a commission merchant or dealer handling horticultural products, an

agent may operate only in the name of one principal and only to the account of said principal.

(11) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year: PROVIDED, That any retailer may occasionally wholesale any agricultural product which he has in surplus; however, such wholesaling shall not be in excess of two percent of such retailer's gross business.

(12) "Fixed or established place of business" for the purpose of this chapter shall mean any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered and generally dealt in in quantities reasonably adequate for and usually carried for the requirements of such a business and which is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of ~~((not))~~ evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, said personnel being available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(13) "Processor" means any person, firm, company or other organization that purchases agricultural crops from a ~~((farmer-producer))~~ consignor and who cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes such crops in any manner whatsoever for eventual resale.

(14) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor which shall indicate the variety of horticultural product delivered, the number of containers, or the weight and tare thereof.

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records which shall include variety, grade, size and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs: PROVIDED, That platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size and date of delivery.

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product.

(d) ~~((Terms setting forth))~~ The charges to be paid by the consignor as filed with the state of Washington.

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, ~~((up to))~~ not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the growers crop unless otherwise mutually agreed upon between grower and commission merchant.



(15) "Date of sale" means the date agricultural products are delivered to the person buying such products.

Sec. 2. Section 3, chapter 139, Laws of 1959 as last amended by section 18, chapter 7, Laws of 1975 1st ex. sess. and RCW 20.01.030 are each amended to read as follows:

This chapter does not apply to:

(1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.86 RCW or chapter 24.32 RCW, except as to that portion of the activities of such association or federation as involves the handling or dealing in the agricultural products of nonmembers of such organization: **PROVIDED**, That such associations or federations may purchase up to fifteen percent of their gross from nonmembers for the purpose of filling orders: **PROVIDED FURTHER**, That if such cooperative or association acts as a processor as defined in RCW 20.01.500(2) and markets such processed agricultural crops on behalf of the grower or its own behalf, said association or federation shall be subject to the provisions of RCW 20.01.500 through 20.01.560 and the license provision of this chapter excluding bonding provisions: **PROVIDED FURTHER**, That none of the foregoing exemptions in this subsection shall apply to any such cooperative or federation dealing in or handling grain in any manner, and not licensed under the provisions of chapter 22.09 RCW.

(2) Any person who sells exclusively his own agricultural products as the producer thereof.

(3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of such public livestock market's obligation.

(4) Any retail merchant having bona fide fixed or permanent place of business in this state.

(5) Any person buying farm products for his own use or consumption.

(6) Any warehouseman or grain dealer licensed under the state grain warehouse act.

(7) Any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his operations as such licensee.

(8) Any person licensed under the now existing dairy laws of the state with respect to his operations as such licensee.

(9) Any producer who purchases less than fifteen percent of his volume to fill orders.

Sec. 3. Section 6, chapter 139, Laws of 1959 as last amended by section 4, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.060 are each amended to read as follows:

Any person licensed as a commission merchant, dealer, or broker, in the manner herein prescribed, may apply for and secure a license in any or all of the remaining such classifications upon payment of an additional fee of twenty-five dollars for each such additional classification. Such applicant shall further comply with those parts of this chapter regulating the licensing of the other particular classifications involved.

Sec. 4. Section 8, chapter 139, Laws of 1959 as amended by section 5, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.080 are each amended to read as follows:

Any person applying for a commission merchant's license shall include in his application a schedule of commissions, together with an itemized list of all charges for services to be rendered to a consignor and shall post a copy of such charges on his premises in a conspicuous place where it is clearly visible and available to consignors. Such commissions and charges shall not be changed or varied for the license period except by written contract between the consignor or his agent and the licensee or thirty days after written notice to the director, and proper posting of such changes, as prescribed by the director, on the licensee's premises. Charges for services rendered and not listed on the schedule of commissions and charges filed with the director, or for increases in charges listed and filed which are directly caused by increases in labor rates or in cost of materials which occur after the signing of the contract by the grower, shall be rendered only on an actual cost to the licensee basis.

Sec. 5. Section 8, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.086 are each amended to read as follows:

Except where specifically provided in this chapter, the reporting ((provisions)), accounting, and record-keeping requirements of ((section 9 of this 1974 amendatory act and of RCW 20.01.370 and 20.01.380)) this chapter, being matters of public interest, may not be waived by contract between the consignor and/or the commission merchant or dealer.

~~((Notwithstanding any other provision of sections 1, 2, 3, 4, 5, 6, 8, and 9 of this 1974 amendatory act the reporting and records requirements of RCW 20.01.380 may be satisfied by any dealer handling horticultural products by his making such records available at his principal place of business for inspection by the consignor.))~~

Sec. 6. Section 5, chapter 232, Laws of 1963 as last amended by section 5, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.210 are each amended to read as follows:

Before the license is issued to any commission merchant and/or dealer the applicant shall execute and deliver to the director a surety bond executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. Such bond shall be in the sum of seven thousand five hundred dollars for a commission merchant or any dealer handling livestock, hay, grain, or straw and a bond in the sum of three thousand dollars for any other dealer: PROVIDED, That the bond for a commission merchant, a dealer acting as a processor, or a dealer in livestock, hay, grain, or straw shall be in a minimum amount of seven thousand five hundred dollars or more based upon the annual gross dollar volume of purchases by, or consignments to the licensee. The bond for any other dealer shall be in the minimum amount of three thousand dollars, or an increased amount based upon the annual gross dollar volume of purchases by, or consignments to, the licensee. The bond for such commission merchant or dealer shall be determined by taking the annual gross dollar volume of that commission merchant or dealer of net payment to growers and dividing that amount by ~~((one hundred thirty))~~ fifty-two and the bond shall be in an amount to the next multiple

of two thousand dollars larger than the sum: PROVIDED, That the gross dollar volume used in computing the bond requirements of a commission merchant or dealer handling horticultural products shall be based on the net proceeds due to growers: PROVIDED FURTHER, That bonds above twenty-six thousand dollars shall be not less than the next multiple of five thousand dollars above the amount secured by applying the formula except that when the bond amount reaches fifty thousand dollars any amount of bond required above this shall be on a basis of ten percent of the amount arrived by applying the formula of annual gross divided by ~~((one hundred thirty))~~ fifty-two. Such bond shall be of a standard form and approved by the director as to terms and conditions. Said bond shall be conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this chapter and the rules and regulations adopted hereunder. Said bond shall be to the state for the benefit of every consignor of an agricultural product in this state. The total and aggregate liability of the surety for all claims upon the bond shall be limited to the face of such bond. Every bond filed with and approved by the director shall without the necessity of periodic renewal remain in force and effect ~~((until such time as the license of the licensee is revoked for cause or otherwise canceled, or))~~ until released by notice from the director when a superseding bond has been issued and is in effect. All such sureties on a bond, as provided herein, shall also be released and discharged from all liability to the state accruing on such bond by giving notice to the principal and the director by certified mail. Upon receipt of such notice the director shall notify the surety and the principal of the effective date of termination which shall be thirty days from the receipt of such notice by the director, but this shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration period provided for above. Unless the principal shall before the expiration of such period, file a new bond, the director shall forthwith cancel the principal's license. Upon such cancellation the license and vehicle plates issued attendant to the license shall be surrendered to the director forthwith.

Sec. 7. Section 6, chapter 232, Laws of 1963 as amended by section 9, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.212 are each amended to read as follows:

If an applicant for a commission merchant's and/or dealer's license is bonded as a livestock dealer or packer under the provisions of the Packers and Stockyards Act of 1921 (7 U.S.C. 181), as amended, on ~~((the effective date of this act))~~ June 13, 1963, and acts as a commission merchant, packer, and/or a dealer only in livestock as defined in said Packers and Stockyards Act of 1921 (7 U.S.C. 181), the director may accept such bond in lieu of the bond required in RCW 20.01.210 as good and sufficient and issue the applicant a license limited solely to dealing in livestock. A dealer buying and selling livestock who has furnished a bond as required by the packers and stockyards administration to cover acting as order buyer as well as dealer may also act as an order buyer for others under the provisions of this ~~((1971 amendatory act))~~ chapter, and all persons who act as order buyers of livestock shall license under this ~~((1971 amendatory act))~~ chapter as a livestock

dealer: PROVIDED, That the applicant shall furnish the director with a bond approved by the United States secretary of agriculture (~~((naming the director as trustee))~~). Such bond shall be in a (~~((sum equal to or greater than the sum of the bond required in RCW 20.01.210))~~) minimum amount of seventy-five hundred dollars. It shall be a violation for the licensee to act as a commission merchant and/or dealer in any other agricultural commodity without first having notified the director and furnishing him with a bond as required under the provisions of RCW 20.01.210, and failure to furnish the director with such bond shall be cause for the immediate suspension of the licensee's license, and revocation subject to a hearing.

Sec. 8. Section 33, chapter 139, Laws of 1959 as amended by section 11, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.330 are each amended to read as follows:

The director may refuse to grant a license or renew a license and may revoke or suspend a license or issue a conditional or probationary order if he is satisfied after a hearing, as herein provided, of the existence of any of the following facts, which are hereby declared to be a violation of this chapter:

(1) That fraudulent charges or returns have been made by the applicant, or licensee, for the handling, sale or storage of, or for rendering of any service in connection with the handling, sale or storage of any agricultural product.

(2) That the applicant, or licensee, has failed or refused to render a true account of sales, or to make a settlement thereon, or to pay for agricultural products received, within the time and in the manner required by this chapter.

(3) That the applicant, or licensee, has made any false statement as to the condition, quality or quantity of agricultural products received, handled, sold or stored by him.

(4) That the applicant, or licensee, directly or indirectly has purchased for his own account agricultural products received by him upon consignment without prior authority from the consignor together with the price fixed by consignor or without promptly notifying the consignor of such purchase. This shall not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of agricultural products remaining unsold, if such commission merchant shall forthwith enter such transaction on his account of sales.

(5) That the applicant, or licensee, has intentionally made any false or misleading statement as to the conditions of the market for any agricultural products.

(6) That the applicant, or licensee, has made fictitious sales or has been guilty of collusion to defraud the consignor.

(7) That a commission merchant to whom any consignment is made has re- consigned such consignment to another commission merchant and has received, collected, or charged by such means more than one commission for making the sale thereof, for the consignor, unless by written consent of such consignor.

(8) That the licensee was (~~((intentionally))~~) guilty of fraud or deception in the procurement of such license.

(9) That the licensee or applicant has failed or refused to file with the director a schedule of his charges for services in connection with agricultural products handled on account of or as an agent of another, or that the applicant, or licensee, has indulged in any unfair practice.

(10) That the licensee has rejected, without reasonable cause, or has failed or refused to accept, without reasonable cause, any agricultural product bought or contracted to be bought from a consignor by such licensee; or failed or refused, without reasonable cause, to furnish or provide boxes or other containers, or hauling, harvesting, or any other service contracted to be done by licensee in connection with the acceptance, harvesting, or other handling of said agricultural products bought or handled or contracted to be bought or handled; or has used any other device to avoid acceptance or unreasonably to defer acceptance of agricultural products bought or handled or contracted to be bought or handled.

(11) That the licensee has otherwise violated any provision of this chapter and/or rules and regulations adopted hereunder.

(12) That the licensee has knowingly employed an agent, as defined in this chapter, without causing said agent to comply with the licensing requirements of this chapter applicable to agents.

(13) That the applicant or licensee has, in the handling of any agricultural products, been guilty of fraud, deceit, or ~~((willful))~~ negligence.

(14) That the licensee has failed or refused, upon demand, to permit the director or his agents to make the investigations, examination or audits, as provided in this chapter, or that the licensee has removed or sequestered any books, records, or papers necessary to any such investigations, examination, or audits, or has otherwise obstructed the same.

(15) That the licensee, without reasonable cause, has failed or refused to execute or carry out a lawful contract with a consignor.

(16) That the licensee has failed or refused to keep and maintain the records as required by this chapter and/or rules and regulations adopted hereunder.

(17) That the licensee has attempted payment by check with insufficient funds to cover such check.

(18) That the licensee has been guilty of fraud or deception in his dealings with purchasers including misrepresentation of goods as to grade, quality, weights, quantity, or any other essential fact in connection therewith.

(19) That the licensee has permitted an agent to in fact operate his own separate business under cover of the licensee's license and bond.

(20) That a commission merchant or dealer in livestock, hay, grain, or straw has failed to furnish additional bond coverage within fifteen days of when it was requested in writing by the director.

(21) That the licensee has discriminated in the licensee's dealings with consignors on the basis of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical handicap.

Sec. 9. Section 37, chapter 139, Laws of 1959 as last amended by section 6, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.370 are each amended to read as follows:

Every commission merchant, before taking control of any agricultural products for sale as such commission merchant, shall utilize the standard contract format provided for in ~~((section 8 of this 1974 amendatory act and))~~ RCW 20.01.445 as now or hereafter amended. The commission merchant shall promptly make and

keep for a period of one year, beginning on the day the sale of the product is complete, a correct record showing in detail the following with reference to the handling, sale, or storage of such agricultural products:

- (1) The name and address of the consignor.
- (2) The date received.
- (3) The quality and quantity delivered by the consignor, and where applicable the dockage, tare, grade, size, net weight, or quantity.
- (4) Date of such sale for account of consignor.
- (5) The terms of the sale.
- (6) The terms of payment to the producer.
- (7) An itemized statement of the charges to be paid by consignor in connection with the sale. Such charges shall be accounted for as a per unit charge based upon the same unit of measure for which the selling price of such product was charged.
- (8) The names and addresses of all purchasers if said commission merchant has any financial interest in the business of said purchasers, or if said purchasers have any financial interest in the business of said commission merchant, directly or indirectly, as holder of the other's corporate stock, as copartner, as lender or borrower of money to or from the other, or otherwise. Such interest shall be noted in said records following the name of any such purchaser.
- (9) A lot number or other identifying mark for each consignment, which number or mark shall appear on all sales tags and other essential records needed to show what the agricultural products actually sold for.

(10) Any claim or claims which have been or may be filed by the commission merchant against any person for overcharges or for damages resulting from the injury or deterioration of such agricultural products by the act, neglect or failure of such person and such records shall be open to the inspection of the director and the consignor of agricultural products for whom such claim or claims are made.

~~((+))~~ Where a pooling arrangement is agreed to in writing between the consignor and commission merchant, the reporting requirements of subsections (4), (5), (6), (7), and (9) of this section shall apply to the pool rather than to the individual consignor or consignment and the records of the pool shall be available for inspection by any consignor to that pool.

The commission merchant shall transmit a copy of the record required by this section to the consignor on the same day the final remittance is made to the consignor as required by RCW 20.01.430 as now or hereafter amended.

Sec. 10. Section 42, chapter 240, Laws of 1967 as amended by section 7, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.385 are each amended to read as follows:

Whenever a commission merchant or dealer handling any agricultural products fails to carry out the provisions of ~~((section 5 of this 1974 amendatory act))~~ RCW 20.01.370 as now or hereafter amended or RCW 20.01.380, whichever is applicable, it shall be prima facie evidence that the transaction involving the handling of any agricultural products between the consignor and the commission merchant or dealer was either a commission type transaction, or dealer transaction constituting an outright sale by the consignor, whichever is most favorable to the consignor. Such determination in favor of the consignor shall be based on the market price of the agricultural product in question at the time the complaint is filed against said

commission merchant or dealer by the consignor: PROVIDED, That if the return to the consignor is determined most favorably on a commission basis, the total commission shall not exceed ten percent, and all other charges for handling the agricultural product in question shall be figured on the basis of the actual cost of said handling.

Sec. 11. Section 43, chapter 139, Laws of 1959 as amended by section 9, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.430 are each amended to read as follows:

Every commission merchant shall remit to the consignor of any agricultural product the full price for which such agricultural product was sold within thirty days of ~~((said))~~ the date of sale, unless otherwise mutually agreed between grower and commission merchant. ~~((Such))~~ The remittance to the consignor shall include all collections, overcharges, and damages, less the agreed commission and other charges and advances, and a complete account of the sale.

Sec. 12. Section 10, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.445 are each amended to read as follows:

The director, in accordance with the provisions of chapter 34.04 RCW and in conjunction with representatives of producers and commission merchants, shall develop a standard contract format for use in the sale or consignment of agricultural products ~~((by))~~ to persons licensed as commission merchants pursuant to this chapter.

On and after the effective date of the rules and regulations establishing the standard contract format, the director or the supervisor of the appropriate division of the department of agriculture shall approve contracts for the sale or consignment of agricultural products ~~((by))~~ to persons licensed as commission merchants pursuant to this chapter to insure that such contracts are in the form and style required by the department's rules and regulations.

Sec. 13. Section 14, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.480 are each amended to read as follows:

When a violation has occurred which results in improper payment or nonpayment and a claim is made to the department and the payment is secured through the actions of the department, the ~~((following))~~ charges ~~((will be))~~ made to the consignor for the action of the department in the matter will depend upon the delay of reporting after such improper payment or nonpayment would normally become obvious to the consignor as follows:

- (1) When reported within thirty days ~~((from time of default))~~, no charge.
- (2) When reported thirty days to one hundred eighty days ~~((from time of default))~~, five percent.
- (3) When reported after one hundred eighty days ~~((from time of default))~~, ten percent.

Sec. 14. Section 15, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.500 are each amended to read as follows:

Notwithstanding any other provision of law, for the purposes of RCW 20.01-.510 through 20.01.550 the term "grower" and the term "~~((producer))~~ processor" shall have the meanings ascribed thereto by this section:

(1) "Grower" means any person, firm, company, or other organization that is engaged in the production of agricultural crops (~~((other than sugar beets or alfalfa))~~) which must be planted, cultivated, and harvested within a twelve month period.

(2) (a) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a grower and who cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes such crops in any manner whatsoever for eventual resale.

(b) The exemption provided for in RCW 20.01.030(1) shall not apply to a cooperative or association as defined therein, which acts as a processor defined herein, and markets such agricultural crops on behalf of the grower or on its own behalf.

Sec. 15. Section 20, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.550 are each amended to read as follows:

Any processor who (~~wilfully~~) discriminates between growers with whom he contracts as to price, conditions for production, harvesting, and delivery of crops which is not supportable by economic cost factors shall be in violation of this chapter and the director may subsequent to a hearing deny, suspend, or revoke such processor's license to act as a dealer.

NEW SECTION. Sec. 16. There is added to chapter 20.01 RCW a new section to read as follows:

In lieu of the bonding provision required by RCW 20.01.210 as now or hereafter amended, any dealer who has not been found after a hearing to be in violation of this chapter during the two most recent years of such business operations may file a bond in an amount equal to such dealer's maximum monthly purchases, divided by thirty, and multiplied by the maximum number of days which will expire after the date of sale but before final payment is made: PROVIDED, That the minimum bond provided by this section shall be in a minimum of three thousand dollars.

Any dealer utilizing the bonding provisions of this section shall file an affidavit with the director which sets forth the maximum monthly purchases of the dealer and the maximum number of days which will expire from the date of sale to the date final payment is made to consignors.

Any dealer bonded under this section who is found to be in violation of this chapter shall be required to comply with the bonding requirements of RCW 20.01.210 for a minimum of two years.

Passed the House June 10, 1977.

Passed the Senate June 8, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

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## CHAPTER 305

[Substitute House Bill No. 697]

### COMMON SCHOOLS—STUDENT LEARNING OBJECTIVES

AN ACT Relating to education; amending section 1, chapter 90, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.090; and creating a new section.



Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 90, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.090 are each amended to read as follows:

Every school district board of directors, being accountable to the citizens within its district as to the education offered to the students therein, on or before September 1, 1977, for grades kindergarten through eight, and on or before September 1, 1978, for grades nine through twelve, by rule and regulation, shall develop a program identifying student learning objectives for their district (~~((for grades kindergarten through eight))~~) in the areas of language arts, reading, and math, and initiate implementation of such program on or before September 1, 1978, for grades kindergarten through eight, and on or before September 1, 1981, for grades nine through twelve: PROVIDED, That such student learning objectives for grades kindergarten through eight shall be reviewed by the superintendent of public instruction and a report of such review shall be submitted to the legislature on or before January 31, 1978: PROVIDED FURTHER, That the school district must evidence community participation in defining the objectives of such a program(~~(:~~ PROVIDED FURTHER, That nothing in this section shall be deemed to exclude those courses made mandatory under chapter 28A.05 RCW or courses prescribed for study by the state board of education under RCW 28A.04.120)). Such program of student learning objectives shall assure that the district's resources in such educational program, such as money, facilities, time, materials and personnel, shall be utilized so as to provide both economies in management and operation, and quality education in the aforesaid areas and courses: PROVIDED FURTHER, That such learning objectives shall be measurable as to the actual student attainment (~~(and evaluated at least annually))~~) ; student attainment shall be locally assessed annually and the student learning objectives program shall be reviewed at least every two years.

The state board of education shall examine the programs in each school district in the state for reasons of program approval as required in accordance with RCW 28A.41.130, as now or hereafter amended.

School districts may obtain assistance in carrying out their duties under this section from the educational service district of which they are a part.

NEW SECTION. Sec. 2. It is the intent of the legislature that learning objectives shall subsequently be developed and assessed by school districts for all other courses of study included in school district programs. Within one hundred eighty days after the adjournment of the first extraordinary session of the forty-fifth legislature, the superintendent of public instruction shall provide to the standing committees on education of the house of representatives and the senate a plan setting forth timelines for school district compliance in establishing a student learning objectives program for those courses of study which have been statutorily required prior to January 1, 1977.

Within one hundred eighty days after the adoption by the legislature of a definition of basic education, the superintendent of public instruction shall provide to the standing committees on education of the house of representatives and the senate a plan setting forth timelines for school district compliance in establishing a student learning objectives program based upon the definition of basic education.

Such plans shall set forth the fiscal impact upon the state, educational service district, and school district of compliance with the student learning objectives program.

The superintendent of public instruction shall review implementation of the learning objectives law annually and shall submit a report of such review to the legislature on or before January 30 of each year.

Passed the House June 11, 1977.

Passed the Senate June 10, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

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## CHAPTER 306

[Substitute House Bill No. 837]

### MT. SI CONSERVATION AREA

AN ACT Relating to the preservation of Mt. Si and Little Si; amending section 1, chapter 88, Laws of 1975-'76 2nd ex. sess. and RCW 43.51.940; adding new sections to chapter 43.51 RCW; repealing section 2, chapter 88, Laws of 1975-'76 2nd ex. sess. and RCW 43.51.941; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 88, Laws of 1975-'76 2nd ex. sess. and RCW 43.51.940 are each amended to read as follows:

Mt. Si and Little Si in King county offer unique scenic, natural, and geological features which can be viewed from the I-90 highway. They also afford outstanding recreational opportunities enjoyed by the citizens of this state and tourists alike. ~~((Therefore, the legislature declares this area to be one of state-wide significance. It further recognizes the importance of safeguarding this area from those types of development which would alter its natural form and beauty.))~~ The legislature recognizes the importance of guarding portions of this area from those types of development which would permanently alter the area's natural form and beauty. It further recognizes the necessity of setting forth procedures to manage the area, to enhance the opportunities afforded the state's citizens, one-half of whom live within one-half hour driving time of Mt. Si, and to safeguard to the extent possible the scenic, natural, geological, game habitat, and recreational values therein, and to safeguard and promote the upper Snoqualmie River valley's economy in which the recreational use of Mt. Si plays a pivotal role. Therefore, the legislature declares this area to be of state-wide significance for the foregoing purposes to be enhanced and safeguarded in accordance with the procedures set forth in this 1977 amendatory act.

NEW SECTION. Sec. 2. There is hereby created a "Mt. Si Conservation Area" to include approximately twenty-five hundred acres of state, United States government, and privately owned lands within Sections 25, 26, 35, and 36, Township 24 North, Range 8 East, W.M., and Sections 2, 3, 10, 11, and 12 of Township 23 North, Range 8 East, W.M., as identified for inclusion in the conservation area and described more specifically by the Mt. Si citizen advisory subcommittee in their published report of December 6, 1976, to the Washington state department of natural resources and the Washington state parks and recreation commission as

contained in the report filed by those agencies to the house and senate committees on parks and recreation, filed December 1976.

**NEW SECTION.** Sec. 3. The state department of natural resources and the state parks and recreation commission have joined together in excellent cooperation in the conducting of this study along with the citizen advisory subcommittee and have joined together in cooperation with the state department of game to accomplish other projects of multidisciplinary concern, and because it may be in the best interests of the state to continue such cooperation, the state parks and recreation commission, the department of natural resources, and the department of game are hereby directed to consider both short and long term objectives, the expertise of each agency's staff, and alternatives such as reasonably may be expected to safeguard the conservation area's values as described in section 1 of this 1977 amendatory act giving due regard to efficiency and economy of management: **PROVIDED**, That the interests conveyed to or by the state agencies identified in section 3 of this 1977 amendatory act shall be managed by the department of natural resources until such time as the state parks and recreation commission or other public agency is managing public recreation areas and facilities located in such close proximity to the conservation area described in section 2 of this 1977 amendatory act so as to make combined management of those areas and facilities and transfer of management of the conservation area more efficient and economical than continued management by the department of natural resources. At that time the department of natural resources is directed to negotiate with the appropriate public agency for the transfer of those management responsibilities for the interests obtained within the conservation area under this 1977 amendatory act: **PROVIDED FURTHER**, That the state agencies identified in section 3 of this 1977 amendatory act may, by mutual agreement, undertake management of portions of the conservation area as they may from time to time determine in accordance with those rules and regulations established for natural area preserves under chapter 79.70 RCW, for natural and conservation areas under present WAC 352-16-020 (3) and (6), and under chapter 77.12 RCW.

**NEW SECTION.** Sec. 4. (1) The full market value for department of natural resources' managed trust lands or interest therein within the conservation area shall be determined by the department of natural resources for any lands or interests to be dedicated or leased as provided herein. The department of natural resources shall determine the value of dedicating such lands or interests in lands as it may determine to be necessary to carry out the purposes of this 1977 amendatory act either by execution of fifty-five year scenic or development easements or by execution of fifty-five year leases, including such conditions as may be necessary to carry out the purposes of this 1977 amendatory act. Any lease issued pursuant to this 1977 amendatory act may be subject to renewal under the provisions of RCW 79.01.276 as presently existing or hereafter amended. Nothing in this 1977 amendatory act shall be deemed to alter or affect normal management on lands owned by the state for which no dedication by easement or lease has been made and it is further recognized that no restrictions on management of such lands shall be required unless the applicable trust relating to such lands shall have been compensated.

The completed report of the cost of obtaining the desired interest in these lands shall be presented by the department of natural resources to the interagency committee for outdoor recreation and a summary of the report to the senate and house committees on parks and recreation by December 31, 1978.

(2) The parks and recreation commission shall appraise all lands except those identified in subsection (1) of this section to establish fair market fee title value of the interests therein. The parks and recreation commission shall present to the interagency committee for outdoor recreation the completed report of the cost of obtaining the desired interest in such lands, and a summary of the report to the senate and house committees on parks and recreation by December 31, 1978.

NEW SECTION. Sec. 5. The interagency committee for outdoor recreation is directed to consider the inclusion of an amount not to exceed two million seven hundred fifty thousand dollars for purposes of this 1977 amendatory act in its 1979-81 biennium budget request: **PROVIDED**, That such attendant expenses of determining fair market value as described in section 4 of this 1977 amendatory act shall be considered an eligible project acquisition cost.

NEW SECTION. Sec. 6. No property or interest in property shall be acquired for the purpose of this 1977 amendatory act by the exercise of the power of eminent domain.

NEW SECTION. Sec. 7. Sections 2 through 6 of this 1977 amendatory act shall be added to chapter 43.51 RCW.

NEW SECTION. Sec. 8. Section 2, chapter 88, Laws of 1975-'76 2nd ex. sess. and RCW 43.51.941 are each repealed.

NEW SECTION. Sec. 9. There is appropriated to the parks and recreation commission from the general fund, the sum of thirty-five thousand dollars, to be used exclusively for the purpose of accomplishing appraisals under this 1977 amendatory act, or so much thereof as may be necessary, and to the department of natural resources from the general fund, the sum of six thousand five hundred dollars, or so much thereof as may be necessary, to carry out the purposes of section 4 of this 1977 amendatory act.

Passed the House June 10, 1977.

Passed the Senate June 8, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

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## CHAPTER 307

[Second Substitute House Bill No. 874]

### JUVENILE PROBATION SERVICES

AN ACT Relating to juveniles; providing probation and other services; amending section 5, chapter 165, Laws of 1969 ex. sess. as last amended by section 1, chapter 198, Laws of 1973 1st ex. sess. and RCW 13.06.050; creating a new section; declaring an emergency; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 5, chapter 165, Laws of 1969 ex. sess. as last amended by section 1, chapter 198, Laws of 1973 1st ex. sess. and RCW 13.06.050 are each amended to read as follows:

No county shall be entitled to receive any state funds provided by this chapter until its application is approved, and unless and until the minimum standards prescribed by the department of social and health services are complied with and then only on such terms as are set forth hereafter in this section.

(1) A base commitment rate for each county and for the state as a whole shall be calculated by the department of social and health services. The base commitment rate shall be determined by computing the ratio of the number of juveniles committed to state juvenile correctional institutions plus the number of juveniles who have been convicted of felonies and committed to state correctional institutions after a juvenile court has declined jurisdiction of their cases and remanded them for prosecution in the superior courts, to the county population, such ratio to be expressed in a rate per hundred thousand population, for each of the calendar years 1964 through 1968. The average of these rates for a county for the five year period or the average of the last two years of the period, whichever is higher, shall be the base commitment rate, as certified by the secretary: PROVIDED, That, a county may elect as its base commitment rate the average of the base commitment rates of all counties in the state over the last two years of the period described above. The county and state population shall be that certified as of April 1st of each year by the office of program planning and fiscal management, such population figures to be provided to the secretary of social and health services not later than June 30th of each year.

(2) An annual commitment rate shall be calculated by the department at the end of each year for each participating county and for the state as a whole, in a like manner as provided in subsection (1). The annual commitment rate shall exclude commitments that fall within the high risk categories as defined by the department.

(3) The amount that may be paid to a county pursuant to this chapter shall be the ~~((actual))~~ standard cost of the operation of a special supervision program ~~((or four thousand dollars multiplied by the "commitment reduction number", whichever is the lesser))~~ based upon workload standards established by the department. Payment shall not exceed five thousand dollars per commitment reduction. The "commitment reduction number" is obtained by subtracting (a) the product of the most recent annual commitment rate and population of the county for the same year from (b) the product of the base commitment rate and population of the county for the same year employed in (a).

(4) The secretary ~~((of social and health services))~~ will reimburse a county upon presentation and approval of a valid claim pursuant to the provisions of this chapter based on actual performance in reducing the annual commitment rate from its base commitment rate. Whenever a claim made by a county pursuant to this chapter, covering a prior year, is found to be in error, an adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(5) In the event a participating county earns in a payment period less than one-half of the sum paid in the previous payment period because of extremely unusual

circumstances claimed by the county and verified by the secretary of the department of social and health services, the secretary may pay to the county a sum not to exceed actual program expenditures, provided, however, that in subsequent periods the county will be paid only the amount earned: PROVIDED, That the amendatory provisions of subsection (5) of this act may be applied to payment periods prior to May 20, 1971.

(6) If the amount received by a county in reimbursement of its expenditures in a calendar year is less than the maximum amount computed under subsection (3) above, the difference may be paid to the county as reimbursement of program costs during the next two succeeding years upon receipt of valid claims for reimbursement of program expenses.

(7) Funds received by participating counties under this chapter shall not be used to replace local funds for existing programs for delinquent juveniles or to develop county institutional programs.

(8) Any county averaging less than thirty commitments annually during either the two year or five year period used to determine the base commitment rate as defined in subsection (1) above may:

(a) apply for subsidies under subsection (1); or

(b) as an alternative, elect to receive from the state the salary of one full time additional probation officer and related employee benefits(-); or

(c) elect to receive from the state the salary and related employee benefits of one full time additional probation officer and in addition, reimbursement for certain supporting services other than capital outlay and equipment whose total will not exceed a maximum limit established by the secretary of the department of social and health services; or

(d) elect to receive from the state reimbursement for certain supporting services other than capital outlay and equipment whose total cost will not exceed a maximum limit established by the secretary of the department of social and health services.

(9) In the event a county chooses one of the alternative proposals in subsection (8), it will be eligible for reimbursement only so long as the officer and supporting services are wholly used in the performance of probation services to supervision of persons eligible for state commitment and are paid the salary referred to in this section in accordance with a salary schedule adopted by rule of the department and:

(a) if its base commitment rate is below the state average, its annual commitment rate does not exceed the base commitment rate for the entire state; or

(b) if its base commitment rate is above the state average, its annual commitment rate does not in the year exceed by two its own base commitment rate.

(10) Where any county does not have a juvenile probation officer, but obtains such services by agreement with another county or counties, or, where two or more counties mutually provide probation services by agreement for such counties, then under such circumstances the secretary may make the computations and payments under this chapter as though the counties served with probation services were one geographical unit.

NEW SECTION. Sec 2. By January 1, 1978, the department of social and health services shall provide to the standing committees on ways and means and on

social and health services of the state senate and to the standing committees on appropriations and on institutions of the house of representatives a report on the juvenile probation services in the state. Such report shall include, but not be limited to:

- (1) A disposition of all juvenile probation officers by county;
- (2) The number of juvenile probation officers provided with juvenile probation subsidy funds by county;
- (3) A description of the full range of services provided under the juvenile probation subsidy program by county;
- (4) The cost per child served by the program by county;
- (5) An evaluation of the program by county; and
- (6) An analysis of the application and impact of the "banking" provision.

**NEW SECTION.** Sec. 3. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977.

Passed the House June 10, 1977.

Passed the Senate May 23, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

## CHAPTER 308

[Substitute House Bill No. 1184]

### SALMON ENHANCEMENT FACILITIES—FINANCING

AN ACT Relating to the support of state government; providing for salmon enhancement facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; adding a new chapter to Title 75 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. The long range economic development goals for the state of Washington must include the restoration of salmon runs to provide an increased supply of this renewable resource for the benefit of commercial and recreational users and the economic well-being of the state.

**NEW SECTION.** Sec. 2. For the purpose of providing funds for the planning, acquisition, construction, and improvement of salmon hatcheries, other salmon propagation facilities including natural production sites, and necessary supporting facilities within the state, the state finance committee is authorized to issue, at any time prior to January 1, 1985, general obligation bonds of the state of Washington in the sum of thirty-one million five hundred thousand dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within thirty years. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

**NEW SECTION.** Sec. 3. The proceeds from the sale of bonds authorized by this chapter shall be deposited in the salmon enhancement construction account hereby created in the general fund and shall be used exclusively for the purpose

specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

**NEW SECTION.** Sec. 4. The proceeds from the sale of the bonds deposited in the salmon enhancement construction account of the general fund under the terms of this chapter shall be administered by the state department of fisheries subject to legislative appropriation.

**NEW SECTION.** Sec. 5. As used in this chapter, the term "facilities" means salmon propagation facilities including, but not limited to, all equipment, utilities, structures, real property, and interests in and improvements on real property, as well as stream bed clearing, for or incidental to the acquisition, construction, or development of salmon propagation facilities.

**NEW SECTION.** Sec. 6. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds authorized in this chapter shall be sold for less than their par value.

**NEW SECTION.** Sec. 7. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

**NEW SECTION.** Sec. 8. The salmon enhancement construction bond retirement fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the salmon enhancement construction bond retirement fund an amount equal to the amount certified by the state finance committee to be due on such payment date. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

**NEW SECTION.** Sec. 9. The director of the department of fisheries shall report to the legislature on or before January 1 of each year on the revenues received from the sport and commercial salmon license sales and from salmon privilege taxes for the previous fiscal year and estimates of the revenues to be received for the current and ensuing fiscal years.



The report shall also include the estimates of the amounts required from these revenues for the payment of principal and interest on the bonds authorized by this act and proposals for the use of any remaining revenues for salmon enhancement purposes. The report shall also include a progress report on the current salmon enhancement programs.

The report shall be given to the following standing committees: the house committee on appropriations, the senate committee on ways and means, and the house and senate committees on natural resources.

**NEW SECTION.** Sec. 10. The bonds authorized by this chapter shall be issued only after the director of the department of fisheries has certified, based upon reasonable estimates and data provided to the department, that sufficient revenues will be available from sport and commercial salmon license sales and from salmon fees and taxes to meet the requirements of section 8 of this act during the life of the bonds.

**NEW SECTION.** Sec. 11. The bonds authorized in this chapter shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

**NEW SECTION.** Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 75 RCW.

**NEW SECTION.** Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 10, 1977.

Passed the Senate June 6, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

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## CHAPTER 309

[Substitute House Bill No. 183]

### GUARDIANSHIP

AN ACT Relating to guardianship; amending section 1, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.005; amending section 11.88.010, chapter 145, Laws of 1965 as amended by section 2, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.010; amending section 11.88.030, chapter 145, Laws of 1965 as amended by section 4, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.030; amending section 11.88.040, chapter 145, Laws of 1965 as last amended by section 5, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.040; amending section 7, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.045; amending section 11.88.090, chapter 145, Laws of 1965 as amended by section 9, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.090; amending section 11.88.100, chapter 145, Laws of 1965 as amended by section 10, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.100; amending section 11.88.107, chapter 145, Laws of 1965 as amended by section 12, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.107; amending section 11.88.120, chapter 145, Laws of 1965 as amended by section 14, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.120; amending section 6, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.125; amending section 11.88.140, chapter 145, Laws of 1965 as amended by section 16, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.140; amending section 11.88.150, chapter 145, Laws of 1965 as amended by section 17, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.150; amending section 11.92.040, chapter 145, Laws of 1965 as amended by section 20, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.040; amending section 11.92.125, chapter 145, Laws of 1965 and RCW 11.92.125; amending section 11.92.170, chapter 145, Laws of 1965 as amended by section 32, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.170; adding a new section to

chapter 11.92 RCW; and repealing section 8, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.035.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88-.005 are each amended to read as follows:

It is the intent and purpose of the legislature to recognize that ~~((mentally retarded, developmentally disabled, and other allegedly mentally incompetent))~~ disabled persons have special and unique abilities and competencies with varying degrees of disability.

Such persons must be legally protected without the necessity for determination of total incompetency and without the attendant deprivation of civil and legal rights that such a determination requires.

Sec. 2. Section 11.88.010, chapter 145, Laws of 1965 as amended by section 2, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.010 are each amended to read as follows:

(1) The superior court of each county shall have power to appoint guardians for the persons and estates, or either thereof, of incompetent persons ~~((resident of the county))~~, and guardians for the estates of all such persons who are nonresidents of the state but who have property in such county needing care and attention.

An "incompetent" is any person who is either:

(a) Under the age of majority, as defined in RCW 11.92.010, or

(b) Incompetent by reason of ~~((insanity;))~~ mental illness, ~~((mental retardation))~~ developmental disability, senility, habitual drunkenness, excessive use of drugs, or other mental incapacity, of either managing his property or caring for himself or both.

(2) The superior court for each county shall have power to appoint limited guardians for the persons and estates, or either thereof, of disabled persons, who by reason of their disability have need for protection and assistance, but who cannot be found to be fully incompetent, upon investigation ~~((by the court or any agency jointly designated by the mental health board and mental retardation board (or county social service administrative board where applicable) of the county where such person resides))~~ as provided by RCW 11.88.090 as now or hereafter amended. After considering all evidence presented as a result of such investigation, the court shall impose, by order, only such specific limitations and disabilities on a disabled person to be placed under a limited guardianship as the court finds necessary for such person's protection and assistance. A person shall not be presumed to be incompetent nor shall a person lose any legal rights or suffer any legal disabilities as the result of being placed under a limited guardianship, except as to those rights and disabilities specifically set forth in the court order establishing such a limited guardianship. In addition, the court order shall state the period of time for which it shall be applicable.

For the purposes of chapters 11.88 and 11.92 RCW the term "disabled person" ~~((includes, but is not limited to, an individual who is mentally retarded, mentally ill, developmentally disabled, or is gravely disabled))~~ means an individual who is in need of protection and assistance by reason of mental illness, developmental disability, senility, habitual drunkenness, excessive use of drugs, or other mental incapacity, but cannot be found to be fully incompetent.

(3) Venue for petitions for guardianship or limited guardianship shall lie in the county wherein the alleged incompetent or disabled person is domiciled, or if such person is a resident of a state institution for developmentally disabled persons, in either the county wherein such institution is located, the county of domicile, or the county wherein a parent of the alleged incompetent or disabled person is domiciled.

Sec. 3. Section 11.88.030, chapter 145, Laws of 1965 as amended by section 4, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.030 are each amended to read as follows:

(1) Any interested person or entity may file a petition for the appointment of himself or some other qualified person, trust company, national bank, or nonprofit corporation authorized in RCW 11.88.020 as now or hereafter amended as the guardian or limited guardian of an incompetent or disabled person. A petition for guardianship or limited guardianship shall state:

~~((1))~~ (a) The name, age, residence, and post office address of the incompetent or disabled person;

~~((2))~~ (b) The nature of his alleged incompetency in accordance with RCW 11.88.010;

~~((3))~~ (c) The approximate value and description of his property, including any compensation, pension, insurance, or allowance to which he may be entitled;

~~((4))~~ (d) Whether there is, in any state, a guardian or limited guardian for the person or estate of the alleged incompetent or disabled person;

~~((5))~~ (e) The residence and post office address of the person whom petitioner asks to be appointed guardian or limited guardian;

~~((6))~~ (f) The names and addresses, and nature of the relationship, so far as known or can be reasonably ascertained, of the persons most closely related by blood or marriage to the alleged incompetent or disabled person;

~~((7))~~ (g) The name and address of the person or institution having the care and custody of the alleged incompetent or disabled person;

~~((8))~~ (h) The reason why the appointment of a guardian or limited guardian is sought and the interest of the petitioner in the appointment, and whether the appointment is sought as guardian or limited guardian of the person, the estate, or both;

~~((9))~~ (i) The nature and degree of the alleged disability and the specific areas of protection and assistance requested and the limitation of rights requested to be included in the court's order of appointment;

~~((10))~~ (j) The requested term of the limited guardianship to be included in the court's order of appointment ~~((: PROVIDED, That))~~;

(2) No filing fee shall be charged by the court for filing either a petition for guardianship or a petition for limited guardianship ~~((unless))~~ if the petition alleges that the alleged incompetent or disabled person has ~~((an estate valued in excess of fifteen hundred))~~ total assets of a value of less than three thousand dollars.

(3) All petitions filed under the provisions of this section shall be heard within ~~((thirty))~~ forty-five days unless an extension of time is requested by a party within such forty-five day period and granted for good cause shown.

Sec. 4. Section 11.88.040, chapter 145, Laws of 1965 as last amended by section 5, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.040 are each amended to read as follows:

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be given personally to the alleged incompetent or disabled person, if over fourteen years of age.

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be given by registered or certified mail requesting a return receipt signed by the addressee only, or by personal service in the manner provided for services of summons, to the following:

(1) The alleged incompetent, disabled person, or minor, if under fourteen years of age;

(2) A parent, if the alleged incompetent or disabled person is a minor, and the spouse of the alleged incompetent or disabled person if any;

(3) Any other person who has been appointed as guardian or limited guardian, or the person with whom the alleged incompetent or disabled person resides. No notice need be given to those persons named in subsections (2) and (3) of this section if they have signed the petition for the appointment of the guardian or limited guardian or have waived notice of the hearing. If the petition is by a parent asking for his appointment as guardian or limited guardian of a minor child under the age of fourteen years, or if the petition be accompanied by the written consent of a minor of the age of fourteen years or upward, consenting to the appointment of the guardian or limited guardian asked for, or if the petition be by a nonresident guardian of any minor or incompetent or disabled person, then the court may appoint the guardian without notice of the hearing. The court for good cause may reduce the number of days of notice, but in every case, at least three days notice shall be given.

~~((In all guardianship and limited guardianship hearings))~~ The alleged incompetent or disabled person shall be present in court at the final hearing on the petition~~((If the petition for guardianship or limited guardianship states that the alleged incompetent or disabled person is physically unable to be present, the guardian ad litem may request the court to waive the requirement of the presence of the alleged incompetent at the hearing))~~: PROVIDED, That this requirement may be waived at the discretion of the court for good cause shown in the report to be provided by the guardian ad litem pursuant to RCW 11.88.090 as now or hereafter amended, or if no guardian ad litem is required to be appointed pursuant to RCW 11.88.090, as now or hereafter amended, at the discretion of the court for good cause shown by a party. Alternatively, the court may remove itself to the place of residence of the alleged incompetent or disabled person and conduct the final hearing in the presence of the alleged incompetent or disabled person. Final hearings on the petition may be held in closed court without admittance of any person other than those necessary to the action or proceeding.

If presence of the alleged incompetent or disabled person is waived and the court does not remove itself to the place of residence of such person, the guardian ad litem shall appear in person at the final hearing on the petition.

Sec. 5. Section 7, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.045 are each amended to read as follows:

(1) An alleged incompetent or disabled person is entitled to independent legal counsel at his own expense to represent him in the procedure: PROVIDED, That if the alleged incompetent or disabled person is unable to pay for such representation

or should such payment result in substantial hardship upon such person the county shall be responsible for such costs: PROVIDED FURTHER, That when, in the opinion of the court, the rights and interests of an alleged or adjudicated incompetent or disabled person cannot otherwise be adequately protected and represented, the court on its own motion shall appoint an attorney at any time to represent such person.

(2) The alleged incompetent or disabled person is further entitled upon request to a jury trial on the issues of his alleged incompetency or disability(~~(, with)~~). The standard of proof to be applied (~~(being)~~) in a contested case, whether before a jury or the court, shall be that of clear, cogent, and convincing evidence.

(3) In all proceedings for appointment of a guardian or limited guardian, the court must be presented with a (~~(sworn)~~) medical report in writing from a physician selected by the guardian ad litem appointed pursuant to RCW 11.88.090 as now or hereafter amended pertaining to the alleged incompetent or disabled persons' degree of incompetency or disability(~~(: PROVIDED, That the court may waive the filing of a sworn medical report)~~) including the medical history if reasonably available, the effects of any current medication on appearance or the ability to participate fully in the proceedings, and a medical prognosis specifying the estimated length and severity of any current disability.

Sec. 6. Section 11.88.090, chapter 145, Laws of 1965 as amended by section 9, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.090 are each amended to read as follows:

(1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180, as now or hereafter amended, shall affect or impair the power of any court to appoint a guardian to defend the interests of any incompetent or disabled person interested in any suit or matter pending therein, or to commence and prosecute any suit in his behalf.

(2) Upon receipt of a petition for appointment of guardian or limited guardian, except as provided herein, the court shall appoint a guardian ad litem to represent the best interests of the alleged incompetent or disabled person, who (~~(may)~~) shall be a person (~~(recommended by either the local mental health board or mental retardation board (or county social service administrative board where applicable), to represent the interests of the alleged incompetent or disabled person in response to any petition for guardianship or limited guardianship)~~) found or known by the court to

(a) be free of influence from anyone interested in the result of the proceeding;

(b) have the requisite knowledge, training, or expertise to perform the duties required by this section.

In making this determination the court shall give due consideration to the type of incompetency or disability alleged and to any recommendations made to the court by public or private agencies having appropriate experience or expertise: PROVIDED, That no guardian ad litem need be appointed if a parent is petitioning for a guardian or a limited guardian to be appointed for his or her minor child if the minority of the child, as defined by RCW 11.92.010, is the sole basis of the petition. The order appointing the guardian ad litem shall recite the duties set forth in subsection (3) of this section. The appointment of a guardian ad litem shall have

no effect on the legal competency of the alleged incompetent or disabled person and such appointment shall not overcome the presumption of competency or full legal and civil rights of the alleged incompetent or disabled person.

(3) The guardian ad litem appointed pursuant to this section shall have the following duties:

(a) To meet and consult with the alleged incompetent or disabled person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed guardian or limited guardian, the right to a jury trial on the issue of his alleged incompetency or disability, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(b) To provide the court with a written report which shall include the following:

(i) A description of the degree of incompetency or disability;

(ii) An evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought;

(iii) In the event the limited guardianship is ordered, its appropriate duration, and the limits and disabilities to be placed on the disabled person; and

(iv) Any expression of approval or disapproval made by the alleged incompetent or disabled person concerning the proposed guardian or limited guardian or guardianship or limited guardianship.

Such report shall also include a recommendation as to whether or not counsel should be appointed to represent the alleged incompetent or disabled person, and the reasons for such recommendation.

The investigation and report shall be made and forwarded to the court, with copies to the alleged incompetent or disabled person, and his attorney, if any has appeared, and to the petitioner, or his attorney within twenty days after appointment, unless an extension of time has been granted by the court for good cause shown;

(c) To arrange for a written medical report pursuant to RCW 11.88.045 as now or hereafter amended.

(4) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem and any other qualified person or organization to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to RCW 11.88.090(3)(b) as now or hereafter amended.

(5) The court appointed guardian ad litem shall have the authority, in the event that the alleged incompetent or disabled person is in need of emergency ((and)) life-saving medical services, and is unable to consent to such medical services due to ((incapacity)) incompetence or disability pending the hearing on the petition to give consent for such emergency ((and)) life-saving medical services on behalf of the alleged incompetent or disabled person.

(6) The guardian ad litem shall receive a fee determined by the court. The fee shall be charged to the alleged incompetent or disabled person unless the court finds that such payment would result in substantial hardship upon such person, in

which case the county shall be responsible for such costs: PROVIDED, That if no guardian or limited guardian is appointed the court may charge such fee to the petitioner or the alleged incompetent or disabled person, or divide the fee, as it deems just; and if the petition is found to be frivolous or not brought in good faith, the guardian ad litem fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public or nonprofit agency.

Sec. 7. Section 11.88.100, chapter 145, Laws of 1965 as amended by section 10, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.100 are each amended to read as follows:

Before letters of guardianship are issued, each guardian or limited guardian shall take and subscribe an oath and, unless dispensed with by order of the court as provided in RCW 11.88.105, file a bond, with sureties to be approved by the court, payable to the state, in such sum as the court may fix, taking into account the character of the assets on hand or anticipated and the income to be received and disbursements to be made, and such bond shall be conditioned substantially as follows:

The condition of this obligation is such, that if the above bound A.B., who has been appointed guardian or limited guardian for C.D., shall faithfully discharge the office and trust of such guardian or limited guardian according to law and shall render a fair and just account of his guardianship or limited guardianship to the superior court of the county of . . . . ., from time to time as he shall thereto be required by such court, and comply with all orders of the court, lawfully made, relative to the goods, chattels, moneys, care, management, and education of such incompetent or disabled person, or his or her property, and render and pay to such incompetent or disabled person all moneys, goods, chattels, title papers, and effects which may come into the hands or possession of such guardian or limited guardian, at such time and in such manner as the court may order or adjudge, then this obligation shall be void, otherwise to be and remain in full force and effect.

The bond shall be for the use of the incompetent or disabled person, and shall not become void upon the first recovery, but may be put in suit from time to time against all or any one of the obligors, in the name and for the use and benefit of any person entitled by the breach thereof, until the whole penalty is recovered thereon. The court may require an additional bond whenever for any reason it appears to the court that an additional bond should be given.

In all guardianships or limited guardianships of the person, and in all guardianship or limited guardianships of the estate, in which the ~~((inventory filed with the court shows))~~ petition alleges that the alleged incompetent or disabled person has total ~~((accumulated))~~ assets of a value of less than ~~((fifteen hundred))~~ three thousand dollars, the court may dispense with the requirement of a bond pending filing of an inventory confirming that the estate has total assets of less than three thousand dollars: PROVIDED, That the guardian or limited guardian shall swear to report to the court any changes in the ~~((accumulated))~~ total assets of the incompetent or disabled person increasing their value to over ~~((fifteen hundred))~~ three thousand dollars: PROVIDED FURTHER, That said guardian or limited

guardian shall file a yearly statement showing the monthly income of the incompetent or disabled person if said monthly income is over the sum of two hundred fifty dollars per month for any three consecutive months.

Sec. 8. Section 11.88.107, chapter 145, Laws of 1965 as amended by section 12, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.107 are each amended to read as follows:

In all cases where a bank or trust company, authorized to act as guardian or limited guardian, or where a nonprofit corporation is authorized under its articles of incorporation to act as guardian or limited guardian, is appointed as guardian or limited guardian, or acts as guardian or limited guardian under an appointment as such heretofore made, no bond shall be required: PROVIDED, That in the case of appointment of a nonprofit corporation court approval shall be required before any bond requirement of this chapter may be dispensed with.

Sec. 9. Section 11.88.120, chapter 145, Laws of 1965 as amended by section 14, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.120 are each amended to read as follows:

The court in all cases shall have power to remove guardians or limited guardians for good and sufficient reasons, which shall be entered of record, and to appoint others in their place or in the place of those who may die, who shall give bond and security for the faithful discharge of their duties as prescribed in RCW 11.88.100 as now or hereafter amended; and when any guardian or limited guardian shall be removed or die, and a successor be appointed, the court shall have power to compel such guardian or limited guardian removed to deliver up to such successor all goods, chattels, moneys, title papers, or other effects belonging to such incompetent or disabled person, which may be in the possession of such guardian or limited guardian so removed, or of the personal representatives of a deceased guardian or limited guardian, or in the possession of any other person or persons, or in the possession of a stand-by guardian or limited guardian and upon failure, to commit the party offending to prison, until he complies with the order of the court.

Sec. 10. Section 6, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.125 are each amended to read as follows:

The person appointed by the court as either guardian or limited guardian of the person and/or estate of an incompetent or disabled person, shall file in writing with the court, a designated stand-by limited guardian or guardian to serve as limited guardian or guardian at the death or legal incompetency or disability of the court-appointed guardian or limited guardian. Such stand-by guardian or limited guardian shall have all the powers, duties, and obligations of the regularly appointed guardian or limited guardian and in addition shall, within a period of thirty days from the death or adjudication of incompetency or disability of the regularly appointed guardian or limited guardian, file with the superior court in the county in which the ((original)) guardianship or limited guardianship ((was filed)) is then being administered, a petition for appointment of a substitute guardian or limited guardian. Upon the court's appointment of a new, substitute guardian or limited guardian, the stand-by guardian or limited guardian shall make an accounting and report to be approved by the court, and upon approval of the court, the stand-by



guardian or limited guardian shall be released from all duties and obligations arising from or out of the guardianship or limited guardianship.

Letters of guardianship shall be issued to the stand-by guardian or limited guardian upon filing an oath and posting a bond as required by RCW 11.88.100 as now or hereafter amended. The oath may be filed prior to the appointed guardian or limited guardian's death. The provisions of RCW 11.88.100 through 11.88.110 as now or hereafter amended shall apply to stand-by guardians and limited guardians.

Sec. 11. Section 11.88.140, chapter 145, Laws of 1965 as amended by section 16, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.140 are each amended to read as follows:

(1) **TERMINATION WITHOUT COURT ORDER.** A guardianship or limited guardianship is terminated:

(a) Upon the attainment of full and legal age, as defined in RCW 11.92.010 as now or hereafter amended, of any person defined as an incompetent or disabled person pursuant to RCW 11.88.010 as now or hereafter amended solely by reason of youth, RCW 26.28.020 to the contrary notwithstanding((:));

(b) By an adjudication of competency((:)) or an adjudication of termination of disability;

(c) By the death of the incompetent or disabled person;

(d) By expiration of the term of limited guardianship specified in the order appointing the limited guardian, unless prior to such expiration a petition has been filed and served, as provided in RCW 11.88.040 as now or hereafter amended, seeking an extension of such term.

(2) **TERMINATION ON COURT ORDER.** A guardianship or limited guardianship may be terminated by court order after such notice as the court may require:

(a) If the guardianship or limited guardianship is of the estate and the estate is exhausted;

(b) If the guardianship or limited guardianship is no longer necessary for any other reason.

(3) **EFFECT OF TERMINATION.** When a guardianship or limited guardianship terminates otherwise than by the death of the incompetent or disabled person, the powers of the guardian or limited guardian cease, except that a guardian or limited guardian of the estate may make disbursements for claims that are or may be allowed by the court, for liabilities already properly incurred for the estate or for the incompetent or disabled person, and for expenses of administration. When a guardianship or limited guardianship terminates by death of the incompetent or disabled person, the guardian or limited guardian of the estate may proceed under RCW 11.88.150 as now or hereafter amended, but the rights of all creditors against the incompetent's or disabled person's estate shall be determined by the law of decedents' estates.

Sec. 12. Section 11.88.150, chapter 145, Laws of 1965 as amended by section 17, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.150 are each amended to read as follows:

Upon the death of an incompetent or disabled person intestate the guardian or limited guardian of his estate has power under the letters issued to him and subject

to the direction of the court to administer the estate as the estate of the deceased incompetent or disabled person without further letters unless within forty days after death of the incompetent or disabled person a petition is filed for letters of administration or for letters testamentary and the petition is granted. If the guardian or limited guardian elects to administer the estate under his letters of guardianship or limited guardianship, he shall petition the court for an order transferring the guardianship or limited guardianship proceeding to a probate proceeding, and upon court approval, the clerk of the court shall re-index the cause as a decedent's estate, using the same file number which is assigned to the guardianship or limited guardianship proceeding. The guardian or limited guardian shall then be authorized to continue administration of the estate without the necessity for any further petition or hearing. Notice to creditors and other persons interested in the estate shall be published and may be combined with the notice of the guardian's or limited guardian's final account. This notice shall be published in the manner provided in RCW 11.40.010, once each week for three successive weeks, with proof by affidavit of the publication of such notice to be filed with the court. All claims which are not filed within four months after first publication or within four months after the date of filing of the copy of such notice to creditors with the clerk of the court, whichever is later, shall be barred against the estate. Upon the hearing, the account may be allowed and the balance distributed to the persons entitled thereto, after the payment of such claims as may be allowed. Liability on the guardian's or limited guardian's bond shall continue until exonerated on settlement of his account, and may apply to the complete administration of the estate of the deceased incompetent or disabled person with the consent of the surety. If letters of administration or letters testamentary are granted upon petition filed within forty days after the death of the incompetent or disabled person, the personal representative shall supersede the guardian or limited guardian in the administration of the estate and the estate shall be administered as a decedent's estate as provided in this title, including the publication of notice to creditors and other interested persons and the barring of creditors claims.

Sec. 13. Section 11.92.040, chapter 145, Laws of 1965 as amended by section 20, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.040 are each amended to read as follows:

It shall be the duty of the guardian (~~and~~) or limited guardian:

(1) To make out and file within three months after his appointment a verified inventory of all the property of the incompetent or disabled person which shall come to his possession or knowledge, including a statement of all encumbrances, liens, and other secured charges on any item((-));

(2) To file annually, within thirty days after the anniversary date of his appointment, and also within thirty days after termination of his appointment, a written verified account of his administration: PROVIDED, That the court in its discretion may allow such reports at intervals of up to thirty-six months, with instruction to the guardian or limited guardian that any substantial increase in income or assets or substantial change in the incompetent's or disabled person's condition shall be reported within thirty days of such substantial increase or change((-));

(3) Consistent with the powers granted by the court, if he is a guardian or limited guardian of the person, to care for and maintain the incompetent or disabled person, assert his or her rights and best interests, and provide timely informed consent to necessary medical procedures, and if the incompetent or disabled person is a minor, to see that the incompetent or disabled person is properly trained and educated and that the incompetent or disabled person has the opportunity to learn a trade, occupation, or profession. The guardian or limited guardian of the person may be required to report the condition of his incompetent or disabled person to the court, at regular intervals or otherwise as the court may direct((-): PROVIDED, That no guardian or limited guardian may involuntarily commit for mental health treatment, observation, or evaluation an alleged incompetent or disabled person who is, himself or herself, unable or unwilling to give informed consent to such commitment unless the procedures for involuntary commitment set forth in chapters 71.05 or 72.23 RCW are followed: PROVIDED FURTHER, That nothing in this section shall be construed to allow a guardian or limited guardian to consent to:

(a) Therapy or other procedure which induces convulsion;

(b) Surgery solely for the purpose of psychosurgery;

(c) Amputation;

(d) Other psychiatric or mental health procedures which are intrusive on the person's body integrity, physical freedom of movement, or the rights set forth in RCW 71.05.370.

A guardian or limited guardian who believes such procedures to be necessary for the proper care and maintenance of the incompetent or disabled person shall petition the court for an order unless the court has previously approved such procedure within thirty days immediately past. The court may make such order only after an attorney is appointed in accordance with RCW 11.88.045, as now or hereafter amended, if none has heretofore appeared, notice is given, and a hearing is held in accordance with RCW 11.88.040, as now or hereafter amended;

(4) If he is a guardian or limited guardian of the estate, to protect and preserve it, to apply it as provided in this chapter, to account for it faithfully, to perform all of the duties required of him by law, and at the termination of the guardianship or limited guardianship, to deliver the assets of the incompetent or disabled person to the persons entitled thereto. Except as provided to the contrary herein, the court may authorize a guardian or limited guardian to do anything that a trustee can do under the provisions of RCW 30.99.070 for ((periods)) a period not exceeding one year from the date of the order((-)) or for a period corresponding to the interval in which the guardian's or limited guardian's report is required to be filed by the court pursuant to subsection (2) of this section, whichever period is longer;

(5) To invest and reinvest the property of the incompetent or disabled person in accordance with the rules applicable to investment of trust estates by trustees as provided in chapter 30.24 RCW, except that:

(a) No investments shall be made without prior order of the court in any property other than unconditional interest bearing obligations of this state or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States, and in share accounts or deposits which are insured by an agency of the United States government. Such prior order of the

court may authorize specific investments, or, in the discretion of the court, may authorize the guardian or limited guardian during a period (~~(of)~~) not exceeding one year following the date of the order or for a period corresponding to the interval in which the guardian's or limited guardian's report is required to be filed by the court pursuant to subsection (2) of this section, whichever period is longer, to invest and reinvest as provided in chapter 30.24 RCW without further order of the court~~((:));~~;

(b) If it is for the best interests of the incompetent or disabled person that a specific property be used by the incompetent or disabled person rather than sold and the proceeds invested, the court may so order~~((:));~~;

(6) To apply to the court for an order authorizing any disbursement on behalf of the incompetent or disabled person~~((; provided, however))~~: **PROVIDED, HOWEVER**, That guardian or limited guardian of the estate, or the person, department, bureau, agency, or charitable organization having the care and custody of an incompetent or disabled person, may apply to the court for an order directing the guardian or limited guardian of the estate to pay to the person, department, bureau, agency, or charitable organization having the care and custody of an incompetent or disabled person, or if the guardian or limited guardian of the estate has the care and custody of the incompetent or disabled person, directing the guardian or limited guardian of the estate to apply an amount weekly, monthly, quarterly, semi-annually, or annually, as the court may direct, to be expended in the care, maintenance, and education of the incompetent or disabled person and of his dependents. In proper cases, the court may order payment of amounts directly to the incompetent or disabled person for his maintenance or incidental expenses. The amounts authorized under this section may be decreased or increased from time to time by direction of the court. If payments are made to another under such order of the court, the guardian or limited guardian of the estate is not bound to see to the application thereof.

**NEW SECTION.** Sec. 14. There is added to chapter 11.92 RCW a new section to read as follows:

No residential treatment facility which provides nursing or other care may detain a person within such facility against their will. Any court order, other than an order issued in accordance with the involuntary treatment provisions of chapters 10.77, 71.05, and 72.23 RCW, which purports to authorize such involuntary detention or purports to authorize a guardian or limited guardian to consent to such involuntary detention on behalf of an incompetent or disabled person shall be void and of no force or effect.

Nothing in this section shall be construed to require a court order authorizing placement of an incompetent or disabled person in a residential treatment facility if such order is not otherwise required by law: **PROVIDED**, That notice of any residential placement of an incompetent or disabled person shall be served, either before or after placement, by the guardian or limited guardian on such person, the guardian ad litem of record, and any attorney of record.

Sec. 15. Section 11.92.125, chapter 145, Laws of 1965 and RCW 11.92.125 are each amended to read as follows:

In connection with the sale, exchange, mortgage, lease, or grant of easement or license in any property, the court may authorize the ~~((personal representative))~~ guardian or limited guardian to pay, out of the proceeds realized therefrom or out

of the estate, the customary and reasonable auctioneer's and broker's fees and any necessary expenses for abstracting title insurance, survey, revenue stamps, and other necessary costs and expenses in connection therewith.

Sec. 16. Section 11.92.170, chapter 145, Laws of 1965 as amended by section 32, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.170 are each amended to read as follows:

Whenever it is made to appear that it would be in the best interests of the incompetent or disabled person, the court may order the transfer of property in this state to a guardian or limited guardian of the estate of the incompetent or disabled person appointed in another jurisdiction, or to a person or institution having similar authority with respect to the incompetent or disabled person.

NEW SECTION. Sec. 17. Section 8, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.035 are each repealed.

NEW SECTION. Sec. 18. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House June 13, 1977.

Passed the Senate June 11, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

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## CHAPTER 310

[House Bill No. 649]

### COSMETOLOGY

AN ACT Relating to cosmetology; amending section 7, chapter 180, Laws of 1951 as last amended by section 15, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.140; and amending section 11, chapter 52, Laws of 1957 as last amended by section 29, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.260.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 11, chapter 52, Laws of 1957 as last amended by section 29, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.260 are each amended to read as follows:

No person shall engage in the practice of hairdressing(~~(, and)~~) or cosmetology in any place other than a licensed hairdressing (~~(and)~~) or cosmetology shop or school, except in case of his or her own family or in case of a (~~(person)~~) customer whose physical condition prevents his or her presence at a shop or school.

No person shall (~~(sleep in, or)~~) use for residential purposes(~~(;)~~) any room that is used wholly or in part as a hairdressing (~~(and)~~) or cosmetology school or shop, (~~(nor engage in hairdressing and cosmetology in any room used for sleeping or residential purposes)~~) except that these restrictions shall not apply to toilet facilities which may be used jointly for residential and business purposes.

Every hairdressing (~~(and)~~) or cosmetology shop shall maintain an outside entrance separate from the entrances to rooms used for sleeping or residential purposes.

From and after July 1, 1959 every hairdressing ~~((and))~~ or cosmetology shop shall provide and maintain for the use of the customers adequate toilet facilities located within the shop or adjacent thereto.

No hairdressing or cosmetology shop shall be operated unless it is under the direct supervision of a licensed manager operator.

No person other than a licensed manicurist ~~((limited to the practice of manicuring))~~ or ~~((an))~~ a licensed operator in demonstrating~~((:))~~ or instructing in the use of any cosmetics or supplies of any kind, shall engage in any of the acts enumerated in RCW 18.18.010 ~~((and 18.18.190)).~~

No student shall engage in the practice of hairdressing ~~((and))~~ or cosmetology except in a licensed school under the direct supervision of ~~((an))~~ a licensed instructor operator.

Sec. 2. Section 7, chapter 180, Laws of 1951 as last amended by section 15, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.140 are each amended to read as follows:

Operator, manicurist, instructor operator, manager operator, shop, or school licenses may be renewed from year to year upon the payment on or before the first day of each July following their issuance, of a renewal fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

~~((A certificate of health is required with an application for an original license; one must also be filed with a renewal application.))~~

Any manicurist, operator, manager operator, or instructor operator whose license has lapsed may have the same renewed upon payment of all fees which the applicant would have been required to pay to keep such license in effect, and an additional fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended for each lapsed year: PROVIDED, That any person whose license has lapsed for more than three years shall be reexamined, as in the case of any applicant for an original license.

Passed the House June 13, 1977.

Passed the Senate June 11, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

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## CHAPTER 311

[Engrossed Substitute Senate Bill No. 2143]

### SUPERIOR COURT JUDGES

AN ACT Relating to superior court judges; amending section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.061; amending section 4, chapter 125, Laws of 1951 as last amended by section 1, chapter 79, Laws of 1975-'76 2nd ex. sess. and RCW 2.08.062; amending section 6, chapter 125, Laws of 1951 as last amended by section 1, chapter 192, Laws of 1974 ex. sess. and RCW 2.08.064; amending section 7, chapter 125, Laws of 1951 as last amended by section 3, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08-.065; making an appropriation; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.061 are each amended to read as follows:

There shall be in the county of King ~~((twenty-nine))~~ thirty-four judges of the superior court; in the county of Spokane ~~((eight))~~ nine judges of the superior court; in the county of Pierce ~~((ten))~~ eleven judges of the superior court: PROVIDED, That the additional office herein created for the county of Pierce shall be effective January 1, 1978.

Sec. 2. Section 4, chapter 125, Laws of 1951 as last amended by section 1, chapter 79, Laws of 1975-'76 2nd ex. sess. and RCW 2.08.062 are each amended to read as follows:

There shall be in the county of Chelan one judge of the superior court; in the county of Clark four judges of the superior court; in the county of Grays Harbor two judges of the superior court; in the county of Kitsap ~~((three))~~ four judges of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis two judges of the superior court.

Sec. 3. Section 6, chapter 125, Laws of 1951 as last amended by section 1, chapter 192, Laws of 1974 ex. sess. and RCW 2.08.064 are each amended to read as follows:

There shall be in the counties of Benton and Franklin jointly, ~~((three))~~ four judges of the superior court; in the counties of Clallam and Jefferson jointly, two judges of the superior court; in the county of Snohomish seven judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, two judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

Sec. 4. Section 7, chapter 125, Laws of 1951 as last amended by section 3, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.065 are each amended to read as follows:

There shall be in the counties of Douglas and Grant jointly, two judges of the superior court; in the counties of Ferry and Okanogan jointly, one judge of the superior court; in the counties of Mason and Thurston jointly, four judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Pend Oreille and Stevens jointly, one judge of the superior court; and in the counties of San Juan and Island jointly, ~~((one))~~ two judges of the superior court ~~((: PROVIDED, That this act shall only take effect in the event the legislature shall appropriate funds for the 1973-75 biennium to carry out the purpose of this 1973 act))~~.

NEW SECTION. Sec. 5. To carry out the provisions of this 1977 amendatory act, there is appropriated from the general fund the sum of four hundred forty-six thousand dollars or such as may be necessary for the biennium ending June 30, 1979.

NEW SECTION. Sec. 6. This 1977 amendatory act shall take effect November 1, 1977.

Passed the Senate June 11, 1977.

Passed the House June 10, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

## CHAPTER 312

[Engrossed Substitute Senate Bill No. 2268]

STATE OFFICIALS AND EMPLOYEES—SUBSISTENCE AND LODGING  
ALLOWANCES—MILEAGE RATES

AN ACT Relating to state government; amending section 43.03.050, chapter 8, Laws of 1965 as last amended by section 94, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.03.050; amending section 43.03.060, chapter 8, Laws of 1965 as last amended by section 95, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.03.060; adding new sections to chapter 43.03 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 43.03.050, chapter 8, Laws of 1965 as last amended by section 94, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.03.050 are each amended to read as follows:

(1) The director of the office of program planning and fiscal management shall prescribe ~~((for all state agencies per diem rates of allowance, not exceeding twenty-five dollars in lieu of))~~ reasonable allowances to cover reasonable and necessary subsistence and lodging ~~((to))~~ expenses for elective and appointive officials and state employees while engaged on official business away from their designated posts of duty ~~((, but within the state of Washington, and not exceeding thirty-five dollars per day while engaged on official business elsewhere))~~. The director of the office of program planning and fiscal management may ~~((within the limits established herein))~~ prescribe and regulate the ~~((per diem rates to be allowed))~~ allowances provided in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. The schedule of allowances adopted by the office of program planning and fiscal management may include special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging.

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to ~~((reimbursement))~~ payment of travel expenses, shall be ~~((reimbursed))~~ paid pursuant to ~~((a))~~ special ~~((schedule at the daily))~~ per diem rates prescribed in accordance with subsection (1) of this section by the office of program planning and fiscal management ~~((, for each day or portion thereof spent on official business of the board, commission, or committee))~~.

(3) The initial schedule of allowances prescribed by the director under the terms of this section and any subsequent increases in any maximum allowance or special allowances for areas of higher than usual costs shall be subject to legislative approval.

Sec. 2. Section 43.03.060, chapter 8, Laws of 1965 as last amended by section 95, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.03.060 are each amended to read as follows:

(1) Whenever it becomes necessary for an elective or appointive official or employee of the state to travel away from his designated post of duty while engaged on official business, and it is found to be more advantageous and economical to the state that travel be by a privately-owned vehicle rather than a common carrier or a state-owned or operated vehicle, a mileage rate not to exceed ~~((thirteen cents a~~



~~mile shall be allowed~~) the rate established by the director of the office of program planning and fiscal management shall be allowed. The maximum rate established by the director shall be based on the estimated cost of using a privately-owned vehicle on state business.

(2) The director of the office of program planning and fiscal management may ~~((within the limits established in this section))~~ prescribe and regulate the specific mileage rate or other allowance for the use of privately-owned vehicles or common carriers on official business and the conditions under which reimbursement of transportation costs may be allowed: PROVIDED, That reimbursement or other payment for transportation expenses of any employee or appointive official of the state shall be based on the method deemed most advantageous and economical to the state.

(3) The initial maximum mileage rate established by the director of the office of program planning and fiscal management pursuant to this section and any subsequent changes thereto shall be subject to legislative approval.

NEW SECTION. Sec. 3. There is added to chapter 43.03 RCW a new section to read as follows:

"Legislative approval" for purposes of RCW 43.03.050 and 43.03.060 both as now or hereafter amended and sections 3 and 4 of this 1977 amendatory act shall consist of consultation with and a favorable vote by the senate ways and means committee and the house of representatives appropriations committee during times when the legislature is in session or consultation with and a favorable vote by the legislative budget committee during periods when the legislature is not in session or has been in recess for three or more days.

NEW SECTION. Sec. 4. There is added to chapter 43.03 RCW a new section to read as follows:

The allowances prescribed pursuant to RCW 43.03.050 as now or hereafter amended may be paid as reimbursements to individuals for subsistence and lodging expenses during official travel. Alternatively, amounts not exceeding those allowances may be paid directly to appropriate suppliers of subsistence and lodging, when more economical and advantageous to the state, under general rules and regulations adopted by the director of the office of program planning and fiscal management with the advice of the state auditor. Payments to suppliers for subsistence and lodging expenses of individuals in travel status shall not result in a cost to the state in excess of what would be payable by way of reimbursements to the individuals involved.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately except that any new schedule of allowances under either RCW 43.03.050 and 43.03.060 as now or hereafter amended shall not be effective until July 1, 1977 or later.

Passed the Senate June 11, 1977.

Passed the House June 10, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

## CHAPTER 313

[Engrossed Senate Bill No. 2282]

## PUBLIC DISCLOSURE—DEFINITIONS—CAMPAIGN FINANCING—LOBBYING

AN ACT Relating to state government; amending section 2, chapter 1, Laws of 1973 as amended by section 2, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.020; amending section 3, chapter 1, Laws of 1973 and RCW 42.17.030; amending section 6, chapter 1, Laws of 1973 as amended by section 4, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.060; amending section 16, chapter 1, Laws of 1973 as amended by section 9, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.160; amending section 17, chapter 1, Laws of 1973 as amended by section 10, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.170; amending section 19, chapter 1, Laws of 1973 as amended by section 12, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.190; repealing section 14, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.195; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 1, Laws of 1973 as amended by section 2, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.020 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, ~~((public official,))~~ department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, ~~((city and county, school district))~~ town, municipal corporation, quasi municipal corporation, or special purpose district, ~~((political subdivision,))~~ or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision or other voting constituency from and after the time when such proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.240, as now or hereafter amended, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while such official is engaged in the official business of such governmental entity.

(9) "Continuing political committee" means a political committee which is an organization of continuing existence not established in anticipation of any particular election.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of "part time" personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of twenty-five dollars personally paid for by such worker. "Part time" services, for the purposes of this chapter, means services in addition to regular full time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

(11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.

For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported, or payment of service charges against a political committee's campaign account.

(15) "Final report" means the report described as a final report in RCW 42.17.080(2).

(16) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

(17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the governor.

(18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure acts, chapter 34.04 RCW and chapter 28B.19 RCW.

(19) "Lobbyist" includes any person who shall lobby either in his own or another's behalf.

(20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(21) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(22) "Person in interest" means the person who is the subject of a record or any representative designated by said person, except that if such person be under a legal disability, the term "person in interest" shall mean and include the parent or duly appointed legal representative.

(23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(25) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(26) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary

function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(27) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 2. Section 3, chapter 1, Laws of 1973 and RCW 42.17.030 are each amended to read as follows:

The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than (a) for precinct committeeman; (b) for ~~((the president and vice president of the United States))~~ a federal elective office; and (c) for an office the constituency of which does not encompass a whole county and which contains less than five thousand registered voters as of the date of the most recent general election in such district.

Sec. 3. Section 6, chapter 1, Laws of 1973 as amended by section 4, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.060 are each amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account designated, "Campaign Fund of ....." (name of candidate or political committee).

(2) ~~((All deposits made by a campaign treasurer or deputy campaign treasurer shall be accompanied by))~~ At the time each deposit is made, the campaign treasurer or deputy campaign treasurer shall prepare and file with the commission a statement containing the name of each person contributing the funds so deposited and the amount contributed by each person: PROVIDED, That contributions not exceeding ten dollars from any one person may be deposited without identifying the contributor. ((The statement shall be in triplicate, upon a form prescribed by the commission, one copy to be retained by the campaign depository for its records for the minimum term of three years, one copy to be filed by the campaign treasurer with the commission, and one)) A duplicate copy ((to)) of the statement shall be retained by the campaign treasurer for his records. In the event of deposits made by a deputy campaign treasurer, the ((third)) duplicate copy shall be forwarded to the campaign treasurer to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(3) Political committees which support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose: PROVIDED, That each such account shall bear the same name followed by an appropriate designation which accurately identifies its separate purpose: AND PROVIDED FURTHER, That transfers of funds which must be reported under RCW 42.17.090(1)(d), as now or hereafter amended, may not be made from more than one such account.

(4) Nothing in this section shall prohibit a candidate or political committee from investing funds on hand in a campaign depository in bonds, certificates, or savings accounts or other similar savings instruments in financial institutions other than the campaign depository: PROVIDED, That the commission is notified in writing of the initiation and the termination of the investment: PROVIDED FURTHER, That the principal of such investment when terminated together with all interest, dividends, and income derived from the investment are deposited in the campaign depository in the account from which the investment was made and properly reported to the commission prior to any further disposition or expenditure thereof.

(5) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's campaign treasurer pursuant to RCW 42.17.090(1)(b), which total in excess of one percent of the total accumulated contributions received in the current calendar year or three hundred dollars (whichever is more), shall not be deposited, used, or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.

Sec. 4. Section 16, chapter 1, Laws of 1973 as amended by section 9, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.160 are each amended to read as follows:

The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, (~~42.17.190~~) and 42.17.200:

(1) Persons who limit their lobbying activities to appearance before public sessions of committees of the legislature, or public hearings of state agencies~~((:));~~;

(2) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station~~((:));~~;

(3) Persons who lobby without compensation or other consideration for acting as a lobbyist: PROVIDED, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this chapter~~((:));~~;

(4) Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed fifteen dollars: PROVIDED, That the commission shall promulgate regulations to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection (4) may at his option register and report under this chapter~~((:));~~;

(5) The governor~~((:));~~;

(6) The lieutenant governor~~((:));~~;

(7) Except as provided by RCW 42.17.190(1), members of the legislature((-);

(8) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties((-);

(9) ~~((Except as provided by RCW 42.17.190))~~ Elected ((state)) officials, and officers((-, state officers appointed by the governor subject to confirmation by the senate;)) and employees of any ((state)) agency reporting under RCW 42.17.190(4) as now or hereafter amended.

Sec. 5. Section 17, chapter 1, Laws of 1973 as amended by section 10, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.170 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by ~~((both))~~ the lobbyist ~~((and the lobbyist's employers))~~. The reports shall be made in the form and manner prescribed by the commission. They shall be due ~~((quarterly))~~ monthly and shall be filed within ~~((thirty))~~ fifteen days after the ~~((end))~~ last day of the calendar ~~((quarter))~~ month covered by the report. ~~((In addition to the quarterly reports, while the legislature is in session, any lobbyist who lobbies with respect to any legislation shall file interim weekly periodic reports for each week that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed on each Tuesday for the activities of the week ending on the preceding Saturday. PROVIDED, That it shall not be necessary to file any such interim weekly periodic reports for any week during which no expenditure reportable under subsection (2) hereof was made by the reporting person:))~~

(2) Each such ~~((quarterly and weekly))~~ monthly periodic report shall contain:

(a) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report, which totals shall be segregated according to financial category, including food and refreshments; living accommodations; advertising; travel; telephone; contributions; office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof, paid or incurred for lobbying activities; and other expenses or services: **PROVIDED HOWEVER,** That unreimbursed personal living and travel expenses of a lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported ~~((AND PROVIDED FURTHER, That the interim weekly reports of legislative lobbyists for the legislative session need show only the expenditures for food and refreshments; living accommodations; travel; contributions; and such other categories as the commission shall prescribe by rule))~~. Each individual expenditure of more than ~~((fifteen))~~ twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any ((legislator)) candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any ((legislator)) candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any ((legislator)) candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the ((legislator)) candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or rulemaking; the proposed rules, standards, rates, or other legislative enactments under chapter 34.04 RCW and chapter 28B.19 RCW (the state administrative procedure acts) and the state agency considering the same; and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period: PROVIDED, That in the case of appropriations bills the lobbyist shall enumerate the specific section or sections which he supported or opposed.

Sec. 6. Section 19, chapter 1, Laws of 1973 as amended by section 12, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.190 are each amended to read as follows:

(1) Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties of such legislator or committee during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter: PROVIDED, That the information required by this subsection may be supplied, insofar as it is available, by the chief clerk of the house of representatives or by the secretary of the senate on a form prepared by the commission.

(2) Unless authorized by subsection (3) of this section or otherwise expressly authorized by law, no ((state)) public funds shall be used directly or indirectly for lobbying: PROVIDED, This shall not prevent ((state)) officers or employees of an agency from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection shall not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee



of any agency:

PROVIDED, That public funds shall not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, the term "gift" shall mean a voluntary transfer of any thing of value without consideration of equal or greater value, but shall not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business: PROVIDED FURTHER, That this section shall not permit the printing of a state publication which has been otherwise prohibited by law.

(4) Each state agency which expends state funds for lobbying pursuant to an express authorization by law and each state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district which expends public funds for lobbying pursuant to the authorization contained in subsection (3) of this section or whose officers or employees communicate on legislation directly affecting the agency to members of the legislature on request of any member or communicate to the legislature requests for legislation shall file with the commission quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each elected official, officer, or employee engaged in such ~~((legislative activity))~~ activities, a general description of the nature of ~~((his legislative))~~ the activities, and the proportionate amount of ~~((his))~~ time spent on ~~((such))~~ the activities;

(c) An itemized listing of any expenditures incurred by the agency for such activities.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within thirty days after the end of the quarter covered by the report.

~~((4))~~ (5) The provisions of this section shall not relieve any ~~((state))~~ elected official or officer or ~~((any))~~ employee of ~~((a state))~~ an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.

NEW SECTION. Sec. 7. Section 14, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.195 are each repealed.

NEW SECTION. Sec. 8. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This 1977 amendatory act shall take effect on January 1, 1978.

Passed the Senate June 11, 1977.

Passed the House June 10, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

## CHAPTER 314

[Substitute Senate Bill No. 2608]

## WASHINGTON STATE CRIMINAL RECORDS PRIVACY ACT

AN ACT Relating to crimes; amending section 2, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.705; amending section 3, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.710; amending section 7, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.730; amending section 23, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.810; amending section 31, chapter 1, Laws of 1973 as last amended by section 5, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.310; adding a new chapter to Title 10 RCW; defining crimes; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. The legislature declares that it is the policy of the state of Washington to provide for the completeness, accuracy, confidentiality, and security of criminal history record information and victim, witness, and complainant record information as defined in this chapter.

NEW SECTION. Sec. 2. This 1977 amendatory act may be cited as the Washington State Criminal Records Privacy Act.

NEW SECTION. Sec. 3. For purposes of this chapter, the definitions of terms in this section shall apply.

(1) "Criminal history record information" means information contained in records collected by criminal justice agencies, other than courts, on individuals, other than juveniles, consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including sentences, correctional supervision, and release. The term includes information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual's record of involvement in the criminal justice system as an alleged or convicted offender, except:

(a) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;

(b) Original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis;

(c) Court indices and records of public judicial proceedings, court decisions, and opinions, and information disclosed during public judicial proceedings;

(d) Records of traffic violations which are not punishable by a maximum term of imprisonment of more than ninety days;

(e) Records of any traffic offenses as maintained by the department of motor vehicles for the purpose of regulating the issuance, suspension, revocation, or renewal of drivers' or other operators' licenses and pursuant to RCW 46.52.130 as now existing or hereafter amended;

(f) Records of any aviation violations or offenses as maintained by the aeronautics commission for the purpose of regulating pilots or other aviation operators, and pursuant to RCW 14.04.330 as now existing or hereafter amended;

(g) Announcements of executive clemency.

(2) "Nonconviction data" consists of all criminal history record information relating to an incident which has not led to a conviction or other disposition adverse to the subject, and for which proceedings are no longer actively pending. There shall be a rebuttable presumption that proceedings are no longer actively pending if more than one year has elapsed since arrest, citation, or service of warrant and no disposition has been entered.

(3) "Conviction record" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the subject.

(4) "Conviction or other disposition adverse to the subject" means any disposition of charges, except a decision not to prosecute, a dismissal, or acquittal: PROVIDED, HOWEVER, That a dismissal entered after a period of probation, suspension, or deferral of sentence shall be considered a disposition adverse to the subject.

(5) "Criminal justice agency" means: (a) A court; or (b) a government agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

(6) "The administration of criminal justice" means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The term also includes criminal identification activities and the collection, storage, dissemination of criminal history record information, and the compensation of victims of crime.

(7) "Disposition" means the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system.

(8) "Dissemination" means disclosing criminal history record information or disclosing the absence of criminal history record information to any person or agency outside the agency possessing the information, subject to the following exceptions:

(a) When criminal justice agencies jointly participate in the maintenance of a single record keeping department as an alternative to maintaining separate records, the furnishing of information by that department to personnel of any participating agency is not a dissemination;

(b) The furnishing of information by one criminal justice agency to another for the purpose of processing a matter through the criminal justice system, such as a police department providing information to a prosecutor for use in preparing a charge resulting from an investigation by that department, is not a dissemination;

(c) The reporting of an event to a record keeping agency for the purpose of maintaining the record is not a dissemination.

(9) "State planning agency" shall mean that agency designated by law or executive order to fulfill the functions established by 42 U.S.C. Section 3701, the "Omnibus Crime Control and Safe Streets Act of 1968", as amended.

**NEW SECTION.** Sec. 4. Effective January 1, 1978, no criminal justice agency shall disseminate criminal history record information pertaining to an arrest, detention, indictment, information, or other formal criminal charge made after December 31, 1977, unless the record disseminated states the disposition of such charge to the extent dispositions have been made at the time of the request for the

information: PROVIDED, HOWEVER, That if a disposition occurring within ten days immediately preceding the dissemination has not been reported to the agency disseminating the criminal history record information, or if information has been received by the agency within the seventy-two hours immediately preceding the dissemination, that information shall not be required to be included in the dissemination.

Effective January 1, 1978, no criminal justice agency shall disseminate criminal history record information which shall include information concerning a felony or gross misdemeanor without first making inquiry of the identification section of the Washington state patrol for the purpose of obtaining the most current and complete information available, unless one or more of the following circumstances exists:

(1) The information to be disseminated is needed for a purpose in the administration of criminal justice for which time is of the essence and the identification section is technically or physically incapable of responding within the required time;

(2) The full information requested and to be disseminated relates to specific facts or incidents which are within the direct knowledge of the agency which disseminates the information;

(3) The full information requested and to be disseminated is contained in a criminal history record information summary received from the identification section by the agency which is to make the dissemination not more than thirty days preceding the dissemination to be made;

(4) The statute, executive order, court rule, or court order pursuant to which the information is to be disseminated refers solely to information in the files of the agency which makes the dissemination; or

(5) The information requested and to be disseminated is for the express purpose of research, evaluative, or statistical activities to be based upon information maintained in the files of the agency or agencies from which the information is directly sought.

NEW SECTION. Sec. 5. (1) Conviction records may be disseminated without restriction.

(2) Any criminal history record information which pertains to an incident for which a person is currently being processed by the criminal justice system, including the entire period of correctional supervision extending through final discharge from parole, when applicable, may be disseminated without restriction.

(3) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to another criminal justice agency for any purpose associated with the administration of criminal justice, or in connection with the employment of the subject of the record by a criminal justice or juvenile justice agency. A criminal justice agency may respond to any inquiry from another criminal justice agency without any obligation to ascertain the purpose for which the information is to be used by the agency making the inquiry.

(4) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to records

of arrest, charges, or allegations of criminal conduct or other nonconviction data and authorizes or directs that it be available or accessible for a specific purpose.

(5) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies pursuant to a contract with a criminal justice agency to provide services related to the administration of criminal justice. Such contract must specifically authorize access to criminal history record information, but need not specifically state that access to nonconviction data is included. The agreement must limit the use of the criminal history record information to stated purposes and insure the confidentiality and security of the information consistent with state law and any applicable federal statutes and regulations.

(6) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. Such agreement must authorize the access to nonconviction data, limit the use of that information which identifies specific individuals to research, evaluative, or statistical purposes, and contain provisions giving notice to the person or organization to which the records are disseminated that the use of information obtained therefrom and further dissemination of such information are subject to the provisions of this chapter and applicable federal statutes and regulations, which shall be cited with express reference to the penalties provided for a violation thereof.

(7) Every criminal justice agency that maintains and disseminates criminal history record information must maintain information pertaining to every dissemination of criminal history record information except a dissemination to the effect that the agency has no record concerning an individual. Information pertaining to disseminations shall include:

(a) An indication of to whom (agency or person) criminal history record information was disseminated;

(b) The date on which the information was disseminated;

(c) The individual to whom the information relates; and

(d) A brief description of the information disseminated.

The information pertaining to dissemination required to be maintained shall be retained for a period of not less than one year.

NEW SECTION. Sec. 6. Criminal history record information which consists of nonconviction data only shall be subject to deletion from criminal justice agency files which are available and generally searched for the purpose of responding to inquiries concerning the criminal history of a named or otherwise identified individual when two years or longer have elapsed since the record became nonconviction data as a result of the entry of a disposition favorable to the defendant, or upon the passage of three years from the date of arrest or issuance of a citation or warrant for an offense for which a conviction was not obtained unless the defendant is a fugitive, or the case is under active prosecution according to a current certification made by the prosecuting attorney.

Such criminal history record information consisting of nonconviction data shall be deleted upon the request of the person who is the subject of the record: **PROVIDED, HOWEVER,** That the criminal justice agency maintaining the data may, at its option, refuse to make the deletion if:

(1) The disposition was a deferred prosecution or similar diversion of the alleged offender;

(2) The person who is the subject of the record has had a prior conviction for a felony or gross misdemeanor;

(3) The individual who is the subject of the record has been arrested for or charged with another crime during the intervening period.

Nothing in this chapter is intended to restrict the authority of any court, through appropriate judicial proceedings, to order the modification or deletion of a record in a particular cause or concerning a particular individual or event.

**NEW SECTION. Sec. 7.** (1) Criminal justice agencies may, in their discretion, disclose to persons who have suffered physical loss, property damage, or injury compensable through civil action, the identity of persons suspected as being responsible for such loss, damage, or injury together with such information as the agency reasonably believes may be of assistance to the victim in obtaining civil redress. Such disclosure may be made without regard to whether the suspected offender is an adult or a juvenile, whether charges have or have not been filed, or a prosecuting authority has declined to file a charge or a charge has been dismissed.

(2) The disclosure by a criminal justice agency of investigative information pursuant to subsection (1) of this section shall not establish a duty to disclose any additional information concerning the same incident or make any subsequent disclosure of investigative information, except to the extent an additional disclosure is compelled by legal process.

**NEW SECTION. Sec. 8.** All criminal justice agencies shall permit an individual who is, or who believes that he may be, the subject of a criminal record maintained by that agency, to appear in person during normal business hours of that criminal justice agency and request to see the criminal history record information held by that agency pertaining to the individual. The individual's right to access and review of criminal history record information shall not extend to data contained in intelligence, investigative, or other related files, and shall not be construed to include any information other than that defined as criminal history record information by this chapter.

Every criminal justice agency shall adopt rules and make available forms to facilitate the inspection and review of criminal history record information by the subjects thereof, which rules may include requirements for identification, the establishment of reasonable periods of time to be allowed an individual to examine the record, and for assistance by an individual's counsel, interpreter, or other appropriate persons.

No person shall be allowed to retain or mechanically reproduce any nonconviction data except for the purpose of challenge or correction when the person who is the subject of the record asserts the belief in writing that the information regarding such person is inaccurate or incomplete. The provisions of chapter 42.17 RCW shall not be construed to require or authorize copying of nonconviction data for any other purpose.

The state planning agency shall establish rules for the challenge of records which an individual declares to be inaccurate or incomplete, and for the resolution of any disputes between individuals and criminal justice agencies pertaining to the

accuracy and completeness of criminal history record information. The state planning agency shall also adopt rules for the correction of criminal history record information and the dissemination of corrected information to agencies and persons to whom inaccurate or incomplete information was previously disseminated. Such rules may establish time limitations of not less than ninety days upon the requirement for disseminating corrected information.

**NEW SECTION.** Sec. 9. The state planning agency is hereby designated the agency of state government responsible for the administration of the 1977 Washington State Criminal Records Privacy Act. The state planning agency may adopt any rules and regulations necessary for the performance of the administrative functions provided for in this chapter.

The state planning agency shall have the following specific administrative duties:

(1) To establish by rule and regulation standards for the security of criminal history information systems in order that such systems and the data contained therein be adequately protected from fire, theft, loss, destruction, other physical hazard, or unauthorized access;

(2) To establish by rule and regulation standards for personnel employed by criminal justice of other state and local government agencies in positions with responsibility for maintenance and dissemination of criminal history record information; and

(3) To contract with the Washington state auditor or other public or private agency, organization, or individual to perform audits of criminal history record information systems.

**NEW SECTION.** Sec. 10. Criminal justice agencies shall be authorized to establish and collect reasonable fees for the dissemination of criminal history record information to agencies and persons other than criminal justice agencies.

**NEW SECTION.** Sec. 11. Any person may maintain an action to enjoin a continuance of any act or acts in violation of any of the provisions of this chapter, and if injured thereby, for the recovery of damages and for the recovery of reasonable attorneys' fees. If, in such action, the court shall find that the defendant is violating or has violated any of the provisions of this chapter, it shall enjoin the defendant from a continuance thereof, and it shall not be necessary that actual damages to the plaintiff be alleged or proved. In addition to such injunctive relief, the plaintiff in said action shall be entitled to recover from the defendant the amount of the actual damages, if any, sustained by him if actual damages to the plaintiff are alleged and proved. In any suit brought to enjoin a violation of this chapter, the prevailing party may be awarded reasonable attorneys' fees, including fees incurred upon appeal. Commencement, pendency, or conclusion of a civil action for injunction or damages shall not affect the liability of a person or agency to criminal prosecution for a violation of this chapter.

**NEW SECTION.** Sec. 12. Violation of the provisions of this chapter shall constitute a misdemeanor, and any person whether as principal, agent, officer, or director for himself or for another person, or for any firm or corporation, public or private, or any municipality who or which shall violate any of the provisions of this chapter shall be guilty of a misdemeanor for each single violation. Any criminal

prosecution shall not affect the right of any person to bring a civil action as authorized by this chapter or otherwise authorized by law.

Sec. 13. Section 31, chapter 1, Laws of 1973 as last amended by section 5, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.310 are each amended to read as follows:

(1) The following shall be exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, ~~((except as the complainant may authorize. PROVIDED, That this subsection shall not apply to persons who file complaints with the public disclosure commission about any elected official or candidate for elective office))~~ other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.



(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pre-trial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records, exempt under the provisions of this section, may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records, is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 14. Section 2, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.705 are each amended to read as follows:

Upon the receipt of identification data from criminal justice agencies within this state, the section shall immediately cause the files to be examined and upon request shall promptly return to the contributor of such data a transcript of the record of previous arrests and dispositions of the persons described in the data submitted.

Upon application, the section shall furnish to criminal justice agencies a transcript of the criminal offender record information available pertaining to any person of whom the section has a record.

For the purposes of RCW 43.43.700 through 43.43.800 the following words and phrases shall have the following meanings:

"Criminal offender record information" includes, and shall be restricted to identifying data and public record information recorded as the result of an arrest or other initiation of criminal proceedings and the consequent proceedings related thereto. "Criminal offender record information" shall not include intelligence, analytical, or investigative reports and files.

"Criminal justice agencies" are those public agencies within or outside the state which perform, as a principal function, activities directly relating to the apprehension, prosecution, adjudication or rehabilitation of criminal offenders.

Applications for information shall be by a data communications network used exclusively by criminal justice agencies or in writing and information applied for shall be used solely in the due administration of the criminal laws or for the purposes enumerated in RCW 43.43.760(3).

~~((Any person who, in violation of this 1972 act, furnishes to any person or other agency information obtained from the section shall be civilly liable, as provided in RCW 72.50.170.))~~

The section may refuse to furnish any information pertaining to the identification or history of any person or persons of whom it has a record, or other information in its files and records, to any applicant if the chief determines that the applicant has previously misused information furnished to such applicant by the section or the chief believes that the applicant will not use the information requested solely for the purpose of due administration of the criminal laws or for the purposes enumerated in RCW 43.43.760(3). The applicant may appeal such determination and denial of information to the advisory council created in RCW 43.43.785 and the council may direct that the section furnish such information to the applicant.

Sec. 15. Section 3, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.710 are each amended to read as follows:

Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and shall not be made public or disclosed for any ~~((personal))~~ purpose ~~((or in any civil court proceedings except upon a written order of the judge of a court wherein such civil proceedings are had. All information contained in the files of the section relative to criminal records and personal histories of persons arrested for the commission of a crime shall be available to all criminal justice agencies, upon the filing of an application as provided in RCW 43.43.705:~~

~~Although no application for information has been made to the section as provided in RCW 43.43.705, the section may transmit such information in the chief's discretion, to such agencies as are authorized by RCW 43.43.705 to make application for it)~~ except in accordance with chapter — RCW (sections 1 through 11 of this 1977 amendatory act).

Sec. 16. Section 7, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.730 are each amended to read as follows:

~~(1) ((When any person, having no prior criminal record, whose fingerprints and/or other identifying data were submitted to and filed at the section, shall be found not guilty of the offense for which the fingerprints and/or other identifying data were sent to the section, or be released without a conviction being obtained, his fingerprints and/or other identifying data and all copies thereof on file at the section shall be destroyed by the section, provided such person requests said destruction after the finding of not guilty or after the release. The section shall, upon destruction of the record pursuant to this section, notify said person of the destruction.~~

~~(2))~~ Any individual shall have the right to inspect criminal offender record information on file with the section which refers to him. If an individual believes such information to be inaccurate or incomplete, he may request the section to purge, modify or supplement it and to advise such persons or agencies who have received his record and whom the individual designates to modify it accordingly. Should the section decline to so act, or should the individual believe the section's decision to be otherwise unsatisfactory, the individual may appeal such decision to the superior court in the county in which he is resident, or the county from which the disputed record emanated or Thurston county. The court shall in such case conduct a de novo hearing, and may order such relief as it finds to be just and equitable.

~~((3))~~ (2) The section may prescribe reasonable hours and a place for inspection, and may impose such additional restrictions, including fingerprinting, as are reasonably necessary both to assure the record's security and to verify the identities of those who seek to inspect them: PROVIDED, That the section may charge a reasonable fee for fingerprinting.

Sec. 17. Section 23, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.810 are each amended to read as follows:

Any person who wilfully requests, obtains or seeks to obtain criminal offender record information under false pretenses, or who wilfully communicates or seeks to communicate criminal offender record information to any agency or person except in accordance with this act, or any member, officer, employee or agent of the section, the council or any participating agency, who wilfully falsifies criminal offender record information, or any records relating thereto, shall for each such offense be ~~((fined not more than five thousand dollars, or imprisoned not more than one year or both))~~ guilty of a misdemeanor.

NEW SECTION. Sec. 18. Sections 1 through 11 of this 1977 amendatory act shall constitute a new chapter in Title 10 RCW.

Passed the Senate June 10, 1977.

Passed the House June 7, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

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## CHAPTER 315

[Engrossed Senate Bill No. 3015]

### OCEANOGRAPHIC COMMISSION—LIQUEFIED GAS HAZARDS MANAGEMENT STUDY

AN ACT Relating to energy facilities; creating new sections; making an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. The legislature finds and declares that the safe and prompt delivery of energy producing fuels is of paramount importance to the economy of the state. Recognizing the complex problems to be solved and the hazards to be averted as well as the potential for the substantial benefits to be achieved makes apparent the need for a study to determine the safety and jurisdictional problems of typical liquefied natural gas ports, liquefied petroleum gas ports, and liquefied natural gas regasification sites on the waters of the state of Washington. It is, therefore, the declared policy and intent of this legislation to fund an initial study of the matter.

NEW SECTION. Sec. 2. (1) The oceanographic commission shall conduct a liquefied natural gas and liquefied petroleum gas hazards management study to determine:

(a) The nature of typical transport and port facilities used to receive marine shipments of liquefied natural gas and liquefied petroleum gas and facilities for subsequent regasification of liquefied natural gas;

(b) Representative sites for liquefied natural gas and liquefied petroleum gas port facilities based upon the size of vessels and harbor facilities and in terms of safely dealing with the hazardous properties of liquefied natural gas and liquefied petroleum gas;

(c) The hazardous properties of liquefied natural gas and liquefied petroleum gas and subsequent safeguards which the state may require in liquefied natural gas and liquefied petroleum gas port facilities;

(d) The responsibilities of federal, state, and local governments in siting and operating liquefied natural gas and liquefied petroleum gas port facilities and liquefied natural gas regasification facilities;

(e) Whether at the representative locations for the facility the state and local governments have the resources to effectively manage the hazards by such means as fire protection and security; and

(f) Any other areas of importance which the oceanographic commission feels would have an impact on a liquefied natural gas or a liquefied petroleum gas port facility or a liquefied natural gas regasification facility.

(2) After conducting a search for studies, reports, or other literature relating to liquefied natural gas and liquefied petroleum gas hazards management, the commission shall submit a report to the house and senate energy and utilities committees concerning the material available and the reasons for the commission's decision whether or not to proceed with the remainder of the study.

(3) The findings of this study shall be reported to the legislature by the second Monday in January, 1979.

**NEW SECTION. Sec. 3.** There is appropriated to the oceanographic commission of Washington from the general fund the sum of seventy-six thousand five hundred dollars, or so much thereof as may be necessary, to carry out the purposes of section 2 of this act.

**\*NEW SECTION. Sec. 4.** *This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.*

\*Sec. 4. was vetoed, see message at end of chapter.

Passed the Senate June 11, 1977.

Passed the House June 9, 1977.

Approved by the Governor with the exception of section 4 which was vetoed June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.

Note: Governor's explanation of partial veto is as follows:

'I am returning herewith without my approval as to one section Senate Bill No. 3015 entitled:

'AN ACT Relating to energy facilities; creating new sections; making an appropriation; and declaring an emergency.'

Section 4 of the bill declares an emergency and provides for the act to take effect immediately. Under the Constitution, Article II, Sections 1(b) and 41, the use of an emergency clause does two things. First, it alters the time when a particular piece of legislation becomes effective, thereby eliminating what may be a desirable adjustment period for affected persons. Second, it excepts the legislation from the important referendum right reserved by the people. Because of these effects, the use of the clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

With the exception of section 4, which I have vetoed, the remainder of Senate Bill No. 3015 is approved.

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## CHAPTER 316

[Engrossed Second Substitute Senate Bill No. 2040]

### CITY AND COUNTY JAILS ACT

AN ACT Relating to jails; amending section 35.21.330, chapter 7, Laws of 1965 and RCW 35.21.330; amending section 35.22.280, chapter 7, Laws of 1965 as last amended by section 1, chapter 16, Laws of 1971 ex. sess. and RCW 35.22.280; amending section 35.23.440, chapter 7, Laws of 1965 as amended by section 7, chapter 116, Laws of 1965 ex. sess. and RCW 35.23.440; amending section 35.24.160, chapter 7, Laws of 1965 and RCW 35.24.160; amending section 35.24.290, chapter 7, Laws of 1965 as amended by section 10, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.290; amending section 35.27.240, chapter 7, Laws of 1965 as amended by section 1, chapter 125, Laws of 1965 and RCW 35.27.240; amending section 35.27.370, chapter 7, Laws of 1965 as last amended by section 15, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.370; adding a new chapter to Title 70 RCW; repealing sections 36.63.010 through 36.63.110, chapter 4, Laws of 1963 and RCW 36.63.010 through 36.63.110; repealing section 36.63.120, chapter 4, Laws of 1963, section 1, chapter 17, Laws of 1969 and RCW 36.63.120; repealing sections 36.63.130 through 36.63.250, chapter 4, Laws of 1963 and RCW 36.63.130 through 36.63.250; repealing sections 1 through 9, chapter 81, Laws of 1974 ex. sess. and RCW 36.63A.010 through 36.63A.910; repealing sections 36.63.260 through 36.63.440, chapter 4, Laws of 1963 and RCW 36.63.260 through 36.63.440; repealing section 2214, Code of 1881 and RCW 70.20.140; repealing section 32, chapter 171, Laws of 1961, section 84, chapter 75, Laws of 1977 and RCW 72.01.420; making an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. It is the policy of this state that all city and county jails provide a humane and safe environment. It is the purpose of this chapter (1) to require classification of county and city jails on the basis of their purpose and their function in order to provide for (a) the setting of state-wide mandatory custodial care standards that are essential for the health, welfare, and security of persons confined in jails, (b) advisory custodial care minimum standards, and (c) physical plant minimum standards, (2) to aid the Washington state criminal justice training commission in developing and implementing personnel training and qualification standards, and (3) to provide for a determination of the role of the state and local units of government with regard to the custody of persons who are arrested for and/or convicted of violating statutes or ordinances which define crimes. The legislature also finds that in order to accomplish the purpose of this chapter it is necessary for the state to provide adequate funds to enable units of local government to fully comply with the physical plant minimum standards for detention and correctional facilities.

**NEW SECTION.** Sec. 2. As used in this chapter the words and phrases in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Holding facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the temporary housing of such persons during or after trial and/or sentencing, but in no instance shall the housing exceed thirty days.

(2) "Detention facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with

a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

(3) "Correctional facility" means a facility operated by a governing unit primarily designed, staffed, and used for the housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense.

(4) "Jail" means any holding, detention, or correctional facility as defined in this section.

(5) "Health care" means preventive, diagnostic and rehabilitative services provided by licensed health care professionals and/or facilities; such care to include providing prescription drugs where indicated.

(6) "Commission" means the state jail commission created pursuant to section 3 of this 1977 amendatory act.

(7) "Substantially remodeled" means significant alterations made to the physical plant of a jail to conform with the physical plant standards.

(8) "Department" means the department of social and health services.

(9) "Secretary" means the secretary of social and health services.

(10) "Governing unit" means the city and/or county or any combinations of cities and/or counties responsible for the operation, supervision, and maintenance of a jail.

(11) "Mandatory custodial care standards" means those minimum standards, rules, or regulations that are adopted pursuant to section 5(1)(a) and section 7(1) of this 1977 amendatory act for jails to meet federal and state constitutional requirements relating to the health, safety, security, and welfare of inmates.

(12) "Advisory custodial care standards" means custodial care standards recommended by the commission which are not mandatory.

(13) "Physical plant standards" and "physical plant requirements" mean those minimum standards, rules, or regulations that are prescribed by the commission for jails that relate to structural specifications of the physical plant, including but not limited to size of cells and rooms within a jail, design of facilities, and specifications for fixtures and other equipment.

(14) "Jail inspector" means a person with at least five years in a supervisory position as a law enforcement or custodial corrections officer.

**NEW SECTION.** Sec. 3. A state jail commission shall be appointed by the governor to establish standards approved by the legislature for the operation of city and county jails. The commission shall be comprised of eleven members who shall be appointed by the governor and confirmed by the state senate: **PROVIDED**, That at least seven of the members shall be elected city, town, or county legislative or executive officials: **PROVIDED FURTHER**, That the secretary or the secretary's designee shall be one of the members of the commission.

At least two members of the commission shall represent minorities.

At least four members of the commission shall reside east of the crest of the Cascade Range. Any member of the commission appointed pursuant to this section as an incumbent official shall immediately, upon termination of holding said office, cease to be a member of the commission and the governor shall appoint a replacement. Vacancies shall be filled in the same manner as original appointments:

**PROVIDED**, That a person appointed as a replacement shall serve for only the balance of the replaced member's term unless the replacement is reappointed.

Three of the original appointments shall be for terms of one year, four of the initial appointments shall be for terms of two years, and four of the initial appointments shall be for terms of three years. Subsequent appointments shall be for a three year term.

The chairperson of the commission shall be appointed by the governor and shall serve as chairperson at the governor's pleasure. A vice-chairperson shall be elected by the commission. The commission shall meet on call of the chairperson or on request of a majority of its members, but not less than four times per year. This commission shall be terminated on June 30, 1983, unless this date is revised by the legislature.

**NEW SECTION.** Sec. 4. Members of the commission shall be entitled to reimbursement for travel expenses incurred in the performance of their duties pursuant to RCW 43.03.050 and 43.03.060.

**NEW SECTION.** Sec. 5. In addition to any other powers and duties contained in this chapter, the commission shall have the powers and duties:

(1) To adopt such rules and regulations, after approval by the legislature, pursuant to chapter 34.04 RCW, as it deems necessary and consistent with the purposes and intent of this chapter on the following subjects:

(a) Mandatory custodial care standards that are essential for the health, welfare, and security of persons confined in jails: **PROVIDED**, That in adopting each rule or regulation pertaining to mandatory custodial care standards, the commission shall cite the applicable case law, statutory law or constitutional provision which requires such rule or regulation;

(b) Advisory custodial care standards;

(c) The classification and uses of holding, detention, and correctional facilities. Except for the housing of work releasees in accordance with commission rules, a person may not be held in a holding facility longer than seventy-two hours, exclusive of weekends and holidays, without being transferred to a detention or correction facility unless the court having jurisdiction over the individual authorizes a longer holding, but in no instance shall the holding exceed thirty days;

(d) The content of jail records which shall be maintained by the department of corrections or the chief law enforcement officer of the governing unit. In addition the governing unit, chief law enforcement officer, or department of corrections may require such additional records as they deem proper; and

(e) The segregation of persons and classes of persons confined in holding, detention, and correctional facilities;

(2) To investigate, develop, and encourage alternative and innovative methods in all phases of jail operation;

(3) To make comments, reports, and recommendations concerning all phases of jail operation including those not specifically described in this chapter;

(4) To hire necessary staff, acquire office space, supplies, and equipment, and make such other expenditures as may be deemed necessary to carry out its duties;

(5) The secretary shall submit minimum physical plant standards to the commission for review and promulgate proposed standards pursuant to chapter 34.04 RCW. After such promulgation, the standards shall be presented for review at a

public conference of city, town, and county legislative and executive officials and directors of departments of correction or the chief law enforcement officers of the governing units in four regional meetings, two of which shall be east of the Cascade range. Subsequent to these reviews, and utilizing the data received, the commission shall adopt minimum physical plant standards pursuant to chapter 34.04 RCW, after approval by the legislature;

(6) To cause all jails to be inspected at least annually by designated jail inspectors and to issue a certificate of compliance to each facility which is found to satisfactorily meet the requirements of this chapter and the rules, regulations, and standards adopted hereunder: **PROVIDED**, That certificates of partial compliance may be issued where applicable. The inspectors shall have access to all portions of jails, to all prisoners confined therein, and to all records maintained by said jails; and

(7) To establish advisory guidelines and model ordinances to assist governing units in establishing the agreements necessary for the joint operation of jails and for the determination of the rates of allowance for the daily costs of holding a prisoner pursuant to the provisions of section 8(6) of this 1977 amendatory act.

**NEW SECTION.** Sec. 6. (1) As a condition of eligibility for such financial assistance as may be provided by or through the state of Washington exclusively for the construction and/or modernization of jails, all jail construction and/or substantial remodeling projects shall be submitted by the governing unit to the commission for review. The commission shall submit the projects to the office of program planning and fiscal management, pursuant to subsection (3) of this section, if they comply with the physical plant standards adopted by the commission, pursuant to the provisions of section 5(5) of this 1977 amendatory act. Notice of rejection because of noncompliance to said standards shall be given within forty-five days after receipt by the commission of the submitted project.

(2) If the projects are approved, the department shall oversee the construction and remodeling to the extent necessary to assure compliance with the standards adopted and approved pursuant to section 5(7) of this 1977 amendatory act.

(3) The commission shall develop estimates of the costs of the capital construction grants for each biennium required under the provisions of this chapter. The estimates shall be subject to the review of the secretary and shall be submitted to the office of program planning and fiscal management consistent with the provisions of chapter 43.88 RCW.

**NEW SECTION.** Sec. 7. All jails shall be constructed, operated, and maintained in compliance with the provisions and intent of this chapter and the rules, regulations, and standards adopted thereunder: **PROVIDED**, That, as limited by this section, compliance with such rules, regulations, and standards shall be pursuant to the time schedules set by the commission for classes of facilities:

(1) The mandatory custodial care standards that are essential for the health, welfare, and security of persons confined, which are adopted pursuant to section 5(1)(a) of this 1977 amendatory act, shall be proposed by the commission to the legislature no later than December 31, 1978. If the legislature fails to adopt or modify such standards by April 1, 1979, they shall take effect on July 1, 1979 without legislative approval and shall be complied with no later than October 1, 1979. Subsequent standards shall be prescribed by the commission and submitted



to the Legislative Budget Committee for review. If the Legislative Budget Committee disapproves such standards, they shall not have effect;

(2) The physical plant standards which are adopted and approved pursuant to section 5(5) of this 1977 amendatory act shall not be mandatory unless, pursuant to the provisions of section 11 of this 1977 amendatory act, the state fully funds the cost of implementing such standards for detention and correctional facilities: **PROVIDED**, That, such funds shall be subject to biennial appropriation: **PROVIDED FURTHER**, That after such funds are made available, local jurisdictions shall have a period of time before such standards are mandatory that is adequate to effect any needed construction or repairs: **PROVIDED FURTHER**, That those provisions of sections 6 and 11 of this 1977 amendatory act requiring approval prior to funding and commencement of construction or remodeling shall not apply to prevent the funding of jails of governing units which have appropriated funds for substantial remodeling or construction of jails after February 16, 1974, and before the effective date of this 1977 amendatory act. Approval in such cases may be given retroactively.

**NEW SECTION.** Sec. 8. All jails which do not meet the appropriate mandatory custodial care standards and physical plant standards may be required to be closed, entirely or in part, until such requirements are met, pursuant to the following procedures:

(1) In the event the commission finds a jail does not comply with the appropriate mandatory custodial care and/or physical plant standards, notice shall be given to the governing unit which shall be either a notice of noncompliance, a notice of conditional compliance for the continued operation of the jail under such restrictions as the commission determines to be appropriate, or a notice of full or partial closure.

(2) Such notices shall specify the manner in which the jail does not comply with the standards. In issuing such notices consideration shall be given to the magnitude and seriousness of the deficiencies and their potential effect on the health and safety of jail inmates, the cost of correction, and other information deemed relevant by the commission.

(3) (a) If the commission issues a notice of noncompliance, it shall specify in the notice the time limits within which the standards are to be met.

(b) If the commission determines that there will be compliance with the standards provided that certain conditions or restrictions which the commission determines to be appropriate are applied, the commission may issue a notice of conditional compliance setting out the conditions and restrictions which the commission determines to be appropriate. A certificate of conditional compliance may be issued thereon.

(c) In those cases where the nature and extent of the deficiencies are such that a notice of immediate full or partial closure is deemed necessary by the commission in order to preserve the health and safety of persons in the jail, a notice of immediate full or partial closure may be issued by the commission.

(4) Within thirty days after the date of receipt of a notice of noncompliance, a notice of conditional compliance, or a notice of full or partial closure, the appropriate governing unit may request a review thereof by the commission which review

shall be heard not more than forty-five days following such request unless such period is extended not more than another forty-five days by order of the commission. All reviews conducted under this section shall be deemed to be "contested cases" within the meaning of chapter 34.04 RCW.

The commission shall hear and decide the review, and the decision of the commission may be appealed to the superior court as provided in chapter 34.04 RCW.

(5) If a notice of full or partial closure is issued and upheld, or if a notice of conditional compliance is issued and the conditions or restrictions are not complied with, or if a notice of noncompliance is issued and upheld and compliance is not satisfactorily accomplished within the time prescribed in the notice, the attorney general, upon request and on behalf of the commission, shall apply to the superior court of the county in which the jail is located for an order of closure of all or part of the jail and the court shall have authority to issue such order of closure or prescribe other appropriate relief.

(6) In the event an order of closure is issued by the superior court, all confined persons in custody in the jail or portions thereof ordered closed shall be transferred, provided sufficient space is available, to a suitable, available jail, and the transferring governing unit shall pay for the costs of board, room, program, and administration of such transferred persons, pursuant to the rate for such costs established by the governing unit accepting such confined persons. If a transferring governing unit disputes the rates established by the governing unit accepting, the commission shall set the rates.

**NEW SECTION. Sec. 9. (1)** A city or county primarily responsible for the operation of a jail or jails may create a department of corrections to be in charge of such jail and of all persons confined therein by law, subject to the authority of the governing unit. If such department is created, it shall have charge of jails and persons confined therein. If no such department of corrections is created, the chief law enforcement officer of the city or county primarily responsible for the operation of said jail shall have charge of the jail and of all persons confined therein. A department of corrections or the chief law enforcement officer shall operate a jail in conformance with the rules and regulations adopted by the commission and any rules, regulations, or ordinances adopted by the governing unit.

(2) Whenever any jail is operated by a governing unit which includes a combination of cities and/or counties, one such city or county shall be designated as being primarily responsible for the operation of said jail.

**NEW SECTION. Sec. 10. (1)** A department of corrections or chief law enforcement officer responsible for the operation of a jail shall maintain a jail register, open to the public, into which shall be entered in a timely basis:

(a) The name of each person confined in the jail with the hour, date and cause of the confinement; and

(b) The hour, date and manner of each person's discharge.

(2) The records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies as defined in RCW 43.43.705; or

(a) For use in inspections made pursuant to section 7 of this 1977 amendatory act;

(b) In jail certification proceedings;

(c) For use in court proceedings upon the written order of the court in which the proceedings are conducted; or

(d) Upon the written permission of the person.

**NEW SECTION.** Sec. 11. Upon obtaining approval for the substantial remodeling or construction of a jail pursuant to section 6 of this 1977 amendatory act and biennial appropriation of the legislature, a governing unit shall receive full funding from the state for the costs of the necessary new construction or improvements to or remodeling of existing detention or correctional facilities necessary to comply with the standards established pursuant to this chapter. The commission shall biennially establish for each application the level of costs necessary to comply with the physical plant standards and shall authorize payment by the state treasurer of the designated amount from the local jail improvement and construction account created in section 12 of this 1977 amendatory act to the eligible governing unit in accordance with procedures established by the commission.

**NEW SECTION.** Sec. 12. There is hereby established in the state treasury a fund to be known as the local jail improvement and construction account in which shall be deposited such sums as are appropriated by law for the purpose of providing funds to units of local government for new construction and the substantial remodeling of detention and correctional facilities so as to obtain compliance with the physical plant standards for such facilities. Funds in the local jail improvement and construction account shall be invested in the same manner as other funds in other accounts within the state treasury, and such earnings shall accrue to the local jail improvement and construction account. Funds in this account shall be disbursed by the state treasurer to units of local government, subject to biennial legislative appropriation, at the direction of the commission.

**NEW SECTION.** Sec. 13. Payment for emergency or necessary health care shall be by the governing unit, except that the department shall reimburse the governing unit for the cost thereof if the confined person requires treatment for which such person is eligible under the department's public assistance medical program.

The governing unit may obtain reimbursement from the confined person for the cost of emergency and other health care to the extent that such person is reasonably able to pay for such care, including reimbursement from any insurance program or from other medical benefit programs available to such person. To the extent that a confined person is unable to be financially responsible for medical care and is ineligible for financial assistance from the department or from a private source, the governing unit may obtain reimbursement for the cost of such services from the unit of government whose law enforcement officers initiated the charges on which the person is being held in the jail: **PROVIDED**, That reimbursement for the cost of such services shall be by the state for state prisoners being held in a jail who are accused of either escaping from a state facility or of committing an offense in a state facility.

There shall be no right of reimbursement to the governing unit from units of government whose law enforcement officers initiated the charges for which a person is being held in the jail for care provided after the charges are disposed of by sentencing or otherwise, unless by intergovernmental agreement pursuant to chapter 39.34 RCW.

This section is not intended to limit or change any existing right of any party, governing unit, or unit of government against the person receiving the care for the cost of the care provided or paid for.

Under no circumstance shall necessary medical services be denied or delayed pending a determination of financial responsibility.

**NEW SECTION. Sec. 14.** A person having charge of a jail shall receive and keep in such jail, when room is available, all persons confined or committed thereto by process or order issued under authority of the United States until discharged according to law, the same as if such persons had been committed under process issued under authority of the state, if provision is made by the United States for the support of such persons confined, and for any additional personnel required.

**NEW SECTION. Sec. 15. (1)** It is the intent of the legislature that the temporary committee that is created pursuant to subsection (2) of this section shall avoid custodial facility and program duplication between the state and units of local government, and between the various units of local government. It is also the intent of the legislature to effectuate economies of scale and effective management of and care for persons who are confined in local jails and state custodial facilities.

(2) The following persons shall constitute a temporary committee which shall hold hearings and draft a proposal which prescribes the specific role of the state and local units of government, and the nature of any custodial facilities operated by the state and local units of government, with regard to the custody of persons who are arrested for, and/or convicted of violating statutes or ordinances which define crimes:

(a) Three members of the commission who are local elected officials, and who are appointed to such committee by the chairperson of the commission;

(b) Three representatives of the department, who are appointed by the secretary; and

(c) One member of the senate and one member of the house of representatives who are appointed by the governor.

(3) This temporary committee shall present such proposals to the commission and to the legislature on or before December 15, 1978, and shall dissolve ninety days after the presentation of such proposal.

**NEW SECTION. Sec. 16.** Having received approval pursuant to section 6 of this 1977 amendatory act:

(1) A governing unit shall not be eligible for further funding for physical plant standards for a period of ten years from the date of the completion of the said approved project; and

(2) A jail shall not be closed for noncompliance to physical plant standards within this same ten year period.

However, this section shall not apply if there is destruction of the facility because of an act of God or the result of a negligent and/or criminal act.

**NEW SECTION. Sec. 17.** Sections 1 through 16 of this 1977 amendatory act shall be known and may be cited as the City and County Jails Act.

**NEW SECTION. Sec. 18.** Sections 1 through 15 of this 1977 amendatory act shall constitute a new chapter in Title 70 RCW.

Sec. 19. Section 35.21.330, chapter 7, Laws of 1965 and RCW 35.21.330 are each amended to read as follows:

Cities and towns may acquire, build, operate and maintain (~~(jails, workhouses, workshops, stockades and other places of detention and confinement)~~) holding, detention and correctional facilities as defined in section 2 of this 1977 amendatory act at any place within the territorial limits of the county in which the city or town is situated, as may be selected by the legislative authority of the municipality; PROVIDED, That such facilities comply with the provisions of sections 1 through 16 of this 1977 amendatory act and rules adopted thereto.

Sec. 20. Section 35.22.280, chapter 7, Laws of 1965 as last amended by section 1, chapter 16, Laws of 1971 ex. sess. and RCW 35.22.280 are each amended to read as follows:

Any city of the first class shall have power:

(1) To provide for general and special elections, for questions to be voted upon, and for the election of officers;

(2) To provide for levying and collecting taxes on real and personal property for its corporate uses and purposes, and to provide for the payment of the debts and expenses of the corporation;

(3) To control the finances and property of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for any part of the corporate uses provided for by its charter, and to dispose of any such property as the interests of the corporation may, from time to time, require;

(4) To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed the limitation of indebtedness prescribed by chapter 39.36 RCW as now or hereafter amended;

(5) To issue bonds in place of or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same;

(6) To purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making just compensation to the owners thereof, and to institute and maintain such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use;

(7) To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public grounds, and to regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in, or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof;

(8) To change the grade of any street, highway, or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway, or alley at any point opposite to the point where such change shall be made with reference to the grade of such street, highway, or alley as the same existed prior to such change;

(9) To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley, or public place in such city, and to prescribe the

terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars, and locomotives within the corporate limits of said city; and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads;

(10) To provide for making local improvements, and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof;

(11) To acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same. When the language of any instrument by which any property is so acquired limits the use of said property to park purposes and contains a reservation of interest in favor of the grantor or any other person, and where it is found that the property so acquired is not needed for park purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, the city may, with the consent of the grantor or such other person, his heirs, successors, or assigns, exchange such property for other property to be dedicated for park purposes, and may make, execute, and deliver proper conveyances to effect the exchange. In any case where, owing to death or lapse of time, there is neither donor, heir, successor, or assignee to give consent, this consent may be executed by the city and filed for record with an affidavit setting forth all efforts made to locate people entitled to give such consent together with the facts which establish that no consent by such persons is attainable. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes, but the right of the public shall be transferred and preserved with like force and effect to the property received by the city in such exchange;

(12) To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof;

(13) To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining contiguous, or proximate property, or others specially benefited thereby; and to provide for the manner of making and collecting assessments therefor;

(14) To provide for erecting, purchasing, or otherwise acquiring waterworks, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or authorize the construction of same by others when deemed for the best interests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied;

(15) To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof;

(16) To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of

proper legal weights and measures by all vendors in such city, and to provide for the inspection thereof;

(17) To erect and establish hospitals and pesthouses, and to control and regulate the same;

~~(18) ((To erect and establish work houses and jails, and to control and regulate the same, and to provide for the working of prisoners confined therein;~~

~~(19)))~~ To provide for establishing and maintaining reform schools for juvenile offenders;

~~((20)))~~ (19) To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such percent of all moneys collected for fines, penalties, and licenses as shall be prescribed by its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public;

~~((21)))~~ (20) To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof;

~~((22)))~~ (21) To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof;

~~((23)))~~ (22) To provide for the prevention and extinguishment of fires and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks;

~~((24)))~~ (23) To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in safe condition;

~~((25)))~~ (24) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

~~((26)))~~ (25) To deepen, widen, dock, cover, wall, alter, or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks, and levees, and to control and regulate the use thereof;

~~((27)))~~ (26) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercrafts and their cargoes within the jurisdiction of the corporation;

~~((28)))~~ (27) To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States;

~~((29))~~ (28) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

~~((30))~~ (29) To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish, the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose;

~~((31))~~ (30) To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;

~~((32))~~ (31) To regulate the selling or giving away of intoxicating, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state: PROVIDED, That no license shall be granted to any person or persons who shall not first comply with the general laws of the state in force at the time the same is granted;

~~((33))~~ (32) To grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same: PROVIDED, That no license shall be granted to continue for longer than one year from the date thereof;

~~((34))~~ (33) To regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

~~((35))~~ (34) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

~~((36))~~ (35) To provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city. The punishment shall not exceed a fine of five hundred dollars or imprisonment in the city jail for six months, or both such fine and imprisonment;

~~((37))~~ (36) To project or extend its streets over and across any tidelands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce;

~~((38))~~ (37) To provide in their respective charters for a method to propose and adopt amendments thereto.



Sec. 21. Section 35.23.440, chapter 7, Laws of 1965 as amended by section 7, chapter 116, Laws of 1965 ex. sess. and RCW 35.23.440 are each amended to read as follows:

The city council of each second class city shall have power and authority:

(1) **Ordinances:** To make and pass all ordinances, orders and resolutions not repugnant to the Constitution of the United States or the state of Washington, or the provisions of this title, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this title.

(2) **License of shows:** To fix and collect a license tax, for the purposes of revenue and regulation, on theatres, melodeons, balls, concerts, dances, theatrical, circus or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard tables, pool tables, bowling alleys, exhibitions, or amusements.

(3) **Hotels, etc., licenses:** To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage and steamboat companies or owners, whose principal place of business is in such city, or who have an agency therein.

(4) **Auctioneers' licenses:** To license and regulate auctioneers for the purposes of revenue and regulation.

(5) **Peddlers', etc., licenses:** To license, for the purposes of revenue and regulation, tax, prohibit, suppress and regulate all raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths or sheds; and to regulate as authorized by state law all tipling houses, dram shops, saloons, bars and barrooms.

(6) **Dance houses:** To prohibit or suppress, or to license and regulate all dance houses, fandango houses, or any exhibition or show of any animal or animals.

(7) **License vehicles:** To license for the purposes of revenue and regulation, and to tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage and property.

(8) **Hotel runners:** To license or suppress runners for steamboats, taverns, or hotels.

(9) **License generally:** To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: PROVIDED, That on any business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.

(10) **Riots:** To prevent and restrain any riot or riotous assemblages, disturbance of the peace or disorderly conduct in any place, house or street in the city.

(11) **Nuisances:** To declare what shall be deemed nuisances; to prevent, remove and abate nuisances at the expense of the parties creating, causing or committing or maintaining the same, and to levy a special assessment on the land or premises

whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

(12) Stock pound: To establish, maintain and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

(13) Control of certain trades: To control and regulate slaughterhouses, wash-houses, laundries, tanneries, forges and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

(14) Street cleaning: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards or public grounds of such city, or elsewhere therein.

~~(15) ((City jail: To establish, alter and repair city prisons and to provide for the regulation of the same, and for the safekeeping of persons committed thereto; to provide for the care, feeding and clothing of the city prisoners, to provide for the formation of a chain gang for persons convicted of crimes or misdemeanors, and their proper employment and compulsory working for the benefit of the city; and also to provide for the arrest and compulsory working of vagrants: PROVIDED, That no prisoner shall be required to perform any labor until he has been duly convicted of some offense punishable by imprisonment and duly sentenced thereto:~~

~~(16))~~ (16) Gambling, etc.: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions and shows.

~~((17))~~ (16) Markets: To establish and regulate markets and market places.

~~((18))~~ (17) Speed of railroad cars: To fix and regulate the speed at which any railroad cars, streetcars, automobiles or other vehicles may run within the city limits, or any portion thereof.

~~((19))~~ (18) City commons: To provide for and regulate the commons of the city.

~~((20))~~ (19) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.

~~((21))~~ (20) Combustibles: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

~~((22))~~ (21) Property: To have, purchase, hold, use and enjoy property of every name or kind whatsoever, and to sell, lease, transfer, mortgage, convey, control or improve the same; to build, erect or construct houses, buildings or structures of any kind needful for the use or purposes of such city.

~~((23))~~ (22) Fire department: To establish, continue, regulate and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish and maintain a paid fire department for such city.

~~((24))~~ (23) Water supply: To adopt, enter into and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

~~((25))~~ (24) Overflow of water: To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.

~~((26))~~ (25) House numbers: To provide for the numbering of houses.

~~((27))~~ (26) Health board: To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.

~~((28))~~ (27) Harbors and wharves: To build, alter, improve, keep in repair and control the waterfront; to erect, regulate and repair wharves, and to fix the rate of wharfage and transit of wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing and removing steamboats, sail vessels, rafts, barges and all other watercraft; to fix the rate of speed at which steamboats and other steam watercraft may run along the waterfront of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or watercourses or channels.

~~((29))~~ (28) License of steamers: To license steamers, boats and vessels used in any watercourse in the city, and to fix and collect a license tax thereon.

~~((30))~~ (29) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.

~~((31))~~ (30) Penalty for violation of ordinances: To determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the state laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five hundred dollars or six months' imprisonment, or both; and every violation of any lawful order, regulation or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the state of Washington.

~~((32))~~ (31) Police department: To create and establish a city police; to prescribe their duties and their compensation and to provide for the regulation and government of the same.

~~((33))~~ (32) Elections: To provide for conducting elections and establishing election precincts when necessary, to be as near as may be in conformity with the state law.

~~((34))~~ (33) Examine official accounts: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management or disposition of moneys, property or business of the city.

~~((35))~~ (34) Contracts: To make all appropriations, contracts or agreements for the use or benefit of the city and in the city's name.

~~((36))~~ (35) Streets and sidewalks: To provide by ordinance for the opening, laying out, altering, extending, repairing, grading, paving, planking, graveling, macadamizing, or otherwise improving of public streets, avenues and other public ways, or any portion of any thereof; and for the construction, regulation and repair of sidewalks and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks and squares, and to enforce the observance thereof.

~~((37))~~ (36) Waterways: To clear, cleanse, alter, straighten, widen, fill up or close any waterway, drain or sewer, or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.

~~((38))~~ (37) Sewerage: To adopt, provide for, establish and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms and place of connection with main or central lines of pipes, sewers or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for nonconformity to, or failure to comply with the provisions of such system and regulations or either.

~~((39))~~ (38) Buildings and parks: To provide for all public buildings, public parks or squares, necessary or proper for the use of the city.

~~((40))~~ (39) Franchises: To permit the use of the streets for railroad or other public service purposes.

~~((41))~~ (40) Payment of judgments: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise or rights, or interest, shall be attached, levied upon or sold in or under any process whatsoever.

~~((42))~~ (41) Weighing of fuel: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office, and the fees he shall receive for his services: PROVIDED, That such fees shall in all cases be paid by the parties requiring such service.

~~((43))~~ (42) Hospitals, etc.: To erect and establish hospitals and pesthouses and to control and regulate the same.

~~((44))~~ (43) Waterworks: To provide for the erection, purchase or otherwise acquiring of waterworks within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

~~((45))~~ (44) City lights: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric or other light, and for the ownership, purchase or acquisition, construction, or maintenance of such works as may be necessary or convenient therefor: PROVIDED,

That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

~~((46))~~ (45) Parks: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

~~((47))~~ (46) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

~~((48))~~ (47) Power of eminent domain: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, waterworks or for any other municipal purpose and to acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this title, as the interests of the city may from time to time require.

~~((49))~~ (48) To provide for the assessment of taxes: To provide for the assessment, levying and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

~~((50))~~ (49) Local improvements: To provide for making local improvements, and to levy and collect special assessments on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous, or proximate property, and to provide for the manner of making and collecting assessments therefor.

~~((51))~~ (50) Cemeteries: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

~~((52))~~ (51) Fire limits: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick and other buildings, party walls and partition fences shall be constructed and maintained.

~~((53))~~ (52) Safety and sanitary measures: To require the owners of public halls, theaters, hotels and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of watercourses and canals and for the draining and filling up of ponds on private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of the city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons afflicted with any contagious disease to some suitable place to be provided for that purpose.

~~((54))~~ (53) To regulate liquor traffic: To regulate the selling or giving away of intoxicating, spirituous, malt, vinous, mixed or fermented liquors as authorized by the general laws of the state.

~~((55))~~ (54) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

~~((56))~~ (55) To provide for the general welfare.

Sec. 22. Section 35.24.160, chapter 7, Laws of 1965 and RCW 35.24.160 are each amended to read as follows:

The department of police in a city of the third class shall be under the direction and control of the chief of police subject to the direction of the mayor. The chief of police shall prosecute before the police justice all violations of city ordinances which come to his knowledge. ~~((He shall have charge of the city prisons and prisoners and of any chain gang which may be established by the city council.))~~ He may pursue and arrest violators of city ordinances beyond the city limits.

His lawful orders shall be promptly executed by deputies, police officers and watchmen. Every citizen shall lend him aid, when required, for the arrest of offenders and maintenance of public order. With the concurrence of the mayor, he may appoint additional policemen to serve for one day only under his orders in the preservation of public order.

He shall have the same authority as that conferred upon sheriffs for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or the public authorities in the lawful exercise of their functions and shall be entitled to the same protection.

He shall perform such other services as may be required by statute or ordinances of the city.

He shall execute and return all process issued and directed to him by lawful authority and for his services shall receive the same fees as are paid to constables.

Sec. 23. Section 35.24.290, chapter 7, Laws of 1965 as amended by section 10, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.290 are each amended to read as follows:

The city council of each third class city shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state or of the United States;

(2) To prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof and to cause the impounding and sale of any such animals;

(3) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish and reestablish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part; to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cultivate and maintain parking strips therein, and generally to manage and control all such highways and places; to provide by local assessment for the leveling up and surfacing and oiling or otherwise treating for the laying of dust, all streets within the city limits;

(4) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets and alleys or within two hundred feet thereof along which sewers shall have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of the property on such streets and alleys or within two hundred feet thereof fail to make such connections within the time fixed by such council, it may cause such connections to be made and assess against the property served thereby the costs and expenses thereof;

(5) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(6) To impose and collect an annual license on every dog within the limits of the city, to prohibit dogs running at large and to provide for the killing of all dogs not duly licensed found at large;

(7) To license, for the purposes of regulation and revenue, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise;

(8) To improve rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channel thereof, and remove obstructions therefrom; to improve the water-front of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the filling of the water of any bay, except such filling over tide or shorelands as may be provided for by order of the city council; to purify and prevent the pollution of streams of water, lakes or other sources of supply, and for this purpose shall have jurisdiction over all streams, lakes or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof;

(9) To erect and maintain buildings for municipal purposes;

(10) To permit, under such restrictions as it may deem proper, and to grant franchises for, the laying of railroad tracks, and the running of cars propelled by electric, steam or other power thereon, and the laying of gas and water pipes and steam mains and conduits for underground wires, and to permit the construction of tunnels or subways in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein;

(11) In its discretion to divide the city by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: PROVIDED, That no change in the boundaries of any ward shall be made within sixty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by

general vote of the whole city as may be designated in such ordinance. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilman from the ward for which he was elected shall create a vacancy in such office;

(12) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed five hundred dollars nor the term of such imprisonment exceed the term of six months;

(13) ~~((To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property or works within the city;~~

~~(14))~~ To establish fire limits, with proper regulations;

~~((15))~~ (14) To establish and maintain a free public library;

~~((16))~~ (15) To establish and regulate public markets and market places;

~~((17))~~ (16) To punish the keepers and inmates and lessors of houses of ill fame, gamblers and keepers of gambling tables, patrons thereof or those found loitering about such houses and places;

~~((18))~~ (17) To make all such ordinances, bylaws, rules, regulations and resolutions, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws;

~~((19))~~ (18) To license steamers, boats and vessels used in any bay or other watercourse in the city and to fix and collect such license; to provide for the regulation of berths, landings, and stations, and for the removing of steamboats, sail boats, sail vessels, rafts, barges and other watercraft; to provide for the removal of obstructions to navigation and of structures dangerous to navigation or to other property, in or adjoining the waterfront, except in municipalities in counties in which there is a city of the first class.

Sec. 24. Section 35.27.240, chapter 7, Laws of 1965 as amended by section 1, chapter 125, Laws of 1965 and RCW 35.27.240 are each amended to read as follows:

The department of police in a town shall be under the direction and control of the marshal subject to the direction of the mayor. He shall prosecute before the police justice all violations of town ordinances which come to his knowledge. ~~((He shall have charge of the prison and prisoners:))~~ He may pursue and arrest violators of town ordinances beyond the town limits.

His lawful orders shall be promptly executed by deputies, police officers and watchmen. Every citizen shall lend him aid, when required, for the arrest of offenders and maintenance of public order. He may appoint, subject to the approval of the mayor, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose compensation shall be fixed by the council. With the concurrence of the mayor, he may appoint additional policemen for one day only when necessary for the preservation of public order.



He shall have the same authority as that conferred upon sheriffs for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions and shall be entitled to the same protection.

He shall execute and return all process issued and directed to him by any legal authority and for his services shall receive the same fees as are paid to constables. He shall perform such other services as the council by ordinance may require.

Sec. 25. Section 35.27.370, chapter 7, Laws of 1965 as last amended by section 15, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.370 are each amended to read as follows:

The council of said town shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state, or of the United States;

(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town; to acquire, own, and hold real estate for cemetery purposes either within or without the corporate limits, to sell and dispose of such real estate, to plat or replat such real estate into cemetery lots and to sell and dispose of any and all lots therein, and to operate, improve and maintain the same as a cemetery;

(3) To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

(4) To establish, build and repair bridges, to establish, lay out, alter, widen, extend, keep open, improve, and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated trees therein, and generally to manage and control all such highways and places;

(5) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers are constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof;

(6) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(7) To impose and collect an annual license on every dog within the limits of the town, to prohibit dogs running at large, and to provide for the killing of all dogs found at large and not duly licensed;

(8) To levy and collect annually a property tax, for the payment of current expenses and for the payment of indebtedness (if any indebtedness exists) within the limits authorized by law;

(9) To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town; and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock;

(10) To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams or water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the waterfront of the town, and to construct and maintain embankments and other works to protect such town from overflow;

(11) To erect and maintain buildings for municipal purposes;

(12) To grant franchises or permits to use and occupy the surface, the overhead and the underground of streets, alleys and other public ways, under such terms and conditions as it shall deem fit, for any and all purposes, including but not being limited to the construction, maintenance and operation of railroads, street railways, transportation systems, water, gas and steam systems, telephone and telegraph systems, electric lines, signal systems, surface, aerial and underground tramways;

(13) To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables;

(14) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed five hundred dollars, nor the term of imprisonment exceed six months;

(15) ~~((To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the town;~~

~~(+6))~~ To operate ambulance service which may serve the town and surrounding rural areas and, in the discretion of the council, to make a charge for such service;

~~((+7))~~ (16) To make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufacturers, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

NEW SECTION. Sec. 26. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 27. The following acts or parts of acts are each hereby repealed:

(1) Sections 36.63.010 through 36.63.110, chapter 4, Laws of 1963 and RCW 36.63.010 through 36.63.110;

(2) Section 36.63.120, chapter 4, Laws of 1963, section 1, chapter 17, Laws of 1969 and RCW 36.63.120;

(3) Sections 36.63.130 through 36.63.250, chapter 4, Laws of 1963 and RCW 36.63.130 through 36.63.250;

(4) Sections 1 through 9, chapter 81, Laws of 1974 ex. sess. and RCW 36.63A.010 through 36.63A.910;

(5) Sections 36.63.260 through 36.63.440, chapter 4, Laws of 1963 and RCW 36.63.260 through 36.63.440;

(6) Section 2214, Code of 1881 and RCW 70.20.140; and

(7) Section 32, chapter 171, Laws of 1961, section 84, chapter 75, Laws of 1977 and RCW 72.01.420.

**NEW SECTION.** Sec. 28. There is hereby appropriated the sum of fifty thousand dollars from the state general fund for the purpose of carrying out the provisions of this 1977 amendatory act.

**NEW SECTION.** Sec. 29. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 13, 1977.

Passed the House June 13, 1977.

Approved by the Governor June 23, 1977.

Filed in Office of Secretary of State June 23, 1977.

## CHAPTER 317

[Engrossed Substitute Senate Bill No. 2537]

### TRANSPORTATION TAXATION

AN ACT Relating to transportation taxation; amending section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 156, Laws of 1971 ex. sess. and RCW 82.36.010; amending section 1, chapter 28, Laws of 1974 ex. sess. and RCW 82.36.020; amending section 82.36.100, chapter 15, Laws of 1961 as last amended by section 3, chapter 83, Laws of 1967 ex. sess. and RCW 82.36.100; amending section 3, chapter 22, Laws of 1963 ex. sess. as amended by section 4, chapter 83, Laws of 1967 ex. sess. and RCW 82.37.030; amending section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 1, chapter 62, Laws of 1975 1st ex. sess. and RCW 82.38.030; amending section 35.77.010, chapter 7, Laws of 1965 as last amended by section 1, chapter 215, Laws of 1975 1st ex. sess. and RCW 35.77.010; amending section 46.68.090, chapter 12, Laws of 1961 as last amended by section 74, chapter 32, Laws of 1967 and RCW 46.68.090; amending section 46.68.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 51, Laws of 1977 and RCW 46.68.100; amending section 9, chapter 83, Laws of 1967 ex. sess. and RCW 46.68.150; amending section 10, chapter 83, Laws of 1967 ex. sess. as amended by section 1, chapter 253, Laws of 1975 1st ex. sess. and RCW 47.26.040; amending section 14, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.080; amending section 24, chapter 83, Laws of 1967 ex. sess. as amended by section 2, chapter 253, Laws of 1975 1st ex. sess. and RCW 47.26.180; amending section 25, chapter 83, Laws of 1967 ex. sess. as last amended by section 2, chapter 126, Laws of 1973 1st ex. sess. and RCW 47.26.190; amending section 30, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.240; amending section 33, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.270; amending section 41, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.405; amending section 45, chapter 83, Laws of 1967 ex. sess. as amended by section 4, chapter 169, Laws of 1973

1st ex. sess. and RCW 47.26.420; amending section 49, chapter 83, Laws of 1967 ex. sess. as amended by section 6, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.424; amending section 50, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.425; adding a new section to chapter 46.68 RCW; adding new sections to chapter 47.26 RCW, one of which is to be codified as RCW 47.26.4251; adding a new section to chapter 82.36 RCW; declaring emergency; and providing effective dates.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 156, Laws of 1971 ex. sess. and RCW 82.36.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle which is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable gas, or liquid, by whatsoever name such gasoline, gas or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles(;) or motorboats;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of motor vehicles;

(6) "Director" means the director of motor vehicles;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;

(15) "Weighted average retail sales price of motor vehicle fuel" means the average retail sales price excluding any federal excise tax of the several grades of motor vehicle fuel (other than special fuels taxed pursuant to chapter 82.38 RCW) sold by service stations throughout the state (less any state excise taxes on the sale, distribution, or use thereof) weighted to reflect the quantities sold at each different price;

(16) "Aggregate motor vehicle fuel tax revenues" means the amount of excise taxes to be paid by distributors, retailers, and users pursuant to chapters 82.36, 82.37, and 82.38 RCW, as now or hereafter amended, for any designated fiscal period, whether or not such amounts are actually received by the department of motor vehicles. The phrase does not include fines or penalties assessed for violations;

(17) "Fiscal half-year" means a six month period ending June 30th or December 31st.

Sec. 2. Section 1, chapter 28, Laws of 1974 ex. sess. and RCW 82.36.020 are each amended to read as follows:

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director (~~(of nine cents)~~) at a rate computed in the manner provided in section 6 of this 1977 amendatory act for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100: PROVIDED, That under such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. Any person paying such excise tax who, in turn, sells or distributes such fuel to another, whether or not for use, shall include the tax as part of the selling price of the fuel. Any person thereafter paying a price for such fuel which includes an increment for the tax imposed hereunder, and who subsequently resells said fuel, shall include the increment so paid as part of the selling price of the fuel. The tax imposed hereunder shall be in addition to any other tax required by law, and shall not be imposed under circumstances in which the tax is prohibited by the Constitution or laws of the United States. The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel.

The proceeds of the (~~nine cents~~) motor vehicle fuel excise tax collected on the net gallonage after the deduction provided for herein and after the deductions for refunds and costs of collection as provided in RCW 46.68.090 as now or hereafter amended, shall be distributed as ((follows:

~~(1) Six and seven-eighths cents shall be distributed between the state, cities, counties, and Puget Sound ferry operations account in the motor vehicle fund under the provisions of RCW 46.68.090 and 46.68.100 as now or hereafter amended.~~

~~(2) Five-eighths of one cent shall be distributed to the state and expended pursuant to RCW 46.68.150.~~

~~(3) Five-eighths of one cent shall be paid into the motor vehicle fund and credited to the urban arterial trust account created by RCW 47.26.080.~~

~~(4) Three-eighths of one cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350.~~

~~(5) One-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110, subject to the provisions of RCW 35.76.050. PROVIDED, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by \*this 1961 amendatory act shall be used exclusively for the construction, improvement and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120, or for the payment of any municipal indebtedness which may be incurred after June 12, 1963 in the construction, improvement and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090) provided in RCW 46.68.100, as now or hereafter amended.~~

Sec. 3. Section 82.36.100, chapter 15, Laws of 1961 as last amended by section 3, chapter 83, Laws of 1967 ex. sess. and RCW 82.36.100 are each amended to read as follows:

Every person other than a distributor who acquires any motor vehicle fuel within this state upon which payment of tax is required under the provisions of this chapter, or imports such motor vehicle fuel into this state and sells, distributes, or in any manner uses it in this state shall, if the tax has not been paid, apply for a license to carry on such activities, file bond, make reports, comply with all regulations the director may prescribe in respect thereto, and pay ((~~a~~) an excise tax ((of nine cents)) at the rate computed in the manner provided in section 6 of this 1977 amendatory act for each gallon thereof so sold, distributed, or used during the fiscal half-year for which such rate is applicable in the manner provided for distributors, and the director shall issue a license to such person in the manner provided for issuance of licenses to distributors. The proceeds of the tax imposed by this section shall be distributed in the manner provided for the distribution of the motor vehicle fuel excise tax in RCW 82.36.020 as now or hereafter amended. However, a distributor licensed under the provisions of this chapter may deliver motor vehicle fuel to an importer in individual quantities of five hundred gallons or less and assume the liability for payment of the tax to this state. Under such conditions, the importer shall be exempt from the requirements of this section. For failure to comply with the terms of this chapter such person shall be subject to the same penalties imposed upon distributors. The director shall pursue against such persons the same procedure and remedies for audits, adjustments, collection, and enforcement of this chapter as is provided with respect to distributors. Nothing herein shall be construed as classifying such persons as distributors.

Sec. 4. Section 3, chapter 22, Laws of 1963 ex. sess. as amended by section 4, chapter 83, Laws of 1967 ex. sess. and RCW 82.37.030 are each amended to read as follows:

In consideration of the use of the public highways of this state, motor carriers who import motor vehicle fuel into the state of Washington in the fuel supply tank or tanks of commercial motor vehicles for use in propelling said vehicles on said highways shall be subject to a tax for such use of the highways as hereinafter provided. A tax at the rate ~~((of nine cents))~~ computed in the manner provided in section 6 of this 1977 amendatory act per gallon is hereby imposed upon every motor carrier measured and determined by the number of gallons of motor vehicle fuel so imported and actually used by such motor carrier in its operations within this state during the fiscal half-year for which such rate is applicable.

Sec. 5. Section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 1, chapter 62, Laws of 1975 1st ex. sess. and RCW 82.38.030 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax ~~((of nine cents))~~ at the rate computed in the manner provided in section 6 of this 1977 amendatory act per gallon or each one hundred cubic feet of compressed natural gas measured at standard pressure and temperature on the use (within the meaning of the word use as defined herein) of special fuel in any motor vehicle ~~((~~PROVIDED, That in order to encourage experimentation with nonpolluting fuels, no tax shall be imposed upon the use of natural gas as herein defined or on liquified petroleum gas, commonly called propane, which is used in any motor vehicle until July 1, 1977~~))~~ during the fiscal half-year for which such rate is applicable.

(2) Said tax shall be collected by the special fuel dealer and shall be paid over to the department as hereinafter provided: (a) With respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles or into storage facilities used for the fueling of motor vehicles at unbonded service stations in this state; or (b) in all other transactions where the purchaser indicates in writing to the special fuel dealer prior to or at the time of the delivery that the entire quantity of the special fuel covered by the delivery is for use by him for a taxable purpose as a fuel in a motor vehicle.

(3) Said tax shall be paid over to the department by the special fuel user as hereinafter provided: (a) With respect to special fuel upon which the tax has not previously been imposed which was acquired in any manner other than by delivery by a special fuel dealer into a fuel supply tank of a motor vehicle in this state; or (b) in all transactions with a special fuel dealer in this state where a written statement has not been furnished to the special fuel dealer as set forth in subsection (2)(b) of this section.

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a bonded special fuel dealer to special fuel users who are authorized by the department as hereinafter provided, to purchase fuel without payment of tax to the bonded special fuel dealer.

NEW SECTION. Sec. 6. There is added to chapter 82.36 RCW a new section to read as follows:

(1) (a) During the fifth month of each fiscal half-year ending June 30th and December 31st of each year, the department of motor vehicles shall compute a motor vehicle fuel tax rate to the nearest one-half cent per gallon of motor vehicle fuel by multiplying twenty-one and one-half percent times the weighted average retail sales price of motor vehicle fuel, per gallon, sold within the state in the third month of such fiscal half-year. The department of motor vehicles shall determine the weighted average retail sales price of motor vehicle fuel by state-wide sampling and survey techniques designed to reflect such prices for the third month of such fiscal half-year. The department shall establish reasonable guidelines for its sampling and survey methods.

(b) Subject to provisions of subsections (2) and (3) of this section the excise tax rate computed in the manner provided in subsection (1) of this section shall apply to the sale, distribution, or use of motor vehicle fuel beginning the fiscal half-year following computation of the rate and shall remain in effect for each succeeding fiscal half-year until a subsequent computation requires a change in the rate. For the first fiscal half-year after the effective date of this 1977 amendatory act, the motor vehicle fuel tax shall be eleven cents per gallon.

(2) (a) The motor vehicle fuel tax rate for any fiscal half-year shall not exceed twelve cents per gallon nor exceed a rate as computed in this subsection.

(b) Each fiscal half-year at the time the department of motor vehicles computes the excise tax rate for the ensuing fiscal half-year of a biennium, the department shall estimate the total aggregate motor vehicle fuel tax revenues and the total of all other state revenues which will accrue to the motor vehicle fund during the full biennium. The estimated total aggregate motor vehicle fuel tax revenues for the biennium shall include those revenues which have accrued to the motor vehicle fund for the half-year or half-years of the biennium that have then elapsed plus revenues which the department determines will accrue during the remaining fiscal half-years of the biennium, assuming the sale, distribution, and use of motor vehicle fuel and special fuel within the state for the remaining fiscal half-years of the biennium shall be at the same volume as during the fiscal half-year last ended, adjusted however for the historic variations in sales, distribution, and use according to half-yearly periods and for projected trends, and at the weighted average retail sales price of motor vehicle fuel as last determined by the department of motor vehicles. The estimated total of all other state revenues to accrue to the motor vehicle fund during the biennium shall include those revenues (other than the aggregate motor vehicle fuel tax revenues) which have accrued to the motor vehicle fund for the half-year or half-years of the biennium that have then elapsed plus revenues which the department of highways with the concurrence of the office of program planning and fiscal management determines will accrue during the remaining fiscal half-years of the biennium, assuming that collections of such revenues for the remaining fiscal half-years of the biennium shall be at the same level as during the fiscal half-year just ended, adjusted however for historic variations in collections according to half-yearly periods and for projected trends, and shall include state revenues in the motor vehicle fund balance as of the end of the prior biennium as certified by the state treasurer, less an appropriate minimum balance for the biennium as determined by the department of highways with the concurrence of the office of program planning and fiscal management and the proceeds of the sale of



bonds but shall not include reimbursements to the motor vehicle fund for services performed by the department of highways for others.

(c) If the estimated biennial aggregate motor vehicle fuel tax revenues as computed in paragraph (b) of this subsection, exceed the total of all appropriations, reappropriations, and transfers of state revenues from the motor vehicle fund for the biennium (less the estimated total of all other state revenues which will accrue to the motor vehicle fund during the biennium as computed in paragraph (b) of this subsection) by more than five percent thereof, the rate of the motor vehicle fuel tax (computed as provided in subsection (1) of this section) shall be reduced by one-half cent increments, commencing at the beginning of the ensuing fiscal half-year, as may be necessary to reduce such estimated total revenues for the full biennium to within the total of such appropriations, reappropriations, and transfers plus five percent thereof.

(3) (a) Notwithstanding any other provisions of this section the excise tax rate for any fiscal half-year shall not be less than nine cents per gallon nor less than the rate as computed in this subsection.

(b) Each fiscal half-year at the time the department of motor vehicles computes the excise tax rate for the ensuing fiscal half-year of a fiscal year, the department shall estimate the total aggregate motor vehicle fuel tax revenues which will accrue to the motor vehicle fund during such fiscal year in the same manner that such revenues are estimated for a full biennium. If such estimated aggregate motor vehicle fuel tax revenues for the fiscal year are less than an amount equal to the aggregate motor vehicle fuel tax revenues collected during the fiscal year ending June 30, 1973, increased by six percent per year compounded annually for each year which has elapsed from June 30, 1973, to June 30th of the fiscal year for which estimated aggregate motor vehicle fuel tax revenues were computed, the department shall increase the rate of the excise tax by one-half cent increments, but not to exceed a total excise tax of twelve cents per gallon, commencing at the beginning of the ensuing fiscal half-year as necessary to produce estimated aggregate motor vehicle fuel tax revenues for such fiscal year as great as such revenues collected during the 1973 fiscal year increased by six percent per year compounded annually from June 30, 1973, to June 30th of the fiscal year for which such minimum half-yearly tax rate is being computed.

(4) (a) Except as otherwise provided in paragraph (b) of this subsection, if the department of highways receives notification that unanticipated federal funds in excess of one million dollars above appropriations of federal funds from the motor vehicle fund for a biennium will be received for expenditure during that biennium, the highway commission shall give notice of the amount of such unanticipated funds to the department of motor vehicles which shall include such amount in the computation of the estimated total of all other state revenues to accrue during the biennium under paragraph (b) of subsection (2) of this section for purposes of computing the maximum rate of motor vehicle fuel tax as provided in this section.

(b) Upon receipt by the department of highways of notification that unanticipated federal funds in excess of one million dollars above appropriations of federal funds from the motor vehicle fund for a biennium will be received for expenditure during that biennium, if the highway commission determines that such funds or any part thereof may not legally or operationally be substituted for purposes for

which state motor vehicle fund moneys have been appropriated, or determines that substitution of such federal funds for state funds would delay the construction of needed highway improvements, the highway commission shall forthwith notify the governor and the standing committees on transportation of the house and senate of its determination. If both the governor and the standing committees concur in the commission's determination, the unanticipated federal funds shall not be considered by the department of motor vehicles in computing the estimated total of all other state revenues to accrue during the biennium under paragraph (b) of subsection (2) of this section.

Sec. 7. Section 35.77.010, chapter 7, Laws of 1965 as last amended by section 1, chapter 215, Laws of 1975 1st ex. sess. and RCW 35.77.010 are each amended to read as follows:

(1) (~~Prior to July 1, 1968,~~) The legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six calendar years and shall file the same with the director of highways not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body prior to July 1st of each year shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program, and each one year extension and revision shall be filed with the director of highways not more than thirty days after its adoption. The purpose of this section shall be to assure that perpetually each city and town shall have available advanced plans, looking to the future for not less than six years as a guide in carrying out a coordinated street construction program. Such program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six year program of each city lying within an urban area shall contain a separate section setting forth the six year program for arterial street construction based upon its long range construction plan and formulated in accordance with regulations of the urban arterial board. The six year program for arterial street construction shall be submitted to the urban arterial board forthwith after its annual revision and adoption by the legislative body of the city. The six year program for arterial street construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority may request for urban arterials only from the urban arterial trust account for the six year period. The arterial street construction program shall provide for a more rapid rate of completion of the long range construction needs of major arterial streets than for secondary and collector arterial streets, pursuant to regulations of the urban arterial board: PROVIDED, That urban arterial trust funds made available to the group of incorporated cities lying outside the boundaries of federally approved urban areas within each region need not be divided between functional classes of arterials but shall be available for any designated arterial street.

(2) On and after July 1, 1976, each six year program forwarded to the director in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycle, pedestrian, and equestrian purposes.

Sec. 8. Section 46.68.090, chapter 12, Laws of 1961 as last amended by section 74, chapter 32, Laws of 1967 and RCW 46.68.090 are each amended to read as follows:

All moneys which have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and ~~((use))~~ special fuel tax shall be first expended for the following purposes:

(1) For payment of refunds of motor vehicle fuel tax and ~~((use))~~ special fuel tax which has been paid and is refundable as provided by law;

(2) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of motor vehicles of the state of Washington in the administration of the motor vehicle fuel tax and the ~~((use))~~ special fuel tax, said sums to be distributed monthly.

The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the ~~((use))~~ special fuel tax and remaining after payments as provided in subsections (1) and (2) above shall, for the purposes of this chapter, be referred to as the "net tax amount."

Sec. 9. Section 46.68.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 51, Laws of 1977 and RCW 46.68.100 are each amended to read as follows:

From the net tax amount in the motor vehicle fund there shall be paid monthly as funds accrue the following sums ((as follows)):

~~(1) ((There shall be paid to the cities and towns of the state sums equal to ten and forty-four hundredths percent of the net tax amount to be paid monthly as the same accrues;~~

~~(2) To the counties of the state there shall be paid sums equal to thirty-two and sixty-one hundredths percent of the net tax amount out of which there shall be distributed from time to time, as directed by the highway commission, those sums as may be necessary to carry out the provisions of RCW 47.56.725 as now or hereafter amended, with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;~~

~~(3) To the state there shall be paid to be expended as provided by RCW 46.68.130, sums equal to fifty-five and five-tenths percent of the net tax amount to be paid monthly as the same accrues.~~

~~(4) There shall be paid to the Puget Sound ferry operations account sums equal to one and forty-five hundredths percent of the net tax amount to be paid monthly as the same accrues))~~ To the cities and towns, to be distributed as provided by RCW 46.68.110, sums equal to six and ninety-two hundredths percent of the net tax amount;

(2) To the cities and towns, to be expended as provided by section 10 of this 1977 amendatory act, sums equal to four and sixty-one hundredths percent of the net tax amount;

(3) To the counties, sums equal to twenty-two and seventy-eight hundredths percent of the net tax amount out of which there shall be distributed from time to time, as directed by the highway commission, those sums as may be necessary to carry out the provisions of RCW 47.56.725, with the balance of such county share

to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(4) To the urban arterial trust account in the motor vehicle fund, sums equal to seven and twelve hundredths percent of the net tax amount;

(5) To the state, to be expended as provided by RCW 46.68.130, sums equal to forty-five and twenty-six hundredths percent of the net tax amount;

(6) To the state, to be expended as provided by RCW 46.68.150 as now or hereafter amended, sums equal to six and ninety-five hundredths percent of the net tax amount;

(7) To the Puget Sound reserve account in the motor vehicle fund sums equal to three and twenty-one hundredths percent of the net tax amount;

(8) To the Puget Sound ferry operations account in the motor vehicle fund sums equal to three and fifteen hundredths percent of the net tax amount.

Nothing in this section or in RCW 46.68.090 as now or hereafter amended or 46.68.130 shall be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor and special vehicle fuels.

NEW SECTION. Sec. 10. There is added to chapter 46.68 RCW a new section to read as follows:

The sums distributed to cities and towns as set forth in subsection (2) of RCW 46.68.100, as now or hereafter amended, shall be allocated between them as provided by RCW 46.68.110, subject to the provisions of RCW 35.76.050, to be used exclusively for the construction, improvement, and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120, or for the payment of any municipal indebtedness which may be incurred after June 12, 1963, in the construction, improvement, and repair of arterial highways and city streets.

Sec. 11. Section 9, chapter 83, Laws of 1967 ex. sess. and RCW 46.68.150 are each amended to read as follows:

The ~~((proceeds of five-eighths of one cent of motor vehicle fuel tax and use fuel tax))~~ sums distributed to the state pursuant to RCW ~~((82.36.020(2), after proper deductions for refunds and costs of collection as provided in RCW 46.68.090))~~ 46.68.100(6) as now or hereafter amended, and the proceeds of bonds issued and sold pursuant to RCW 47.26.400 through 47.26.407 shall be expended by the state highway commission for construction and improvement of state highways in urban areas as provided for in RCW 47.26.040 through 47.26.070 or for payment of principal and interest on bonds issued pursuant to RCW 47.26.400 through 47.26.407: PROVIDED, That at the end of each fiscal quarter the state treasurer shall determine the amount, if any, that the sums distributed to the state pursuant to RCW 46.68.100(6) as now or hereafter amended exceed an amount equivalent to the proceeds of five-eighths of one cent motor vehicle and special fuel excise tax collected on the net gallonage after the deductions provided for in RCW 82.36.020 for the preceding fiscal quarter. The amount so ascertained shall be available first to repay the counties, cities, and towns for any moneys derived from excise taxes on motor vehicle and special fuels distributable to the counties, cities, and towns pursuant to RCW 46.68.100 but as a result of the pledge and debt service payment

provisions contained in RCW 47.26.404 and 47.26.405 and as certified by the state finance committee have been used to repay state urban bonds (and interest thereon) authorized by RCW 47.26.400 through 47.26.407, and after such sums have been repaid in full, then for expenditure as provided in RCW 46.68.130.

Sec. 12. Section 10, chapter 83, Laws of 1967 ex. sess. as amended by section 1, chapter 253, Laws of 1975 1st ex. sess. and RCW 47.26.040 are each amended to read as follows:

The term "urban area" means every area of this state designated as an urban area by the state highway commission with the approval of the federal (~~department of the~~) secretary of transportation (~~or the federal highway administrator~~) in accordance with federal law, hereafter referred to as federally approved urban areas, or areas within incorporated cities (~~as determined by the office of program planning and fiscal management~~).

Sec. 13. Section 24, chapter 83, Laws of 1967 ex. sess. as amended by section 2, chapter 253, Laws of 1975 1st ex. sess. and RCW 47.26.180 are each amended to read as follows:

Arterial designation and classification, as provided for by this chapter, shall be required to be an integral and coordinated portion of its planning process as authorized by chapters 35.63 or 36.70 RCW. The legislative authority of each county and city lying within or having within its boundaries an urban area shall with the advice and assistance of its chief engineer and its planning office divide all of its roads or streets into arterial roads or streets and access roads or streets and shall further subdivide the arterials into three functional classes to be known as major arterials, secondary arterials, and collector arterials, all in accordance with uniform standards established by the urban arterial board: PROVIDED, That incorporated cities lying outside federally approved urban areas shall not be required to subdivide arterials into functional classes. Upon receipt of the classification plans of the several counties and cities, the urban arterial board shall review and revise the classification for the urban arterials as necessary to conform with its uniform standards for classifying urban arterials.

Sec. 14. Section 25, chapter 83, Laws of 1967 ex. sess. as last amended by section 2, chapter 126, Laws of 1973 1st ex. sess. and RCW 47.26.190 are each amended to read as follows:

~~((Once each calendar quarter, the urban arterial board shall apportion funds credited to the urban arterial trust account, including the proceeds from motor vehicle fuel tax revenues, bond sales, anticipatory notes and interfund loans, which are available for the construction and improvement of urban arterials among))~~ (1) At the beginning of each biennium the urban arterial board shall establish apportionment percentages for the five regions defined in RCW 47.26.050 in the manner prescribed in RCW 47.26.060 ((relating to the apportionment of state urban funds)) for that biennium, except calculations of needs shall be based upon a projection of needs for the ensuing six year period as determined by the state highway commission. Except as otherwise provided in subsection (3) of this section, such apportionment percentages shall be used once each calendar quarter by the urban arterial board to apportion funds credited to the urban arterial trust account which are available for expenditure for urban arterial projects. The funds so apportioned

shall remain apportioned until expended on construction projects in accordance with rules and regulations of the urban arterial board.

(2) All amounts credited to the urban arterial trust account, except those provided for in subsection (3) of this section and except proceeds from the sale of first authorization bonds and any funds that may be required to repay such bonds or the interest thereon when due, after apportionment to each region, shall be divided on the basis of relative population established at the beginning of each biennium by the office of program planning and fiscal management between (a) the group of cities and that portion of those counties within federally approved urban areas and (b) the group of incorporated cities outside the boundaries of federally approved urban areas. Within each region, funds divided between the groups identified under (a) and (b) above shall then be allocated by the urban arterial board to incorporated cities and counties, as the case may be, for the construction of specific urban arterial projects in accordance with the procedures set forth in RCW 47.26.240.

(3) At the beginning of each biennium the urban arterial board shall establish apportionment percentages for each of the five regions for the apportionment of the proceeds from the sale of fifteen million dollars of series II bonds authorized by RCW 47.26.420, as now or hereafter amended, in the ratio which the population of the incorporated cities and towns lying outside the boundaries of federally approved urban areas of each region bears to the total population of all incorporated cities and towns of the state lying outside the boundaries of federally approved urban areas, as such populations are determined at the beginning of each biennium by the office of program planning and fiscal management. Such apportionment percentages shall be used once each calendar quarter by the urban arterial board to apportion funds credited to the urban arterial trust account which are available for expenditure for urban arterial projects. The funds so apportioned shall remain apportioned until expended on construction projects in accordance with rules and regulations of the urban arterial board. Funds apportioned to each region shall be allocated by the urban arterial board to incorporated cities lying outside the boundaries of federally approved urban areas, for the construction of specific urban arterial projects in accordance with the procedures set forth in RCW 47.26.240.

Sec. 15. Section 30, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.240 are each amended to read as follows:

Upon receipt of a county's or city's revised six year program, the urban arterial board as soon as practicable shall review and may revise the construction program as it relates to urban arterials for which urban arterial trust account moneys are requested as necessary to conform to (1) the priority rating of the proposed project, based upon the factors in RCW 47.26.220, in relation to proposed projects in all other urban arterial construction programs submitted by the cities and counties ((in the same region)), and within each region, projects proposed by the group of cities and counties within federally approved urban areas shall be evaluated separately from the projects proposed by the group of incorporated cities outside the boundaries of federally approved urban areas; and (2) the amount of urban arterial trust account funds which the urban arterial board estimates will be apportioned to the region, and further divided between the group of cities and counties within federally approved urban areas and the group of incorporated cities outside the boundaries of federally approved urban areas, in the ensuing six year period.

Sec. 16. Section 33, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.270 are each amended to read as follows:

Counties and cities receiving funds from the urban arterial trust account for construction of arterials shall provide such matching funds as shall be established by regulations recommended by the urban arterial board subject to review, revision, and final approval by the state highway commission. Matching requirements shall be established after appropriate studies by the board taking into account (1) financial resources available to counties and cities to meet arterial needs, (2) the amounts and percentages of funds available for road or street construction traditionally expended by counties and cities on arterials, (3) in the case of counties, the relative needs of arterials lying outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally expended for arterial construction to other street or road purposes or to nonhighway purposes: PROVIDED HOWEVER, That for projects funded subsequent to the effective date of this 1977 amendatory act, and prior to July 1, 1983, cities and counties may use as matching funds any moneys received from any source, except such moneys which by law may not be used for the purposes set forth in this chapter.

Sec. 17. Section 41, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.405 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due (~~subject to the proviso of this section,~~) shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state under the provisions of RCW ~~((82.36.020(2)))~~ 46.68.100(6) as now or hereafter amended for construction of state highways in urban areas, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available to the state for construction of state highways in urban areas proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Sec. 18. Section 45, chapter 83, Laws of 1967 ex. sess. as amended by section 4, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.420 are each amended to read as follows:

In order to provide funds necessary to meet the urgent construction needs on county and city arterials within urban areas, there ~~((shall be issued and sold))~~ are hereby authorized for issuance general obligation bonds of the state of Washington, the first authorization of which shall be in the sum of two hundred million dollars ~~((or such amount thereof)),~~ and the second authorization of which, to be known as series II bonds, shall be in the sum of sixty million dollars which shall be issued and sold in such amounts and at such times as determined to be necessary by the state highway commission. The amount of such bonds issued and sold under the provisions of RCW 47.26.420 through 47.26.427 in any biennium shall not exceed the amount of a specific appropriation therefor, from the proceeds of such bonds, for the construction of county and city arterials in urban areas. The issuance, sale, and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale, and retirement of coupon or registered

bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state highway commission.

Sec. 19. Section 49, chapter 83, Laws of 1967 ex. sess. as amended by section 6, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.424 are each amended to read as follows:

Bonds issued under the provisions of RCW 47.26.420 through 47.26.427 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on such bonds shall be first payable in the manner provided in RCW 47.26.420 through 47.26.427 from the proceeds of state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 (~~RCW and chapter 82.40~~), 82.37, and 82.38 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.26.420 through 47.26.427, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.26.420 through 47.26.427.

Sec. 20. Section 50, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.425 are each amended to read as follows:

Any funds required to repay (~~such~~) the first authorization of two hundred million dollars of bonds authorized by RCW 47.26.420, as amended by section 18 of this 1977 amendatory act or the interest thereon when due, (~~subject to the proviso of this section,~~) shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the urban arterial trust account in the motor vehicle fund, and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the urban arterial trust account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

NEW SECTION. Sec. 21. There is added to chapter 47.26 RCW a new section, to be codified as RCW 47.26.4251 and to become a part of the series of RCW sections 47.26.420 through 47.26.427, to read as follows:

Any funds required to repay the authorization of series II bonds authorized by RCW 47.26.420, as amended by section 18 of this 1977 amendatory act, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund, subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420, as amended by section 18 of this 1977 amendatory act. If the moneys distributed to the urban arterial trust account shall ever be insufficient to repay the first authorization bonds together with interest thereon, and the series II bonds or the interest



thereon when due, the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.100 as now or hereafter amended. Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues which are distributable to the state, counties, cities, and towns, shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds or series II bonds or interest on said bond issues.

Sec. 22. Section 14, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.080 are each amended to read as follows:

There is hereby created in the motor vehicle fund the urban arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the urban arterial trust account shall be expended for the construction and improvement of city arterial streets and county arterial roads within urban areas, for expenses of the urban arterial board, or for the payment of principal or interest on bonds issued for the purpose of constructing or improving city arterial streets and county arterial roads within urban areas, or for reimbursement to the state, counties, cities, and towns in accordance with section 21 of this 1977 amendatory act, the amount of any payments made on principal or interest on urban arterial trust account bonds from motor vehicle or special fuel tax revenues which were distributable to the state, counties, cities, and towns.

NEW SECTION. Sec. 23. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1977, except for section 9, which shall take effect on September 1, 1977.

Passed the Senate June 20, 1977.

Passed the House June 20, 1977.

Approved by the Governor June 27, 1977.

Filed in Office of Secretary of State June 27, 1977.

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## CHAPTER 318

[Second Substitute House Bill No. 1306]

### ELECTED STATE OFFICIALS—SALARIES

AN ACT Relating to salaries of elected officials; amending section 43.03.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 113, Laws of 1975-'76 2nd ex. sess. and RCW 43.03.010; amending section 1, chapter 144, Laws of 1953 as last amended by section 2, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.04.090; amending section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 3, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.06.060; amending section 2, chapter 144, Laws of 1953 as last amended by section 4, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.08.090; amending section 100, chapter 299, Laws of 1961 as last amended by section 5, chapter 263, Laws of 1975 1st ex. sess. and RCW 3.58.010; making an appropriation; declaring an emergency; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 43.03.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 113, Laws of 1975-'76 2nd ex. sess. and RCW 43.03.010 are each amended to read as follows:

The annual salaries of the following named state elected officials shall be: Governor, (~~forty-two thousand one hundred fifty~~) forty-five thousand dollars; lieutenant governor, (~~seventeen thousand eight hundred~~) twenty-five thousand dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, (~~twenty-one thousand four hundred~~) twenty-seven thousand dollars; state treasurer, (~~twenty-four thousand one hundred fifty~~) thirty-two thousand five hundred dollars; state auditor, (~~twenty-four thousand nine hundred fifty~~) thirty-two thousand five hundred dollars; attorney general, (~~thirty-one thousand five hundred~~) forty-one thousand two hundred dollars; superintendent of public instruction, (~~thirty-one thousand five hundred~~) thirty-seven thousand four hundred dollars; commissioner of public lands, (~~twenty-nine thousand two hundred fifty~~) thirty-seven thousand four hundred dollars; state insurance commissioner, (~~twenty-four thousand fifty~~) thirty-two thousand five hundred dollars; members of the legislature shall receive for their service (~~seven thousand two~~) nine thousand eight hundred dollars per annum, effective January (~~10, 1977~~) 8, 1979; and in addition, ten cents per mile for travel to and from legislative sessions.

Sec. 2. Section 1, chapter 144, Laws of 1953 as last amended by section 2, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.04.090 are each amended to read as follows:

Each justice of the supreme court shall receive an annual salary of (~~thirty-nine thousand four hundred twelve~~) forty-five thousand dollars, but no salary warrant shall be issued to any judge of the supreme court until he shall have made and filed with the state treasurer an affidavit that no matter referred to him for opinion or decision has been uncompleted or undecided by him for more than six months.

Sec. 3. Section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 3, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.06.060 are each amended to read as follows:

Each judge of the court of appeals shall receive an annual salary of (~~thirty-six thousand three hundred twenty-five~~) forty-two thousand dollars, but no salary warrant shall be issued to any judge until he shall have made and filed with the state treasurer an affidavit that no matter referred to him for opinion or decision has been uncompleted by him for more than three months.

Sec. 4. Section 2, chapter 144, Laws of 1953 as last amended by section 4, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.08.090 are each amended to read as follows:

Each judge of the superior court shall receive an annual salary of (~~thirty-four thousand two hundred fifty~~) thirty-nine thousand dollars.

Sec. 5. Section 100, chapter 299, Laws of 1961 as last amended by section 5, chapter 263, Laws of 1975 1st ex. sess. and RCW 3.58.010 are each amended to read as follows:

The annual salary of each full time justice of the peace shall be ~~((twenty-nine))~~ thirty-three thousand dollars: PROVIDED, That in cities having a population in excess of four hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an amount not more than the salary paid the superior court judges in the county in which the court is located: PROVIDED FURTHER, That no full time justice of the peace shall perform any civil marriage between 8:00 a.m. and 5:00 p.m. Monday through Friday: PROVIDED FURTHER, That a member of the legislature whose term of office is partly coextensive with or extends beyond the present term of office of any of the officials whose salary is increased by virtue of the provisions of RCW 43.03.010, 2.04.090, 2.06.060, 2.08.090, and 3.58.010 shall be eligible to be appointed or elected to any of the offices the salary of which is increased hereby but he shall not be entitled to receive such increased salary until after the expiration of his present term of office and his subsequent election or reelection to the office to which he was appointed or elected respectively during his term of office as legislator.

NEW SECTION. Sec. 6. To carry out the provisions of this 1977 amendatory act, there is hereby appropriated out of the general fund to the governor the sum of one million two hundred thousand dollars, or so much thereof as shall be necessary.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1977.

Passed the House June 14, 1977.

Passed the Senate June 8, 1977.

Approved by the Governor June 27, 1977.

Filed in Office of Secretary of State June 27, 1977.

## CHAPTER 319

[Substitute House Bill No. 120]

### BUSINESS LICENSING AND REGISTRATION

AN ACT Relating to business licensing and registration; amending section 82.24.220, chapter 15, Laws of 1961 as amended by section 69, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.24.220; adding new sections to Title 19 RCW; repealing section 26, chapter 165, Laws of 1947 and RCW 14.04.260; repealing section 27, chapter 165, Laws of 1947 and RCW 14.04.270; repealing section 9, chapter 83, Laws of 1961 and RCW 15.14.090; repealing section 22, chapter 165, Laws of 1927 and RCW 16.44.100; repealing section 6, chapter 321, Laws of 1955 and RCW 16.72.050; repealing section 20, chapter 226, Laws of 1949 and RCW 18.04.210; repealing section 22, chapter 226, Laws of 1949, section 26, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.04.230; repealing section 46.08.060, chapter 12, Laws of 1961 and RCW 46.08.060; repealing section 8, chapter 184, Laws of 1933, section 3, chapter 305, Laws of 1959 and RCW 67.08.020; repealing section 20, chapter 184, Laws of 1933 and RCW 67.08.025; repealing section 1, chapter 206, Laws of 1959 and RCW 70.72.010; repealing section 2, chapter 206, Laws of 1959 and RCW 70.72.020; repealing section 3, chapter 206, Laws of 1959 and RCW 70.72.030; repealing section 4, chapter 206, Laws of 1959 and RCW 70.72.040; repealing section 5, chapter 206, Laws of 1959 and RCW 70.72.050; repealing section 6, chapter 206, Laws of 1959 and RCW 70.72.060; repealing section 7, chapter 206, Laws of 1959 and RCW 70.72.070; repealing section 8, chapter 206, Laws of 1959 and RCW 70.72.080; repealing section 9, chapter 206, Laws of 1959 and RCW 70.72.090; repealing section 75.28.310, chapter 12, Laws of 1955 and RCW 75.28.310; repealing section 12, chapter

36, Laws of 1917, section 8, chapter 306, Laws of 1927, section 1, chapter 211, Laws of 1943 and RCW 78.40.100; repealing section 13, chapter 36, Laws of 1917 and RCW 78.40.103; repealing section 14, chapter 36, Laws of 1917 and RCW 78.40.106; repealing section 15, chapter 36, Laws of 1917, section 9, chapter 306, Laws of 1927 and RCW 78.40.109; repealing section 16, chapter 36, Laws of 1917, section 10, chapter 306, Laws of 1927 and RCW 78.40.112; repealing section 18, chapter 36, Laws of 1917 and RCW 78.40.115; repealing section 19, chapter 36, Laws of 1917 and RCW 78.40.118; repealing section 20, chapter 36, Laws of 1917 and RCW 78.40.121; repealing section 21, chapter 36, Laws of 1917 and RCW 78.40.130; repealing section 22, chapter 36, Laws of 1917 and RCW 78.40.133; repealing section 23, chapter 36, Laws of 1917 and RCW 78.40.136; repealing section 24, chapter 36, Laws of 1917 and RCW 78.40.139; repealing section 25, chapter 36, Laws of 1917 and RCW 78.40.142; repealing section 26, chapter 36, Laws of 1917 and RCW 78.40.145; and providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to Title 19 RCW a new section to read as follows:

Experience under the pilot program of the business coordination act suggests that the number of state licenses and permits required for new businesses and the renewal of existing licenses places an undue burden on business. Studies under this act also show that the state can reduce its costs by coordinating application forms, information, and licenses. Therefore, the legislature extends the business coordination act by establishing a business registration and license program to develop and implement the following goals and objectives:

(1) The first goal of this system is to provide a convenient, accessible, and timely system for the business community to acquire and maintain the necessary state registrations and licenses to conduct business, which system shall be developed and operated in the most cost-efficient manner for the business community and state. The objectives of this goal are:

(a) To provide a service whereby information is available to the business community concerning all state registration and licensing requirements;

(b) To establish a system which will enable state agencies to efficiently store, retrieve, and exchange registration and license information with due regard to privacy statutes; to issue and renew master licenses where such licenses are appropriate; and to provide appropriate support services for this objective;

(c) To seek to provide at designated locations one consolidated application form to be completed by any given applicant; and

(d) To establish a state-wide system of common business identification.

(2) The second goal of this system is to reduce the total number of licenses required to conduct business in this state.

It is the intent of the legislature that the authority for determining if a requested license shall be issued shall remain with the agency legally authorized to issue the license or permit.

It is the further intent of the legislature that those licenses and permits which no longer serve a useful purpose in regulating certain business activities should be eliminated.

NEW SECTION. Sec. 2. There is added to Title 19 RCW a new section to read as follows:

As used in this 1977 amendatory act, the following words shall have the following meanings:

(1) "System" means the business registration and licensing center established by this 1977 amendatory act and located in and under the administrative control of the department of motor vehicles;

(2) "Board of review" means the body established to review policies and rules adopted by the department of motor vehicles for carrying out the provisions of this 1977 amendatory act;

(3) "Master license" means the document designed for public display issued by the system which certifies individual state agency approval for licenses the state requires for any person subject to the provisions of this 1977 amendatory act;

(4) "License" means the whole or part of any agency permit, license, certificate, approval, registration, charter, or any form or permission required by law, including agency rule, to engage in any activity; and

(5) "Person" means any individual, sole proprietorship, partnership, association, cooperative, corporation, nonprofit organization, state or local government agency, and any other organization required to register with the state to do business in the state and to obtain one or more licenses from the state or any of its agencies.

NEW SECTION. Sec. 3. There is added to Title 19 RCW a new section to read as follows:

(1) There is created within the department of motor vehicles a business registration and licensing system.

(2) The duties of the system shall be:

(a) To establish a service before January 1, 1978, that will provide information to persons detailing all state licenses required to engage in business in this state and the locations for applying for those licenses;

(b) To develop before April 1, 1978, a common system of identifying businesses by all state agencies;

(c) To recommend to the legislature on January 1, 1978, criteria for evaluation of existing and proposed forms of licensing authorization; and

(d) To develop a computerized system before April 1, 1980, capable of storing, retrieving, and exchanging license information as well as issuing and renewing master licenses in an efficient manner.

(3) Every state agency shall review its licenses and recommend to the legislature on January 1, 1979, those licenses that should be eliminated or consolidated and justify those that should be retained.

(4) The plan for developing the system shall include a phased approach that:

(a) Will have completed before January 1, 1978, a requirements analysis and specification document including overview systems design;

(b) Will have completed before April 1, 1978, a detailed requirements analysis including general systems design;

(c) Will have established before April 1, 1978, interagency procedures for effectuating the system;

(d) Will have selected before April 1, 1978, those licenses which will be included in the initial implementation of the system and the date and manner the licenses will be integrated into the system;

(e) Will have completed before July 1, 1978, a cost benefit analysis of the final implementation of this 1977 amendatory act; and

(f) Will have concluded before October 1, 1979, trial applications and a test of the system.

(5) The department of motor vehicles shall establish the position of assistant director of the business registrations and licenses system who will also act as executive secretary to the board of review.

(6) The director of motor vehicles may adopt under chapter 34.04 RCW such rules as may be necessary to effectuate the purposes of this 1977 amendatory act.

**NEW SECTION.** Sec. 4. There is added to Title 19 RCW a new section to read as follows:

(1) There is hereby created a board of review to provide policy direction to the department of motor vehicles as it establishes and operates the business registration and licensing system. The board of review shall include the following officials:

- (a) Director, department of revenue;
- (b) Director, department of labor and industries;
- (c) Commissioner, department of employment security;
- (d) Director, department of agriculture;
- (e) Director, department of commerce and economic development;
- (f) Director, department of motor vehicles;
- (g) Director, office of program planning and fiscal management;
- (h) Chairman, liquor board;
- (i) Secretary, department of social and health services; and
- (j) As ex officio members:
  - (i) The president of the senate or the president's designee; and
  - (ii) The speaker of the house or the speaker's designee.

(2) The governor shall appoint a chairperson from among the members of the board.

(3) The board shall meet at the call of the chairperson at least once each quarter to:

- (a) Establish interagency policy guidelines for the system;
- (b) Review the findings, status, and problems of system operations and recommend courses of action;
- (c) Receive reports from industry and agency task forces; and
- (d) Recommend to the system in questionable cases whether a specific license comes within the scope of this 1977 amendatory act.

**NEW SECTION.** Sec. 5. There is added to Title 19 RCW a new section to read as follows:

(1) The legislature hereby directs the full participation by the following agencies in the implementation of this 1977 amendatory act:

- (a) Department of agriculture;
- (b) Secretary of state;
- (c) Department of social and health services;
- (d) Department of revenue;
- (e) Department of fisheries;
- (f) Department of employment security;
- (g) Department of labor and industries;
- (h) Department of commerce and economic development;
- (i) Liquor control board;

- (j) Board of pharmacy;
- (k) Department of motor vehicles;
- (l) Utilities and transportation commission; and
- (m) Other agencies as determined by the governor.

NEW SECTION. Sec. 6. There is added to Title 19 RCW a new section to read as follows:

The department of commerce and economic development shall have the responsibility to continue the pilot program established under chapter 43.31 RCW for grocery stores until all licenses under that program are phased into the business registration and licensing system.

NEW SECTION. Sec. 7. There is added to Title 19 RCW a new section to read as follows:

Irrespective of any authority delegated to the department of motor vehicles to implement the provisions of this 1977 amendatory act, the authority for determining if any requested license shall be issued shall remain with the agency otherwise legally authorized to issue the license.

Sec. 8. Section 82.24.220, chapter 15, Laws of 1961 as amended by section 69, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.24.220 are each amended to read as follows:

Every person in this state who by means of a vending machine sells any of the articles taxed herein shall be required before engaging in such business to apply to and obtain from the department of revenue a certificate to engage in business as a retailer(~~(, and shall obtain a separate certificate for each machine used in vending or selling any of the articles taxed herein and each machine so used shall be considered a separate place of business)~~). Any articles taxed herein vended by means of any such machine shall bear stamps as evidence that the tax herein imposed has been paid and the articles taxed herein contained in such machines shall be available for inspection by the department or its duly authorized agents at all times.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

- (1) Section 26, chapter 165, Laws of 1947 and RCW 14.04.260;
- (2) Section 27, chapter 165, Laws of 1947 and RCW 14.04.270;
- (3) Section 9, chapter 83, Laws of 1961 and RCW 15.14.090;
- (4) Section 22, chapter 165, Laws of 1927 and RCW 16.44.100;
- (5) Section 6, chapter 321, Laws of 1955 and RCW 16.72.050;
- (6) Section 20, chapter 226, Laws of 1949 and RCW 18.04.210;
- (7) Section 22, chapter 226, Laws of 1949, section 26, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.04.230;
- (8) Section 46.08.060, chapter 12, Laws of 1961 and RCW 46.08.060;
- (9) Section 8, chapter 184, Laws of 1933, section 3, chapter 305, Laws of 1959 and RCW 67.08.020;

- (10) Section 20, chapter 184, Laws of 1933 and RCW 67.08.025;
- (11) Section 1, chapter 206, Laws of 1959 and RCW 70.72.010;
- (12) Section 2, chapter 206, Laws of 1959 and RCW 70.72.020;
- (13) Section 3, chapter 206, Laws of 1959 and RCW 70.72.030;
- (14) Section 4, chapter 206, Laws of 1959 and RCW 70.72.040;
- (15) Section 5, chapter 206, Laws of 1959 and RCW 70.72.050;

- (16) Section 6, chapter 206, Laws of 1959 and RCW 70.72.060;
- (17) Section 7, chapter 206, Laws of 1959 and RCW 70.72.070;
- (18) Section 8, chapter 206, Laws of 1959 and RCW 70.72.080;
- (19) Section 9, chapter 206, Laws of 1959 and RCW 70.72.090;
- (20) Section 75.28.310, chapter 12, Laws of 1955 and RCW 75.28.310;
- (21) Section 12, chapter 36, Laws of 1917, section 8, chapter 306, Laws of 1927, section 1, chapter 211, Laws of 1943 and RCW 78.40.100;
- (22) Section 13, chapter 36, Laws of 1917 and RCW 78.40.103;
- (23) Section 14, chapter 36, Laws of 1917 and RCW 78.40.106;
- (24) Section 15, chapter 36, Laws of 1917, section 9, chapter 306, Laws of 1927 and RCW 78.40.109;
- (25) Section 16, chapter 36, Laws of 1917, section 10, chapter 306, Laws of 1927 and RCW 78.40.112;
- (26) Section 18, chapter 36, Laws of 1917 and RCW 78.40.115;
- (27) Section 19, chapter 36, Laws of 1917 and RCW 78.40.118;
- (28) Section 20, chapter 36, Laws of 1917 and RCW 78.40.121;
- (29) Section 21, chapter 36, Laws of 1917 and RCW 78.40.130;
- (30) Section 22, chapter 36, Laws of 1917 and RCW 78.40.133;
- (31) Section 23, chapter 36, Laws of 1917 and RCW 78.40.136;
- (32) Section 24, chapter 36, Laws of 1917 and RCW 78.40.139;
- (33) Section 25, chapter 36, Laws of 1917 and RCW 78.40.142; and
- (34) Section 26, chapter 36, Laws of 1917 and RCW 78.40.145.

**NEW SECTION.** Sec. 10. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 11. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977.

Passed the House June 15, 1977.

Passed the Senate May 26, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

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## CHAPTER 320

[House Bill No. 236]

### STATE OFFICERS AND EMPLOYEES—FISCAL RESPONSIBILITY

**AN ACT** Relating to state government; creating new sections; prescribing penalties; declaring an emergency; and prescribing an effective date.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. As used in sections 2 and 3 of this act the term "state officer or employee" includes the members of the governing body of any state agency, as state agency is defined in RCW 43.88.020(4) and those generally known as executive management but excludes nonsupervisory state employees covered by civil service under chapters 41.06 and 28B.16 RCW.



**NEW SECTION.** Sec. 2. No state officer or employee shall intentionally or negligently: Over-expend or over-encumber any appropriation made by law; fail to properly account for any expenditures by fund, program, or biennium; or expend funds contrary to the terms, limits, or conditions of any appropriation made by law.

**NEW SECTION.** Sec. 3. (1) Where there is reason to believe that a present or former state officer or employee has violated or threatens to violate section 2 of this act, the attorney general may initiate an appropriate civil action for the enforcement of this act or to prevent any such violation. The action may be brought in the county where the alleged violator resides, or the county where the violation is alleged to have occurred or is threatened.

(2) For each violation of section 2 of this act the attorney general shall seek to recover and the court may award the following damages on behalf of the state of Washington:

(a) From each person found in violation of section 2 of this act a civil penalty in the amount of five hundred dollars, or all costs, including reasonable attorney's fees incurred by the state in said action, whichever is greater;

(b) Any damages sustained by the state as a result of the conduct constituting said violation.

In addition to the other penalties contained in this section, judgment against any person, other than an elected official, for violating section 2 of this act may include a declaration of forfeiture of such person's office or employment, to take effect immediately.

**NEW SECTION.** Sec. 4. (1) The legislative auditor, with the concurrence of the legislative budget committee, may file with the attorney general any audit exceptions or other findings of any performance audit, management study, or special report prepared for the legislative budget committee, any standing or special committees of the house or senate, or the entire legislature which indicate a violation of section 2 of this act.

(2) The attorney general shall promptly review each filing received from the legislative auditor and proceed to act thereon as provided in section 3 of this act. If for any reason the attorney general is unable to proceed the attorney general shall report this fact and the reasons therefor to the legislative budget committee.

**NEW SECTION.** Sec. 5. The civil penalties provided by this act are in addition to any other penalties which may be provided by law.

**NEW SECTION.** Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977.

Passed the House June 17, 1977.

Passed the Senate June 16, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

## CHAPTER 321

[Second Substitute House Bill No. 251]

## SENIOR CITIZENS—SERVICES—APPROPRIATION

AN ACT Relating to senior citizens; amending section 1, chapter 131, Laws of 1975-'76 2nd ex. sess. and RCW 74.38.010; amending section 2, chapter 131, Laws of 1975-'76 2nd ex. sess. and RCW 74.38.020; amending section 4, chapter 131, Laws of 1975-'76 2nd ex. sess. and RCW 74.38.040; amending section 5, chapter 131, Laws of 1975-'76 2nd ex. sess. and RCW 74.38.050; adding a new section to chapter 74.38 RCW; making an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 131, Laws of 1975-'76 2nd ex. sess. and RCW 74.38.010 are each amended to read as follows:

The legislature recognizes the need for the ~~((further))~~ development and expansion of alternative services and forms of care for senior citizens. ~~((These alternative forms should be developed to assure that senior citizens receive the level of care needed and that appropriate resources are available to match client needs. Furthermore,))~~ Such services ((received)) should be designed to restore individuals to, or maintain them at, the level of independent living they are capable of attaining. ((Such a system of alternative care should be designed to allow senior citizens to move within this system, thus allowing the appropriate services to be rendered according to the care needs.)) These alternative services and forms of care should be designed to both complement the present forms of institutional care and create a system whereby appropriate services can be rendered according to the care needs of an individual. The provision of service should continue until the client is able to function independently, moves to an institution, moves from the state, dies, or withdraws from the program.

~~((Therefore, the legislature deems it to be the public policy of this state that programs shall be developed in order to more appropriately meet the care needs of senior citizens through the creation and/or expansion of alternative care services and a resulting reduction in institutional care))~~ Therefore, it shall be the policy of this state to develop, expand, or maintain those programs which provide an alternative to institutional care when that form of care is premature, unnecessary, or inappropriate.

Sec. 2. Section 2, chapter 131, Laws of 1975-'76 2nd ex. sess. and RCW 74.38.020 are each amended to read as follows:

As used in this chapter, the following words and phrases shall have the following meaning unless the content clearly requires otherwise:

(1) "Area agency" means an agency, other than a state agency, designated by the department to carry out programs or services approved by the department in a designated geographical area of the state.

(2) "Area plan" means the document submitted annually by an area agency to the department for approval which sets forth (a) goals and measurable objectives, (b) review of past expenditures and accounting of revenue for the previous year, (c)

estimated revenue and expenditures for the ensuing year, and (d) the planning, coordination, administration, social services, and evaluation activities to be undertaken to carry out the purposes of the Older Americans Act of 1965 (42 U.S.C. Sec. 3024 et. seq.), as now or hereafter amended.

(3) "Department" means the department of social and health services.

(4) "Office" shall mean the office on aging which is the organizational unit within the department responsible for coordinating and administering aging problems.

(5) "Eligible persons" means senior citizens who are:

(a) ~~Sixty-five~~ years of age or more (~~and are either (i) nonemployed, or (ii) employed for twenty hours per week or less~~); or

(b) ~~((Are sixty-five))~~ Sixty years (~~or more~~) of age or more and are either (i) nonemployed, or (ii) employed for twenty hours per week or less; and

(c) In need of services to enable them to remain in their customary homes because of physical, mental, or other debilitating impairments.

(6) "Low income" means initial resources or subsequent income at or below forty percent of the state median income as promulgated by the secretary of the United States department of health, education and welfare for Title XX of the Social Security Act, or, in the alternative, a level determined by the department and approved by the legislature.

(7) "Income" shall have the same meaning as RCW 74.04.005(12), as now or hereafter amended; except, that money received from RCW 74.38.060 shall be excluded from this definition.

(8) "Resource" shall have the same meaning as RCW 74.04.005(11), as now or hereafter amended.

(9) "Need" shall have the same meaning as RCW 74.04.005(13), as now or hereafter amended.

Sec. 3. Section 4, chapter 131, Laws of 1975-'76 2nd ex. sess. and RCW 74.38.040 are each amended to read as follows:

The community based services for low income eligible persons provided by the department or the respective area agencies may include:

(1) Access services designed to provide identification of eligible persons, assessment of individual needs, reference to the appropriate service, and follow-up service where required. These services shall include information and referral, outreach, transportation and counseling;

(2) Day care offered on a regular, recurrent basis. General nursing, rehabilitation, personal care, nutritional services, social casework, mental health as provided pursuant to chapter 71.24 RCW and/or limited transportation services may be made available within this program;

(3) ~~((Night services offered on a regular, recurrent basis which provide therapeutic programs at other than regular working hours;~~

~~(4)))~~ In-home care for persons, including basic health care; performance of various household tasks and other necessary chores, or, a combination of these services;

~~((5)))~~ (4) Counseling on death for the terminally ill and care and attendance at the time of death; except, that this is not to include reimbursement for the use of life-sustaining mechanisms;

~~((6))~~ (5) Health services which will identify health needs and which are designed to avoid institutionalization; assist in securing admission to medical institutions or other health related facilities when required; and, assist in obtaining health services from public or private agencies or providers of health services. These services shall include ~~((periodic))~~ health screening and evaluation, in-home services, health education, and such health appliances which will further the independence and well-being of the person;

~~((7))~~ (6) The provision of low cost, nutritionally sound meals in central locations or in the person's home in the instance of incapacity. Also, supportive services may be provided in nutritional education, shopping assistance, diet counseling and other services to sustain the nutritional well-being of these persons;

~~((8))~~ (7) The provisions of services to maintain a person's home in a state of adequate repair, insofar as is possible, for their safety and comfort. These services shall be limited, but may include housing counseling, minor repair and maintenance, and moving assistance when such repair will not attain standards of health and safety, as determined by the department;

~~((9))~~ (8) Civil legal services, as limited by RCW 2.50.100, for counseling and representation in the areas of housing, consumer protection, public entitlements, property, and related fields of law.

~~((Sections 1 through 8 and section 10 of this act shall constitute a new chapter in Title 74 RCW and shall terminate January 1, 1978.))~~

Sec. 4. Section 5, chapter 131, Laws of 1975-'76 2nd ex. sess. and RCW 74.38.050 are each amended to read as follows:

The services provided in RCW 74.38.040 may be provided to nonlow income eligible persons: PROVIDED, That volunteer workers and public assistant recipients shall be utilized to the maximum extent possible to provide the services provided in RCW 74.38.040: PROVIDED FURTHER, That when volunteer workers and public assistance recipients are not available, the department shall utilize the bid procedure pursuant to chapter 43.19 RCW for providing such services to low income and nonlow income persons whenever the services to be provided are available through private agencies at a cost savings to the department. The department shall establish a fee schedule based on the ability to pay and graduated to full recovery of the cost of the service provided; except, that nutritional services, health screening, and access services provided in RCW 74.38.040 shall not be based on need and no fee shall be charged.

NEW SECTION. Sec. 5. There is added to chapter 74.38 RCW a new section to read as follows:

The department may expand the foster grandparent, senior companion, and retired senior volunteer programs funded under the Federal Volunteer Agency (ACTION) (P.L. 93-113 Title II), or its successor agency, which provide senior citizens with volunteer stipends, out-of-pocket expenses, or wages to perform services in the community.

NEW SECTION. Sec. 6. There is hereby appropriated from the general fund for the 1977-79 biennium eleven million eight hundred twenty thousand dollars provided the amount appropriated from general fund—state shall not exceed nine million nine hundred forty thousand dollars, or as much thereof as may be

necessary, to carry out the provisions of this 1977 amendatory act: PROVIDED, That if federal funds become available to carry out the purposes of this 1977 amendatory act then state general fund moneys shall be conserved with federal funds.

**NEW SECTION.** Sec. 7. The provisions of this 1977 amendatory act shall terminate on June 30, 1979, unless otherwise provided by law.

**NEW SECTION.** Sec. 8. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 17, 1977.

Passed the Senate June 16, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

## CHAPTER 322

[Substitute House Bill No. 312]

### HIGHER EDUCATION—TUITION AND FEES

AN ACT Relating to tuition and fees of the state institutions of higher education; amending section 59, chapter 169, Laws of 1977 1st ex. sess. (presently uncodified); amending section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 36, chapter 169, Laws of 1977 1st ex. sess. and RCW 28B.15.100; amending section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 37, chapter 169, Laws of 1977 1st ex. sess. and RCW 28B.15.380; amending section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.500; amending section 22, chapter 279, Laws of 1971 ex. sess. as amended by section 3, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.620; amending section 9, chapter 269, Laws of 1969 ex. sess. as last amended by section 78, chapter 169, Laws of 1977 1st ex. sess. and RCW 28B.40.361; setting forth new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; repealing section 28B.15.200, chapter 223, Laws of 1969 ex. sess., section 4, chapter 102, Laws of 1970 ex. sess., section 6, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.200; repealing section 28B.15.300, chapter 223, Laws of 1969 ex. sess., section 5, chapter 102, Laws of 1970 ex. sess., section 7, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.300; repealing section 28B.15.400, chapter 223, Laws of 1969 ex. sess., section 6, chapter 102, Laws of 1970 ex. sess., section 9, chapter 279, Laws of 1971 ex. sess., section 38, chapter 169, Laws of 1977 1st ex. sess. and RCW 28B.15.400; repealing section 23, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.630; providing for the expiration of a section hereof; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. It is the intent of the legislature that amounts charged for general tuition and operating fees shall reflect the proportional operating cost of instruction at the state universities. It is the further intent of the legislature that such fees charged to undergraduate resident students at the state universities be not more than twenty-five percent of the cost of undergraduate university instruction, that such fees charged to undergraduate resident students at the regional universities and The Evergreen State College be not more than eighty percent of the total of general tuition and operating fees charged to state university undergraduate resident students and that such fees charged to undergraduate resident students at community colleges be not more than forty-five percent of the total of general tuition and operating fees charged to state university undergraduate resident students.

Sec. 2. Section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 36, chapter 169, Laws of 1977 1st ex. sess. and RCW 28B.15.100 are each amended to read as follows:

The board of regents (~~(and)~~) or board of trustees at each of the state's regional and state universities and at The Evergreen State College shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such general tuition fees, operating fees, services and activities fees, and other fees as such board shall in its discretion determine, the total of all such fees, the general tuition fee, operating fee, and services and activities fee, to be rounded-out to the nearest whole dollar amount: PROVIDED, That such general tuition fees and operating fees for (~~quarters~~) other than summer session quarters or semesters shall be in (~~at least~~) the amounts for the respective institutions as otherwise set forth in (~~RCW 28B.15.200, 28B.15.300, 28B.15.400 and 28B.15.500~~) this chapter, as now or hereafter amended: PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be (~~consistent with RCW 28B.15.500~~) in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended.

**NEW SECTION.** Sec. 3. General tuition fees, operating fees, and services and activities fees at the University of Washington and at Washington State University for other than summer quarters or semesters shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, for the 1977-78 academic year the total of general tuition and operating fees shall be five hundred and forty-three dollars, and for the 1978-79 academic year, and thereafter, the total of general tuition and operating fees shall be five hundred and seventy dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be one hundred and seventeen dollars.

(2) For full time resident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, for the 1977-78 academic year the total of general tuition and operating fees shall be six hundred and twenty-four dollars, and for the 1978-79 academic year, and thereafter, the total of general tuition and operating fees shall be six hundred and fifty-four dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be one hundred and seventeen dollars.

(3) For full time resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, for the 1977-78 academic year the total of general tuition and operating fees shall be eight hundred and fifty-eight dollars, and for the 1978-79 academic year, and thereafter, the total of general tuition and operating fees shall be nine hundred and twelve dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be three hundred and thirty-three dollars.

(4) For full time nonresident undergraduate students and such other full time nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine, for each academic year of the 1977-79 biennium, and thereafter, the total of general tuition and operating fees shall be two thousand two hundred and seventy-seven dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be three hundred and forty-five dollars.

(5) For full time nonresident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, for each academic year of the 1977-79 biennium, and thereafter, the total of general tuition and operating fees shall be two thousand six hundred and nineteen dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be three hundred and forty-five dollars.

(6) For full time nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, for each academic year of the 1977-79 biennium, and thereafter, the total of general tuition and operating fees shall be three thousand six hundred and forty-two dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be five hundred and forty-three dollars.

(7) The boards of regents of each of the state universities shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (6) hereof a services and activities fee which for each academic year shall not exceed one hundred and seventeen dollars.

NEW SECTION. Sec. 4. General tuition fees, operating fees, and services and activities fees at the regional universities and The Evergreen State College for other than summer quarters or semesters shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, for the 1977-78 academic year the total of general tuition and operating fees shall be four hundred and twenty-nine dollars, and for the 1978-79 academic year, and thereafter, the total of general tuition and operating fees shall be four hundred and fifty-six dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be seventy-five dollars.

(2) For full time resident graduate students, for the 1977-78 academic year the total of general tuition and operating fees shall be four hundred and eighty-nine dollars, and for the 1978-79 academic year, and thereafter, the total of general tuition and operating fees shall be five hundred and twenty-two dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be seventy-five dollars.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, for each academic year of the 1977-79 biennium, and thereafter, the total of general tuition and operating fees shall be one thousand eight hundred and twenty-one dollars: PROVIDED, That

the general tuition fee for such academic years and each academic year thereafter shall be two hundred and eighty-eight dollars.

(4) For full time nonresident graduate students, for each academic year of the 1977-79 biennium, and thereafter, the total of general tuition and operating fees shall be two thousand and ninety-four dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be two hundred and eighty-eight dollars.

(5) The boards of trustees of each of the state colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (4) hereof a services and activities fee which for each academic year shall not exceed one hundred and sixty-two dollars.

Sec. 5. Section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.500 are each amended to read as follows:

General tuition fees, operating fees and services and activities fees (~~charged students registered~~) at each community college other than at summer quarters shall be as follows:

(1) (~~Full time resident students:~~  
~~(a) General tuition fee, forty-one dollars and fifty cents per quarter;~~  
~~(b) Operating fees, twenty-seven dollars per quarter; and~~  
~~(c) Services and activities fees, not more than fourteen dollars and fifty cents per quarter.~~  
~~(2) Full time nonresident students:~~  
~~(a) General tuition fee, one hundred thirty-one dollars and fifty cents per quarter;~~  
~~(b) Operating fees, eighty-one dollars per quarter; and~~  
~~(c) Services and activities fees, not more than fourteen dollars and fifty cents per quarter.))~~ For full time resident students, for the 1977-78 academic year the total of general tuition and operating fees shall be two hundred and forty dollars, and for the 1978-79 academic year, and thereafter, the total of general tuition and operating fees shall be two hundred and fifty-five dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be one hundred and twenty-four dollars and fifty cents.

(2) For full time nonresident students, for each academic year of the 1977-79 biennium, and thereafter, the total of general tuition and operating fees shall be one thousand one hundred and thirty-seven dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be three hundred and ninety-four dollars and fifty cents.

(3) The boards of trustees of each of the state community colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) and (2) hereof a services and activities fee which for each academic year shall not exceed fifty-one dollars.

(4) Tuition, operating fees and services and activities fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students.

The board of trustees shall charge such fees for part time students, ungraded courses, noncredit courses, and short courses as it, in its discretion, may determine,



not inconsistent with the rules and regulations of the state board for community college education.

**NEW SECTION.** Sec. 6. It is the intent of the legislature that needy students not be deprived of access to higher education due to increases in educational costs or consequent increases in tuition and fees. It is the sense of the legislature that state appropriations for student financial aid be adjusted in an amount which together with funds estimated to be available in the form of basic educational opportunity grants as authorized under Section 411 of the federal Higher Education Act of 1965 as now or hereafter amended will equal twenty-four percent of any change in revenue estimated to occur as a result of revisions in tuition and fee levels under the provisions of this 1977 amendatory act.

**NEW SECTION.** Sec. 7. The house and senate higher education committees shall develop, in cooperation with the council for postsecondary education and the respective fiscal committees of the house and senate, the office of fiscal management and the state institutions of higher education no later of than January 1978, and at each two year interval thereafter, definitions, criteria and procedures for the operating cost of instruction for the state universities upon which general tuition and operating fee recommendations will be based.

**NEW SECTION.** Sec. 8. In accordance with its responsibilities under RCW 28B.80.030(3), the council for postsecondary education shall make recommendations to the governor and the legislature for adjustments in the amounts of tuition and operating fees consistent with the intent of this 1977 amendatory act. Such recommendations shall be made not later than November 10th of each even-numbered year and shall be based on the operating cost of instruction for the state universities for the biennium then in effect, such operating costs to be calculated in accordance with definitions, criteria and procedures which have been approved as provided in section 7 of this 1977 amendatory act.

Sec. 9. Section 22, chapter 279, Laws of 1971 ex. sess. as amended by section 3, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.620 are each amended to read as follows:

(1) The tuition and operating fees charged to veterans of the Vietnam conflict who have served in the southeast Asia theater of operations attending institutions of higher learning shall be ((exempted from the payment of any increase in tuition and fees as are imposed by this 1971 amendatory act and shall not be required to pay more than the total amount of tuition and fees in effect on March 29, 1971:))<sub>2</sub> for each academic year of the 1977-79 biennium and thereafter, adjusted at the same dollar amount as are the tuition and operating fees of resident undergraduate students: PROVIDED ((FURTHER)), That for the purposes of this ((exemption)) section, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, and ending on ((such date as shall thereafter be determined by duly adopted concurrent resolution of the legislature of this state or by presidential proclamation or concurrent resolution of the congress terminating the conflict involving United States forces battling in South Vietnam)) May 7, 1975 and who qualify as a resident student under RCW

28B.15.012 and who have enrolled in state institutions of higher education on or before the effective date of this 1977 amendatory act.

(2) The provisions of this section shall be null and void and of no effect after July 1, 1981.

Sec. 10. Section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 37, chapter 169, Laws of 1977 1st ex. sess. and RCW 28B.15-.380 are each amended to read as follows:

In addition to any other exemptions as may be provided by law, the board of regents at the state universities may exempt the following classes of persons from the payment of general tuition fees, operating fees, or services and activities fees except for individual instruction fees: (1) All veterans as defined in RCW 41.04-.005: PROVIDED, That such persons are no longer entitled to federal vocational or educational benefits conferred by virtue of their military service: AND PROVIDED FURTHER, That if any such veterans have not resided in this state for one year prior to registration said board may exempt them up to one-half of the tuition payable by other nonresident students: AND, PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in universities on or before October 1, 1977. (2) Members of the staffs of the University of Washington and Washington State University: PROVIDED, That for the purposes of this subsection "staffs" shall not apply to faculty and administrative exempt employees. (3) ~~((Teachers in the public schools of the state who supervise the cadet teachers from the University of Washington. (4)))~~ Children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 11. Section 9, chapter 269, Laws of 1969 ex. sess. as last amended by section 78, chapter 169, Laws of 1977 1st ex. sess. and RCW 28B.40.361 are each amended to read as follows:

The boards of trustees of The Evergreen State College may exempt from the payment of general tuition, operating fees, or services and activities fees, except for individual instruction fees, (1) all veterans who served in the armed forces of the United States who have served the United States during any period of war as defined in RCW 41.04.005 and who shall have served with evidence of conduct other than undesirable, bad conduct or dishonorable upon release from active service: PROVIDED, That such person is no longer entitled to federal vocational or educational benefits conferred by virtue of his military service: PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in state colleges on or before October 1, 1977, and (2) all children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 12. Section 59, chapter 169, Laws of 1977 1st ex. sess. (presently uncoded) is hereby amended to read as follows:

The boards of trustees of each regional university may exempt from the payment of general tuition, operating fees, or services and activities fees, except for individual instruction fees, (1) all veterans who served in the armed forces of the United States who have served the United States during any period of war as defined in RCW 41.04.005 and who shall have served with evidence of conduct other than undesirable, bad conduct or dishonorable upon release from active service: PROVIDED, That such person is no longer entitled to federal vocational or educational benefits conferred by virtue of his military service; PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in the regional universities on or before October 1, 1977, and (2) all children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

NEW SECTION. Sec. 13. For the period commencing August 1, 1977, and ending July 31, 1981, those students enrolled in undergraduate programs at Washington state universities and regional universities and The Evergreen State College who are residents of the Canadian province of British Columbia, shall pay the same amount of general tuition, operating, and services and activities fees charged Washington resident students enrolled in the same programs: PROVIDED, That if a different tuition and fee schedule shall be charged Washington state students attending institutions of higher education located in the Canadian province of British Columbia than for resident students thereof, the provisions of this section shall cease to be in effect at the end of the fiscal year in which the different tuition and fee schedule is so charged.

The council for postsecondary education shall review the costs of such pilot program and make recommendations to the legislative session, commencing January, 1981, on the possible continuation of this experimental program. Following such review, the legislature shall make the determination to extend or terminate the program.

NEW SECTION. Sec. 14. The following acts or parts of acts are hereby repealed:

(1) Section 28B.15.200, chapter 223, Laws of 1969 ex. sess., section 4, chapter 102, Laws of 1970 ex. sess., section 6, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.200;

(2) Section 28B.15.300, chapter 223, Laws of 1969 ex. sess., section 5, chapter 102, Laws of 1970 ex. sess., section 7, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.300;

(3) Section 28B.15.400, chapter 223, Laws of 1969 ex. sess., section 6, chapter 102, Laws of 1970 ex. sess., section 9, chapter 279, Laws of 1971 ex. sess., section 38, chapter 169, Laws of 1977 1st ex. sess. and RCW 28B.15.400; and

(4) Section 23, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.630.

NEW SECTION. Sec. 15. Notwithstanding any other section of this 1977 amendatory act, the boards of regents and trustees of the respective institutions of higher education shall set aside from general tuition and fees charged in each

schedule an amount heretofore pledged and necessary for the purposes of bond retirement until such time as any such debt has been satisfied.

**NEW SECTION.** Sec. 16. Sections 3 and 4, and 6 through 8 of this 1977 amendatory act are added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

**NEW SECTION.** Sec. 17. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 18. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 18, 1977.

Passed the Senate June 18, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

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## CHAPTER 323

[Substitute House Bill No. 604]

### INDUSTRIAL INSURANCE

AN ACT Relating to industrial insurance; amending section 51.04.040, chapter 23, Laws of 1961 and RCW 51.04.040; amending section 51.04.070, chapter 23, Laws of 1961 and RCW 51.04.070; amending section 15, chapter 289, Laws of 1971 ex. sess. and RCW 51.08.018; amending section 51.08.030, chapter 23, Laws of 1961 as last amended by section 37, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 51.08.030; amending section 88, chapter 289, Laws of 1971 ex. sess. as amended by section 5, chapter 43, Laws of 1972 ex. sess. and RCW 51.08.175; amending section 14, chapter 289, Laws of 1971 ex. sess. and RCW 51.08.178; amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 1, chapter 124, Laws of 1973 and RCW 51.12.020; amending section 51.12.110, chapter 23, Laws of 1961 as amended by section 85, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.110; amending section 27, chapter 289, Laws of 1971 ex. sess. as amended by section 16, chapter 43, Laws of 1972 ex. sess. and RCW 51.14.020; amending section 28, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.030; amending section 51.16.060, chapter 23, Laws of 1961, as amended by section 1, chapter 32, Laws of 1973 1st ex. sess. and RCW 51.16.060; amending section 51.16.110, chapter 23, Laws of 1961 as amended by section 4, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.110; amending section 51.16.120, chapter 23, Laws of 1961 as amended by section 13, chapter 43, Laws of 1972 ex. sess. and RCW 51.16.120; amending section 51.32.030, chapter 23, Laws of 1961 and RCW 51.32.030; amending section 1, chapter 19, Laws of 1975-'76 2nd ex. sess. and RCW 51.32.073; amending section 12, chapter 289, Laws of 1971 ex. sess. as amended by section 23, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.095; amending section 51.32.110, chapter 23, Laws of 1961 as amended by section 13, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.110; amending section 51.32.150, chapter 23, Laws of 1961 and RCW 51.32.150; amending section 3, chapter 286, Laws of 1975 1st ex. sess. and RCW 51.32.220; amending section 51.36.030, chapter 23, Laws of 1961 and RCW 51.36.030; amending section 51.44.040, chapter 23, Laws of 1961 as amended by section 27, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.040; amending section 51.48.020, chapter 23, Laws of 1961 as amended by section 63, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.020; amending section 51.48.050, chapter 23, Laws of 1961 and RCW 51.48.050; amending section 51.48.070, chapter 23, Laws of 1961 and RCW 51.48.070; adding new sections to chapter 23, Laws of 1961 and to chapter 51.04 RCW; adding a new section to chapter 23, Laws of 1961 and to chapter 51.16 RCW; repealing section 51.40.010, chapter 23, Laws of 1961 and RCW 51.40.010; repealing section 51.40.020, chapter 23, Laws of 1961, section 1, chapter 36, Laws of 1965, section 2, chapter 80, Laws of 1965 ex. sess. and RCW 51.40.020; repealing section 51.40.030, chapter 23, Laws of 1961 and RCW 51.40.030; repealing section 51.40.040, chapter 23, Laws of 1961, section 29, chapter 106, Laws of 1973 and RCW 51.40.040; repealing section 51.40.050, chapter 23, Laws of 1961 and

RCW 51.40.050; repealing section 51.40.060, chapter 23, Laws of 1961 and RCW 51.40.060; repealing section 51.40.070, chapter 23, Laws of 1961 and RCW 51.40.070; defining crimes; prescribing penalties; prescribing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 51.04.040, chapter 23, Laws of 1961 and RCW 51.04.040 are each amended to read as follows:

The ~~((superior court))~~ director shall have power to issue subpoenas to enforce ~~((by proper proceedings))~~ the attendance and testimony of witnesses and the production and examination of books, papers, photographs, tapes, and records before the department in connection with any claim made to the department, or the assessment or collection of premiums. The superior court shall have the power to enforce any such subpoena by proper proceedings.

Sec. 2. Section 51.04.070, chapter 23, Laws of 1961 and RCW 51.04.070 are each amended to read as follows:

A minor ~~((working at an age legally permitted under the laws of this state))~~ shall be deemed sui juris for the purpose of this title, and no other person shall have any cause of action or right to compensation for an injury to such minor ~~((workman))~~ worker, except as expressly provided in this title, but in the event of ~~((a lump sum payment))~~ any disability payments becoming due under this title to ~~((such))~~ a minor ~~((workman))~~ worker, ~~((the management of the sum shall be within the probate jurisdiction of the courts the same as other property of minors and, in the event it is necessary to procure the appointment of a guardian to receive the money to which any minor workman is entitled under the provisions of this title, the director may allow from the accident fund toward the expenses of such guardianship, not to exceed the sum of fifty dollars in any one case. PROVIDED; That in case any such minor is awarded a lump sum payment of not more than seven hundred fifty dollars, the director may make payment direct to such minor without the necessity of the appointment of a guardian))~~ under the age of eighteen, such disability payments shall be paid to his or her parent, guardian or other person having legal custody of his or her person until he or she reaches the age of eighteen. Upon the submission of written authorization by any such parent, guardian, or other person, any such disability payments may be paid directly to such injured worker under the age of eighteen years. If it is necessary to appoint a legal guardian to receive such disability payments, there shall be paid from the accident fund or by the self-insurer, as the case may be, toward the expenses of such guardianship a sum not to exceed three hundred dollars.

Sec. 3. Section 15, chapter 289, Laws of 1971 ex. sess. and RCW 51.08.018 are each amended to read as follows:

For purposes of this ~~((1971 amendatory act))~~ title, the average monthly wage in the state shall be the average annual wage as determined under RCW 50.04.355 as now or hereafter amended divided by twelve.

Sec. 4. Section 51.08.030, chapter 23, Laws of 1961 as last amended by section 37, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 51.08.030 are each amended to read as follows:

"Child" means every natural born child, posthumous child, stepchild, child legally adopted prior to the injury, and dependent child in the legal custody and control of the ~~((claimant))~~ worker, all while under the age of eighteen years, or

under the age of ~~((twenty-one))~~ twenty-three years while permanently enrolled at a full time course in an accredited school, and over the age of eighteen years if the child is a dependent invalid child.

Sec. 5. Section 88, chapter 289, Laws of 1971 ex. sess. as amended by section 5, chapter 43, Laws of 1972 ex. sess. and RCW 51.08.175 are each amended to read as follows:

~~((Whenever the term))~~ "State fund" ~~((is used in the provisions of this 1971 amendatory act, it shall))~~ means those funds held by the state or any agency thereof for the purposes of this title. The "state of Washington industrial insurance fund" means the department when acting as the agency to insure the industrial insurance obligation of employers. The terms "state fund" and "state of Washington industrial insurance fund" shall be deemed synonymous when applied to the functions of the department connected with the insuring of employers who secure the payment of industrial insurance benefits through the state. The director shall manage the state fund and the state of Washington industrial insurance fund and shall have such powers as are necessary to carry out its functions and may reinsure any risk insured by the state fund.

Sec. 6. Section 14, chapter 289, Laws of 1971 ex. sess. and RCW 51.08.178 are each amended to read as follows:

(1) For the purposes of this title, the monthly wages the ~~((workman))~~ worker was receiving from all employment at the time of injury shall be the basis upon which compensation is computed unless otherwise provided specifically in the statute concerned. In cases where the ~~((workman's))~~ worker's wages are not fixed by the month, they shall be determined by multiplying the daily wage the ~~((workman))~~ worker was receiving at the time of the injury:

- (a) By five, if the ~~((workman))~~ worker was normally employed one day a week;
- (b) By nine, if the ~~((workman))~~ worker was normally employed two days a week;
- (c) By thirteen, if the ~~((workman))~~ worker was normally employed three days a week;
- (d) By eighteen, if the ~~((workman))~~ worker was normally employed four days a week;
- (e) By twenty-two, if the ~~((workman))~~ worker was normally employed five days a week;
- (f) By twenty-six, if the worker was normally employed six days a week;
- (g) By thirty, if the ~~((workman))~~ worker was normally employed seven days a week.

The term "wages" shall include the reasonable value of board, housing, fuel, or other consideration of like nature received from the employer, but shall not include overtime pay, tips, or gratuities. The daily wage shall be ~~((eight times))~~ the hourly wage ~~((unless))~~ multiplied by the number of hours the ~~((workman))~~ worker is normally employed ~~((for less than eight hours)).~~

(2) In cases where a wage has not been fixed or cannot be ~~((reasonable))~~ reasonably and fairly ~~((be))~~ determined, the monthly wage shall be computed on the basis of the usual wage paid other employees engaged in like or similar occupations where the wages are fixed.

Sec. 7. Section 51.12.020, chapter 23, Laws of 1961 as last amended by section 1, chapter 124, Laws of 1973 and RCW 51.12.020 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer which does not exceed ten consecutive work days.

(3) A person whose work is casual and the employment is not in the course of the trade, business, or profession of his employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors and partners.

(6) Any employee, not regularly and continuously employed by the employer in agricultural labor, whose cash remuneration paid by or due from any one employer in that calendar year for agricultural labor is less than one hundred fifty dollars. Employees not regularly and continuously employed in agricultural labor by any one employer but who are employed in agricultural labor on a seasonal basis shall come under the coverage of this title only when their cash remuneration paid or due in that calendar year exceeds one hundred fifty dollars but only as of the occurrence of that event and only as to their work for that employer.

(7) Any child under eighteen years of age employed by his parent or parents in agricultural activities on the family farm.

(8) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

Sec. 8. Section 51.12.110, chapter 23, Laws of 1961 as amended by section 85, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.110 are each amended to read as follows:

Any employer who has in his or her employment any exempt person may file notice in writing with the director of his or her election to be subject to this title, and shall forthwith display in a conspicuous manner about his or her works and in a sufficient number of places to reasonably inform his ~~((workmen))~~ or her workers of the fact, printed notices furnished by the department stating that he or she has so elected ~~((and stating when))~~. Said election ~~((with))~~ shall become effective upon the filing of said notice in writing. Any ~~((workman))~~ worker in the employ of such applicant shall be entitled at any time within five days after the posting of said notice by his or her employer, or within five days after he or she has been employed by an employer who has elected to become subject to this title as herein provided, to give a written notice to such employer and to the department of his or her election not to become subject to this title. ~~((At the expiration of the time fixed by the notice of the employer,))~~ The employer and such of his ~~((workmen))~~ or her workers as shall not have given such written notice of their election to the contrary shall be subject to all the provisions of this title and entitled to all of the benefits thereof:

PROVIDED, That those who have heretofore complied with the foregoing conditions and are carried and considered by the department as within the purview of this title shall be deemed and considered as having fully complied with its terms and shall be continued by the department as entitled to all of the benefits and subject to all of the liabilities without other or further action. Any employer who has complied with this section may withdraw his or her acceptance of liability under this title by filing written notice with the director of the withdrawal of his or her acceptance. Such withdrawal shall become effective thirty days after the filing of such notice or on the date of the termination of the security for payment of compensation, whichever last occurs. The employer shall, at least thirty days before the effective date of the withdrawal, post reasonable notice of such withdrawal where the affected (~~(workman)~~) worker or (~~(workmen)~~) workers work and shall otherwise notify personally the affected (~~(workmen)~~) workers. Withdrawal of acceptance of this title shall not affect the liability of the department or self-insurer for compensation for any injury occurring during the period of acceptance.

Sec. 9. Section 27, chapter 289, Laws of 1971 ex. sess. as amended by section 16, chapter 43, Laws of 1972 ex. sess. and RCW 51.14.020 are each amended to read as follows:

(1) An employer may qualify as a self-insurer by establishing to the director's satisfaction that he or she has sufficient financial ability to make certain the prompt payment of all compensation under this title and all assessments which may become due from such employer. Each application for certification as a self-insurer submitted by an employer shall be accompanied by payment of a fee of one hundred fifty dollars or such larger sum as the director shall find necessary for the administrative costs of evaluation of the applicant's qualifications. Any employer who has formerly been certified as a self-insurer and thereafter ceases to be so certified may not apply for certification within three years of ceasing to have been so certified.

(2) A self-insurer may (~~(establish sufficient)~~) be required by the director to supplement existing financial ability by depositing in an escrow account in a depository designated by the director, money and/or corporate or governmental securities approved by the director, or a surety bond written by any company admitted to transact surety business in this state filed with the department. The money, securities, or bond shall be in an amount reasonably sufficient in the director's discretion to insure payment of reasonably foreseeable compensation and assessments but not less than the employer's normal expected annual claim liabilities and in no event less than one hundred thousand dollars. In arriving at the amount of money, securities, or bond required under this subsection, the director shall take into consideration the financial ability of the employer to pay compensation and assessments and his or her probable continuity of operation. The money, securities, or bond so deposited shall be held by the director to secure the payment of compensation by the self-insurer and to secure payment of his or her assessments. The amount of security may be increased or decreased from time to time by the director. The income from any securities deposited may be distributed currently to the self-insurer.



(3) Securities or money deposited by an employer pursuant to subsection (2) of this section shall be returned to him or her upon his or her written request provided the employer files the bond required by such subsection.

(4) If the employer seeking to qualify as a self-insurer has previously insured with the state fund, the director shall require the employer to make up his or her proper share of any deficit or insufficiency in the state fund as a condition to certification as a self-insurer.

(5) A self-insurer may reinsure a portion of his or her liability under this title with any reinsurer authorized to transact such reinsurance in this state: PROVIDED, That the reinsurer may not participate in the administration of the responsibilities of the self-insurer under this title. Such reinsurance may not exceed eighty percent of the liabilities under this title.

Sec. 10. Section 28, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.030 are each amended to read as follows:

The director may issue a certification that an employer is qualified as a self-insurer when such employer meets the following requirements:

(1) He or she has fulfilled the requirements of RCW 51.14.020.

(2) He or she has submitted to the department a payroll report for the preceding consecutive twelve month period.

(3) He or she has submitted to the department a sworn itemized statement ~~((indicating))~~ accompanied by an independent audit of the employer's books demonstrating to the director's satisfaction that the employer has sufficient liquid assets to meet his or her estimated liabilities as a self-insurer.

(4) He or she has ~~((submitted))~~ demonstrated to the department ~~((a description))~~ the existence of the safety organization maintained by him or her within his or her establishment that indicates a record of accident prevention.

(5) He or she has submitted to the department a description of the administrative organization to be maintained by him or her to manage industrial insurance matters including:

(a) The reporting of injuries;

(b) The authorization of medical care;

(c) The payment of compensation;

(d) The handling of claims for compensation;

(e) The name and location of each business location of the employer; and

(f) The qualifications of the personnel of the employer to perform this service.

Such certification shall remain in effect until withdrawn by the director or surrendered by the employer with the approval of the director. An employer's qualification as a self-insurer shall become effective on the date of certification or any date specified in the certificate after the date of certification.

Sec. 11. Section 51.16.060, chapter 23, Laws of 1961, as amended by section 1, chapter 32, Laws of 1973 1st ex. sess. and RCW 51.16.060 are each amended to read as follows:

Every employer not qualifying as a self-insurer, shall insure with the state and shall, on or before the last day of January, April, July and October of each year thereafter, furnish the department with a true and accurate payroll for the period in which ~~((workmen))~~ workers were employed by ~~((him))~~ it during the preceding calendar quarter, the total amount paid to such ~~((workmen))~~ workers during such

preceding calendar quarter, and a segregation of employment in the different classes established pursuant to this title, and shall pay ((his)) its premium thereon to the appropriate fund. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his or her discretion and for the effective administration of this title require an employer in individual instances to furnish a supplementary report containing the name of each individual ((workman)) worker, his or her hours worked, his or her rate of pay and the class or classes in which such work was performed: PROVIDED FURTHER, That in the event an employer shall furnish the department with four consecutive quarterly reports wherein each such quarterly report indicates that no premium is due the department may close the account: ((AND,)) PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.04 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated payrolls, with such payments being subject to approval as to sufficiency of the estimated payroll by the department, and also subject to appropriate periodic adjustments made by the department based on actual payroll: AND PROVIDED FURTHER, That a temporary help company which provides workers on a temporary basis to its customers shall be considered the employer for purposes of reporting and paying premiums and assessments under this title according to the appropriate rate classifications as determined by the department: PROVIDED, That the employer shall be liable for paying premiums and assessments, should the temporary help company fail to pay the premiums and assessments under this title.

Sec. 12. Section 51.16.110, chapter 23, Laws of 1961 as amended by section 4, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.110 are each amended to read as follows:

Every employer who shall enter into any business, or who shall resume operations in any work or plant after the final adjustment of his or her payroll in connection therewith, or who was formerly a self-insurer and wishes to continue his or her operations subject to this title, shall, before so commencing or resuming or continuing operations, as the case may be, notify the ((director)) department of such fact, accompanying such notification with a cash deposit in a sum equal to the estimated premiums for the first three full calendar months of his or her proposed operations which shall remain on deposit subject to the other provisions of this section.

The ((director)) department may, in ((his)) its discretion and in lieu of such deposit, accept a bond, in an amount which ((he)) it deems sufficient, to secure payment of premiums due or to become due to the accident fund and medical aid fund. The deposit or posting of a bond shall not relieve the employer from paying premiums subsequently due.

Should the employer acquire sufficient assets to assure the payment of premiums due to the accident fund and the medical aid fund the ((director)) department may, in ((his)) its discretion, refund the deposit or cancel the bond.

If the employer ceases to be an employer under ((RCW 51.08.070)) this title, the ((director)) department shall, upon receipt of all payments due the accident

fund and medical aid fund, or any other fund under this title, refund to the employer all deposits remaining to the employer's credit and shall cancel any bond given under this section.

Sec. 13. Section 51.16.120, chapter 23, Laws of 1961 as amended by section 13, chapter 43, Laws of 1972 ex. sess. and RCW 51.16.120 are each amended to read as follows:

(1) Whenever a ~~((workman))~~ worker has ~~((sustained))~~ a previous bodily ~~((infirmity or))~~ disability from any previous injury or disease and shall suffer a further disability from injury or occupational disease in employment covered by this title and become totally and permanently disabled from the combined effects thereof or die when death was substantially accelerated by the combined effects thereof, then the experience record of ~~((the))~~ an employer insured with the state fund at the time of said further injury or disease shall be charged and a self-insured employer shall pay directly into the reserve fund only ~~((with))~~ the accident cost which would have resulted solely from said further injury or disease, had there been no preexisting disability, and which accident cost shall be based upon an evaluation of the disability by medical experts. The difference between the charge thus assessed to ~~((the))~~ such employer at the time of said further injury or disease and the total cost of the pension reserve shall be assessed against the second injury fund. The department shall pass upon the application of this section in all cases where benefits are paid for total permanent disability or death and issue an order thereon appealable by the employer. Pending outcome of such appeal the transfer or payment shall be made as required by such order.

(2) The department shall, in cases of claims of workers sustaining injuries or occupational diseases in the employ of state fund employers, recompute the experience record of such employers when the claims of workers injured in their employ have been found to qualify for payments from the second injury fund after the regular time for computation of such experience records and the department may make appropriate adjustments in such cases including cash refunds or credits to such employers.

(3) To encourage employment of injured workers who are not reemployed by the employer at the time of injury, the department may adopt rules providing for the reduction or elimination of premiums or assessments from subsequent employers of such workers and may also adopt rules for the reduction or elimination of charges against such employers in the event of further injury to such workers in their employ.

Sec. 14. Section 51.32.030, chapter 23, Laws of 1961 and RCW 51.32.030 are each amended to read as follows:

Any ~~((individual employer or any member or officer of any corporate employer who is carried upon the payroll at a salary or wage not less than the average salary or wage named in such payroll))~~ sole proprietor, partner, or joint venturer who has requested coverage under this title and who shall thereafter be injured or sustain an occupational disease, shall be entitled to the benefit of this title, as and under the same circumstances and subject to the same obligations as a ~~((workman))~~ worker: PROVIDED, That no such ~~((employer))~~ person or the beneficiaries ~~((of such employer))~~ thereof shall be entitled to benefits under this title unless the ~~((director, prior to the date of the injury,))~~ department has received notice in writing ~~((of the~~

fact that such employer is being carried upon the payroll)) of such request on such forms as the department may provide prior to the date of the injury or occupational disease as the result of which claims ((for a compensation)) are made: PROVIDED, That the department shall have the power to cancel the personal coverage of any such person if any required payments or reports have not been made.

Sec. 15. Section 1, chapter 19, Laws of 1975-'76 2nd ex. sess. and RCW 51.32.073 are each amended to read as follows:

Each employer shall retain from the earnings of each ((workman)) worker that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department in such manner and at such intervals as the department directs and shall be placed in the supplemental pension fund: PROVIDED, That the state apprenticeship council shall pay the entire amount into the supplemental pension fund for registered apprentices or trainees during their participation in supplemental and related instruction classes. The moneys so collected shall be used exclusively for the additional payments from the supplemental pension fund prescribed in this title and for the amount of any increase payable under the provisions of RCW 51.32.075 as now or hereafter amended and shall be no more than necessary to make such payments on a current basis. The department may require a self-insurer to make any additional payments which are payable from the supplemental pension fund and thereafter such self-insurer shall be reimbursed therefrom.

Sec. 16. Section 12, chapter 289, Laws of 1971 ex. sess. as amended by section 23, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.095 are each amended to read as follows:

One of the primary purposes of this title is the restoration of the injured ((workman)) worker to gainful employment. To this end, the department shall utilize the services of individuals whose experience, training, and interests in vocational rehabilitation and retraining qualify them to lend expert assistance to the supervisor of industrial insurance in such programs of vocational rehabilitation or retraining as may be reasonable to qualify the ((workman)) worker for employment consistent with his or her physical and mental status. Where, after evaluation and recommendation by such individuals and prior to final evaluation of the ((workman's)) worker's permanent disability and in the sole opinion of the supervisor, vocational rehabilitation or retraining is both necessary and likely to restore the injured ((workman)) worker to a form of gainful employment, the supervisor may, in his or her sole discretion, pay or, if the employer is a self-insurer, direct the self-insurer to pay the cost of books, tuition, fees, supplies, equipment, and transportation for any such worker in an amount not to exceed one thousand five hundred dollars in any calendar year, and continue the temporary total disability compensation under RCW 51.32.090 while the ((workman)) worker is actively and successfully undergoing a formal program of vocational rehabilitation or retraining: PROVIDED, That such compensation or payment of such vocational rehabilitation or retraining expenses may not be authorized for a period of more than fifty-two weeks: PROVIDED FURTHER, That such period may, in the sole discretion of

the supervisor after his or her review, be extended for an additional fifty-two weeks or portion thereof by written order of the supervisor.

In cases where the ~~((workman))~~ worker is required to reside away from his or her customary residence, the reasonable cost of board and lodging shall also be paid. Said costs shall be chargeable to the employer's cost experience or shall be paid by the self-insurer ~~((for workmen to whom he is liable for compensation and benefits under the provisions of this title))~~ as the case may be.

Sec. 17. Section 51.32.110, chapter 23, Laws of 1961 as amended by section 13, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.110 are each amended to read as follows:

Any ~~((workman))~~ worker entitled to receive ~~((compensation))~~ any benefits or claiming ~~((compensation))~~ such under this title shall, if requested by the department or self-insurer, submit himself or herself for medical examination, at a time and from time to time, at a place reasonably convenient for the ~~((workman))~~ worker and as may be provided by the rules of the department. If the ~~((workman))~~ worker refuses to submit to medical examination, or obstructs the same, or, if any injured ~~((workman))~~ worker shall persist in unsanitary or injurious practices which tend to imperil or retard his or her recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his or her recovery or refuse or obstruct evaluation or examination for the purpose of vocational rehabilitation or does not cooperate in reasonable efforts at such rehabilitation, the department or the self-insurer upon approval by the department, with notice to the ~~((workman))~~ worker may ~~((reduce or))~~ suspend ~~((the compensation))~~ any further action on any claim of such ~~((workman))~~ worker so long as such refusal, obstruction, noncooperation, or practice continues and reduce, suspend, or deny any compensation for such period: PROVIDED, That the department or the self-insurer shall not suspend any further action on any claim of a worker or reduce, suspend, or deny any compensation if a worker has good cause for refusing to submit to or to obstruct any examination, evaluation, treatment or practice requested by the department or required under this section. If the ~~((workman))~~ worker necessarily incurs traveling expenses in attending for examination pursuant to the request of the department, such traveling expenses shall be repaid to him or her out of the accident fund upon proper voucher and audit or shall be repaid by the self-insurer, as the case may be.

If the medical examination required by this section causes the ~~((workman))~~ worker to be absent from his or her work without pay he or she shall be paid for such time lost in accordance with the schedule of payments provided in RCW 51.32.090 as amended.

Sec. 18. Section 51.32.150, chapter 23, Laws of 1961 and RCW 51.32.150 are each amended to read as follows:

If a beneficiary shall reside or ~~((remove))~~ move out of the state, the department may, with the written consent of the beneficiary, convert any monthly payments provided for such cases into a lump sum payment (not in any case to exceed the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, but in no case to exceed the sum ~~((of eighty-five hundred dollars))~~ provided in RCW 51.32.130 as now or hereafter amended).

Sec. 19. Section 3, chapter 286, Laws of 1975 1st ex. sess. and RCW 51.32.220 are each amended to read as follows:

For persons under the age of sixty-two receiving compensation for temporary or permanent total disability pursuant to the provisions of chapter 51.32 RCW, such compensation shall be reduced by an amount equal to the benefits payable under the federal old-age, survivors and disability insurance act as now or hereafter amended not to exceed the amount of the reduction established pursuant to 42 USC 424a. However, such reduction shall not apply when the combined compensation provided pursuant to chapter 51.32 RCW and the federal old-age, survivors and disability insurance act is less than the total benefits to which the federal reduction would apply, pursuant to 42 USC 424a. Where any person described in this section refuses to authorize the release of information concerning the amount of benefits payable under said federal act the department's estimate of said amount shall be deemed to be correct unless and until the actual amount is established and no adjustment shall be made for any period of time covered by any such refusal.

Sec. 20. Section 51.36.030, chapter 23, Laws of 1961 and RCW 51.36.030 are each amended to read as follows:

Every employer, who employs (~~less than fifty workmen~~) workers, shall keep (~~at his plant~~) as required by the department's rules a first aid kit or kits equipped as required by ((the department)) such rules with materials for first aid to his or her injured ((workmen)) workers. Every employer who employs (~~within a radius of one-half mile of any plant or establishment~~) fifty or more ((workmen)) workers, shall keep one first aid station equipped as required by the department's rules with materials for first aid to his or her injured ((workmen)) workers, and shall cooperate with the department in training one or more employees in first aid to the injured. The maintenance of such first aid kits and stations shall be deemed to be a part of any (~~educational~~) safety and health standards established under Title 49 RCW.

Sec. 21. Section 51.44.040, chapter 23, Laws of 1961 as amended by section 27, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.040 are each amended to read as follows:

(1) There shall be in the office of the state treasurer, a fund to be known and designated as the "second injury fund", which shall be used only for the purpose of defraying charges against it as provided in RCW 51.16.120 as now or hereafter amended. Said fund shall be administered by the director. The state treasurer shall be the custodian of the second injury fund and shall be authorized to disburse moneys from it only upon written order of the director.

(2) Payments to the second injury fund from the accident fund shall be made pursuant to rules and regulations promulgated by the director.

(3) Assessments for the second injury fund shall be imposed on self-insurers pursuant to rules and regulations promulgated by the director to ensure that self-insurers shall pay to such fund in the proportion that the payments made from such fund on account of claims made against self-insurers bears to the total sum of payments from such fund.

Sec. 22. Section 51.48.020, chapter 23, Laws of 1961 as amended by section 63, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.020 are each amended to read as follows:

(1) Any employer, who misrepresents to the department the amount of his or her payroll upon which the premium under this title is based, shall be liable to the state in ten times the amount of the difference in premiums paid and the amount the employer should have paid and for the reasonable expenses of auditing his or her books and collecting such sums. Such liability may be enforced in the name of the department. Such an employer shall also be guilty of a ~~((misdemeanor))~~ class C felony if such misrepresentations are made knowingly, if the amount of the difference in premiums is five hundred dollars or more and shall be guilty of a gross misdemeanor if such amount is less than five hundred dollars.

(2) Any person claiming benefits under this title, who knowingly gives false information required in any claim or application under this title shall be guilty of a class C felony when such claim or application involves an amount of five hundred dollars or more. When such claim or application involves an amount less than five hundred dollars, the person giving such information shall be guilty of a gross misdemeanor.

Sec. 23. Section 51.48.050, chapter 23, Laws of 1961 and RCW 51.48.050 are each amended to read as follows:

It shall be unlawful for any employer to directly or indirectly demand or collect from any of his ~~((workmen))~~ or her workers any sum of money whatsoever for or on account of medical, surgical, hospital, or other treatment or transportation of injured ~~((workmen))~~ workers, other than as specified in RCW 51.16.140 ~~((and 51-40.040))~~, and any employer who directly or indirectly violates the foregoing provisions of this section shall be liable to the state for the benefit of the medical aid fund in ten times the amount so demanded or collected, and such employer and every officer, agent, or servant of such employer knowingly participating therein shall also be guilty of a misdemeanor.

Sec. 24. Section 51.48.070, chapter 23, Laws of 1961 and RCW 51.48.070 are each amended to read as follows:

If any ~~((workman))~~ worker is injured because of the absence of any safeguard or protection required to be provided or maintained by, or pursuant to, any statute or ordinance, or any departmental regulation under any statute, or is, at the time of the injury, of less than the maximum age prescribed by law for the employment of a minor in the occupation in which he or she is engaged when injured, or when a minor is injured when engaged in work not authorized by any required work permit issued for his or her employment or where no such permit has been issued, the employer shall, within ten days after the demand therefor by the department, pay into the ~~((accident))~~ supplemental pension fund in addition to all other payments required by law:

(1) In case ~~((the))~~ any consequent payment ~~((to the workman out of the accident fund))~~ is ~~((a lump sum))~~ for any permanent partial disability or temporary disability, a sum equal to fifty percent of ~~((that))~~ the amount so paid.

(2) In case ~~((the))~~ any consequent payment ~~((to the workman))~~ is payable in monthly payments or otherwise for permanent total disability or death, a sum equal

to fifty percent of the lump value of such monthly payment, estimated in accordance with the rule stated in RCW 51.32.130.

The foregoing provisions shall not apply to the employer if the absence of such guard or protection is due to the removal thereof by the injured ~~((workman))~~ worker himself or herself or with his or her knowledge by any of his or her fellow ~~((workmen))~~ workers, unless such removal is by order or direction of the employer or superintendent or foreman of the employer, or anyone placed by the employer in control or direction of such ~~((workman))~~ worker. If the removal of such guard or protection is by the ~~((workman))~~ worker himself or herself or with his or her consent by any of his or her fellow ~~((workmen))~~ workers, unless by order or direction of the employer or the superintendent or foreman of the employer, or anyone placed by the employer in control or direction of such ~~((workman))~~ worker, the schedule of compensation provided in chapter 51.32 RCW shall be reduced ten percent for the individual case of such ~~((workman))~~ worker.

**NEW SECTION.** Sec. 25. There is added to chapter 23, Laws of 1961 and to chapter 51.04 RCW a new section to read as follows:

The obligations of all medical aid contracts approved by the supervisor prior to the repeal of any section of this title pertaining to medical aid contracts shall continue until the expiration of such contracts notwithstanding any such repeal and all provisions of this title pertaining to the operation of medical aid contracts and the control and supervision of such contracts which were in effect at the time of such approval shall, notwithstanding any other provision of law, remain in full force and effect.

**NEW SECTION.** Sec. 26. There is added to chapter 23, Laws of 1961 and to chapter 51.04 RCW a new section to read as follows:

The department may, at any time, on receipt of written authorization, transmit amounts payable to a claimant, beneficiary, or any supplier of goods or services to the account of such person in a bank or other financial institution regulated by state or federal authority.

**NEW SECTION.** Sec. 27. There is added to chapter 23, Laws of 1961 and to chapter 51.16 RCW a new section to read as follows:

(1) Any action, other than in cases of fraud, to collect any delinquent premium, assessment, contribution, penalty, or other sum due to the department from any employer subject to this title shall be brought within three years of the date any such sum became due.

(2) Any claim by an employer for adjustment, recomputation, or alteration of any premium, assessment, contribution, penalty, or other sum thereto collected or claimed by the department shall be deemed waived if not made in writing to the supervisor of industrial insurance within three years of the date any such sum became due.

**NEW SECTION.** Sec. 28. The following acts or parts of acts are each repealed:

- (1) Section 51.40.010, chapter 23, Laws of 1961 and RCW 51.40.010;
- (2) Section 51.40.020, chapter 23, Laws of 1961, section 1, chapter 36, Laws of 1965, section 2, chapter 80, Laws of 1965 ex. sess. and RCW 51.40.020;
- (3) Section 51.40.030, chapter 23, Laws of 1961 and RCW 51.40.030;



(4) Section 51.40.040, chapter 23, Laws of 1961, section 29, chapter 106, Laws of 1973 and RCW 51.40.040;

(5) Section 51.40.050, chapter 23, Laws of 1961 and RCW 51.40.050;

(6) Section 51.40.060, chapter 23, Laws of 1961 and RCW 51.40.060; and

(7) Section 51.40.070, chapter 23, Laws of 1961 and RCW 51.40.070.

**NEW SECTION. Sec. 29.** If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 30.** This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1977.

Passed the House June 21, 1977.

Passed the Senate June 19, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

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## CHAPTER 324

[Substitute House Bill No. 1009]

### B&O, SALES, AND USE TAXES—TEMPORARY INCREASE EXTENSION

AN ACT Relating to revenue and taxation; amending section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. and RCW 82.04.2901; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 130, Laws of 1975-'76 2nd ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 130, Laws of 1975-'76 2nd ex. sess. and RCW 82.12.020; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. and RCW 82.04.2901 are each amended to read as follows:

From and after the first day of June, 1976, until the thirtieth day of June, ((1977)) 1979, there is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.220 through 82.04.290, inclusive, an additional tax in the amount of six percent of the tax payable under the provisions of RCW 82.04.220 through 82.04.290, inclusive. To facilitate collection of this additional tax, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed.

Sec. 2. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 130, Laws of 1975-'76 2nd ex. sess. and RCW 82.08.020 are each amended to read as follows:

There is levied and there shall be collected a tax on each retail sale in this state equal to four and one-half percent of the selling price: PROVIDED, That from and after the first day of June, 1976, until the thirtieth day of June, ((1977)) 1979, such tax shall be levied and collected in an amount equal to four and six-tenths

percent of the selling price. The tax imposed under this chapter shall apply to successive retail sales of the same property.

Sec. 3. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 130, Laws of 1975-'76 2nd ex. sess. and RCW 82.12.020 are each amended to read as follows:

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280, subsections (2) or (7). This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in subdivision (2) of RCW 82.12.030, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of four and one-half percent: PROVIDED, That from and after the first day of June, 1976, until the thirtieth day of June, (~~(1977)~~) 1979, such tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of four and six-tenths percent.

NEW SECTION. Sec. 4. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 21, 1977.

Passed the Senate June 21, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

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## CHAPTER 325

[House Bill No. 1086]

### SCHOOL DISTRICTS—EXCESS LEVIES

AN ACT Relating to revenue and taxation; amending section 84.52.052, chapter 15, Laws of 1961 as last amended by section 1, chapter 4, Laws of 1977 and RCW 84.52.052; amending section 84.52.054, chapter 15, Laws of 1961 as last amended by section 2, chapter 4, Laws of 1977 and RCW 84.52.054; adding new sections to chapter 15, Laws of 1961 and to chapter 84.52 RCW; prescribing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 84.52.052, chapter 15, Laws of 1961 as last amended by section 1, chapter 4, Laws of 1977 and RCW 84.52.052 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district except school districts in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, ~~((school district,))~~ metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and RCW 84.52.043, or RCW 84.55.010 through 84.55.050, when authorized so to do by the electors of such county, ~~((school district,))~~ metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended, at a special or general election to be held in the year in which the levy is made ~~((or, in the case of a proposition authorizing levies for support of a school district for a two year period, at a special or general election to be held in the year in which the first annual levy is made: PROVIDED, That once additional tax levies have been authorized for the support of a school district for a two year period, no further additional tax levies for the support of the district for that period may be authorized except for expenditures attributable to an unanticipated increase in student enrollment and for the acquisition of motor vehicles for student transportation))~~.

A special election may be called and the time therefor fixed by the board of county commissioners or other county legislative authority, ~~((board of school directors,))~~ or council, board of commissioners or other governing body of any metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

Sec. 2. Section 84.52.054, chapter 15, Laws of 1961 as last amended by section 2, chapter 4, Laws of 1977 and RCW 84.52.054 are each amended to read as follows:

The additional tax provided for in subparagraph (a) of the seventeenth amendment to the state Constitution as amended by Amendment 59 and as thereafter amended, and specifically authorized by RCW 84.52.052, as now or hereafter amended, and section 3 and 4 of this amendatory act, shall be set forth in terms of dollars on the ballot of the proposition to be submitted to the voters, together with an estimate of the dollar rate of tax levy that will be required to produce the dollar

amount; and the county assessor, in spreading this tax upon the rolls, shall determine the eventual dollar rate required to produce the amount of dollars so voted upon, regardless of the estimate of dollar rate of tax levy carried in said proposition. In the case of a school district proposition for a two year period, the dollar amount and the corresponding estimate of the dollar rate of tax levy shall be set forth for each of the two years. The dollar amount for each of the two annual levies may be equal or in different amounts.

**NEW SECTION.** Sec. 3. There is added to chapter 15, Laws of 1961 and to chapter 84.52 RCW a new section to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by school districts, when authorized so to do by the electors of such school district in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended, at a special or general election to be held in the year in which the levy is made or, in the case of a proposition authorizing levies for support of a school district for a two year period, at a special or general election to be held in the year in which the first annual levy is made: **PROVIDED**, That once additional tax levies have been authorized for the support of a school district for a two year period, no further additional tax levies for the support of the district for that period may be authorized.

A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

**NEW SECTION.** Sec. 4. There is added to chapter 15, Laws of 1961, and to chapter 84.52 RCW a new section to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of section 3 of this amendatory act shall be as follows:

(1) For excess levies in 1977 for collection in 1978:

To the extent that any district receives funds through the state apportionment formula in excess of the amount anticipated by such a district when it established its excess levy for collection in 1978 and when such excess can be utilized to relieve special levy burdens, then such a district should place a first priority on reducing its special levy.

(2) For excess levies in 1977 for collection in 1979; for excess levies in 1978 for collection in 1979 and thereafter, the sum of:

(a) That amount equal to ten percent of each school district's prior year basic education allocation converted to one hundred percent of formula; plus

(b) That amount equal to each school district's prior year basic education allocation converted to one hundred percent of formula minus each school district's basic education allocation for such school year.

(3) Excess levies authorized under this 1977 amendatory act or under RCW 84.52.052 shall not be used to increase the average compensation for certificated or classified personnel in any school district: **PROVIDED**, That those school districts

which receive state funds budgeted for a four percent increase in average compensation for certificated or classified personnel respectively shall be allowed to increase such certificated or classified compensation by an amount equal to the percentage increase in the prior year's United States Consumer Price Index minus the state funded four percent, or by an additional two percent, whichever is less: PROVIDED FURTHER, That any school district whose average compensation for certificated or classified personnel respectively is below statewide average compensation level for certificated or classified personnel during the preceding school year, may collect and expend property taxes authorized by this 1977 amendatory act, or under RCW 84.52.052, for the purpose of increasing such district average compensation for certificated or classified personnel up to but not to exceed the statewide average compensation for certificated or classified personnel for the preceding school year: PROVIDED FURTHER, That those contracts which have been negotiated prior to the effective date of this 1977 amendatory act by those school districts for such school year shall not be abrogated by this 1977 amendatory act.

(4) For the purpose of the section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended.

"Compensation" for the purposes of this 1977 amendatory act shall mean one hundred and seven percent of each school district's respective average salary for certificated personnel, and one hundred and fourteen percent of each school district's respective average salary for classified personnel.

Certificated personnel shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated personnel as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent. Classified personnel shall include those persons employed by a school district other than certificated personnel as defined in this section in a capacity for which certification is not required.

For the purpose of subsection (2) of this section, the superintendent of public instruction may grant local school districts authority to exceed the levy limitations imposed by said subsection: PROVIDED, That said limitations can only be exceeded by an amount that will insure local school districts the ability to raise a total excess levy dollar amount per annual average full time equivalent student which when combined with the basic education allocation is equal to but does not exceed one hundred and four percent of the previous school year's comparable dollars per annual average full time equivalent student.

The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this 1977 amendatory act.

NEW SECTION. Sec. 5. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the

state government and its existing public institutions, and shall take effect July 1, 1977.

Passed the House June 19, 1977.

Passed the Senate June 19, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

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## CHAPTER 326

[House Bill No. 1133]

### GAMBLING

AN ACT Relating to gambling; amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.020; amending section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.030; amending section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.070; amending section 8, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.080; amending section 10, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.100; amending section 1, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.115; amending section 14, chapter 218, Laws of 1973 1st ex. sess. as amended by section 8, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.140; amending section 18, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.180; amending section 19, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.190; amending section 21, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.210; amending section 23, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.230; adding new sections to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; prescribing penalties; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.020 are each amended to read as follows:

- (1) "Amusement game" means a game played for entertainment in which:
  - (a) The contestant actively participates;
  - (b) The outcome depends in a material degree upon the skill of the contestant;
  - (c) Only merchandise prizes are awarded;
  - (d) The outcome is not in the control of the operator;
  - (e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and
  - (f) Said game is conducted or operated by any agricultural fair, person, association, or organization in such manner and at such locations as may be authorized by rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended.

Cake walks as commonly known and fish ponds as commonly known shall be treated as amusement games for all purposes under this chapter.

- (2) "Bingo" means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on

more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization, unless approved by the commission, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(3) "Bona fide charitable or nonprofit organization" means: (a) any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (b) any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(5) "Commercial stimulant". An activity is operated as a commercial stimulant, for the purposes of this chapter, only when it is an incidental activity operated in connection with, and incidental to, an established business, with the primary purpose of increasing the volume of sales of food or drink for consumption on that business premises. The commission may by rule establish guidelines and criteria for applying this definition to its applicants and licensees for gambling activities authorized by this chapter as commercial stimulants.

(6) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

~~((6))~~ (7) "Contest of chance" means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

~~((7))~~ (8) "Fishing derby" means a fishing contest, with or without the payment or giving of an entry fee or other consideration by some or all of the contestants wherein prizes are awarded for the species, size, weight, or quality of fish caught in a bona fide fishing or recreational event.

~~((8))~~ (9) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include fishing derbies as defined by this chapter, pari-mutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection ~~((13))~~ (14) of this section shall not constitute gambling.

~~((9))~~ (10) "Gambling device" means: (a) Any device or mechanism the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (b) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based



only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

~~((+0))~~ (11) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling: PROVIDED, HOWEVER, That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the federal communications commission.

~~((+1))~~ (12) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

~~((+2))~~ (13) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

~~((+3))~~ (14) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state;

(d) Visitation to any business establishment to obtain a coupon, or entry blank;

(e) Mere registration without purchase of goods or services;

(f) Expenditure of time, thought, attention and energy in perusing promotional material;

(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer;

(h) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof: PROVIDED, That where any drawing is held by or on behalf of in-state retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and the period of the drawing and its promotion shall not extend for more than seven consecutive days: PROVIDED FURTHER, That if the sponsoring organization has more than one outlet in the

state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet; or

(i) The payment of an admission fee to gain admission to any agricultural fair authorized under chapters 15.76 or 36.37 RCW where (i) the scheme is conducted for promotional or advertising purposes, not including the promotion or advertisement of the scheme itself; and (ii) the person or organization conducting the scheme receives no portion of the admission fee either directly or indirectly and receives no other money for conducting the scheme either directly or indirectly, other than what might be received indirectly as a result of the success of the promotional or advertising aspect of the scheme.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(15) "Member". As used in this chapter, member means a member of an organization eligible to be licensed by the commission under this chapter, or a member of an organization which is an auxiliary of such an eligible organization, or a member of an organization of which the eligible organization is an auxiliary, or a member of an organization which is affiliated with the eligible organization by being with it auxiliary to another organization.

No person shall be a member of any organization if that person's primary purpose for membership is to become, or continue to be, a participant in, or an operator or manager of, any gambling activity or activities.

~~((+4))~~ (16) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "book-making" as defined in this section is not a "player".

~~((+5))~~ (17) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection ~~((+3))~~ (14) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030 as now or hereafter amended, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in RCW 9.46.030 as now or hereafter amended, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the games shall be open to public inspection.

~~((+6))~~ (18) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of July 16, 1973, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

~~((+7))~~ (19) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

~~((+8))~~ (20) "Social card game" means a card game, including but not limited to the game commonly known as "Mah Jongg", which constitutes gambling and contains each of the following characteristics:

- (a) There are two or more participants and each of them are players; and
- (b) A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and
- (c) No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That this item (c) shall not preclude a player from collecting or obtaining his winnings; and
- (d) No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing: PROVIDED, That this item (d) shall not apply to the membership fee in any bona fide charitable or nonprofit

organization or to an admission fee allowed by the commission pursuant to RCW 9.46.070; and

(e) The type of card game is one specifically approved by the commission pursuant to RCW 9.46.070; and

(f) The extent of wagers, money or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the commission pursuant to RCW 9.46.070.

~~((19))~~ (21) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise, directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

~~((20))~~ (22) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

(23) "Fund raising event" means a fund raising event conducted during any three consecutive days and not more than once in any calendar year or a fund raising event conducted not more than twice each calendar year for not more than one calendar day by a bona fide charitable or nonprofit organization as defined in subsection (3) of this section other than any agricultural fair referred to thereunder, upon authorization therefor by the commission, which the legislature hereby authorizes to issue a license therefor, with or without fee, permitting the following activities, or any of them, during such event: Bingo, amusement games, contests of chance, lotteries and raffles: PROVIDED, That (a) gross wagers and bets received by the organization less the amount of money paid by the organization as winnings and for the purchase cost of prizes given as winnings do not exceed five thousand dollars during the total calendar days of such fund raising event in the calendar year; (b) such activities shall not include any mechanical gambling or lottery device activated by the insertion of a coin or by the insertion of any object purchased by any person taking a chance by gambling in respect to the device; (c) only bona fide members of the organization who are not paid for such service shall participate in the management or operation of the activities, and all income therefrom, after deducting the cost of prizes and other expenses, shall be devoted solely to the lawful purposes of the organization; and (d) such organization shall notify the appropriate local law enforcement agency of the time and place where such activities shall be conducted. The commission shall require an annual information report setting forth in detail the expenses incurred and the revenue received relative to the activities permitted.

Sec. 2. Section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.030 are each amended to read as follows:

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, and fund raising events, and to utilize punch boards and pull-tabs and to allow their premises and facilities

to be used by only members and guests ((~~only~~)) to play social card games authorized by the commission, when licensed, conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: **PROVIDED**, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles.

(3) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of such activities are hereby authorized to conduct bingo, raffles, and amusement games, without obtaining a license to do so from the commission but only when:

(a) Such activities are held in accordance with all other requirements of chapter 9.46 RCW as now or hereafter amended, other applicable laws, and rules of the commission; and

(b) Said activities are, alone or in any combination, conducted no more than twice each calendar year and over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.020(2) as now or hereafter amended: **PROVIDED**, That a raffle conducted under this subsection may be conducted for a period longer than twelve days; and

(c) Only bona fide members of that organization, who are not paid for such services, participate in the management or operation of the activities; and

(d) Gross revenues to the organization from all the activities together does not exceed five thousand dollars during any calendar year; and

(e) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization; and

(f) The organization gives notice at least five days in advance of the conduct of any of the activities to the local police agency of the jurisdiction within which the activities are to be conducted of the organization's intent to conduct the activities, the location of the activities, and the date or dates they will be conducted; and

(g) The organization conducting the activities maintains records for a period of one year from the date of the event which accurately show at a minimum the gross revenue from each activity, details of the expenses of conducting the activities, and details of the uses to which the gross revenue therefrom is put.

(4) The legislature hereby authorizes any person, association, or organization operating an established business primarily engaged in the selling of food or drink for consumption on the premises to conduct social card games and to utilize punch boards and pull-tabs as a commercial stimulant to such business when licensed and

utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(5) The legislature hereby authorizes any person to conduct or operate amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted by the commission at such locations as the commission may authorize.

(6) The legislature hereby authorizes any person, association, or organization to conduct sports pools without a license to do so from the commission but only when the outcome of which is dependent upon the score, or scores, of a certain athletic contest and which is conducted only in the following manner:

(a) A board or piece of paper is divided into one hundred equal squares, each of which constitutes a chance to win in the sports pool and each of which is offered directly to prospective contestants at one dollar or less; and

(b) The purchaser of each chance or square signs his or her name on the face of each square or chance he or she purchases; and

(c) At some time not later than prior to the start of the subject athletic contest the pool is closed and no further chances in the pool are sold; and

(d) After the pool is closed a prospective score is assigned by random drawing to each square; and

(e) All money paid by entrants to enter the pool less taxes is paid out as the prize or prizes to those persons holding squares assigned the winning score or scores from the subject athletic contest; and

(f) The sports pool board is available for inspection by any person purchasing a chance thereon, the commission, or by any law enforcement agency upon demand at all times prior to the payment of the prize; and

(g) The person or organization conducting the pool is conducting no other sports pool on the same athletic event; and

(h) The sports pool conforms to any rules and regulations of the commission applicable thereto.

(7) (a) The legislature hereby authorizes any bona fide charitable or nonprofit organization which is licensed pursuant to RCW 66.24.400, and its officers and employees, to allow the use of the premises, furnishings, and other facilities not gambling devices of such organization by members of the organization who engage as players in the following types of gambling activities only:

(i) Social card games as defined in RCW 9.46.020(a), (b), (c), and (d); and

(ii) Social dice games, which shall be limited to contests of chance, the outcome of which are determined by one or more rolls of dice.

(b) Bona fide charitable or nonprofit organizations shall not be required to be licensed by the commission in order to allow use of their premises in accordance with this subsection; however, the following conditions must be met:

(i) No organization, corporation, or person shall collect or obtain or charge any percentage of or shall collect or obtain any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That a player may collect his or her winnings; and

(ii) No organization, corporation, or person shall collect or obtain any money or thing of value from, or charge or impose any fee upon, any person which either

enables him or her to play or results in or from his or her playing: PROVIDED, That this subparagraph (ii) shall not preclude collection of a membership fee which is unrelated to participation in gambling activities authorized under this subsection.

The penalties provided for professional gambling in this chapter shall not apply to sports pools as described in ~~((this))~~ subsection (6) of this section, the wagering described in subsection (7) of this section, social card games, bingo games, raffles, fund raising events, punch boards, pull-tabs, ((or)) amusement games, or to the use of facilities of a bona fide charitable or nonprofit organization for social card games or dice games, when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

Sec. 3. Section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.070 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, raffles, amusement games, and social card games~~((+))~~, to utilize punch boards and pull-tabs in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission or director shall not issue, deny, suspend or revoke any license because of considerations of race, sex, creed, color, or national origin: AND PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization operating a business primarily engaged in the selling of items of food or drink for consumption on the premises, approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association, or organization to utilize punch boards and pull-tabs and to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization approved by the commission meeting the requirements of this chapter and meeting the requirements of any rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended, permitting said person, association, or organization to conduct or operate

amusement games in such manner and at such locations as the commission may determine;

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association, or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by RCW 9.46.030 as now or hereafter amended;

(5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor and such portion of said fee as the commission may determine, based upon its cost of processing and investigation, shall be retained by the commission upon the withdrawal or denial of any such license application as its reasonable expense for processing the application and investigation into the granting thereof: PROVIDED FURTHER, That if in a particular case the basic license fee established by the commission for a particular class of license is less than the commission's actual expenses to investigate that particular application, the commission may at any time charge to that applicant such additional fees as are necessary to pay the commission for those costs. The commission may decline to proceed with its investigation and no license shall be issued until the commission has been fully paid therefor by the applicant: AND PROVIDED FURTHER, That the commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs;

(6) To require that applications for all licenses contain such information as may be required by the commission: PROVIDED, That all persons having a managerial or ownership interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application: PROVIDED FURTHER, That the commission may require fingerprinting and background checks on any persons seeking licenses under this chapter or of any person holding an interest in any gambling activity, building, or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity;

(7) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;



(8) To require that all income from bingo games, raffles, and amusement games be recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

(9) To regulate and establish maximum limitations on income derived from bingo: PROVIDED, That in establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character, and scope of the activities of the licensee; (ii) the source of all other income of the licensee; and (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes;

(10) To regulate and establish the type and scope of and manner of conducting ~~((social card games permitted to be played, and))~~ the gambling activities authorized by RCW 9.46.030, including but not limited to, the extent of wager, money, or other thing of value which may be wagered or contributed or won by a player in ~~((a social card game))~~ any such activities;

(11) To regulate and establish a reasonable admission fee which may be imposed by an organization, corporation or person licensed to conduct a social card game on a person desiring to become a player in a social card game. A "reasonable admission fee" under this item shall be limited to a fee which would defray or help to defray the expenses of the game and which would not be contrary to the purposes of this chapter;

(12) To cooperate with and secure the cooperation of county, city, and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(13) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.04 RCW;

(14) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended;

(15) To establish and regulate a maximum limit on salaries or wages which may be paid to persons employed in connection with activities conducted by bona fide charitable or nonprofit organizations and authorized by this chapter, where payment of such persons is allowed, and to regulate and establish maximum limits for other expenses in connection with such authorized activities, including but not limited to rent or lease payments.

In establishing these maximum limits the commission shall take into account the amount of income received, or expected to be received, from the class of activities to which the limits will apply and the amount of money the games could generate for authorized charitable or nonprofit purposes absent such expenses. The commission may also take into account, in its discretion, other factors, including but not limited to, the local prevailing wage scale and whether charitable purposes are benefited by the activities;

(16) To authorize, require, and issue for a period not to exceed one year such licenses or permits, for which the commission may by rule provide, to any person to work for any operator of any gambling activity authorized by this chapter in connection with that activity, or any manufacturer, supplier, or distributor of devices for those activities in connection with such business. The commission shall not require that persons working solely as volunteers in an authorized activity conducted by a bona fide charitable or bona fide nonprofit organization, who receive no compensation of any kind for any purpose from that organization, and who have no managerial or supervisory responsibility in connection with that activity, be licensed to do such work. The commission may require that licensees employing such unlicensed volunteers submit to the commission periodically a list of the names, addresses, and dates of birth of the volunteers. If any volunteer is not approved by the commission, the commission may require that the licensee not allow that person to work in connection with the licensed activity;

(17) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee; ((and))

(18) To establish guidelines for determining what constitutes active membership in bona fide nonprofit or charitable organizations for the purposes of this chapter; and

~~((+16))~~ (19) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 4. Section 8, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.080 are each amended to read as follows:

The ~~((department of motor vehicles, subject to the approval of the))~~ commission~~(:)~~ shall employ a full time ~~((employee as))~~ director ~~((respecting gambling activities))~~, who shall be the administrator for the commission in carrying out its powers and duties and who~~(; with the advice and approval of the commission))~~ shall issue rules and regulations adopted by the commission governing the activities authorized hereunder and shall supervise ~~((departmental))~~ commission employees in carrying out the purposes and provisions of this chapter. In addition, the ~~((department))~~ director shall ~~((furnish))~~ employ two assistant directors, together with such investigators and enforcement officers and ~~((with))~~ such ~~((of its administrative services and))~~ staff as ~~((are))~~ the commission determines is necessary to carry out the purposes and provisions of this chapter. The director, both assistant directors, and personnel occupying positions requiring the performing of undercover investigative work shall be exempt from the provisions of chapter 41.06 RCW, as now law or hereafter amended. Neither the director nor any ~~((departmental))~~ commission employee working therefor shall be an officer or manager of any bona fide charitable or bona fide nonprofit organization, or of any organization which conducts gambling activity in this state.

The director, subject to the approval of the commission, is authorized to enter into agreements on behalf of the commission for mutual assistance and services, based upon actual costs, with any state or federal agency or with any city, town, or county, and such state or local agency is authorized to enter into such an agreement with the commission. If a needed service is not available from another agency

of state government within a reasonable time, the director may obtain that service from private industry.

Sec. 5. Section 10, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.100 are each amended to read as follows:

There is hereby created a fund to be known as the "gambling revolving fund" which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and (~~(such employees of the department of motor vehicles as are working therefor,))~~) other commission employees shall be paid from the gambling revolving fund.

Sec. 6. Section 1, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46-.115 are each amended to read as follows:

(1) In addition to any other fees and taxes imposed by this chapter, or by commission rule, there is hereby imposed a special tax to be paid by every person who maintains for use or permits the use of, on any place or premises occupied by him a coin-operated gaming device which is subject to the federal tax on coin-operated devices imposed by section 4461 of the Internal Revenue Code (79 Stat. 148; 26 U.S.C. Sec. 4461), as amended and in effect on March 11, 1976 and any subsequent amendments thereto. The amount of such tax shall be equal to eighty percent of the amount of the tax required to be paid to the federal government pursuant to section 4461 of the Internal Revenue Code (79 Stat. 148; 26 U.S.C. Sec. 4461), as amended and in effect on March 11, 1976 and any subsequent amendments thereto: PROVIDED, That such tax shall not exceed the amount of the credit for state taxes allowed by section 4464 of the Internal Revenue Code (85 Stat. 534, 26 U.S.C. Sec. 4464), as amended and in effect on March 11, 1976 and any subsequent amendments thereto.

This tax shall be imposed on any coin-operated gaming device as defined in section 4462 of the Internal Revenue Code (79 Stat. 149; 26 U.S.C. Sec. 4462), as amended and in effect on March 11, 1976 and any amendments thereto.

(2) The tax established in subsection (1) of this section shall be payable to the commission on or before June 20 of each year in advance of the following fiscal year, July 1 through June 30, pursuant to rules and regulations adopted by the commission. Payment of any tax due shall be a condition precedent to the issuance or renewal of any license of any nature by the commission to the taxpayer. The tax shall apply to each such device so maintained or permitted at any time during the year and no such device shall be placed out for public play unless and until the tax due respecting it has first been paid: PROVIDED, That a replacement for such a

device removed from play shall not be deemed an additional device for that year. Proceeds from the tax shall be deposited in the gambling revolving fund and used by the commission for its expenses of administering this chapter.

The commission shall ~~((issue a stamp showing that the tax has been paid which shall be affixed to the coin-operated gaming device prior to being placed out for public play))~~ adopt rules setting out the procedure for collection of the tax and for the administration of this section.

(3) The tax imposed by subsection (1) of this section shall be in addition to any tax imposed upon such coin-operated gaming devices, or the income therefrom, by any municipal corporation or political subdivision of the state.

(4) Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 7. Section 14, chapter 218, Laws of 1973 1st ex. sess. as amended by section 8, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.140 are each amended to read as follows:

~~((For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this chapter, the commission, or any person appointed by it in writing for the purpose, may))~~ (1) The commission or its authorized representative may:

(a) Make necessary public or private investigations within or outside of this state to determine whether any person has violated or is about to violate this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder; and

(b) Inspect the books, documents, and records of any person lending money to or in any manner financing any license holder or applicant for a license or receiving any income or profits from the use of such license for the purpose of determining compliance or noncompliance with the provisions of this chapter or the rules and regulations adopted pursuant thereto. ~~((The commission, or its designee, may conduct hearings, administer oaths, take depositions, compel the attendance of witnesses and issue subpoenas pursuant to RCW 34.04.105.))~~

(2) For the purpose of any investigation or proceeding under this chapter, the commission or any officer designated by rule may conduct hearings, administer oaths or affirmations, or upon the commission's or officer's motion or upon request of any party may subpoena witnesses, compel attendance, take depositions, take evidence, or require the production of any matter which is relevant to the investigation or proceeding, including but not limited to the existence, description, nature, custody, condition, or location of any books, documents, or other tangible things, or the identity or location of persons having knowledge or relevant facts, or any other matter reasonably calculated to lead to the discovery of material evidence.

(3) Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the director may apply to the superior court for an order compelling compliance.

(4) The commission may appoint hearing officers to conduct hearings respecting the suspension, revocation, or denial of licenses, who may administer oaths, admit or deny admission of evidence, compel the attendance of witnesses, issue subpoenas, issue orders, and exercise all other powers and perform all other functions set out in RCW 34.04.090 (6) and (8), 34.04.100 and 34.04.105. The salaries and expenses

of such hearing officers may be paid from any revenues available to the commission.

(5) Except as otherwise provided in this chapter, all proceedings under this chapter shall be in accordance with the administrative procedure act, chapter 34.04 RCW.

Sec. 8. Section 18, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.180 are each amended to read as follows:

Any person who knowingly causes, aids, abets, or conspires with another to cause any ~~((association or organization))~~ person to violate any provision of this chapter ~~((or of any rule or regulation adopted pursuant to this chapter))~~ shall be guilty of a felony and upon conviction shall be punished by imprisonment for not more than five years or a fine of not more than one hundred thousand dollars, or both.

NEW SECTION. Sec. 9. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

Any person who knowingly causes, aids, abets, or conspires with another to cause any person to violate any rule or regulation adopted pursuant to this chapter shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both.

Sec. 10. Section 19, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.190 are each amended to read as follows:

Any person or association or organization operating any gambling activity ~~((authorized under RCW 9.46.030;))~~ who or which, directly or indirectly, shall in the course of such operation:

- (1) Employ any device, scheme, or artifice to defraud; or
- (2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made; or
- (3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person;

Shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both.

NEW SECTION. Sec. 11. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

Every city or town is authorized to enact as an ordinance of that city or town any or all of the sections of this chapter the violation of which constitutes a misdemeanor or gross misdemeanor. The city or town may not modify the language of any section of this chapter in enacting such section except as necessary to put the section in the proper form of an ordinance or to provide for a sentence be served in the appropriate detention facility. The ordinance must provide for the same maximum penalty for its violation as may be imposed under the section in this chapter.

NEW SECTION. Sec. 12. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

District courts operating under the provisions of chapters 3.30 through 3.74 RCW, except municipal departments of such courts operating under chapter 3.46 RCW and municipal courts operating under chapter 3.50 RCW, shall have concurrent jurisdiction with the superior court to hear, try, and determine misdemeanor and gross misdemeanor violations of this chapter and violations of any ordinance passed under authority of this chapter by any city or town.

Municipal courts operating under chapters 35.20 or 3.50 RCW and municipal departments of the district court operating under chapter 3.46 RCW, shall have concurrent jurisdiction with the superior court to hear, try, and determine violations of any ordinance passed under authority of this chapter by the city or town in which the court is located.

Notwithstanding any other provision of law, each of these courts shall have the jurisdiction and power to impose up to the maximum penalties provided for the violation of the ordinances adopted under the authority of this chapter. Review of the judgments of these courts shall be as provided in other criminal actions.

NEW SECTION. Sec. 13. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

No person participating in a gambling activity shall in the course of such participation, directly or indirectly:

(1) Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator;

(2) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator;

(3) Engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; or

(4) Cause, aid, abet, or conspire with another person to cause any other person to violate subsections (1) through (3) of this section.

Any person violating this section shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both.

NEW SECTION. Sec. 14. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

Any person who works as an employee or agent or in a similar capacity for another person in connection with the operation of an activity for which a license is required under this chapter or by commission rule without having obtained the applicable license required by the commission under section 3(16) of this 1977 amendatory act shall be guilty of a gross misdemeanor and shall, upon conviction, be punished by not more than one year in the county jail or a fine of not more than five thousand dollars, or both.

Sec. 15. Section 21, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.210 are each amended to read as follows:

(1) It shall be the duty of ~~((and))~~ all peace officers ~~((or))~~, law enforcement officers ~~((or))~~, and law enforcement agencies within this state ~~((are hereby empowered))~~ to investigate, ~~((and))~~ enforce, and prosecute all violations of this chapter.

(2) In addition to the authority granted by subsection (1) of this section law enforcement agencies of cities and counties shall investigate and report to the commission all violations of the provisions of this chapter and of the rules of the commission found by them and shall assist the commission in any of its investigations and proceedings respecting any such violations. Such law enforcement agencies shall not be deemed agents of the commission.

~~((2))~~ (3) In addition to its other powers and duties, the commission shall have the power to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. The director, both assistant directors, and each of the commission's investigators, enforcement officers, and inspectors ~~((assigned by the department of motor vehicles to the commission))~~ shall have the power, under the supervision of the commission, to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth above, the commission shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter, as now law or hereafter amended, and to obtain information from and provide information to all other law enforcement agencies.

Sec. 16. Section 23, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.230 are each amended to read as follows:

(1) All gambling devices as defined in RCW ~~((9.46.020(9)))~~ 9.46.020(10) are common nuisances and shall be subject to seizure, immediately upon detection by any peace officer, and to confiscation and destruction by order of a superior or district justice court, except when in the possession of officers enforcing this chapter.

(2) No property right in any gambling device as defined in RCW ~~((9.46.020(9)))~~ 9.46.020(10) shall exist or be recognized in any person, except the possessory right of officers enforcing this chapter.

(3) All furnishings, fixtures, equipment, and stock, including without limitation furnishings and fixtures adaptable to nongambling uses and equipment and stock

for printing, recording, computing, transporting, or safekeeping, used in connection with professional gambling or maintaining a gambling premises, and all money or other things of value at stake or displayed in or in connection with professional gambling or any gambling device used therein, shall be subject to seizure, immediately upon detection, by any peace officer, and unless good cause is shown to the contrary by the owner, shall be forfeited to the state or political subdivision by which seized by order of a court having jurisdiction, for disposition by public auction or as otherwise provided by law. Bona fide liens against property so forfeited, on good cause shown by the lienor, shall be transferred from the property to the proceeds of the sale of the property. Forfeit moneys and other proceeds realized from the enforcement of this subsection shall be paid into the general fund of the state if the property was seized by officers thereof or to the political subdivision or other public agency, if any, whose officers made the seizure, except as otherwise provided by law. This subsection shall not apply to such items utilized in activities enumerated in RCW 9.46.030, as now or hereafter amended ~~((or))~~, when the items are of the type and kind traditionally and usually employed in connection with the particular activity. Nor shall this subsection apply to any act or acts in furtherance ((thereof)) of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

(4) Whoever knowingly owns, manufactures, possesses, buys, sells, rents, leases, finances, holds a security interest in, stores, repairs, or transports any gambling device as defined in RCW 9.46.020 as now or hereafter amended or offers or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a felony and fined not more than one hundred thousand dollars or imprisoned not more than five years or both: PROVIDED, HOWEVER, That this subsection shall not apply to devices used in those activities enumerated in RCW 9.46.030, as now or hereafter amended, ~~((or))~~ when the devices are of the type and kind traditionally and usually employed in connection with the particular activity. Nor shall this subsection apply to any act or acts in furtherance ((thereof)) of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. Subsection (2) of this section shall have no application in the enforcement of this subsection. In the enforcement of this subsection direct possession of any such gambling device shall be presumed to be knowing possession thereof.

(5) Whoever knowingly prints, makes, possesses, stores, or transports any gambling record, or buys, sells, offers, or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a gross misdemeanor: PROVIDED, HOWEVER, That this subsection shall not apply to records relating to and kept for activities enumerated in RCW 9.46.030, as now or hereafter amended ((or)), when the records are of the type and kind traditionally and usually employed in connection with the particular activity. Nor shall this subsection apply to any act or acts in furtherance ((thereof)) of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. In the enforcement of this subsection direct possession of any such gambling record shall be presumed to be knowing possession thereof.



**NEW SECTION.** Sec. 17. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

All applications for licenses made to the commission, with the exception of any portions of the applications describing the arrest or conviction record of any person, and all reports required by the commission to be filed by its licensees on a periodic basis concerning the operation of the licensed activity or concerning any organization, association, or business in connection with which a licensed activity is operated, in the commission files, shall be open to public inspection at the commission's offices upon a prior written request of the commission. The staff of the commission may decline to allow an inspection until such time as the inspection will not unduly interfere with the other duties of the staff. The commission may charge the person making a request for an inspection an amount necessary to offset the costs to the commission of providing the inspection and copies of any requested documents.

**NEW SECTION.** Sec. 18. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 17, 1977.

Passed the Senate June 16, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

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## CHAPTER 327

[Third Substitute House Bill No. 1188]

### FOOD FISH AND SHELLFISH—LICENSES, FEES, AND TAXES—SALMON ENHANCEMENT PROGRAM

AN ACT Relating to food fish and shellfish; amending section 75.18.080, chapter 12, Laws of 1955 as amended by section 1, chapter 283, Laws of 1971 ex. sess. and RCW 75.18.080; amending section 3, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.460; amending section 1, chapter 90, Laws of 1969 as amended by section 15, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.095; amending section 75.28.130, chapter 12, Laws of 1955 as last amended by section 7, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.130; amending section 75.28.140, chapter 12, Laws of 1955 as last amended by section 8, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.140; amending section 75.28.190, chapter 12, Laws of 1955 as last amended by section 9, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.190; amending section 75.28.220, chapter 12, Laws of 1955 as last amended by section 10, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.220; amending section 75.32.020, chapter 12, Laws of 1955 and RCW 75.32.020; amending section 75.32.030, chapter 12, Laws of 1955 as last amended by section 1, chapter 10, Laws of 1963 ex. sess. and RCW 75.32.030; amending section 13, chapter 212, Laws of 1955 and RCW 75.32.051; amending section 75.32.080, chapter 12, Laws of 1955 and RCW 75.32.080; amending section 75.32.090, chapter 12, Laws of 1955 as last amended by section 1, chapter 193, Laws of 1967 and RCW 75.32.090; amending section 2, chapter 9, Laws of 1963 ex. sess. and RCW 75.32.101; amending section 75.32.110, chapter 12, Laws of 1955 and RCW 75.32.110; amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 1, chapter 223, Laws of 1975 1st ex. sess. and RCW 75.08.230; adding a new section to chapter 12, Laws of 1955 and to chapter 75.08 RCW; adding new sections to chapter 75.18 RCW; adding new sections to chapter 75.28 RCW; adding new sections to chapter 75.32 RCW; repealing section 75.32.070, chapter 12, Laws of 1955, section 2, chapter 10, Laws of 1963 ex. sess., section 1, chapter 63, Laws of 1973 1st ex. sess. and RCW 75.32.070; prescribing penalties; and prescribing an effective date.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. There is added to chapter 75.18 RCW a new section to read as follows:

The long range economic development goals for the state of Washington shall include the restoration of salmon runs to provide an increased supply of this valuable renewable resource for the benefit of commercial and recreational users and the economic well-being of the state. For the purpose of providing funds for the planning, acquisition, construction, improvement, and operation of salmon enhancement facilities within the state it is the intent of the legislature that the revenues received from fees from the issuance of vessel delivery permits, charter boat licenses, trolling gear licenses, gill net gear licenses, purse seine gear licenses, reef net gear licenses, anadromous salmon angling licenses and all moneys received from all privilege fees and fish sales taxes collected on fresh or frozen salmon or parts thereof be utilized to fund such costs.

The salmon enhancement program funded by commercial and recreational fishing fees and taxes shall be for the express benefit of all persons whose fishing activities fall under the management authority of the Washington department of fisheries and who actively participate in the funding of the enhancement costs through the fees and taxes set forth in chapters 75.28 and 75.32 RCW or through other adequate funding methods.

**NEW SECTION.** Sec. 2. There is added to chapter 75.18 RCW a new section to read as follows:

(1) The department shall not acquire, construct, or substantially improve any salmon enhancement facility unless the requirements of this section are met.

(a) The productivity of any salmon propagation facility is very dependent on water quantity and quality. Since there is a limited number of water sources which meet the critical needs of a facility it is imperative that these sources are acquired. Therefore, site acquisitions and preliminary design shall be considered by the department as generally having priority over project development.

(b) Prior to expending any moneys for the construction and development of any particular salmon propagation facility, except for site acquisition and preliminary design, the department shall, with the advice of the advisory council created in subsection (2) of this section, give consideration to the following factors with respect to that facility:

- (i) The department's management authority over propagated salmon;
- (ii) The level of expected Canadian interception on the propagated salmon and whether this would be acceptable;
- (iii) Whether an acceptable agreement has been reached on the status of treaty Indian salmon harvest; and
- (iv) Whether there can be a maximum harvest of propagated salmon with a tolerable impact on other salmonid stocks, both natural and artificial, and on their environment. The department shall consult on this matter with the department of game.

(2) To aid and advise the department in the performance of its functions as specified by this section with regard to the salmon enhancement program, a salmon advisory council is hereby created. The advisory council shall consist of ten members appointed by the governor; the director of the department of fisheries, who

shall be chairman; the director of the department of game, or the director's designee; one member of the senate to be appointed by the president of the senate; and one member of the house of representatives to be appointed by the speaker of the house of representatives. Of the members appointed by the governor, two shall represent troll fishermen; two shall represent gill net fishermen, of which one shall be from the Puget Sound area and one from the southwest Washington area; one shall represent purse seine fishermen; one shall represent owners of charter boats; two shall represent sportsmen; and two shall represent fish processors, of which one shall represent fresh or frozen fish processors and one shall represent canneries.

The advisory council shall be convened by the director prior to the decision to expend any funds for construction and development of any salmon propagation facility. The council shall advise the director with regard to the considerations listed in subsection (1)(b) of this section and any other factors the council deems relevant with respect to the proposed facility.

Vacancies shall be filled in the same manner as original appointments. Except for the director of the department of game and legislative members, members shall receive reimbursement through the department of fisheries for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

The director of the department of game, or the director's designee, shall receive reimbursement through the department of game for travel expenses incurred in the performance of his or her duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The legislative members shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120 as now existing or hereafter amended.

Sec. 3. Section 75.18.080, chapter 12, Laws of 1955 as amended by section 1, chapter 283, Laws of 1971 ex. sess. and RCW 75.18.080 are each amended to read as follows:

Every person or persons, firm or corporation operating a fishing vessel of any description used in the commercial taking or catching of salmon in offshore waters and the transporting or bringing the same in and through the waters of the state of Washington and delivering the same in any place or port in the state of Washington shall, as a condition of doing so, obtain a permit from the director of fisheries. The fee for said permit shall be ~~((one))~~ two hundred dollars for the vessel and operator ~~((and ten dollars for each member of the crew thereof))~~, such permit to be effective during the calendar year in which issued: PROVIDED, That persons operating fishing vessels licensed under RCW 75.28.085 may apply the delivery permit fee of ten dollars against the fees outlined hereinabove except those holding a valid troll license are exempt from said fees: PROVIDED FURTHER, That if it appears to the director of fisheries, after investigation, that the operation of such vessel under such permit tends to result in the impairment, depletion, or destruction of the salmon resource and supply of this state and in bringing into this state salmon products prohibited by law, in that event, the director under such regulations and terms as he may prescribe, may revoke said permit to use and operate such boat in the waters of this state, and in the event of the revocation of such

permit, the further operation of such vessel as hereinabove set forth shall then be unlawful.

Sec. 4. Section 3, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.460 are each amended to read as follows:

Any commercial salmon fishing vessel not qualified for a commercial salmon fishing license or vessel delivery permit under RCW 75.28.455 and wishing to land salmon caught outside the territorial waters of the state of Washington shall be able to obtain a single delivery vessel delivery permit. The fee for such permit shall be ~~((the same as the annual vessel delivery permits))~~ one hundred dollars.

Sec. 5. Section 1, chapter 90, Laws of 1969 as amended by section 15, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.095 are each amended to read as follows:

Every owner of a vessel used as a charter boat from which salmon and other food fish are taken for personal use shall obtain a yearly charter boat license for each such vessel, and the fee for said license shall be ~~((fifty))~~ two hundred dollars per annum ((for residents and one hundred dollars per annum for nonresidents)); PROVIDED, That every owner of a vessel used as a charter boat from which only food fish other than salmon are taken for personal use shall obtain a yearly charter boat license for each vessel, and the fee for said license shall one hundred dollars per annum. "Charter boat" means any vessel from which persons may, for a fee, angle for food fish, and which delivers food fish taken from waters either within or without the territorial boundaries of the state of Washington into state ports.

No vessel may engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time: PROVIDED, That the license and delivery permit allowing the the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.

Nothing in this section shall be construed to mean that vessels not generally engaged in charter boat fishing, and under private lease or charter being operated by the lessee for the lessee's personal recreational enjoyment shall be included under the provisions of this section.

Sec. 6. Section 75.28.130, chapter 12, Laws of 1955 as last amended by section 7, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.130 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing troll lines in the taking of salmon shall be ~~((one))~~ two hundred dollars per annum. Each license shall entitle the licensee to use six or less troll lines.

The fee for all licenses prescribed in this chapter employing troll lines in the taking of food fish, other than salmon, shall be twenty-seven dollars and fifty cents per annum. Each license shall entitle the licensee to use six or less troll lines.

Sec. 7. Section 75.28.140, chapter 12, Laws of 1955 as last amended by section 8, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.140 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing gill nets in the taking of food fish shall be ~~((one))~~ two hundred dollars per annum.

A valid Grays Harbor–Columbia river or Willapa Harbor–Columbia river commercial salmon fishing gill net license shall also be valid when lawfully fishing for sturgeon, smelt and shad in the licensing district for which said license is issued.

Sec. 8. Section 75.28.190, chapter 12, Laws of 1955 as last amended by section 9, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.190 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing purse seines (drum seines, table seines, power block seines) in the taking of food fish shall be ~~((two))~~ three hundred dollars per annum.

Sec. 9. Section 75.28.220, chapter 12, Laws of 1955 as last amended by section 10, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.220 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing reef nets in the taking of food fish shall be ~~((one))~~ two hundred dollars per annum.

NEW SECTION. Sec. 10. There is added to chapter 75.28 RCW a new section to read as follows:

The legislature, recognizing that anadromous salmon within the waters of the state and offshore waters are fished for both recreational and commercial purposes and that the recreational anadromous salmon fishery is a major recreational and economic asset to the state and improves the quality of life for all residents of the state, declares that it is the policy of the state to enhance and improve recreational anadromous salmon fishing in the state.

NEW SECTION. Sec. 11. There is added to chapter 75.28 RCW a new section to read as follows:

(1) It shall be unlawful for any person sixteen years of age or older, and under seventy years of age, to take, fish for, or have in his possession any anadromous salmon that is taken for personal use from the waters or offshore waters of this state, without first having obtained and having in his possession an anadromous salmon angling license as provided in section 13 of this 1977 amendatory act, unless otherwise exempt from state licensing laws.

(2) Every violation of this section is a misdemeanor punishable by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both.

NEW SECTION. Sec. 12. There is added to chapter 75.28 RCW a new section to read as follows:

All anadromous salmon angling licenses issued under section 13 of this 1977 amendatory act shall be issued by or under authority of the director, who may deputize any reputable citizen to issue the licenses and collect the fees therefor.

The director shall adopt such rules as he deems necessary for the issuance of anadromous salmon angling licenses and for the collection, payment, and handling of fees prescribed in sections 13 and 14 of this 1977 amendatory act. The rules shall be adopted in conformity with chapter 34.04 RCW.

NEW SECTION. Sec. 13. There is added to chapter 75.28 RCW a new section to read as follows:

(1) The fees for an annual resident fresh and saltwater anadromous salmon angling license and for an annual nonresident saltwater anadromous salmon angling

license shall each be three dollars. The fees for a one day resident fresh and salt-water anadromous salmon angling license and for a one day nonresident saltwater anadromous salmon angling license shall each be one dollar. The fee for an annual nonresident freshwater anadromous salmon angling license shall be ten dollars. The fee for a three consecutive day nonresident freshwater anadromous salmon angling license shall be five dollars.

(2) Notwithstanding any other definitions in this title, the term "resident" as used in this section means any person who for at least thirty days immediately preceding any application for a license has maintained a permanent place of abode within this state and has established by formal evidence an intent to continue residence within this state. All other persons are nonresidents.

(3) An annual license shall be effective only during the calendar year in which it is issued. An annual license shall be valid for a maximum catch of thirty salmon after which another annual license may be purchased.

(4) Any person sixty-five or more years of age who is an honorably discharged veteran of the United States military or naval forces having a service-connected disability and who has been a resident of this state for five years, upon the making of an affidavit to this effect, shall be given an anadromous salmon angling license free of charge upon application therefor.

Any person who is blind shall be issued an anadromous salmon angling license free of charge upon application therefor.

Anadromous salmon angling licenses issued under this subsection shall be considered valid for the lifetime of the holder.

NEW SECTION. Sec. 14. There is added to chapter 75.28 RCW a new section to read as follows:

Any person deputized by the director to issue anadromous salmon angling licenses shall collect the sum of twenty-five cents in addition to the license fee, which sum shall be retained by such person.

NEW SECTION. Sec. 15. There is added to chapter 75.28 RCW a new section to read as follows:

Anadromous salmon angling licenses shall not be transferable. Any person fishing for anadromous salmon or having anadromous salmon in his or her possession that are taken for personal use from the waters of this state or offshore waters shall, upon demand of any fisheries patrol officer, fisheries inspector, deputy fisheries inspector, game protector, or law enforcement officer within their respective jurisdiction, exhibit his or her license and write his or her name for the purpose of comparison with the signature on the license. Failure to exhibit the license and to write the name upon demand shall be prima facie evidence that the person has no license or is not the person named on the license in the person's possession.

NEW SECTION. Sec. 16. There is added to chapter 75.28 RCW a new section to read as follows:

Any person who knowingly falsifies any information required for the issuance of an anadromous salmon angling license shall be guilty of a misdemeanor.

NEW SECTION. Sec. 17. There is added to chapter 75.28 RCW a new section to read as follows:

In concurrent waters of the Columbia river where the river forms the boundary between the state of Washington and the state of Oregon and in Washington coastal territorial waters from the Oregon-Washington boundary to a point five nautical miles north, an Oregon angling license comparable to the Washington anadromous salmon angling license shall be valid if the Oregon license is valid within the jurisdiction of Oregon and the state of Oregon recognizes as valid the Washington anadromous salmon angling license in comparable Oregon waters.

Nothing in this section shall be construed to mean that any Oregon licenses are valid for the taking of salmon when angling in concurrent waters of the Columbia river from the Washington shore.

**NEW SECTION.** Sec. 18. There is added to chapter 12, Laws of 1955 and to chapter 75.08 RCW a new section to read as follows:

The director may adopt rules to promote orderly recreational fisheries and may take into consideration factors of navigation, law enforcement, recreational fishery enhancement, environmental concerns, and public recreation. The rules shall be adopted in conformity with chapter 34.04 RCW.

Sec. 19. Section 75.32.020, chapter 12, Laws of 1955 and RCW 75.32.020 are each amended to read as follows:

In addition to all other taxes, licenses or fees provided by law there shall be paid to the state of Washington by those engaged in the fishing industry in this state the privilege fees and fish sales taxes as provided for in this chapter.

Sec. 20. Section 75.32.030, chapter 12, Laws of 1955 as last amended by section 1, chapter 10, Laws of 1963 ex. sess. and RCW 75.32.030 are each amended to read as follows:

Canners, curers, freezers, wholesale dealers and retail dealers of food fish and shellfish, other than oysters, and manufacturers of food fish and shellfish byproducts, other than oyster byproducts, (1) shall pay a privilege fee equal to ~~((two))~~ five percent of the primary market value on all fresh or frozen chinook ~~((and silver)),~~ coho, and chum salmon, or parts thereof, which they receive, handle, deal in, or deal with as original receiver in the state~~((; and they))~~; (2) shall pay a privilege fee equal to three percent of the primary market value on all fresh or frozen pink and sockeye salmon, or parts thereof, which they receive, handle, deal in, or deal with as original receiver in the state; and (3) shall pay a privilege fee equal to ~~((one))~~ two percent of the primary market value on all other fresh or frozen food fish and shellfish, or parts thereof, except oysters, which they receive, handle, deal in or deal with, as original receiver in the state: PROVIDED, That any person or sales agency selling fresh or frozen food fish or shellfish ~~((previously landed in the state)), or parts thereof, to ((others))~~ purchasers of food fish or shellfish residing outside the state of Washington which had been previously landed in the state, shall be responsible for and shall pay the privilege ~~((taxes))~~ fees herein provided.

Sec. 21. Section 13, chapter 212, Laws of 1955 and RCW 75.32.051 are each amended to read as follows:

Canners, curers, freezers, wholesale dealers and retail dealers of oysters, and manufacturers of oyster byproducts, shall pay a privilege fee equal to one cent per gallon or bushel on Pacific oysters, and six and one-half cents per gallon or bushel on Olympia oysters, New Washington oysters, or Kumamoto oysters which they

receive, handle, deal in, or deal with as original receiver in this state: **PROVIDED**, That any person or sales agency selling fresh or frozen oysters, or parts thereof, previously taken in the state to ~~((others))~~ purchasers of food fish or shellfish residing outside the state of Washington, shall be responsible for and shall pay the privilege taxes herein provided.

**NEW SECTION.** Sec. 22. There is added to chapter 75.32 RCW a new section to read as follows:

(1) Except as provided in subsection (2) of this section, there is hereby imposed a fish sales tax on the privilege of selling food fish or shellfish, or parts thereof, to an original receiver as defined in RCW 75.32.080, as now or hereafter amended. The tax shall be as follows:

(a) Two and one-half percent of the primary market value on all fresh or frozen chinook, coho, and chum salmon, or parts thereof;

(b) One and one-half percent of the primary market value on all fresh or frozen pink and sockeye salmon, or parts thereof;

(c) One percent of the primary market value on all other fresh or frozen food fish and shellfish, or parts thereof.

(2) The sales tax prescribed in this section shall not apply to sales of shellfish, or parts thereof, taken from a licensed oyster or clam farm or to sales of food fish or shellfish, or parts thereof, taken from a licensed fish farm.

**NEW SECTION.** Sec. 23. There is added to chapter 75.32 RCW a new section to read as follows:

The following amounts may be credited against the amount of privilege fees owed under RCW 75.32.030 by a canner, curer, dealer, freezer, or manufacturer:

(1) In respect to each transaction in which the fish sales tax is collected pursuant to RCW 75.32.080, as now or hereafter amended, and a privilege fee is owed, the amount of the sales tax collected shall be credited against such privilege fee.

(2) Any sales tax, catch tax, landing tax, or other tax or fee on food fish or shellfish, or parts thereof, purchased by an original receiver, as defined in RCW 75.32.080, as now or hereafter amended, in another state and imposed on the receiver by such state shall be credited against the amount of privilege fees owed in respect to such food fish or shellfish, or parts thereof.

**NEW SECTION.** Sec. 24. There is added to chapter 75.32 RCW a new section to read as follows:

The director shall adopt rules specifying the proof required for credits claimed under section 23 of this 1977 amendatory act and the manner in which the credits shall be taken.

**NEW SECTION.** Sec. 25. There is added to chapter 75.32 RCW a new section to read as follows:

As used in this chapter, the terms food fish and shellfish also include parts of food fish and shellfish.

**NEW SECTION.** Sec. 26. There is added to chapter 75.32 RCW a new section to read as follows:

(1) The privilege fees and fish sales taxes provided for in this chapter shall be paid on all fresh or frozen food fish or shellfish handled by the original receivers regardless of where the fish or shellfish were caught: **PROVIDED**, That no fee or



tax shall be paid on frozen food fish or frozen shellfish or on food fish or shellfish which has been packaged for retail sales and that has been previously landed in another state, territory, or country.

(2) Any person or sales agency selling fresh or frozen food fish or shellfish previously landed in this state to purchasers of food fish or shellfish residing outside this state shall be responsible for and shall pay the privilege fees and fish sales taxes.

Sec. 27. Section 75.32.080, chapter 12, Laws of 1955 and RCW 75.32.080 are each amended to read as follows:

The ~~((catch fees))~~ fish sales tax provided for herein shall be deducted from the payments made by the original receiver to the person ~~((catching or landing))~~ selling the food fish or shellfish to the original receiver, and the original receiver shall collect the ~~((fees))~~ taxes and remit them to the director ~~((; and in event he fails to do so he is liable for such fees as he fails to collect and remit))~~.

"Original receiver" means the person first receiving, handling, dealing in, or dealing with the fresh or frozen food fish or shellfish within the jurisdiction of the state of Washington as a canner, curer, freezer, retail dealer, wholesale dealer, by-products manufacturer, or branch plant ~~((; and the privilege fees provided for herein shall be paid on all fresh or frozen food fish or shellfish handled by the original receivers regardless of where the fish or shellfish were caught. PROVIDED, That no tax shall be paid on frozen food fish or frozen shellfish that has been previously landed in another state, territory, or country. PROVIDED FURTHER, That any person or sales agency selling fresh or frozen food fish or shellfish previously landed in the state to others residing outside the state of Washington, shall be responsible for and shall pay the privilege taxes herein provided))~~.

Sec. 28. Section 75.32.090, chapter 12, Laws of 1955 as last amended by section 1, chapter 193, Laws of 1967 and RCW 75.32.090 are each amended to read as follows:

The privilege ~~((or catch))~~ fees and fish sales taxes herein provided for are due and payable in quarterly installments, and the fees and taxes accruing during each quarterly period shall become due on the first day of the month immediately following the end of the quarterly period, and shall be paid on or before the last day of that month. The following shall constitute the quarterly periods to be utilized:

- (1) January, February, March;
- (2) April, May, June;
- (3) July, August, September;
- (4) October, November, December.

On or before the day payment is required as provided above, the person paying the privilege ~~((or catch))~~ fees and fish sales taxes to the department shall prepare a return under oath upon such forms and setting forth such information as the director may require, and transmit the same to the director together with a remittance for the fees and taxes which are due. Any person that is subject at any time of the year to the privilege ((or catch)) fee provisions set forth in this chapter shall file a return each quarter of the year showing whether or not any fees or taxes are due.

Sec. 29. Section 2, chapter 9, Laws of 1963 ex. sess. and RCW 75.32.101 are each amended to read as follows:

In the event payment of fees and taxes provided for under this chapter is not received by the fifteenth day of the month in which the fees and taxes become due, the fees and taxes shall become delinquent and the schedule of penalties stated below shall be invoked. A return or remittance which is transmitted to the director by United States mail shall be deemed filed or received on the date shown by the post office cancellation mark stamped upon the envelope containing it. The following shall be the schedule of penalties to be assessed for delinquent payments of such fees and taxes:

(1) Sixteen through thirty days after due date—Add ten percent of total fees and taxes due but not less than one dollar.

(2) Thirty-one through sixty days after due date—Add twenty percent of total fees and taxes due but not less than two dollars.

(3) Sixty-one through ninety days after due date—Add twenty-five percent of total fees and taxes due but not less than three dollars.

(4) Ninety-one days or more after due date—Add twenty-five percent of total fees and taxes due (but not less than three dollars) plus eight percent interest per annum computed on the sum of the total fees and taxes due and the percentage penalty.

The delinquent fees and taxes together with the applicable penalties and accrued interest thereon shall constitute a first lien upon the cannery, packing plant, buildings, scows, boats, vehicles and other equipment used by the person or business owing the fees and taxes in the taking, handling, dealing in, dealing with, or processing of food fish or shellfish.

Sec. 30. Section 75.32.110, chapter 12, Laws of 1955 and RCW 75.32.110 are each amended to read as follows:

The director shall have the authority to promulgate such rules, regulations, and orders, and to require such reports as in his judgment shall be necessary to insure the payment of the fees and taxes herein required.

NEW SECTION. Sec. 31. There is added to chapter 75.32 RCW a new section to read as follows:

The department or its designee may audit any original receiver as defined in RCW 75.32.080, as now or hereafter amended, for the purpose of assuring the collection of privilege fees and fish sales taxes provided for in this chapter, or for the purpose of collecting unpaid fees and taxes. The director may adopt rules and procedures to govern the collection of any fees and taxes under this chapter.

NEW SECTION. Sec. 32. Section 75.32.070, chapter 12, Laws of 1955, section 2, chapter 10, Laws of 1963 ex. sess., section 1, chapter 63, Laws of 1973 1st ex. sess. and RCW 75.32.070 are each repealed.

Sec. 33. Section 75.08.230, chapter 12, Laws of 1955 as last amended by section 1, chapter 223, Laws of 1975 1st ex. sess. and RCW 75.08.230 are each amended to read as follows:

All license fees, taxes, fines, and moneys realized from the sale of property seized or confiscated under the provisions of this title, and all bail moneys forfeited

under prosecutions instituted under the provisions of this title, and all moneys realized from the sale of any of the property, real or personal, heretofore or hereafter acquired for the state and under the control of the department, such moneys as are realized from the sale of food fish or shellfish caught or taken during test fishing operations conducted by the department for the purpose of food fish or shellfish resource evaluation studies, all moneys collected for damages and injuries to any such property, and all moneys collected for rental or concessions from such property, shall be paid into the state treasury general fund unless otherwise provided by law: PROVIDED, That salmon taken in test fishing operations shall not be sold except during a season open to commercial fishing in the district (~~that~~) wherein test fishing is being conducted: PROVIDED FURTHER, That fifty percent of all money received as fines together with all of the costs shall be retained by the county in which the fine was collected.

All fines collected shall be remitted monthly by the justice of the peace or by the clerk of the court collecting the same to the county treasurer of the county in which the same shall be collected, and the county treasurer shall at least once a month remit fifty percent of the same to the state treasurer and at the same time shall furnish a statement to the director showing the amount of fines so remitted and from whom collected: PROVIDED, That in instances wherein any portion of a fine assessed by a court is suspended, deferred, or otherwise not collected, the entire amount collected shall be remitted by the county treasurer to the state treasurer and shall be credited to the general fund: PROVIDED FURTHER, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds may exceed estimates thereof in the budget approved by the legislature, may be allocated by the office of program planning and fiscal management as unanticipated receipts under such procedures as are adopted by the legislature for the allocation of such receipts to reimburse the department for any unanticipated costs for test fishing operations in excess of any allowance therefor in the budget as approved by the legislature.

Proceeds of all sales of salmon and all sales of salmon eggs by the department, to the extent these proceeds may exceed estimates in the budget as approved by the legislature, may be allocated by the office of program planning and fiscal management as unanticipated receipts under such procedures as the legislature may adopt for the allocation of such receipts.

Such allocations shall be made only for the purpose of meeting department obligations in regards to hatchery operations partially or wholly financed by sources other than state general revenues or for purposes of processing human consumable salmon for disposal as may be provided by law.

NEW SECTION. Sec. 34. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 35. This 1977 amendatory act shall take effect on January 1, 1978.

Passed the House June 14, 1977.

Passed the Senate June 17, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

## CHAPTER 328

[Substitute House Bill No. 928]

ENERGY—ALERTS, EMERGENCIES—GOVERNOR—JOINT COMMITTEE

AN ACT Relating to energy; amending section 15, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.010; amending section 16, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.020; amending section 17, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.030; amending section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.040; amending section 19, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.050; amending section 20, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.060; amending section 21, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.070; amending section 22, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.080; amending section 23, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.090; amending section 43.06.010, chapter 8, Laws of 1965 as last amended by section 25, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.010; amending section 1, chapter 186, Laws of 1969 ex. sess. as amended by section 26, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.200; amending section 2, chapter 186, Laws of 1969 ex. sess. as amended by section 27, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.210; amending section 1, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.010; amending section 2, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.015; amending section 3, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.020; amending section 4, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.025; adding new sections to chapter 260, Laws of 1969 ex. sess. and to chapter 44.39 RCW; repealing section 5, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.030; repealing section 6, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.035; repealing section 7, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.040; and declaring an emergency.

Section 1. Section 15, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.010 are each amended to read as follows:

The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to the point that there may be foreseen an emergency situation, and that without the ability to institute appropriate emergency measures to ~~((reduce and/or allocate the usage))~~ regulate the production, distribution, and use of energy ~~((through a program of mandatory usage curtailment and/or allocation))~~, a severe impact on the public health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation ~~((of the effects))~~ of such energy shortages or disruptions and their effects is necessary for preservation of the public health, safety, and general welfare of the citizens of this state.

It is the intent of this chapter to:

- (1) Establish necessary ~~((energy))~~ emergency powers for the governor and define the ~~((conditions))~~ situations under which such powers are to be exercised;
- (2) Provide penalties for violations of this chapter.

It is further the intent of the legislature that in developing proposed orders under the powers granted in RCW 43.21G.040 as now or hereafter amended the governor may utilize, on a temporary or ad hoc basis, the knowledge and expertise of persons experienced in the technical aspects of energy supply, distribution, or

use. Such utilization shall be in addition to support received by the governor from the state energy office under RCW 43.21F.050 and 43.21F.070 and from other state agencies.

Sec. 2. Section 16, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43-21G.020 are each amended as follows:

As used in this chapter:

(1) "Energy supply facility" means a facility which produces, extracts, converts, transports, or stores energy.

(2) "Energy" means any of the following, individually or in combination: Petroleum ((or)) fuels; other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material, or electricity.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency or any other entity, public or private, however organized.

(4) (~~"Council" means the energy advisory council created by section 8 of this 1976 amendatory act.~~) "Committee" means the joint committee on energy and utilities created by RCW 44.39.010 as now or hereafter amended.

(5) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, joint operating agencies, municipal utility, public utility district, or cooperative, which engages in or ((are)) is authorized to engage in the activity of generating, transmitting, or distributing energy in this state.

(6) "Regulated distributor" means a public service company as defined in chapter 80.04 RCW which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state.

(7) "Energy supply alert" means a situation which threatens to disrupt or diminish the supply of energy to the extent that the public health, safety, and general welfare may be jeopardized.

(8) "Energy emergency" means a situation in which the unavailability or disruption of the supply of energy poses a clear and foreseeable danger to the public health, safety, and general welfare.

(9) "State or local governmental agency" means any county, city, town, municipal corporation, political subdivision of the state, or state agency.

Sec. 3. Section 17, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43-21G.030 are each amended to read as follows:

It is the intent of the legislature that the governor (~~and the council~~) shall, in developing (~~provisions~~) plans for the production, allocation, (~~conservation,~~) and consumption of energy, give (~~due consideration~~) high priority to supplying vital public services (~~such as~~) including, but not limited to, essential governmental operations, public health and safety functions, emergency services, public mass transportation systems, fish production, food production and processing facilities, including the provision of water to irrigated agriculture, and energy supply facilities, during a condition(~~s~~) of (~~an~~) energy supply alert or energy emergency. In developing any (~~energy allocation~~) such (~~programs~~) plans, provisions should be made for the equitable distribution of energy among the geographic areas of the state.

It is further the intent of the legislature that the governor shall, to the extent possible, encourage and rely upon voluntary programs and local and regional programs for the production, allocation, and consumption of energy and that involvement of energy users and producers be secured in implementing such programs.

Sec. 4. Section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43-.21G.040 are each amended to read as follows:

~~((In addition to his existing powers and duties, the governor shall have the following duties and special energy emergency powers subject to the definitions and limitations in this chapter:))~~

(1) ~~The governor may~~~~(, upon finding that a situation exists which threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized, declare a condition or state of "energy supply alert", at which time all of the general and specific))~~ subject to the definitions and limitations provided in this chapter:

(a) Upon finding that an energy supply alert exists within this state or any part thereof, declare a condition of energy supply alert; or

(b) Upon finding that an energy emergency exists within this state or any part thereof, declare a condition of energy emergency. A condition of energy emergency shall terminate thirty consecutive days after the declaration of such condition if the legislature is not in session at the time of such declaration and if the governor fails to convene the legislature pursuant to Article III, section 7 of the Constitution of the state of Washington within thirty consecutive days of such declaration. If the legislature is in session or convened, in accordance with this subsection, the duration of the condition of energy emergency shall be limited in accordance with subsection (3) of this section.

Upon the declaration of a condition of energy supply alert or energy emergency, the governor shall present to the committee any proposed plans for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The governor shall review any recommendations of the committee concerning such plans and matters.

Upon the declaration of a condition of energy supply alert or energy emergency, the emergency powers ((further enumerated)) as set forth in this ((section)) chapter shall become effective only within the area described in the declaration. ((Concurrent with such declaration the governor shall convene the council which shall then meet within five days of the declaration of the alert, if it is not already in session:))

(2) A condition of energy supply alert shall terminate ninety consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy supply alert continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy supply alert.

In the event any such initial extension is implemented, the condition shall terminate one hundred and fifty consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate sixty consecutive days after the implementation of such extension.

(3) ~~((The))~~ A condition of ~~((<sup>n</sup>))~~energy ~~((supply alert<sup>n</sup>))~~ emergency shall terminate ~~((after sixty))~~ ~~forty-five~~ consecutive days after the declaration of such condition unless ~~((a continuing condition of "energy supply alert" exists, which shall be defined as the occurrence of either of the following: (a) Extension))~~:

(a) Extended by the governor upon issuing a finding that the energy emergency continues to exist, and with prior approval of such an extension by the committee;  
or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply~~((:))~~; or

~~((b))~~ (c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing ~~((condition of <sup>n</sup>))~~energy ~~((supply alert<sup>n</sup>))~~ emergency.

In the event any such initial extension is implemented, the condition shall terminate ninety consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate forty-five consecutive days after the implementation of such extension.

~~((3) The conditions))~~ (4) A condition of ~~((an))~~ energy supply alert or energy emergency shall ~~((alternatively))~~ cease to exist upon a declaration to that effect by either of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or extraordinary session: PROVIDED, That the governor shall terminate a condition of energy supply alert or energy emergency when the energy supply situation upon which the declaration of a condition of energy supply alert or energy emergency was based no longer exists.

(5) In a condition of energy supply alert, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such energy supply alert, issue orders to: (a) Suspend or modify existing rules of the Washington Administrative Code of any state agency relating to the consumption of energy by such agency or to the production of energy, and (b) direct any state or local governmental agency to implement programs relating to the consumption of energy by the agency which have been developed by the governor or the agency and reviewed by the committee.

~~((4))~~ (6) In a ~~((declared state))~~ condition of energy ~~((supply alert))~~ emergency, the governor may, ~~((upon recommendation or approval of the energy advisory council,))~~ as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency,

issue orders to: (a) Implement ((such)) programs, controls, standards, and priorities((, and quotas)) for the production, allocation, ((conservation;)) and consumption of energy; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

The governor shall immediately transmit the declaration of a condition of energy supply alert or energy emergency and the findings upon which the declaration is based and any orders issued under the powers granted in this chapter to the committee.

Nothing in this chapter shall be construed to mean that any program, control, standard, priority ((quota;)) or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of ((a declared state)) the condition of energy supply alert or energy emergency.

If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, including, but not limited to, chapter 34.04 RCW, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature of this chapter, all actions authorized or required hereunder, or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including, but not limited to, the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor. The emergency powers granted to the governor in this chapter shall expire on June 30, 1980.

Sec. 5. Section 19, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.050 are each amended to read as follows:

To protect the public welfare during ((conditions)) a condition of energy ((alerts or emergencies)) supply alert or energy emergency, the ((chief)) executive authority of each ((political subdivision of the state and each state agency)) state or local governmental agency is hereby authorized and directed to ((carry out in his jurisdiction the energy supply alert or energy emergency measures as may be ordered by the governor)) take action to carry out the orders issued by the governor pursuant to this chapter as now or hereafter amended.

Sec. 6. Section 20, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.060 are each amended to read as follows:

In order to attain uniformity, as far as is practicable throughout the ((country)) United States, in measures taken to aid in energy crisis management, all action taken under this chapter as now or hereafter amended, and all orders and rules



made pursuant hereto, shall be taken or made with due consideration for and consistent when practicable with the orders, rules, regulations, actions, recommendations, and requests of federal authorities.

Sec. 7. Section 21, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43-.21G.070 are each amended to read as follows:

Notwithstanding any provision of law or contract to the contrary, all persons who are affected by an order issued or action taken pursuant to this chapter as now or hereafter amended shall comply therewith immediately.

Sec. 8. Section 22, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43-.21G.080 are each amended to read as follows:

The governor may order any distributor to take such action on his behalf as may be required to implement orders issued pursuant to this chapter as now or hereafter amended (~~(, and no distributor shall be liable for actions taken in accordance with such order)~~): PROVIDED, That orders to regulated distributors shall be issued by the Washington utilities and transportation commission in conformance with orders of the governor. No distributor shall be liable for actions taken in accordance with such orders issued by the governor or the Washington utilities and transportation commission.

All allocations of energy from one distributor to another distributor pursuant to orders issued or as a result of actions taken under this chapter as now or hereafter amended are subject to fair and just reimbursement. Such reimbursement for any allocation of energy between regulated distributors shall be subject to the approval of the Washington utilities and transportation commission. A distributor is authorized to enter into agreements with another distributor for the purpose of determining financial or commodity reimbursement.

Sec. 9. Section 23, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43-.21G.090 are each amended to read as follows:

(1) Any person aggrieved by an order issued or action taken pursuant to this chapter as now or hereafter amended may petition the governor and request an exception from or modification of such order or action. The governor may grant, modify, or deny such petition as the public interest may require.

(2) An appeal from any order issued or action taken pursuant to this chapter as now or hereafter amended may be taken to the state supreme court. Such an appeal shall take the form of a petition for a writ of mandamus or prohibition under Article IV, section 4 of the state Constitution, and the supreme court shall have exclusive jurisdiction to hear and act upon such an appeal. Notwithstanding the provisions of chapter 7.16 RCW, or any other applicable statute, the superior courts of this state shall have no jurisdiction to entertain an action or suit relating to any order issued (~~for~~) or action taken pursuant to this chapter as now or hereafter amended, nor to hear and determine any appeal from any such order. The provisions of (~~Rule on Appeal I-58~~) Rule 16.2, Rules of Appellate Procedure, shall apply to any proceedings in the supreme court brought pursuant to this chapter as now or hereafter amended.

*\* Sec. 10. Section 43.06.010, chapter 8, Laws of 1965 as last amended by section 25, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.010 are each amended to read as follows:*

~~(1) In addition to those duties prescribed by the Constitution, the governor ((may exercise the powers and)) shall perform the duties prescribed in this ((and the following sections)) subsection:~~

~~((1) He shall supervise the conduct of all executive and ministerial offices;~~

~~(2) He shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows, and if the remedy is imperfect, acquaint the legislature therewith at its next session;~~

~~(3) He shall make the appointments and supply the vacancies mentioned in this title;~~

~~(4) He is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;~~

~~(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;~~

~~(6) He may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;~~

~~(7) He may require the attorney general to aid any prosecuting attorney in the discharge of his duties;~~

~~(8) He may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison or of any person who has committed or is charged with the commission of a felony;~~

~~(9) He shall perform such duties respecting fugitives from justice as are prescribed by law;~~

~~(10) He shall issue and transmit election proclamations as prescribed by law;~~

~~(11) He may require any officer or board to make, upon demand, special reports to him, in writing;~~

~~(12) He may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property or the public peace, proclaim a state of emergency in the area affected and the powers granted him during a state of emergency shall be effective only within the area described in the proclamation.))~~

~~(a) Supervision of the conduct of all executive and ministerial offices;~~

~~(b) Seeing that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows, and if the remedy is imperfect, acquaint the legislature therewith at its next session;~~

~~(c) Make the appointments and supply the vacancies mentioned in this title;~~

~~(d) Be the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;~~

~~(e) Perform such duties respecting fugitives from justice as are prescribed by law;~~

~~(f) Issue and transmit election proclamations prescribed by law.~~

~~(2) In addition to those powers prescribed by the Constitution, the governor may exercise the powers prescribed in this subsection:~~

**(a) Direct the attorney general to appear on behalf of the state whenever any suit or legal proceeding is pending against this state, or whenever any suit or legal proceeding may affect the title of this state to any property, or may result in any claim against the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;**

**(b) Require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and issue reports concerning the inquiry to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;**

**(c) Require the attorney general to aid any prosecuting attorney in the discharge of his duties;**

**(d) Offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison or of any person who has committed or is charged with the commission of a felony;**

**(e) Require any officer or board to make, upon demand, special reports to the governor, in writing;**

**(f) After finding that a public disorder, disaster, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected and the powers granted during a state of emergency shall be effective only within the area described in the proclamation.**

\*Sec. 10. was vetoed, see message at end of chapter.

Sec. 11. Section 1, chapter 186, Laws of 1969 ex. sess. as amended by section 26, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.200 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in RCW 43.06.010, and 43.06.200 through 43.06.270 each as now or hereafter amended shall have the following meaning:

"State of emergency" means an emergency proclaimed as such by the governor pursuant to RCW 43.06.010 as now or hereafter amended.

((<sup>1</sup>"Energy emergency" means a condition in which the unavailability or disruption of energy supply poses an immediate and grave threat to life, health, property, or the public peace in the area in which such condition is declared to exist. "Energy" shall include the following: (1) Petroleum and other liquid fuels; (2) natural or synthetic fuel gas; (3) solid carbonaceous fuels; (4) fissionable nuclear material; and (5) electricity.))

"Governor" means the governor of this state or, in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the person who may exercise the powers of governor pursuant to the Constitution and laws of this state relating to succession in office.

"Criminal offense" means any prohibited act for which any criminal penalty is imposed by law and includes any misdemeanor, gross misdemeanor, or felony.

Sec. 12. Section 2, chapter 186, Laws of 1969 ex. sess. as amended by section 27, chapter 108, Laws of 1975-76 2nd ex. sess. and RCW 43.06.210 are each amended to read as follows:

The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended. The state of emergency shall cease to exist upon the issuance of a proclamation of the governor declaring its termination: PROVIDED, That the governor must terminate said state of emergency proclamation when order has been restored in the area affected (~~(- PROVIDED, FURTHER, That the condition of a state of emergency declared upon a finding that an energy emergency exists shall terminate after thirty consecutive days unless a continuing condition of state of emergency exists, which shall be defined as the occurrence of any of the following: (1) Extension by the governor based on a declaration by the president of the United States of a national emergency; or (2) declaration of the legislature by concurrent resolution of a continuing condition of a state of emergency)~~).

Sec. 13. Section 1, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.010 are each amended to read as follows:

There is hereby created the joint committee on ((nuclear)) energy and utilities of the legislature of the state of Washington.

Sec. 14. Section 2, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.015 are each amended to read as follows:

The committee shall consist of four senators and four representatives who shall be selected biennially as follows:

(1) The president of the senate shall nominate four members from the energy and utilities committee, including the chairman, two members being from each major political party, to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate four members from the energy and utilities committee, including the chairman, two members being from each major political party, to serve on the committee, and shall submit the list of nominees to the house of representatives for confirmation. Upon confirmation, the representatives shall be deemed installed as members. The chairmen of the senate and house energy and utilities committees shall alternately serve as chairman for one year terms. The chairman of the house committee shall serve as the initial chairman. The chairman may designate another committee member to serve as chairman in his or her absence.

Sec. 15. Section 3, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.020 are each amended to read as follows:

Members shall serve until their successors are installed as provided in RCW 44.39.015, as now or hereafter amended, at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner.

Sec. 16. Section 4, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.025 are each amended to read as follows:

The ((committee)) presiding officer of the appropriate legislative chamber shall fill any vacancies occurring on the committee by appointment from the same political party ((and legislative chamber)) as the departing member. Notwithstanding the provisions of RCW 44.39.015 as now or hereafter amended, any such appointee shall be deemed installed as a member upon appointment. Members filling vacancies shall serve until they or their successors are installed as provided in RCW 44.39.015, as now or hereafter amended, or until they are no longer members of the legislature, whichever is sooner.

NEW SECTION. Sec. 17. There is added to chapter 260, Laws of 1969 ex. sess. and to chapter 44.39 RCW a new section to read as follows:

In the discharge of any duty imposed by this chapter, the committee or any personnel acting under its direction shall have the authority to examine and inspect all properties, equipment, facilities, files, records, and accounts of any state office, department, institution, board, committee, commission, or agency; to administer oaths; and to issue subpoenas, upon approval of a majority of the members of the house or senate rules committee, to compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts.

In case of the failure of any person to comply with any subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Each witness who appears before the committee by its order, other than a state official or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers signed by such witness and approved by the chairman of the committee.

NEW SECTION. Sec. 18. There is added to chapter 260, Laws of 1969 ex. sess. and to chapter 44.39 RCW a new section to read as follows:

The committee shall only meet and function during a condition of energy supply alert or energy emergency. Upon the declaration by the governor of a condition of energy supply alert or energy emergency, the committee on energy and utilities shall meet to receive any plans proposed by the governor for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy supply alert or energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The committee shall review such plans and matters and shall transmit its recommendations to the governor for review. The committee shall review any voluntary programs or local or regional programs for the production, allocation, or consumption of energy which have been submitted to the committee.

The committee shall receive any request from the governor for the approval of a declaration of a condition of energy emergency as provided in RCW 43.21G.040 as now or hereafter amended and shall either approve or disapprove such request.

During a condition of energy supply alert, the committee shall receive any request from the governor for an extension of the condition of energy supply alert for an additional sixty consecutive days and the findings upon which such request is based and shall either approve or disapprove such request.

During a condition of energy emergency the committee shall receive any request from the governor for an extension of the condition of energy emergency for an additional forty-five consecutive days and the finding upon which any such request is based and shall either approve or disapprove such request.

**NEW SECTION.** Sec. 19. The following acts or parts of acts are each hereby repealed:

- (1) Section 5, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.030;
- (2) Section 6, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.035; and
- (3) Section 7, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.040.

**NEW SECTION.** Sec. 20. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 21. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 13, 1977.

Passed the Senate June 11, 1977.

Approved by the Governor June 30, 1977, with the exception of section 10 which was vetoed.

Filed in Office of Secretary of State June 30, 1977.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section Substitute House Bill No. 928 entitled:

"AN Act Relating to energy."

A careful review of Substitute House Bill No. 928, dealing with emergency energy powers, reveals that Section 10 makes many unsubstantive changes in Section 43.06.010 and RCW 43.06.010. The legislature has passed and I have already signed Substitute House Bill No. 564, the Washington Sunset Law which made similar unsubstantive changes but which added to existing laws certain required executive powers concerned with sunset legislation.

To allow Section 10 of this bill to become law would be duplication of earlier legislation and, in fact, might very well effect a portion of the sunset bill which I deem of prime importance within the executive powers of the Governor. For this reason, I have vetoed Section 10 of this bill.

With the exception of section 10, which I have vetoed, the remainder of Substitute House Bill No. 928 is approved."

## CHAPTER 329

[Engrossed Substitute Senate Bill No. 2032]

## NOMINATIONS OTHER THAN BY PRIMARY

AN ACT Relating to nominations other than by primary; amending section 29.01.090, chapter 9, Laws of 1965 and RCW 29.01.090; amending section 29.18.020, chapter 9, Laws of 1965 and RCW 29.18.020; amending section 29.18.110, chapter 9, Laws of 1965 as amended by section 5, chapter 127, Laws of 1974 ex. sess. and RCW 29.18.110; amending section 29.18.150, chapter 9, Laws of 1965 and RCW 29.18.150; amending section 29.24.010, chapter 9, Laws of 1965 and RCW 29.24.010; amending section 29.24.020, chapter 9, Laws of 1965 and RCW 29.24.020; amending section 29.24.030, chapter 9, Laws of 1965 and RCW 29.24.030; amending section 29.24.040, chapter 9, Laws of 1965 and RCW 29.24.040; amending section 29.24.050, chapter 9, Laws of 1965 and RCW 29.24.050; amending section 29.24.060, chapter 9, Laws of 1965 and RCW 29.24.060; amending section 29.24.070, chapter 9, Laws of 1965 and RCW 29.24.070; amending section 29.30.080, chapter 9, Laws of 1965 as last amended by section 1, chapter 18, Laws of 1971 and RCW 29.30.080; amending section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100; amending section 29.42.010, chapter 9, Laws of 1965 and RCW 29.42.010; adding a new section to chapter 29.18 RCW; adding a new section to chapter 29.24 RCW; adding a new section to chapter 29.85 RCW; repealing section 29.24.080, chapter 9, Laws of 1965 and RCW 29.24.080; providing penalties; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 29.24.010, chapter 9, Laws of 1965 and RCW 29.24.010 are each amended to read as follows:

A "convention" for the purposes of this chapter, is an organized assemblage of ~~((at least one hundred))~~ registered voters representing an independent candidate or candidates or a new or minor political party, organization, or principle~~((, or in lieu thereof ten registered voters from each congressional district in the state of Washington))~~. As used in this chapter, the term "election jurisdiction" shall mean the state or any political subdivision or jurisdiction of the state from which partisan officials are elected. This term shall include county commissioner districts or council districts for members of a county legislative authority, counties for county officials who are nominated and elected on a county-wide basis, legislative districts for members of the legislature, congressional districts for members of congress, and the state for president and vice president, members of the United States senate, and state officials who are elected on a state-wide basis.

Sec. 2. Section 29.24.020, chapter 9, Laws of 1965 and RCW 29.24.020 are each amended to read as follows:

~~((Any new or minor political party is not entitled to participate in a state primary election but must nominate candidates for public office))~~ Any nomination of a candidate for partisan public office by other than a major political party shall only be made either: (1) In a convention held on the ((same day that state primary elections are held)) last Saturday immediately preceding the first day for filing declarations of candidacy specified in RCW 29.18.030 or fixed in accordance with RCW 29.68.080 or 29.68.090; or (2) as provided by RCW 29.51.170. A minor political party may hold more than one convention but in no case shall any such party nominate more than one candidate for any one partisan public office or position.

Sec. 3. Section 29.24.030, chapter 9, Laws of 1965 and RCW 29.24.030 are each amended to read as follows:

To be valid, a ~~((minor party))~~ convention must:

(1) Be attended by at least ~~((one hundred registered voters, or in lieu thereof ten registered voters from each congressional district in the state of Washington))~~ a number of individuals who are registered to vote in the election jurisdiction for which nominations are to be made, which number is equal to one for each ten thousand voters or portion thereof who voted in the last preceding presidential election held in that election jurisdiction or twenty-five such registered voters, whichever number is greater;

(2) Have been called by a notice published in a newspaper of general circulation published in the county in which the convention is to be held at least ten days before the date of the ~~((primary election))~~ convention stating the date, hour, and place of meeting ~~((and a general statement of the principles of the organization))~~. The notice shall also include the mailing address of the person or organization sponsoring the convention, if any.

Sec. 4. Section 29.24.040, chapter 9, Laws of 1965 and RCW 29.24.040 are each amended to read as follows:

A certificate evidencing nominations made at a ~~((minority party))~~ convention must:

- (1) Be in writing;
- (2) Contain the name of each person nominated, his residence, ~~((his business,))~~ and the office for which he is named; together with a sworn statement of each nominee giving his consent to the said nominations;
- (3) Designate in not more than five words the purpose for which the convention was held or the new or minor political party, organization, or principle which the convention represents;
- (4) Be verified by the oath of the presiding officer and secretary;
- (5) Be signed by at least ~~((one hundred registered voters present at))~~ a number of individuals who are registered to vote in the election jurisdiction for which the nominations are made and who attended the convention ~~((and who did not vote at the primary election held on that day, or in lieu thereof be signed by at least ten registered voters from each congressional district in the state of Washington present at a convention, and who did not vote at the primary election held on that day))~~, which number is equal to the number of registered voters who must have attended the convention for it to be valid under RCW 29.24.030 as now or hereafter amended;
- (6) Show the voting addresses of all signers;
- (7) Contain proof of publication of the notice of calling the convention; and
- (8) Be submitted to the secretary of state not later than the last day for filing declarations of candidacy under RCW 29.18.030, or fixed in accordance with RCW 29.68.080 or 29.68.090.

Sec. 5. Section 29.24.050, chapter 9, Laws of 1965 and RCW 29.24.050 are each amended to read as follows:

The signature ~~((of))~~ on a ~~((minor party))~~ convention nominating certificate of a person who ~~((voted))~~ signed a nominating certificate in ~~((the primary))~~ any other convention held on the day of the convention is invalid.

Sec. 6. Section 29.24.060, chapter 9, Laws of 1965 and RCW 29.24.060 are each amended to read as follows:



Upon the receipt of the certificate of nomination of a (~~minor party nominating~~) convention, the secretary of state shall check (~~from the records the required signatures thereto to ascertain if the signers are registered voters and whether said signers voted at the primary election held on the same day as said convention~~) the certificate and canvass the signatures thereon to ascertain if the requirements of RCW 29.24.040, as now or hereafter amended, have been met. If the secretary of state finds that the certificate (~~is defective or~~) does not comply with law he shall refuse to file the same and any declarations of candidacy of candidates nominated by such convention. Within two weeks after the last day of the filing period, as specified by RCW 29.18.030, or fixed in accordance with RCW 29.68.080 or 29.68.090, the secretary of state shall notify the presiding officer and secretary of each convention of any signatures judged invalid, together with the reason for any such judgment. Within one week after such notification, upon request of the presiding officer or secretary of any such convention, the county auditor shall recheck the voter registration records and shall notify the secretary of state of any signatures validated upon rechecking.

On the seventh day after filing a nominating certificate or notifying the presiding officer or secretary of a convention of any signatures judged invalid on a nominating certificate, the secretary of state shall destroy the portion of the certificate which contains the signatures, names, and addresses of convention participants unless the certificate is in dispute, in which case that portion shall be retained until the dispute is resolved. Upon resolution of any such dispute, the secretary of state shall destroy that portion of the nominating certificate. In no case shall the fact that a voter participated in a particular convention be disclosed to any person other than the election official who checks the validity of signatures on nominating certificates.

Sec. 7. Section 29.24.070, chapter 9, Laws of 1965 and RCW 29.24.070 are each amended to read as follows:

If (~~the~~) a nominating certificate is valid, each candidate (~~nominated by a minor party convention~~), except for the positions of president or vice president, whose nomination is evidenced thereby may file with the secretary of state a declaration of candidacy (~~as nearly as possible~~) in the form prescribed for candidates subject to primary election, and each candidate must at the time of filing such declaration pay to the secretary of state the fee prescribed by law for candidates subject to primary election. The name of a candidate nominated at a (~~minor party~~) convention shall not be printed upon the (~~election~~) primary ballot unless he pays the fee required by law to be paid by candidates for the same office to be nominated at a primary (~~election~~).

NEW SECTION. Sec. 8. There is added to chapter 29.24 RCW a new section to read as follows:

A declaration of candidacy of an individual candidate whose name appears on a nominating certificate filed by the secretary of state in accordance with RCW 29.24.060, as now or hereafter amended, shall be submitted to the secretary of state within one week of the filing of the nominating certificate by the secretary of state.

Sec. 9. Section 29.01.090, chapter 9, Laws of 1965 and RCW 29.01.090 are each amended to read as follows:

"Major political party" means(:

~~(1) In a state-wide election;~~) a political party of which at least one nominee for president, vice president, United States senator, or a state-wide office received at least ~~((ten))~~ five percent of the total vote cast at the last preceding ~~((state-wide))~~ state general election(;

~~(2) In an election by a constituency confined to a political subdivision of the state, a political party of which at least one nominee received at least ten percent of the total vote cast in that political subdivision at the last preceding general election by that constituency;~~

~~(3) In a city or town election, a political party of which at least one nominee received at least ten percent of the total vote cast in the last preceding general city or town election therein))~~ in an even-numbered year: PROVIDED, That any political party qualifying as a major political party under the previous subsection (2) or subsection (3) of this section prior to its 1977 amendment shall retain such status until after the next state general election following the effective date of this 1977 amendatory act.

Sec. 10. Section 29.18.020, chapter 9, Laws of 1965 and RCW 29.18.020 are each amended to read as follows:

~~((Only))~~ The names of the candidates of the major political parties and those independent candidates and candidates of minor political parties who have been nominated pursuant to the provisions of chapter 29.24 RCW shall ((be entitled to)) appear upon the partisan primary ((election)) ballot ((after the names of the candidates affiliated therewith)): PROVIDED, That candidates for the positions of president and vice president shall not appear on the partisan primary ballot. The name of no other ((political party)) candidate shall appear thereon.

Sec. 11. Section 29.18.110, chapter 9, Laws of 1965 as amended by section 5, chapter 127, Laws of 1974 ex. sess. and RCW 29.18.110 are each amended to read as follows:

No name of a candidate for a partisan office shall ((be the party nominee)) appear on the general election ballot unless he receives a number of votes equal to at least ((five)) one percent of the total number cast for all candidates for the position sought(:

Subject thereto, any person)): PROVIDED, That only the name of the candidate who receives a plurality of the votes cast for the candidates of his party for any office shall ((be his party's nominee for that office)) appear on the general election ballot.

If there are two or more positions of the same kind to be filled and more candidates of a party receive a plurality of the votes cast for those positions than there are positions to be filled, the number of candidates equal to the number of positions to be filled who receive the highest number of votes shall be the nominees of their party for those positions.

Sec. 12. Section 29.18.150, chapter 9, Laws of 1965 and RCW 29.18.150 are each amended to read as follows:

Should a place on ~~((a party))~~ the ticket of a major political party be vacant because no person has filed for nomination as the candidate of that major political party, after the last day allowed for candidates to withdraw as provided by RCW

29.18.030, and if the vacancy is for a state or county office to be voted on solely by the electors of a single county, the county central committee of the major political party may select and certify a candidate to fill the vacancy; if the vacancy is for any other office the state central committee of the major political party may select and certify a candidate to fill the vacancy; the certificate must set forth the cause of the vacancy, the name of the person nominated, the office for which he is nominated and other pertinent information required in an ordinary certificate of nomination and be filed in the proper office no later than the first Friday after the last day allowed for candidates to withdraw, together with the candidate's fee applicable to that office and a declaration of candidacy(~~(~~~~PROVIDED, That a vacancy caused by the death or disqualification of any nominee for a partisan office may be filled as set forth in this section at any time up to and including the day prior to the election.~~

~~Should such vacancy occur no later than the third Tuesday prior to the state general election concerned and the ballots and voting machine labels have been printed, it shall be mandatory that they be corrected by the appropriate election officers. In making such correction, it shall not be necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear.~~

~~Should such vacancy occur after the third Tuesday prior to said state general election and time does not exist in which to correct paper ballots (including absentee ballots) or voting machine labels, either in total or in part, then the votes cast or recorded for the person who has died or become disqualified shall be counted for the person who has been named to fill such vacancy.~~

~~When the secretary of state is the person with whom the certificate of nomination is filed he shall in certifying nominations to the various county officers insert the name of the persons nominated to fill a vacancy.~~

~~In the event that the secretary of state has already sent forth his certificate when the certificate of nomination to fill a vacancy is filed with him, he shall forthwith certify to the county auditors of the proper counties the name and place of residence of the person nominated to fill a vacancy, the office he is nominated for, the party he represents and all other pertinent facts pertaining to the vacancy)).~~

NEW SECTION. Sec. 13. There is added to chapter 29.18 RCW a new section to read as follows:

A vacancy caused by the death or disqualification of any candidate or nominee of a major or minor political party may be filled at any time up to and including the day prior to the election for that position. For state partisan offices in any political subdivision voted on solely by electors of a single county, an individual shall be appointed to fill such vacancy by the county central committee in the case of a major political party or by the state central committee or comparable governing body in the case of a minor political party. For other partisan offices, including federal or state-wide offices, an individual shall be appointed to fill such vacancy by the state central committee or comparable governing body of the appropriate political party.

Should such vacancy occur no later than the third Tuesday prior to the state primary or general election concerned and the ballots and voting machine labels

have been printed, it shall be mandatory that they be corrected by the appropriate election officers. In making such correction, it shall not be necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear.

Should such vacancy occur after the third Tuesday prior to said state primary or general election and time does not exist in which to correct paper ballots (including absentee ballots) or voting machine labels, either in total or in part, then the votes cast or recorded for the person who has died or become disqualified shall be counted for the person who has been named to fill such vacancy.

When the secretary of state is the person with whom the appointment by the major or minor political party is filed, he shall, in certifying candidates or nominations to the various county officers insert the name of the person appointed to fill a vacancy.

In the event that the secretary of state has already sent forth his certificate when the appointment to fill a vacancy is filed with him, he shall forthwith certify to the county auditors of the proper counties the name and place of residence of the person appointed to fill a vacancy, the office for which he is a candidate or nominee, the party he represents and all other pertinent facts pertaining to the vacancy.

Sec. 14. Section 29.30.080, chapter 9, Laws of 1965 as last amended by section 1, chapter 18, Laws of 1971 and RCW 29.30.080 are each amended to read as follows:

All general election ballots prepared under the provisions of this title shall conform to the following requirements:

(1) Shall be of white and a good quality of paper, and the names shall be printed thereon in black ink.

(2) Every ballot shall contain the name of every candidate whose nomination for any office specified in the ballot has been filed according to the provisions of this title and no other names.

(3) All nominations of any party (~~or group of petitioner~~) shall be placed under the title of such party (~~of petitioners as designated by them in their certificate of nomination or petition~~), and the name of each nominee shall be placed under the designation of the office for which he has been nominated.

(4) There shall be a  at the right of the name of each of its nominees so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his ballot. The square shall be one-fourth of an inch. The size of type for the designation of the office shall be nonpareil caps; that of the candidates not smaller than brevier or larger than small pica caps and shall be connected with squares by leaders.

(5) The list of candidates of the party whose candidate for president of the United States received the highest number of votes from the electors of this state in the preceding presidential election shall be placed in the first column of the left hand side of the ballot, the list of candidates of the party whose (~~candidates for presidential electors or candidates~~) candidate for president received the next highest number of votes from the electors of this state in the preceding presidential election shall be placed in the second column, and the candidates of other political parties and independent candidates shall follow in the order in which certificates of nomination have been filed in the office of the secretary of state.

(6) No candidate's name shall appear more than once upon the ballot, unless the name appears once for the office of precinct committeeman, in which case the name may appear not more than twice: PROVIDED, That any candidate who has been nominated by two or more political parties may, upon a written notice filed with the county auditor at least twenty days before the election is to be held, designate the political party under whose title he desires to have his name placed.

(7) Under the designation of the office if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(8) Upon each official ballot a perforated line one-half inch from the left hand edge of said ballot shall extend from the top of said ballot towards the bottom of the same two inches thence to the left hand edge of the ballot, and upon the space thus formed there shall be no printing except the number of such ballot which shall be upon the back of such space in such position that it shall appear on the outside when the ballot is folded. The county auditor shall cause official ballots to be numbered consecutively beginning with number one, for each separate voting precinct.

(9) Official ballots for a given precinct shall not contain the names of nominees for justices of the peace and constables of any other precinct except in cases of municipalities where a number of precincts vote for the same nominee for justices of the peace and constables, and in the latter case the ballots shall contain only the names to be voted for by the electors of such precinct. Each party column shall be two and five-eighths inches wide.

(10) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with one three-eighths inch square to the right in which the voter indicates his choice.

(11) On the top of each of said ballots and extending across the party groups, there shall be printed instructions directing the voters how to mark the ballot before the same shall be deposited with the judges of election. Next after the instructions and before the party group shall be placed the questions of adopting constitutional amendments or any other question authorized by law to be submitted to the voters of such election. The arrangement of the ballot shall in general conform as nearly as possible to the form hereinafter given.

Instructions: If you desire to vote for any candidate, place X in  at the right of the name of such candidate.

(Here place any state or local questions to be voted on.)

REPUBLICAN PARTY	DEMOCRATIC PARTY	OTHER PARTY
PRESIDENT AND VICE PRESIDENT (Name of candidate)... <input type="checkbox"/> (Name of candidate)... <input type="checkbox"/>	PRESIDENT AND VICE PRESIDENT (Name of candidate)... <input type="checkbox"/> (Name of candidate)... <input type="checkbox"/>	
UNITED STATES SENATOR (Name of candidate)... <input type="checkbox"/>	UNITED STATES SENATOR (Name of candidate)... <input type="checkbox"/>	

REPUBLICAN PARTY	DEMOCRATIC PARTY	OTHER PARTY
<b>REPRESENTATIVE IN CONGRESS</b> 3rd Congressional District (Name of candidate)... <input type="checkbox"/>	<b>REPRESENTATIVE IN CONGRESS</b> 3rd Congressional District (Name of candidate)... <input type="checkbox"/>	
<b>GOVERNOR</b> (Name of candidate)... <input type="checkbox"/>	<b>GOVERNOR</b> (Name of candidate)... <input type="checkbox"/>	
<b>LIEUTENANT GOVERNOR</b> (Name of candidate)... <input type="checkbox"/>	<b>LIEUTENANT GOVERNOR</b> (Name of candidate)... <input type="checkbox"/>	
<b>SECRETARY OF STATE</b> (Name of candidate)... <input type="checkbox"/>	<b>SECRETARY OF STATE</b> (Name of candidate)... <input type="checkbox"/>	
<b>STATE TREASURER</b> (Name of candidate)... <input type="checkbox"/>	<b>STATE TREASURER</b> (Name of candidate)... <input type="checkbox"/>	
<b>STATE AUDITOR</b> (Name of candidate)... <input type="checkbox"/>	<b>STATE AUDITOR</b> (Name of candidate)... <input type="checkbox"/>	
<b>ATTORNEY GENERAL</b> (Name of candidate)... <input type="checkbox"/>	<b>ATTORNEY GENERAL</b> (Name of candidate)... <input type="checkbox"/>	
<b>COMMISSIONER OF PUBLIC LANDS</b> (Name of candidate)... <input type="checkbox"/>	<b>COMMISSIONER OF PUBLIC LANDS</b> (Name of candidate)... <input type="checkbox"/>	
<b>INSURANCE COMMISSIONER</b> (Name of candidate)... <input type="checkbox"/>	<b>INSURANCE COMMISSIONER</b> (Name of candidate)... <input type="checkbox"/>	
<b>STATE SENATOR (1st District)</b> (Name of candidate)... <input type="checkbox"/>	<b>STATE SENATOR (1st District)</b> (Name of candidate)... <input type="checkbox"/>	
<b>STATE REPRESENTATIVE (31st District) Position No. 1</b> (Name of candidate)... <input type="checkbox"/>	<b>STATE REPRESENTATIVE (31st District) Position No. 1</b> (Name of candidate)... <input type="checkbox"/>	
<b>STATE REPRESENTATIVE (31st District) Position No. 2</b> (Name of candidate)... <input type="checkbox"/>	<b>STATE REPRESENTATIVE (31st District) Position No. 2</b> (Name of candidate)... <input type="checkbox"/>	
<b>STATE REPRESENTATIVE (31st District) Position No. 3</b> (Name of candidate)... <input type="checkbox"/>	<b>STATE REPRESENTATIVE (31st District) Position No. 3</b> (Name of candidate)... <input type="checkbox"/>	

(Names of other candidates should follow on the ballot in the same form.)

Sec. 15. Section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100 are each amended to read as follows:

The names of the persons certified as the nominees resulting from a primary election by the state canvassing board or the county canvassing board shall be printed on the official ballot prepared for the ensuing election.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot unless it appears upon the certificate of either (1) the state canvassing board, or (2) the county canvassing board, or (3) ~~((a minor party convention, or (4) of))~~ the state or county central committee of a ~~((major))~~ political party exercising its authority under section 13 of this 1977 amendatory act, to fill a vacancy on its ticket ~~((occasioned by any cause on account of which it is lawfully authorized so to do))~~.

Sec. 16. Section 29.42.010, chapter 9, Laws of 1965 and RCW 29.42.010 are each amended to read as follows:

Each political party organization shall have the power to:

- (1) Make its own rules and regulations;
- (2) Call conventions;
- (3) Elect delegates to conventions, state and national;
- (4) Fill vacancies on the ticket;
- (5) Provide for the nomination of presidential electors; and
- (6) Perform all functions(;-) inherent in such an organization: PROVIDED,

That ~~((in no instance shall any convention have the power to nominate any candidate to be voted for at any primary election))~~ only major political parties shall have the power to designate candidates to appear on the state primary election ballot as provided in RCW 29.18.150 as now or hereafter amended.

NEW SECTION. Sec. 17. There is added to chapter 29.85 RCW a new section to read as follows:

Any person who knowingly signs a nominating certificate with any other than his or her true name, or who signs such petition knowing that he or she is not a legal voter or who knowingly makes therein any false statement as to his or her residence shall be guilty of a gross misdemeanor, as provided by RCW 9A.72.040.

NEW SECTION. Sec. 18. Section 29.24.080, chapter 9, Laws of 1965 and RCW 29.24.080 are each repealed.

NEW SECTION. Sec. 19. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 13, 1977.

Passed the House June 13, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

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## CHAPTER 330

[Substitute Senate Bill No. 2382]

### STATE PARKS—SENIOR CITIZEN'S AND DISABILITY PASSES

AN ACT Relating to state parks; and adding a new section to chapter 43.51 RCW.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. There is added to chapter 43.51 RCW a new section to read as follows:

(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 who is entitled to benefits for permanent disability under RCW 71.20.015 and 72.33-.020 due to unemployability full time at the minimum wage 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) 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.

(6) 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.

(7) 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 senior citizen's



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.

Passed the Senate June 15, 1977.

Passed the House June 14, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

## CHAPTER 331

[Substitute Senate Bill No. 2435]

### COMMUNITY COLLEGES, TREASURERS—INSTITUTIONS OF HIGHER EDUCATION, OPERATING FEES

AN ACT Relating to operating fees of institutions of higher education; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW; amending section 2, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.031; and making an effective date.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

Each board of community college trustees shall appoint a treasurer who shall be the financial officer of the board and who shall hold office during the pleasure of the board. Each treasurer shall render a true and faithful account of all moneys received and paid out by him or her, comply with the provisions of section 2 of this 1977 amendatory act, and shall give bond for the faithful performance of the duties of his or her office in such amount as the trustees require: **PROVIDED**, That the respective community colleges shall pay the fees for any such bonds.

**NEW SECTION.** Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

In order that each community college treasurer appointed in accordance with section 1 of this act may make vendor payments, the state treasurer will honor warrants drawn by each community college providing for one initial advance on September 1, 1977, of the current biennium and on July 1 of each succeeding biennium from the state general fund in an amount equal to ten percent of each institution's average monthly allotment for such budgeted biennium expenditures as certified by the office of program planning and fiscal management, and at the conclusion of each such initial month, and for each succeeding month of any biennium, the state treasurer will reimburse each institution for each expenditure incurred and reported monthly by each community college treasurer in accordance with chapter 43.83 RCW: **PROVIDED**, That the reimbursement to each institution for actual expenditures incurred in the final month of each biennium shall be less the initial advance.

Sec. 3. Section 2, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.031 are each amended to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than general tuition fees, charged all students registering at the state's colleges and

universities but shall not include fees for short courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. (~~Operating fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's colleges or universities for the general operation and maintenance of their particular institution.)) All moneys received as operating fees at any institution of higher education shall be transmitted to the state treasurer within thirty-five days of receipt to be deposited in the state general fund: PROVIDED, That required matching moneys for federal and state financial aid programs may be exempt from such deposit with approval of the director of the office of program planning and fiscal management.~~

**NEW SECTION.** Sec. 4. If any provision of this 1977 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. 5. The effective date of this 1977 amendatory act shall be September 1, 1977.

Passed the Senate June 17, 1977.

Passed the House June 17, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

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## CHAPTER 332

[Engrossed Substitute Senate Bill No. 2522]

### MOTOR VEHICLE EXCISE TAX—ADDITIONAL TAX

AN ACT Relating to transportation taxation; amending section 82.44.020, chapter 15, Laws of 1961 as amended by section 2, chapter 199, Laws of 1963 and RCW 82.44.020; amending section 82.44.110, chapter 15, Laws of 1961 as last amended by section 3, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.110; declaring an emergency; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 82.44.020, chapter 15, Laws of 1961 as amended by section 2, chapter 199, Laws of 1963 and RCW 82.44.020 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under dealer's licenses. The annual amount of such excise shall be two percent of the fair market value of such vehicle(~~(- PROVIDED; That))~~).

(2) From and after August 1, 1978 and until August 1, 2008, an additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the fair market value of such vehicle.

(3) The department of motor vehicles and county auditors shall collect the additional tax imposed by subsection (2) of this section for any registration year for the months of that registration year in which such additional tax is effective, and in the same manner and at the same time as the tax imposed by subsection (1) of this section.

(4) In no case shall the total tax be less than two dollars.

Sec. 2. Section 82.44.110, chapter 15, Laws of 1961 as last amended by section 3, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.110 are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of motor vehicles for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer, ninety-eight percent of which excise tax revenue shall upon receipt thereof be credited by the state treasurer to the general fund, and two percent of which excise tax revenue shall be credited by the state treasurer to the motor vehicle fund to defray administrative and other expenses incurred by the state department of motor vehicles in the collection of the excise tax: PROVIDED, That one hundred percent of the proceeds of the additional two-tenths of one percent excise tax imposed by RCW 82.44.020, as now or hereafter amended, shall be credited by the state treasurer to the Puget Sound capital construction account in the motor vehicle fund.

NEW SECTION. Sec. 3. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1977.

Passed the Senate May 17, 1977.

Passed the House June 20, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

## CHAPTER 333

[Substitute Senate Bill No. 2543]

### HIGHWAYS—APPROPRIATIONS

AN ACT Relating to highways; making appropriations for the operations and capital improvements of the state highway commission, the urban arterial board, and the Washington toll bridge authority; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. (1) The budget of the Washington state highway commission is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or so much thereof as shall be necessary to accomplish the purposes designated, are hereby appropriated from the motor vehicle fund to the state highway commission for salaries, wages, and other state highway commission expenses, for obligations incurred and not paid as of July 1, 1977, for capital projects and other specified purposes, including the payment of any final judgments arising out of such activities, for the biennium ending June 30, 1979:

**PROGRAM A, HIGHWAY RESURFACING, REHABILITATION AND RECONSTRUCTION**

For the location, design, right of way, and construction of state highways for projects designated as Category "A" under the provisions of RCW 47.05.030 . . . . . \$129,402,000 consisting of \$62,702,000 from state funds and \$66,700,000 from federal funds and local funds; and a reappropriation of \$11,000,000 from state funds.

**PROGRAM B, INTERSTATE CONSTRUCTION**

For the location, design, right of way, and construction of state highways for projects on the Interstate system designated as Category "B" under the provisions of RCW 47.05.030 . . . . . \$238,770,000 consisting of \$23,877,000 from state funds and \$214,893,000 from federal funds.

**PROGRAM C, MAJOR NONINTERSTATE CONSTRUCTION**

For the location, design, right of way, and construction of state highways for projects designated as Category "C" under the provisions of RCW 47.05.030 . . . . . \$51,377,000 consisting of \$46,377,000 from state funds and \$5,000,000 from federal funds.

**PROGRAM D, CONSTRUCTION SUPERVISION AND PLANT CONSTRUCTION**

For the improvement and construction of buildings, other highway plant construction and ferry and toll facilities and for supervision and direct support of the construction programs and state aid to counties and cities program . . . . . \$13,698,000 consisting of state funds.

**PROGRAM M, MAINTENANCE**

For maintenance and operations of state highways, maintenance and operation of highway plant, and associated supervision and direct support . . . . . \$110,029,000 consisting of \$107,529,000 from state funds and \$2,500,000 from local funds.

**PROGRAM P, GENERAL SUPERVISION AND PLANNING**

For the operations of the Washington state highway commission, department of highways, including programs for executive management and general support, highway planning and research by the Washington state highway commission and for research and studies approved by the Washington state highway commission and the legislative transportation committee or the standing committees on transportation of the senate and house and for implementing the provisions of chapter

—, Laws of 1977 1st ex. sess. (SSB 2924) establishing a department of transportation, if such chapter is enacted into law, including the proportional funding of expenditures for programs of executive management and support, the study of appropriate funding sources for such department's functions, and the preparation of a preliminary budget for the department as required in said chapter. Also for any necessary increase in stores; for necessary pit and stockpile sites and write-off of obsolete stores, pits and stockpiles . . . . . \$27,299,000 consisting of \$21,799,000 from state funds and \$5,500,000 from federal funds.

(2) The state highway commission may transfer any funds authorized by the appropriations or reappropriations contained in this section between the various programs for expenditure, except that no funds may be transferred to Sub-Program P-1, Executive Management and General Support.

(3) Not later than September 30, 1977, the Washington state highway commission shall prepare and adopt a 1977-1979 operational budget based on legislation affecting motor vehicle fund revenue enacted into law during the 1977 regular or extraordinary session and signed by the governor. The Washington state highway commission shall submit the necessary allotment forms to the office of program planning and fiscal management (those forms should be submitted with the objective to achieve a 2-4 million dollar cost saving as determined to be reasonable in the judgment of the highway commission and in those areas of the operating programs deemed appropriate by the highway commission) and provide the legislative transportation committee and the standing committees on transportation of the senate and house with a copy of the adopted operational budget.

(4) The legislature finds that the highway commission has developed and utilized work standards and similar criteria in an exemplary manner for both operational and support personnel requirements in all programs. It is the intent of the legislature that the highway commission devote special attention to a further refinement of existing work standards and similar criteria, including any necessary adjustments thereto, during the execution of the 1977-79 biennium budget; and to prepare the 1979-81 biennium budget request based upon such refined criteria.

NEW SECTION. Sec. 2. The budget for the urban arterial board is hereby adopted and there is hereby appropriated from the urban arterial trust account in the motor vehicle fund to the urban arterial board for the biennium ending June 30, 1979 . . . . . \$45,315,000 or so much thereof as may be necessary for implementing and administering the program of financial assistance to cities and counties in urban areas for urban arterial highways, roads and streets: PROVIDED, That said appropriation shall include \$12,000,000 from the proceeds from the sale of first authorization bonds provided for by RCW 47.26.420 through 47.26.427 and shall further include \$27,000,000 from the proceeds from the sale of series II bonds as provided for by RCW 47.26.420 through 47.26.427: PROVIDED FURTHER, That in the event proceeds of motor vehicle fuel tax revenue distributed to the urban arterial trust account in accordance with RCW 82.36.020, are insufficient to meet debt service requirements on bonds sold in accordance with RCW 47.26.420, funds for such debt service deficits shall be provided in accordance with RCW 47.26.425 and 47.26.426: PROVIDED FURTHER, That during the 1977-79 biennium, the urban arterial board shall not authorize any additional projects

which in the board's judgment cannot be placed under contract for construction within eighteen months of authorization.

**NEW SECTION.** Sec. 3. There is hereby appropriated to the Washington toll bridge authority for the biennium ending June 30, 1979, from the Puget Sound reserve account in the motor vehicle fund.....\$4,037,000 or so much thereof as may be necessary to carry out the provisions of RCW 47.60.420; and from the Puget Sound capital construction account in the motor vehicle fund.....\$44,879,000 consisting of \$18,000,000 in federal funds and \$26,879,000 in state funds or so much thereof as may be necessary for improving the Washington state ferry system including, but not limited to, acquisition and construction of ferry vessels, major and minor vessel improvements, terminal construction and improvements: **PROVIDED**, That if Substitute Senate Bill No. 2522 is not enacted into law in 1977 the state fund appropriation from the Puget Sound capital construction account shall be \$23,642,000: **PROVIDED FURTHER**, That prior to purchase of any vessel or the award of a contract for ferry vessel construction the highway commission shall review the proposed vessel acquisition program with the legislative transportation committee and the standing committees on transportation of the senate and house; and from the Puget Sound ferry operations account in the motor vehicle fund..... \$14,431,000 or so much thereof as may be necessary for operations and maintenance of the ferry system to supplement tolls: **PROVIDED**, That if Substitute Senate Bill No. 2537 is not enacted into law in 1977 the appropriation from the Puget Sound ferry operations account shall be \$3,846,000, or so much thereof as may be necessary for operations and maintenance of the ferry system to supplement tolls, and from the motor vehicle fund..... \$10,585,000 or so much thereof as may be necessary to supplement the appropriation from the Puget Sound ferry operations account contained in this proviso: **PROVIDED**, That if Substitute Senate Bill No. 2537 is enacted into law in 1977, no funds appropriated in this section from the motor vehicle fund to supplement the appropriation from the Puget Sound ferry operations account shall be available for expenditure.

**NEW SECTION.** Sec. 4. There is hereby appropriated from the general fund to the Washington state highway commission for the biennium ending June 30, 1979 ..... \$477,000 for supportive services to off-the-job training programs for minority highway construction workers and for minority contractors' training programs: **PROVIDED**, That this appropriation or so much thereof as shall be necessary shall be expended on or before June 30, 1979, and shall be fully reimbursable from federal funds authorized by P.L. 91-6.5, Title 1.

**NEW SECTION.** Sec. 5. 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. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 16, 1977.

Passed the House June 15, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

## CHAPTER 334

[Substitute Senate Bill No. 2558]

## DEPARTMENT OF MOTOR VEHICLES—NAME CHANGE—DEPARTMENT OF LICENSING

AN ACT Relating to a change in the name of the department of motor vehicles; amending section 2, chapter 156, Laws of 1965 and RCW 46.01.020; amending section 17, chapter 156, Laws of 1965 and RCW 46.01.170; amending section 1, chapter ... (HB 174), Laws of 1977 and RCW 43.17-.010; amending section 2, chapter ... (HB 174), Laws of 1977 and RCW 43.17.020; adding new sections to chapter 46.01 RCW; repealing section 1, chapter 156, Laws of 1965 and RCW 46.01-.010; repealing section 6, chapter 156, Laws of 1965 and RCW 46.01.060; repealing section 8, chapter 156, Laws of 1965 and RCW 46.01.080; repealing section 12, chapter 156, Laws of 1965 and RCW 46.01.120; repealing section 22, chapter 156, Laws of 1965 and RCW 46.01.200; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. There is added to chapter 46.01 RCW a new section to read as follows:

The legislature finds that the department of motor vehicles administers laws relating to the licensing and regulation of professions, businesses, securities, gambling, and other activities in addition to administering laws relating to the licensing and regulation of vehicles and vehicle operators, dealers, and manufacturers. The present title of the department does not properly indicate its responsibility and creates confusion in the mind of the public. The laws administered by the department have the common denominator of licensing and regulation and are directed toward protecting and enhancing the well-being of the residents of the state. It is the purpose of this 1977 amendatory act to change the name of the department of motor vehicles to the department of licensing in order to accurately reflect the responsibilities and functions of the department.

Sec. 2. Section 2, chapter 156, Laws of 1965 and RCW 46.01.020 are each amended to read as follows:

(1) A department of the government of this state to be known as the "department of ((motor vehicles)) licensing" is hereby created.

(2) The department shall succeed to and is hereby vested with all powers, duties and jurisdiction relating to motor vehicles now vested in the director of licenses.

(3) All powers, functions, and duties vested by law in the director of motor vehicles or in the department of motor vehicles on or before June 30, 1977, shall be considered powers, functions, and duties of the director of licensing or the department of licensing, respectively, and all rules of the director of motor vehicles on or before June 30, 1977, shall be considered rules of the director of licensing.

(4) Any references in the Revised Code of Washington to the director of motor vehicles or the department of motor vehicles shall be considered to be references to the director of licensing or to the department of licensing, respectively.

**NEW SECTION.** Sec. 3. There is added to chapter 46.01 RCW a new section to read as follows:

All records, books, accounts, equipment, funds, appropriations, and all other property, real, personal, and mixed, held by the department of motor vehicles on June 30, 1977, shall be held by the department of licensing.

Sec. 4. Section 17, chapter 156, Laws of 1965 and RCW 46.01.170 are each amended to read as follows:

The department shall have an official seal with the words "Department of ~~((Motor Vehicles))~~ Licensing of Washington" engraved thereon.

Sec. 5. Section 1, chapter ... (HB 174), Laws of 1977 and RCW 43.17.010 are each amended to read as follows.

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of highways, (8) the department of ~~((motor vehicles))~~ licensing, (9) the department of general administration, (10) the department of commerce and economic development, (11) the department of veterans affairs, (12) the department of revenue, and (13) the department of retirement systems, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 6. Section 2, chapter ... (HB 174), Laws of 1977 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the director of highways, (8) the director of ~~((motor vehicles))~~ licensing, (9) the director of general administration, (10) the director of commerce and economic development, (11) the director of veterans affairs, (12) the director of revenue, and (13) the director of retirement systems.

Such officers, except the director of highways and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director of highways shall be appointed by the state highway commission, and the director of game shall be appointed by the game commission.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 156, Laws of 1965 and RCW 46.01.010;
- (2) Section 6, chapter 156, Laws of 1965 and RCW 46.01.060;
- (3) Section 8, chapter 156, Laws of 1965 and RCW 46.01.080;
- (4) Section 12, chapter 156, Laws of 1965 and RCW 46.01.120; and
- (5) Section 22, chapter 156, Laws of 1965 and RCW 46.01.200.

NEW SECTION. Sec. 8. This 1977 amendatory act shall take effect on July 1, 1977.

Passed the Senate April 15, 1977.

Passed the House June 18, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.



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 CHAPTER 335

[Engrossed Senate Bill No. 2825]

## SPECIAL FUEL TAX—IN LIEU LICENSE FEE

AN ACT Relating to special fuel tax; adding a new section to chapter 82.38 RCW; declaring an emergency; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 82.38 RCW a new section to read as follows:

In order to encourage the use of nonpolluting fuels, until July 1, 1979, an annual license fee in lieu of the tax imposed by RCW 82.38.030 shall be imposed upon the use of natural gas as defined in this chapter or on liquified petroleum gas, commonly called propane, which is used in any motor vehicle, as defined in RCW 46.04.320, in accordance with the following schedule:

VEHICLE TONNAGE (GVW)	FEE
0 – 6,000	\$ 60
6,001 – 10,000	\$ 70
10,001 – 18,000	\$ 80
18,001 – 28,000	\$110
28,001 – 36,000	\$150
36,001 and above	\$250

The department of motor vehicles, in addition to the foregoing fee, shall charge a further fee of five dollars as a handling charge for each license issued.

The director of the department of motor vehicles shall be authorized to prorate the vehicle tonnage fee so that the annual license required by this section will correspond with the staggered vehicle licensing system.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977.

Passed the Senate June 18, 1977.

Passed the House June 18, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

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 CHAPTER 336

[Engrossed Substitute Senate Bill No. 2877]

## ETHICS AND DISCLOSURE

AN ACT Relating to ethics and disclosure; amending section 4, chapter 1, Laws of 1973 as amended by section 3, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.040; amending section 9, chapter 1, Laws of 1973 as last amended by section 3, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.090; amending section 37, chapter 1, Laws of 1973 as amended by section 25, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.370; and adding new sections to chapter 42.17 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 4, chapter 1, Laws of 1973 as amended by section 3, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.040 are each amended to read as follows:

(1) Every political committee, within ten days after its organization or, within ten days after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission and with the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides). Each political committee in existence on the effective date of this act shall file a statement of organization with the commission within ninety days after such effective date.

(2) The statement of organization shall include but not be limited to:

- (a) The name and address of the committee;
- (b) The names and addresses of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;
- (c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;
- (d) The name and address of its campaign treasurer and campaign depository;
- (e) A statement whether the committee is a continuing one;
- (f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;
- (g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;
- (h) What distribution of surplus funds will be made, in accordance with section 3 of this 1977 amendatory act, in the event of dissolution;
- (i) The hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with RCW 42.17.065 and 42.17.080, as now or hereafter amended; and
- (j) Such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization shall be reported to the commission and to the appropriate county auditor within the ten days following the change.

Sec. 2. Section 9, chapter 1, Laws of 1973 as last amended by section 3, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.090 are each amended to read as follows:

(1) Each report required under RCW 42.17.080 shall disclose for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than three days prior to the date the report is due:

- (a) The funds on hand at the beginning of the period;
- (b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the campaign or in the case of a continuing political committee, the current

calendar year: PROVIDED, That the income which results from the conducting of a fund-raising activity which has previously been reported in accordance with RCW 42.17.067 may be reported as one lump sum, with the exception of that portion of such income which was received from persons whose names and addresses are required to be included in the report required by RCW 42.17.067: PROVIDED FURTHER, That contributions not exceeding ten dollars in the aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names, addresses, and amounts of each such contributor;

(c) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(d) The name and address of each political committee from which the reporting committee or candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts, dates, and purpose of all such transfers;

(e) All other contributions not otherwise listed or exempted;

(f) The name and address of each person to whom an expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date, and purpose of each such expenditure;

(g) The total sum of expenditures;

(h) The surplus or deficit of contributions over expenditures;

(i) The disposition made in accordance with section 3 of this 1977 amendatory act of any surplus ((of contributions over expenditures)) funds;

(j) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter; and

(k) Funds received from a political committee not domiciled in Washington state and not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state of Washington unless the nonreporting committee or the recipient of such funds has filed or within three days following such receipt shall file with the commission a statement disclosing: (i) its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses, and titles of its officers or if it has no officers, the names, addresses, and titles of its responsible leaders; (iv) a statement whether the nonreporting committee is a continuing one; (v) the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (vi) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vii) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions to the nonreporting committee during the preceding twelve-month period, together with the money value and date of such contributions; (viii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee

on behalf of a candidate or political committee in the aggregate amount of twenty-five dollars or more, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; (ix) such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(2) The campaign treasurer and the candidate shall certify the correctness of each report.

**NEW SECTION.** Sec. 3. There is added to chapter 42.17 RCW a new section to read as follows:

The surplus funds of a candidate, or of a political committee supporting or opposing a candidate, may only be disposed of in any one or more of the following ways:

(1) Return the surplus to a contributor in an amount not to exceed that contributor's original contribution;

(2) Transfer the surplus to the candidate's personal account as reimbursement for lost earnings incurred as a result of that candidate's election campaign. Such lost earnings shall be verifiable as unpaid salary or, when the candidate is not salaried, as an amount not to exceed income received by the candidate for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the candidate or the candidate's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090;

(3) Transfer the surplus to one or more candidates or to a political committee or party: PROVIDED, That the aggregate value of all contributions transferred to all recipients under this subsection shall in no case exceed two thousand dollars in any one calendar year;

(4) Donate the surplus to a charitable organization registered accordance with chapter 19.09 RCW;

(5) Transmit the surplus to the state treasurer for deposit in the general fund; or

(6) Hold the surplus in the campaign depository or depositories designated in accordance with RCW 42.17.050 for possible use in a future election campaign, for political activity in accordance with the dollar limitation of subsection (3) of this section where applicable, for community activity, or for nonreimbursed public office related expenses and report any such disposition in accordance with RCW 42.17.090: PROVIDED, That if the candidate subsequently announces or publicly files for office, information as appropriate is reported to the commission in accordance with RCW 42.17.040 through 42.17.090. If a subsequent office is not sought the surplus held shall be disposed of in accordance with the requirements of this section.

**NEW SECTION.** Sec. 4. There is added to chapter 42.17 RCW a new section to read as follows:

No payment shall be made to any person required to report under RCW 42.17.240 and no payment shall be accepted by any such person, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the

payment or in any other manner so as to effect concealment except that the commission may issue categorical and specific exemptions to the reporting of the actual source when there is an undisclosed principal for recognized legitimate business purposes.

**NEW SECTION.** Sec. 5. There is added to chapter 42.17 RCW a new section to read as follows:

(1) Elected and appointed officials required to report under RCW 42.17.240, shall report for themselves and for members of their immediate family to the commission any contributions received during the preceding calendar year for the officials' use in defraying nonreimbursed public office related expenses. Contributions reported under this section shall be referred to as a "public office fund" and shall not be transferred to a political committee nor used to promote or oppose a candidate or ballot proposition, other than as provided by subsection (3) (a) of this section. For the purposes of this section contributions shall include reimbursements from or payments by persons, other than the state of Washington or any agency, for travel expenses.

A report shall be filed during the month of January of any year following a year in which such contributions were received for or expenditures made from a public office fund. The report shall include:

- (a) The name and address of each contributor;
- (b) A description of each contribution, including the date on which it was received and its amount or, if its dollar value is unascertainable, an estimate of its fair market value; and
- (c) A description of each expenditure made from a public office fund, including the name and address of the recipient, the amount, and the date of each such expenditure.

(2) No report under subsection (1) of this section shall be required if:

- (a) The receipt of the contribution has been reported pursuant to RCW 42.17-.065 (continuing political committee reports) or RCW 42.17.090 (political committee reports); or
- (b) The contribution is in the form of meals, refreshments, or entertainment given in connection with official appearances or occasions where public business was discussed.

(3) Any funds which remain in a public office fund after all permissible public office related expenses have been paid may only be disposed of in one or more of the following ways:

- (a) Returned to a contributor in an amount not to exceed that contributor's original contribution; or
- (b) Donated to a charitable organization registered in accordance with chapter 19.09 RCW; or
- (c) Transferred to the state treasurer for deposit in the general fund.

**NEW SECTION.** Sec. 6. There is added to chapter 42.17 RCW a new section to read as follows:

Contributions received and reported in accordance with RCW 42.17.060 through 42.17.090 may only be transferred to a candidate's personal account or expended for a candidate's personal use under the following circumstances:

- (1) Reimbursement for or loans to cover lost earnings incurred as a result of campaigning. Such lost earnings shall be verifiable as unpaid salary, or when the

candidate is not salaried, as an amount not to exceed income received by the candidate for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the candidate or the candidate's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the candidate. To receive reimbursement from his political committee, the candidate shall provide the committee with written documentation as to the amount, date, and description of each expense and the committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(3) Repayment of loans made by the candidate to political committees, which repayment shall be reported pursuant to RCW 42.17.090.

Sec. 7. Section 37, chapter 1, Laws of 1973 as amended by section 25, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.370 are each amended to read as follows:

The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules and regulations to carry out the policies and purposes of this chapter, which rules and regulations shall be promulgated pursuant to the provisions of chapter 34.04 RCW;

(2) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(3) Make from time to time, on its own motion, audits and field investigations;

(4) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(5) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records which the commission deems relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(6) Adopt and promulgate a code of fair campaign practices;

(7) Relieve, by published regulation of general applicability, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars; and

(8) Enact regulations prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information", for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in

his regular examination of each agency under chapter 43.09 RCW shall review such regulations, accounts, and reports and make appropriate findings, comments, and recommendations in his examination reports concerning those agencies.

(9) The commission, after hearing, by order approved and ratified by a majority of the membership of the commission, may suspend or modify any of the reporting requirements hereunder in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that such suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.240(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any ((such)) suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required hereunder. Any citizen shall have standing to bring an action in Thurston county superior court to contest the propriety of any order entered hereunder within one year from the date of the entry of such order.

NEW SECTION. Sec. 8. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate June 13, 1977.

Passed the House June 13, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

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## CHAPTER 337

[Engrossed Senate Bill No. 2042]

### PILOTAGE

AN ACT Relating to pilotage; amending section 1, chapter 18, Laws of 1935 as last amended by section 73, chapter 151, Laws of 1977 1st ex. sess. and RCW 88.16.010; amending section 2, chapter 18, Laws of 1935 as last amended by section 74, chapter 151, Laws of 1977 1st ex. sess. and RCW 88.16.020; amending section 3, chapter 18, Laws of 1935 as last amended by section 2, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.050; amending section 4, chapter 18, Laws of 1935 as last amended by section 3, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.070; amending section 8, chapter 18, Laws of 1935 as amended by section 5, chapter 15, Laws of 1967 and RCW 88.16.090; amending section 10, chapter 18, Laws of 1935 as last amended by section 41, chapter 199, Laws of 1969 ex. sess. and RCW 88.16.150; amending section 13, chapter 18, Laws of 1935 as amended by section 4, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.100; amending section 6, chapter 18, Laws of 1935 as amended by section 6, chapter 18, Laws of 1935 as amended by section 4, chapter 15, Laws of 1967 and RCW 88.16.120; amending section 11, chapter 18, Laws of 1935 as amended by section 8, chapter 15, Laws of 1967 and RCW 88.16.130; adding new sections to chapter 88.16 RCW; repealing section 9, chapter 18, Laws of 1935, section 6, chapter 15, Laws of 1967, section 1, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.030; prescribing penalties; and declaring an emergency.

NEW SECTION. Section 1. There is added to chapter 88.16 RCW a new section to read as follows:

The legislature finds and declares that it is the policy of the state of Washington to prevent the loss of human lives, loss of property and vessels, and to protect the marine environment of the state of Washington through the sound application of compulsory pilotage provisions in certain of the state waters.

The legislature further finds and declares that it is a policy of the state of Washington to have pilots experienced in the handling of vessels aboard vessels in certain of the state waters with prescribed qualifications and licenses issued by the state.

It is the intent of the legislature to ensure against the loss of lives, loss or damage to property and vessels, and to protect the marine environment through the establishment of a board of pilotage commissioners representing the interests of the people of the state of Washington.

It is the further intent of the legislature not to place in jeopardy Washington's position as an able competitor for waterborne commerce from other ports and nations of the world, but rather to continue to develop and encourage such commerce.

Sec. 2. Section 1, chapter 18, Laws of 1935 as last amended by Section 73, chapter 151, Laws of 1977 1st ex. sess. and RCW 88.16.010 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of the secretary of the department of transportation of the state of Washington, or the secretary's designee who shall be an employee of the department of transportation, who shall be ((chairman of the board, and of four)) chairperson, and six members appointed by the governor and confirmed by the senate. Each of said appointed commissioners shall be appointed for a term of four years from the date of ((his)) said member's commission. No person shall be eligible for appointment to said board unless that person is at the time of appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of said appointed commissioners shall be pilots licensed under this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of ((their)) appointment. Two of said appointed commissioners shall be actively engaged in the ownership, operation, or management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of ((their)) appointment. One of said shipping ((individuals)) commissioners shall be a representative of American and one of foreign shipping. The remaining commissioners shall be persons interested in and concerned with pilotage, maritime safety, and marine affairs, with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative.

(2) Pilotage commissioners holding commissions on the effective date of this 1977 amendatory act, shall continue to hold their office subject to reappointment by the governor and confirmation by the senate. The appointed commissioners shall continue to hold office for the period for which they are appointed and until their successors are appointed and qualified, ((and)) except that the governor when first appointing commissioners after the effective date of this 1977 amendatory act, shall appoint the pilot representatives to terms of two and three years respectively, the shipping representatives to terms of two and three years respectively, and the remaining commissioners to terms of three and four years respectively. Any vacancy



in an appointed position on the board shall be filled by the governor for a term of four years, subject to confirmation by the senate.

(3) Five members of the board shall constitute a quorum. All commissioners and the chairperson shall have a vote.

Sec. 3. Section 2, chapter 18, Laws of 1935 as last amended by section 74, chapter 151, Laws of 1977 1st ex. sess. and RCW 88.16.020 are each amended to read as follows:

The department of transportation of the state of Washington shall be the office of the board and all records shall be kept in said office. Each pilotage commissioner shall receive the sum of ~~((twenty-five))~~ forty dollars per day for each day actually engaged in the conduct of the business of the board, together with travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, to be paid out of the pilotage account on vouchers approved by the ~~((chairman))~~ chairperson of the board: PROVIDED, That the sums received under this section shall not be considered compensation earnable as defined pursuant to RCW 41.40.010(8).

The board is authorized to employ personnel, pursuant to chapter 41.06 RCW, as necessary to conduct the business of the board.

NEW SECTION. Sec. 4. There is added to chapter 88.16 RCW a new section to read as follows:

The board of pilotage commissioners shall:

(1) Adopt rules, pursuant to chapter 34.04 RCW as now existing or hereafter amended, necessary for the enforcement and administration of this chapter. Rules in effect on the effective date of this 1977 amendatory act with the exception of those rules pertaining to pilot qualifications shall remain in force and effect until amended, repealed, or replaced by the board, except that such rules as are inconsistent with the provisions of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of this 1977 amendatory act are hereby repealed;

(2) License pilot applicants meeting the qualifications and passing the examination as provided for in RCW 88.16.090 as now or hereafter amended and to establish additional training requirements as required to maintain a competent pilotage service;

(3) Maintain a register of pilots, records of pilot accidents and other history pertinent to pilotage, along with a roster of vessels, agents, owners, operators, and masters necessary for the maintenance of a roster of persons interested in and concerned with pilotage and maritime safety;

(4) To annually fix the pilotage tariffs for pilotage services performed aboard vessels as required by this chapter: PROVIDED, That the board may fix extra compensation for extra services to vessels in distress, for awaiting vessels, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the board;

(5) To file annually with the governor, the secretary of the senate, and the chief clerk of the house of representatives a report which includes, but is not limited to, the following: The number, names, addresses, ages, pilot license number, and years of service as a Washington licensed pilot of any person licensed by the board as a Washington state pilot; the names, employment, and other information of the

members of the board; the total number of pilotage assignments by pilotage district, including information concerning the various types and sizes of vessels and the total annual tonnage; the annual earnings of individual pilots before and after deduction for expenses of pilot organizations, including extra compensation as a separate category; the annual expenses of private pilot associations, including personnel employed and capital expenditures; the status of pilotage tariffs, extra compensation, and travel; the retirement contributions paid to pilots and the disposition thereof; the number of accidents, groundings, mishaps, or other incidents which are reported to or investigated by the board, including the vessel name, location of incident, pilot's name, and disposition of the case together with information received before the board acted from all persons concerned, including the United States coast guard; the disposition and listing of all complaints filed by any person against any pilot or by any pilot against any other person or organization; the names, qualifications, time scheduled for examinations, and the district of persons desiring to apply for Washington state pilotage licenses; summaries of dispatch records, quarterly reports from pilots, and the bylaws and operating rules of pilotage organizations; the names, sizes in deadweight tons, surcharges, if any, port of call, name of the pilot, and names and horsepower of tug boats for any and all oil tankers subject to the provisions of RCW 88.16.170 through 88.16.190 together with the names of any and all vessels for which the United States coast guard requires special handling pursuant to their authority under the Ports and Waterways Safety Act of 1972; the expenses of the board; and any and all other information which the board deems appropriate to include;

(6) Publish a manual which includes the pilotage act and other statutes of Washington state and the federal government which affect pilotage, including the rules of the board, together with such additional information as may be informative for pilots, agents, owners, operators, and masters. Such manual shall be distributed without cost to all pilots and governmental agencies upon request. All other copies shall be sold for a five dollar fee with proceeds to be credited to the pilotage account;

(7) Provide for the maintenance of efficient and competent pilotage service on all waters covered by this chapter; and do such other things as are reasonable, necessary, and expedient to insure proper and safe pilotage upon the waters covered by this chapter and facilitate the efficient administration of this chapter.

Sec. 5. Section 3, chapter 18, Laws of 1935 as last amended by section 2, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.050 are each amended to read as follows:

This chapter ((~~applies to Puget Sound and adjacent inland waters and to Grays Harbor and Willapa Bay as those terms are~~)) shall apply to the pilotage districts of this state as hereinafter defined:

(1) "Puget Sound ((~~and adjacent inland waters~~)) pilotage district", whenever used in this chapter, shall be construed to mean and include all the ((~~inland~~)) waters of the state of Washington inside the international boundary line between the state of Washington ((~~and British Columbia but excluding that portion of the Straits of Juan de Fuca west of Port Angeles~~)), the United States and the province of British Columbia, Canada and east of one hundred twenty-three degrees twenty-four minutes west longitude.

(2) "Grays Harbor and Willapa Bay pilotage district" shall include all inland waters, channels, waterways, and navigable tributaries within each area. The boundary line between inland waters and the high seas shall be designated as the outermost sea buoy as established and placed for Grays Harbor and Willapa Bay.

Sec. 6. Section 4, chapter 18, Laws of 1935 as last amended by section 3, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.070 are each amended to read as follows:

All vessels under enrollment and all United States and Canadian vessels engaged exclusively in the coasting trade on the west coast of the continental United States (including Alaska) and/or British Columbia shall be exempt from the provisions of this chapter unless a pilot licensed under this chapter be actually employed, in which case the pilotage rates provided for in this chapter shall apply. Every vessel not so exempt, shall while navigating the Puget Sound and ((adjacent inland waters,)) Grays Harbor and Willapa Bay pilotage districts, employ a pilot licensed under the provisions of this chapter and shall be liable for and pay pilotage rates in accordance with the pilotage rates herein established or which may hereafter be established under the provisions of this chapter: PROVIDED, That ~~((the Washington pilotage commission, immediately after May 21, 1971, shall conduct a study of the need to require employment of pilots licensed under the provisions of this chapter on all vessels entering into Puget Sound and adjacent inland waters, together with an assessment of the legality and feasibility of such requirement. The commission shall report the results of such study together with recommended legislative action to the next session of the legislature))~~ any vessel inbound to or outbound from Canadian ports is exempt from the provisions of this section, if said vessel actually employs a pilot licensed by the Pacific pilotage authority (the pilot licensing authority for the Western district of Canada), and if it is communicating with the vessel traffic system and has appropriate navigational charts, and if said vessel uses only those waters east of the international boundary line which are west of a line which begins at the southwestern edge of Point Roberts then to Alden Point (Patos Island), then to Skipjack Island light, then to Turn Point (Stuart Island), then to Kelleet Bluff (Henry Island), then to Lime Kiln (San Juan Island) then to the intersection of one hundred twenty-three degrees seven minutes west longitude and forty-eight degrees twenty-five minutes north latitude then to the international boundary. The board shall correspond with the Pacific pilotage authority from time to time to ensure the provisions of this section are enforced. If any exempted vessel does not comply with these provisions it shall be deemed to be in violation of this section and subject to the penalties provided in RCW 88.16.150 as now or hereafter amended and liable to pilotage fees as determined by the board. The board shall investigate any accident on the waters covered by this chapter involving a Canadian pilot and shall include the results in its annual report.

Sec. 7. Section 8, chapter 18, Laws of 1935 as amended by section 5, chapter 15, Laws of 1967 and RCW 88.16.090 are each amended to read as follows:

(1) No person shall pilot any vessel subject to the provisions of this chapter on waters covered by this chapter unless ~~((he))~~ such a person be appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) No person shall be eligible to be appointed a pilot unless ((he)) such a person is a citizen of the United States, over the age of twenty-five years and ((has been)) a resident of the state of Washington ((for at least three years immediately prior to)) at the time of ((his)) appointment, ((has a practical knowledge of the navigation of vessels and of the conditions of navigation in the waters for which he desires to be licensed, is of good moral character, temperate in his habits, possesses the skill and ability necessary to discharge the duties of pilot,)) nor unless ((he)) the pilot applicant holds a ((first class)) United States government masters license and a first class United States endorsement without restrictions on that license to pilot ((on Puget Sound and adjacent inland waters, or Grays Harbor and Willapa Bay,)) in whichever ((of these waters)) pilotage districts for which ((he)) the pilot applicant desires to be licensed.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee of ((one)) two hundred fifty dollars to be placed in the state treasury to the credit of the pilotage account.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications.

(5) On and after the effective date of this 1977 amendatory act, the board shall have developed five examinations and grading sheets for the testing and grading of pilot applicants. The five examinations shall be administered to pilot applicants on a random basis and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same per diem costs and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who wilfully gives advance knowledge of information contained on a pilot examination shall be guilty of a gross misdemeanor.

(6) All pilots and applicants shall be subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties.

(7) The board shall prescribe, pursuant to chapter 34.04 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

Sec. 8. Section 10, chapter 18, Laws of 1935 as last amended by section 41, chapter 199, Laws of 1969 ex. sess. and RCW 88.16.150 are each amended to read as follows:

(1) In all cases where no other penalty is prescribed in this chapter, any violation of this chapter or of any rule or regulation of the board shall be punished as a gross misdemeanor, and all violations may be prosecuted in any court of competent jurisdiction in any county where the offense or any part thereof was committed. In any case where the offense was committed upon a ship, boat or vessel, and there is doubt as to the proper county, the same may be prosecuted in any county through any part of which the ship, boat or vessel passed, during the trip upon which the offense was committed. All fines collected for any violation of this chapter or any rule or regulation of the board shall within thirty days be paid by the official collecting the same to the state treasurer and shall be credited to the pilotage account: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(2) Notwithstanding any other penalty imposed by this section, any person who shall violate the provisions of this chapter, shall be liable to a maximum civil penalty of five thousand dollars. The board may request the prosecuting attorney of the county in which any violation of this chapter occurs to bring an action for imposing the civil penalties provided for in this subsection.

Moneys collected from civil penalties shall be deposited in the pilotage account.

(3) Any master of a vessel who shall knowingly fail to inform the pilot dispatched to said vessel or any agent, owner, or operator, who shall knowingly fail to inform the pilot dispatcher, or any dispatcher who shall knowingly fail to inform the pilot actually dispatched to said vessel of any special directions mandated by the coast guard captain of the port under authority of the Ports and Waterways Safety Act of 1972, as amended, for the handling of such vessel shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 9. There is added to chapter 88.16 RCW a new section to read as follows:

(1) Pilots, after completion of an assignment or assignments which are seven hours or longer in duration, shall receive a mandatory rest period of seven hours.

(2) A pilot shall refuse a pilotage assignment if said pilot is physically or mentally fatigued or if said pilot has a reasonable belief that the assignment cannot be carried out in a competent and safe manner. Upon refusing an assignment as herein provided a pilot shall submit a written explanation to the board. If the board finds that the pilot's written explanation is without merit, or reasonable cause did not exist for the assignment refusal, such pilot may be subject to the provisions of RCW 88.16.100 as now existing or hereafter amended.

(3) The board shall quarterly review the dispatch records of pilot organizations or pilot's quarterly reports to ensure the provisions of this section are enforced. The board may prescribe rules for rest periods pursuant to chapter 34.04 RCW.

**NEW SECTION.** Sec. 10. There is added to chapter 88.16 RCW a new section to read as follows:

The board shall prescribe, pursuant to chapter 34.04 RCW, rules governing the size of vessels which a newly licensed pilot may be assigned to pilot on the waters of this state. Such rules shall be only for the first two year period in which pilots are actually employed.

**NEW SECTION.** Sec. 11. There is added to chapter 88.16 RCW a new section to read as follows:

(1) The master of any vessel which employs a Washington licensed pilot shall certify on a form prescribed by the board of pilotage commissioners that the vessel complies with:

(a) Such provisions of the United States coast guard regulations governing the safety and navigation of vessels in United States waters, as codified in Title 33 of the code of federal regulations, as the board may prescribe; and

(b) The provisions of current international agreements governing the safety, radio equipment, and pollution of vessels and other matters as ratified by the United States Senate and prescribed by the board.

(2) The master of any vessel which employs a Washington licensed pilot shall be prepared to produce, and any Washington licensed pilot employed by a vessel shall request to see, certificates of the vessel which certify and indicate that the vessel complies with subsection (1) of this section and the rules of the board promulgated pursuant to subsection (1) of this section.

(3) If the master of a vessel which employs a Washington licensed pilot cannot certify that the vessel complies with subsection (1) of this section and the rules of the board adopted pursuant to subsection (1) of this section, the master shall certify that:

(a) The vessel will comply with subsection (1) of this section before the time the vessel is scheduled to leave the waters of Washington state; and

(b) The coast guard captain of the port was notified of the noncomplying items when they were determined; and

(c) The coast guard captain of the port has authorized the vessel to proceed under such conditions as prescribed by the coast guard pursuant to its authority under federal statutes and regulations.

(4) After the board has prescribed the form required under subsection (1) of this section, no Washington licensed pilot shall offer pilotage services to any vessel on which the master has failed to make a certification required by this section. If the master fails to make a certification the pilot shall:

(a) Disembark from the vessel as soon as practicable; and

(b) Immediately inform the port captain of the conditions and circumstances by the best possible means; and

(c) Forward a written report to the board no later than twenty-four hours after disembarking from the vessel.

(5) Any Washington licensed pilot who offers pilotage services to a vessel on which the master has failed to make a certification required by this section or the

rules of the board adopted under this section shall be subject to RCW 88.16.150, as now or hereafter amended, and RCW 88.16.100, as now or hereafter amended.

(6) The board shall revise the requirements enumerated in this section as necessary to reflect changes in coast guard regulations, federal statutes, and international agreements. All actions of the board under this section shall comply with chapters 34.04 and 42.30 RCW. The board shall prescribe the time of and method for retention of forms which have been signed by the master of a vessel in accordance with the provisions of this section.

(7) This section shall not apply to the movement of dead ships. The board shall prescribe pursuant to chapter 34.04 RCW, after consultation with the coast guard and interested persons, for the movement of dead ships and the certification process thereon.

Sec. 12. Section 13, chapter 18, Laws of 1935 as amended by section 4, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.100 are each amended to read as follows:

The board shall have power on its own motion or, in its discretion, upon the written request of any interested party, to investigate the performance of pilotage services subject to this chapter and to suspend, withhold or revoke the license of any pilot for misconduct, incompetency, inattention to duty, intoxication or failure to perform his duties under this chapter, or violation of any of the rules or regulations provided by the board for the government of pilots. When the board determines that reasonable cause exists ~~((for the conduct of a hearing on the issue of the suspension, withholding or revocation of a pilot license))~~ to suspend, revoke, or withhold any pilot's license it shall forthwith prepare and personally serve ~~((a copy of a notice of hearing upon the pilot in question who shall be required to appear and answer the same within ten days from date of service and shall be entitled to a full hearing thereof before the board and to be represented by counsel and to subpoena witnesses. The decision of the board must be in writing and entered of record upon the minutes of the board))~~ upon such pilot a notice advising him of the board's intended action, the specific grounds therefore, and the right to request a hearing to challenge the board's action. The pilot shall have thirty days from the date on which notice is served to request a full hearing before a hearing officer on the issue of suspension, revocation, or withholding of his pilot's license. The board's proposed suspension, revocation, or withholding of a license shall become final upon the expiration of thirty days from the date notice is served, unless a hearing has been requested prior to that time. When a hearing is requested the board shall appoint a hearing officer who shall be an active member of the Washington state bar association and, in the opinion of the board, has sufficient experience and familiarity with pilotage matters to be able to conduct a fair and impartial hearing. The hearing shall be governed by the provisions of chapter 34.04 RCW. All final decisions of the ((board)) hearing officer shall be subject to review by the superior court of the state of Washington for Thurston county or by the superior court of the county in which the pilot maintains his residence or principal place of business, to which court any case with all the papers and proceedings therein shall be immediately certified by the ((chairman of the board)) hearing officer if requested to do so by any party to the proceedings at any time within thirty days after the date of any such final decision. No appeal may be taken after the expiration of thirty days

after the date of final decision. Any case so certified to the superior court shall be tried de novo and after certification of the record to said superior court the proceedings shall be had as in a civil action.

Sec. 13. Section 6, chapter 18, Laws of 1935 as amended by section 4, chapter 15, Laws of 1967 and RCW 88.16.120 are each amended to read as follows:

No pilot shall charge, collect or receive and no person, firm, corporation or association shall pay for pilotage or other services performed hereunder any greater, less or different amount, directly or indirectly, than the rates or charges herein established or which may be hereafter fixed by the board pursuant to this chapter. Any pilot, person, firm, corporation or association violating the provisions of this section shall be guilty of a misdemeanor and shall be punished ~~((by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment in the county jail of the county wherein he is convicted for a period of not less than thirty days nor more than six months, or both))~~ pursuant to RCW 88.16.150 as now or hereafter amended, said prosecution to be conducted by the prosecuting attorney of any county wherein the offense or any part thereof was committed.

Sec. 14. Section 11, chapter 18, Laws of 1935 as amended by section 8, chapter 15, Laws of 1967 and RCW 88.16.130 are each amended to read as follows:

Any person not holding a license as pilot under the provisions of this chapter who pilots any vessel subject to the provisions of this chapter on waters covered by this chapter shall pay to the board the pilotage rates payable under the provisions of this chapter. Any master or owner of a vessel required to employ a pilot licensed under the provisions of this chapter who refuses to do so when such a pilot is available shall be ~~((guilty of a misdemeanor, and upon conviction thereof such master or owner shall be punished by a fine of not less than one hundred fifty dollars nor more than five hundred dollars))~~ punished pursuant to RCW 88.16.150 as now or hereafter amended and shall be imprisoned in the county jail of the county wherein he is so convicted until said fine and the costs of his prosecution are paid.

NEW SECTION. Sec. 15. There is added to chapter 88.16 RCW a new section to read as follows:

Any pilot licensed pursuant to this chapter may appear or testify before the legislature or board of pilotage commissioners and no person shall place any sanction against said pilot for having testified or appeared.

NEW SECTION. Sec. 16. There is added to chapter 88.16 RCW a new section to read as follows:

Any vessel designed for the purpose of carrying as its cargo liquified natural or propane gas shall adhere to the provisions of RCW 88.16.190(2) as though it was an oil tanker.

NEW SECTION. Sec. 17. Section 9, chapter 18, Laws of 1935, section 6, chapter 15, Laws of 1967, section 1, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.030 are each hereby repealed.

NEW SECTION. Sec. 18. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.



***\*NEW SECTION. Sec. 19. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.***

**\*Sec. 19. was vetoed, see message at end of chapter.**

Passed the Senate June 17, 1977.

Passed the House June 17, 1977.

Approved by the Governor June 30, 1977, with the exception of section 19 which was vetoed.

Filed in Office of Secretary of State June 30, 1977.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section, Senate Bill No. 2042 entitled:

"AN ACT Relating to pilotage;"

Senate Bill No. 2042 is a most desired piece of legislation making significant improvements in the area of marine pilotage. A part of its provisions, however, relates to the formation of a pilotage commission and grants rule making authority. In view of the fact that the pilotage commission is to be consolidated with the new state department of transportation, whose secretary will be the chairman of the commission, both acts of the Legislature should become effective at the same time. The department of transportation becomes effective on September 21, 1977; thus, I am vetoing Section 19 of Senate Bill No. 2042, the emergency clause, so that these two important measures become law at the same time.

With the exception of section 19 which I have vetoed, the remainder of Senate Bill No. 2042 is approved."

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## CHAPTER 338

[Engrossed Substitute Senate Bill No. 3110]

### CAPTIAL BUDGET

AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; prescribing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. A capital budget is hereby adopted and subject to the provisions hereinafter set forth the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for capital projects during the period ending June 30, 1979, out of the several funds hereinafter named.

**NEW SECTION.** Sec. 2. Any capital improvements or capital project involving construction or major expansion of a state office facility, to include district headquarters, detachment offices, and off-campus faculty offices shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while insuring proper service to the public.

**NEW SECTION.** Sec. 3. As used in this act the following phrases shall have the following meanings:

(1) "GF, Cap Bldg Constr Acct" means General Fund—Capitol Building Construction Account;

- (2) "GF, State Bldg Constr Acct" means General Fund—State Building Construction Account;
- (3) "GF, Fish Cap Proj Acct" means General Fund—Fisheries Capital Projects Account;
- (4) "General Fund—ORA" means General Fund—Outdoor Recreation Account;
- (5) "Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;
- (6) "GF, For Dev Acct" means General Fund—Forest Development Account;
- (7) "GF, Res Mgmt Acct" means General Fund—Resource Management Account;
- (8) "GF, Res Mgmt Cost Acct" means General Fund—Resource Management Cost Account;
- (9) "GF, LIRA, DSHS Fac" means General Fund—Local Improvements Revolving Account—Department of Social and Health Services Facilities;
- (10) "DSHS Constr Acct" means State Social and Health Services Construction Account;
- (11) "CEP & RI Acct" means Charitable, Educational, Penal and Reformatory Institutions Account;
- (12) "MV Fund—State" means Motor Vehicle Fund—State;
- (13) "GF, Fire Trng Constr Acct" means General Fund—Fire Training Construction Account;
- (14) "WSU Bldg Acct" means Washington State University Building Account;
- (15) "St H Ed Constr Acct" means State Higher Education Construction Account;
- (16) "Off/Lab Constr Acct" means Office/Laboratory Construction Account;
- (17) "Com Sch Constr Fund" means Common School Construction Fund;
- (18) "EWSC Cap Proj Acct" means Eastern Washington State College Capital Projects Account;
- (19) "TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;
- (20) "Com Col Cap Impvmt Acct" means Community College Capital Improvement Account;
- (21) "Com Col Cap Proj Acct" means Community College Capital Projects Account;
- (22) "Com Col Cap Constr Acct" means 1975 Community College Capital Construction Account;
- (23) "CWSC Cap Proj Acct" means Central Washington State College Capital Projects Account;
- (24) "UW Bldg Acct" means University of Washington Building Account;
- (25) "St Bldg Auth Constr Acct" means State Building Authority Construction Account;
- (26) "WWSC Cap Proj Acct" means Western Washington State College Capital Projects Account;
- (27) "WSU Constr Acct" means Washington State University Construction Account;

(28) "GF, PNW Fes Fac Constr Acct" means General Fund—Pacific Northwest Festival Facilities Construction Account; and

(29) The words "capital improvements" or "capital projects" used herein shall mean acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets.

**NEW SECTION. Sec. 4. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

	Estimated Total Cost of Projects		\$53,947,000
	Biennial Amounts By Fund Source		
	Carryover	Current	Total
GF, Cap Bldg Constr Acct	2,097,000	3,395,000	5,492,000
GF, State Bldg Constr Acct	5,179,000	0	5,179,000
General Fund—ORA	0	2,708,000	2,708,000
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess.	0	959,000	959,000
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4 (1) and/or (2), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	0	3,500,000	
<b>Total Funds</b>	<b>7,276,000</b>	<b>10,562,000</b>	<b>17,838,000</b>

(1) Complete construction of Office Building No. 2, remodeling of Insurance Building, and structural renovation of Legislative Building.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		1,300,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
21,550,000	0	22,850,000	6/30/79

(2) Complete Insurance Building renovation.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		554,000	0
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
2,086,000	0	2,640,000	6/30/79

(3) Remodel campus buildings to ensure that all areas of the campus are accessible to the physically handicapped.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		200,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
105,000	0	305,000	6/30/79

(4) Modify computer area to include uninterruptible power source system, security system, air conditioning, and raised flooring for wiring raceways.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		50,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
989,000	0	1,039,000	9/1/77

(5) Extend steam lines to Employment Security Building.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		25,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
65,000	0	100,000	9/1/77

(6) Replace heating and cooling coils and rearrange dampers in the Highway Licenses Building, Employment Security Building, and Archives Building.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		200,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
88,000	0	288,000	11/1/77

(7) Replace existing deficient oil delivery and storage facility.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		225,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
32,000	0	257,000	12/31/77

(8) Complete landscaping of Office Building No. 2.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		50,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
218,000	0	268,000	8/1/77

(9) Renovate Old Capitol Building to conform to health and safety requirements of the Occupational Safety and Health Act, building and fire codes, and provide access to the handicapped and aged.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		3,558,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
22,000	0	3,580,000	11/1/79

(10) Remodel and maintain Capitol Campus buildings and grounds.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		160,000	1,240,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,052,000	0	2,402,000	1/1/78

(11) Maintain Deschutes Basin, dam, and area landscaping.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		10,000	25,000
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
24,000	70,000	129,000	1/1/78

(12) Rehabilitate Capitol Lake by dredging lake bottom, disposing of sediment, and constructing settling basin and waterway improvements. The appropriations and reappropriations contained in this subsection shall be expended exclusively to rehabilitate Capitol Lake and shall be subject to the following conditions and limitations:

(a) No dredging, waterway improvement, sediment collection or disposal, or any other rehabilitation work or improvements shall be done on any portion of the lake south of the interstate highway bridge except to the extent such work is necessary to prevent substantial change in the present condition of such portion of the lake;

(b) The lake bottom shall be dredged and the sediment properly disposed of;

(c) A settling basin and waterway improvements shall be constructed;

(d) The department may acquire property which is contiguous to Percival Cove to be used for additional recreational and parking purposes;

(e) The department, in cooperation with the department of ecology, shall identify the extent and sources of pollution in the lake;

(f) The department shall consider all possible alternatives for the acquisition and operation of any equipment necessary for the purposes of this section and shall use the most cost effective of such alternatives.

	REAPPROPRIATION	APPROPRIATION	
GF, State Bldg Constr Acct	105,000	0	
General Fund—ORA	0	958,000	
General Fund—Outdoor Recreation Account appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess.	0	959,000	
<b>Total Funds</b>	<b>105,000</b>	<b>1,917,000</b>	
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
320,000	823,000	3,165,000	6/30/83

(13) Extend Office Building No. 2 central control and monitoring system to other campus buildings.

	REAPPROPRIATION	APPROPRIATION	
GF, Cap Bldg Constr Acct	513,000	392,000	
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
50,000	0	955,000	1/31/79

(14) Design and construct campus street revisions and improvements for increased safety and upgraded circulation, and landscaping.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		0	575,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
504,000	675,000	1,755,000	3/31/83

(15) Connect last five west campus buildings to central chiller plant.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		160,000	927,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,087,000	6/30/79

(16) Provide an interruptible emergency power source for the Office Building #2 computers (service centers 1 and 3).

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		0	236,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	236,000	6/78

(17) Install central chiller plant, air conditioning, and remodel legislative facilities.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		166,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,870,000	0	2,036,000	11/30/77

(18) To acquire approximately 316 acres and 3000 feet of nontrust freshwater shoreline property in an urban area: PROVIDED, That the department of general administration shall contract with the parks and recreation commission to maintain the grounds for recreation purposes: PROVIDED FURTHER, That an additional \$1,750,000 of the secretary of the interior's land and water conservation contingency fund for outdoor recreation is received by February 15, 1978.

		REAPPROPRIATION	APPROPRIATION
General Fund—ORA		0	1,750,000
General Fund—Outdoor Recreation Account			
Appropriation: Appropriated pursuant to section 4(1) and/or (2), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		0	3,500,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	5,250,000	6/79

**NEW SECTION. Sec. 5. FOR THE MILITARY DEPARTMENT**

Estimated Total Cost of Projects \$2,017,000

**Biennial Amounts By Fund Source**

	Carryover	Current	Total
General Fund	679,000	0	679,000
GF, State Bldg Constr Acct	0	1,107,000	1,107,000
Total Funds	679,000	1,107,000	1,786,000

(1) Construct new 150-man armory to replace existing armory at Aberdeen.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		285,000	0
GF, State Bldg Constr Acct		0	33,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
12,000	0	330,000	9/30/78

(2) Construct new 100-man armory to replace existing leased facility at Ephrata.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		220,000	0
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date



6/30/77	Thereafter		
5,000	0	225,000	6/30/78

(3) Provide preconstruction moneys for architectural and engineering work on future projects.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		39,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	110,000	149,000	12/31/77

(4) Provide schematic planning funds for future projects at Tacoma, Vancouver, Walla Walla, and Yakima.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		20,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	32,000	52,000	12/31/77

(5) Acquire land and construct a new 400-man armory at Vancouver.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		50,000	0
GF, State Bldg Constr Acct		0	513,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	563,000	6/30/79

(6) Provide for minor construction and site improvements to include asphalt paving, fencing, storage buildings, lighting, and retaining walls.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		65,000	0
GF, State Bldg Constr Acct		0	36,000
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	72,000	173,000	6/30/83

(7) Construct and equip 600-man armory at Camp Murray to replace obsolete facility in Tacoma.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		0	525,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/79 and	Costs	Date
6/30/77	Thereafter		
0	0	525,000	4/30/79

**NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

	Estimated Total Cost of Projects	\$126,786,000
	Biennial Amounts By Fund Source	
	Carryover	Current
General Fund—State	1,501,000	0
DSHS Constr Acct	26,289,000	17,910,000
CEP & RI Acct	169,000	632,000
GF, LIRA, DSHS Fac	18,445,000	0
Total Funds	46,404,000	18,542,000
		64,946,000

The department shall provide a capital proposal to the 1978 legislative session which will provide the necessary security in the maintenance of the sexual psychopath program.

**\*NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE ADULT CORRECTION PROGRAM**

	Estimated Total Cost of Projects	\$55,000,000
	Biennial Amounts By Fund Source	
	Carryover	Current
General Fund—State	566,000	0
DSHS Constr Acct	10,000,000	11,044,000
CEP & RI Acct	95,000	522,000
Total Funds	10,661,000	11,566,000
		22,227,000

(1) To provide fire and safety improvements, Washington State Penitentiary.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		136,000	0
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/79 and	Costs	Date

6/30/77	Thereafter		
15,000	0	151,000	2/78

(2) For remodeling of dental areas, Washington State Penitentiary.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	145,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	145,000	10/78

(3) To provide preliminary design, working drawings, and construction for food service and kitchen area, Washington State Penitentiary.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	1,993,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,993,000	10/79

(4) To convert former women's quarters to 50-bed minimum custody unit, Washington State Penitentiary.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	300,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	300,000	1/78

(5) To modify laundry facilities, Washington State Reformatory.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		60,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
70,000	0	130,000	6/79

(6) To modernize inmate residence living area, Washington State Reformatory.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		341,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
137,000	0	478,000	6/79

(7) To construct and equip maximum security facility, Washington State Reformatory, to be completed and in operation by August 15, 1979.

		REAPPROPRIATION	APPROPRIATION
DSH Constr Acct		10,000,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
300,000	0	10,300,000	6/79

(8) To provide fire and safety improvements, Washington State Reformatory.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	377,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	377,000	12/78

(9) To renovate and repair roofs, Washington Corrections Center.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	626,000
CEP & RI Acct		35,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
115,000	0	776,000	12/78

(10) To construct and equip work release housing unit, Indian Ridge Treatment Center.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		89,000	0
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Completion Date
66,000	0	155,000	3/78

(11) To open and renovate work training release facility, Geiger Field.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	620,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	620,000	1/78

(12) To construct and equip two 100-bed honor camps.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	5,108,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	5,108,000	6/79

*(13) To provide planning, design, and site selection funds for two maximum security facilities, one to have an intake/diagnostic unit. As a condition of this appropriation and the reappropriation provided in subsection (7) of this section, the department shall submit to the appropriate committees of the legislature no later than July 1, 1978, a plan which shall include: (a) Proposals to reduce the population at the penitentiary and reformatory to provide for single occupancy of the cells in the two institutions; (b) proposals to reduce the level of security affecting both personnel and physical plan to be commensurate with the reduction in inmate population; and (c) a classification system which reflects all current and pending physical plant changes throughout the adult corrections system.*

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	1,487,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	32,070,000	33,557,000	6/81

\*Section 7 was partially vetoed, see message at end of chapter.

(14) To improve security of the mentally ill offenders facility at Eastern State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	100,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	100,000	9/77

(15) To renovate existing facilities at Eastern State Hospital for moderate secure treatment and a work/training residence.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	810,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	810,000	1/78

**NEW SECTION. Sec. 8. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE JUVENILE REHABILITATION PROGRAM**

Estimated Total Cost of Projects \$1,628,000

**Biennial Amounts By Fund Source**

	Carryover	Current	Total
General Fund—State	15,000	0	15,000
CEP & RI Acct	0	60,000	60,000
DSHS Constr Acct	1,366,000	40,000	1,406,000
<b>Total Funds</b>	<b>1,381,000</b>	<b>100,000</b>	<b>1,481,000</b>

(1) To provide fire and safety improvements, Green Hill School.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		15,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
55,000	0	70,000	11/77

(2) To construct and equip four living units, Naselle Youth Camp.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		1,366,000	0
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
92,000	0	1,458,000	1/78

(3) For preliminary design and working drawings to replace boiler and remodel steam plant, Maple Lane School.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	40,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	40,000	9/79

(4) For preliminary design and working drawings to remodel dormitories at Mission Creek Youth Camp.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	15,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	15,000	12/78

(5) To expand and upgrade water system, Mission Creek Youth Camp.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	45,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	45,000	6/78

**NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE MENTAL HEALTH PROGRAM**

Estimated Total Cost of Projects \$13,856,000

**Biennial Amounts By Fund Source**

	Carryover	Current	Total
DSHS Constr Acct	1,374,000	1,924,000	3,298,000
Total Funds	1,374,000	1,924,000	3,298,000

(1) To provide matching funds for construction and equipment of mental health wing, Children's Orthopedic Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		374,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
427,000	0	801,000	6/79

(2) Not later than January 1, 1978, the department shall provide the legislature with a revised project plan including reduced cost alternatives for constructing and equipping the new 32-bed residential facility at the child study and treatment center at Western State Hospital. No construction shall begin prior to approval of the revised project plan by the Senate Ways and Means Committee and the House Appropriations Committee.

(3) To provide design funds for 350-bed psychiatric hospital, Western State Hospital: PROVIDED, That such facility be designed to handle mentally ill offenders.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		700,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	6,285,000	6,985,000	6/80

(4) To renovate for accreditation, Western State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	1,500,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,500,000	6/79

(5) Preliminary design and working drawings to renovate utilities and roofs, Western State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	20,000
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date



6/30/77	Thereafter		
0	0	553,000	8/78

(6) To construct fuel storage and conveyor system, Western State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	354,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	354,000	2/79

(7) Preliminary design and working drawings to construct elevated water tower, Western State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	50,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	668,000	3/79

(8) Preliminary and design drawings for 150-bed psychiatric hospital, Eastern State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		300,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	300,000	6/79

**NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE DEVELOPMENTAL DISABILITIES PROGRAM**

Estimated Total Cost of Projects \$22,405,000

**Biennial Amounts By Fund Source**

	Carryover	Current	Total
General Fund—State	920,000	0	920,000
DSHS Constr Acct	11,787,000	1,669,000	13,456,000
CEP & RI Acct	74,000	50,000	124,000
Total Funds	12,781,000	1,719,000	14,500,000

(1) To replace boilers, Phase II, Fircrest School.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		292,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
75,775	0	368,000	1/79

(2) To repair and upgrade utilities, working drawings for repair of water, electrical and steam systems, Fircrest School.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		133,000	1,309,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
33,000	0	1,475,000	1/79

(3) For working drawings to enclose courtyards, Fircrest School.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	10,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	91,000	5/78

(4) To renovate and construct, including upgrade of utilities and completion of Phase I, Rainier School.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		405,000	0
DSHS Constr Acct		2,650,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
136,000	7,218,000	10,409,000	6/81

(5) To renovate, construct, equip, to include completion of Phase I, Lakeland Village.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		4,612,000	0

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
158,000	0	4,770,000	9/78

(6) Not later than January 1, 1978, the department shall provide the legislature with revised plans for Phase II Lakeland Village. Such plans shall continue to include provisions for privacy for residents, but shall demonstrate more efficient and less costly building design and land use than the presently planned facilities and building configurations.

Such plan shall include but not be limited to:

(a) Description and drawings of alternative facility plans.

(b) Report of relationship of alternatives to required staffing.

(c) Report of relationship of alternatives to effective energy conservation and efficient design.

(d) Plans for consolidation or elimination of duplicative spaces.

No construction shall begin prior to approval of the revised plans by the Senate Ways and Means Committee and the House Appropriations Committee.

(7) To install new elevator for safety evaluation and traffic load, Yakima Valley School.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		125,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
10,000	0	135,000	9/77

(8) To provide fire alarms, School For The Blind.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		50,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	50,000	11/77

(9) To renovate kitchen, primary area, and Administration Building, School For The Blind.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		280,000	0
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
40,000	0	320,000	11/77

(10) To renovate and repair facilities and utility system, School For The Blind.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	360,000
CEP & RI Acct		0	40,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	400,000	7/78

(11) To provide fire and safety improvements, School For The Deaf.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		42,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,000	0	47,000	11/77

(12) To provide secondary source of power, School For The Deaf.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		44,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	44,000	11/77

(13) To remodel former superintendent's residence, School For The Deaf, to provide a recreation center for senior high students.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		30,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	30,000	10/77

(14) To demolish Watson Hall, School For The Deaf.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		18,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
26,000	0	44,000	10/77

(15) To provide for contractual design and construction costs for three state residential training centers and for purchase of community sites that meet neighborhood approval.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		4,100,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
122,000	0	4,222,000	9/78

**NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE ADMINISTRATIVE SERVICES AND SUPPORT SERVICES PROGRAM**

Estimated Total Cost of Projects \$33,897,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
DSHS Constr Acct	1,762,000	3,233,000	4,995,000
GF, LIRA, DSHS Fac	18,445,000	0	18,445,000
Total Funds	20,207,000	3,233,000	23,440,000

(1) To construct and equip community, Social and Health Services Facilities (Referendum 29).

		REAPPROPRIATION	APPROPRIATION
GF, LIRA, DSHS Fac		18,445,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
6,245,000	0	24,690,000	0

(2) To repair and improve utilities and facilities—Omnibus.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		1,200,000	1,000,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Completion Date
1,467,000	0	3,667,000	6/79

(3) To provide contingency expenses on DSHS construction projects.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		202,000	300,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
383,000	0	885,000	6/79

(4) To provide for preplanning funds on future construction projects (1977-81).

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		200,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
239,000	0	439,000	6/79

(5) To research, design, and implement energy conservation and solar heating principles, both passive and active.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		160,000	433,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
123,000	0	716,000	6/79

(6) To convert the existing facility at Northern State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	1,500,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,500,000	1/78

**NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF VETERANS' AFFAIRS**

Estimated Total Cost of Projects \$9,354,000

**Biennial Amounts By Fund Source**

	Carryover	Current	Total
General Fund—State	239,000	219,000	458,000
General Fund—Federal	3,595,000	893,000	4,488,000
DSHS Constr Acct	2,144,000	519,000	2,663,000
CEP & RI Acct	200,000	0	200,000
<b>Total Funds</b>	<b>6,178,000</b>	<b>1,631,000</b>	<b>7,809,000</b>

(1) To provide fire, safety and health improvements at the Veterans' Home and Soldiers' Home including construction of a 78-bed nursing facility at the Veterans' Home and a 40-bed nursing addition at the Soldiers' Home.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		186,000	0
General Fund—Federal		3,464,000	578,000
CEP & RI Acct		200,000	0
DSHS Constr Acct		1,935,000	519,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,520,000	0	8,402,000	6/79

(2) To repair sewer, Soldiers' Home.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		209,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
8,000	0	217,000	4/78

(3) To replace boilers at Soldiers' Home.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		0	169,000
General Fund—Federal		0	315,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	484,000	6/79

(4) To replace boilers at Veterans' Home.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		53,000	0
General Fund—Federal		131,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
17,000	0	201,000	3/78

(5) To repair and improve utilities and facilities—Omnibus.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		0	50,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	50,000	6/79

**NEW SECTION. Sec. 13. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY**

Estimated Total Cost of Projects \$20,000,000

**Biennial Amounts By Fund Source**

	Carryover	Current	Total
GF, PNW Fes Fac Constr Acct	0	5,000,000	5,000,000
General Fund—Federal	0	15,000,000	15,000,000
Total Funds	0	20,000,000	20,000,000

To construct a Pacific Northwest Festival Facility.

		REAPPROPRIATION	APPROPRIATION
GF, PNW Fes Fac Constr Acct		0	5,000,000
General Fund—Federal		0	15,000,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	20,000,000	6/30/79

No portion of the appropriations contained in this section shall be expended until the state is in receipt of \$15,000,000 from the federal government, or so much thereof as to equal a 3 to 1 match, and which is sufficient to complete and make operational at least one of the three planned theatres in a phased construction plan.



Should federal legislation dictate that the facility be owned by the federal government, the state moneys in this appropriation shall be granted to such federal administering agency which is representing the federal government: PROVIDED, That the federal matching funds shall be available by January 31, 1979.

**NEW SECTION. Sec. 14. FOR THE DEPARTMENT OF ECOLOGY**

	Estimated Total Cost of Projects			\$6,836,800
	Biennial Amounts By Fund Source			
		Carryover	Current	Total
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to the provisions of chapter 127, Laws of 1972 ex. sess. (Referendum 26)	2,237,000		2,071,200	4,308,200
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to the provisions of chapter 128, Laws of 1972 ex. sess. (Referendum 27)	616,000		378,600	994,600
<b>Total Funds</b>	<b>2,853,000</b>		<b>2,449,800</b>	<b>5,302,800</b>

(1) To construct ground water observation wells.

		REAPPROPRIATION	APPROPRIATION
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to the provisions of chapter 128, Laws of 1972 ex. sess. (Referendum 27)		124,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
451,000	700,000	1,276,000	6/30/79

(2) To construct sanitary facilities at various state parks and Department of Social and Health Services institutions including sewage and sink waste disposal and sewage treatment facilities as provided by chapter 127, Laws of 1972 ex. sess.

		REAPPROPRIATION	APPROPRIATION
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated			

pursuant to the provisions of chapter 127, Laws of 1972 ex. sess. (Referendum 26)		2,037,000	
(a) Paradise Point			20,300
(b) Larrabee			20,300
(c) Conconully			42,200
(d) Yakima Sportsman			104,200
(e) Deception Pass			28,000
(f) Westport Light			36,000
(g) Ocean City			26,600
(h) Birch Bay			306,400
(i) Lake Wenatchee			8,300
(j) Mount Spokane			20,100
(k) South Whidbey			38,300
(l) Twanoh			64,700
(m) Fort Flagler			184,700
(n) Fay Bainbridge			30,100
(o) Ginkgo/Wanapum			10,000
(p) Sacajawea			93,300
(q) Dash Point			230,200
(r) Bogachiel			27,100
(s) Region II—Drainfields and septic tanks replacement in 2 parks			10,600
(t) Potholes			4,700
(u) Camp Wooten (ELC)			83,600
(v) Region II—120 sink waste drains in 13 parks			57,800
(w) Region I—Drainfield and septic tank replacement in 11 parks			57,700
(x) Region III—61 sink waste drains in 14 parks			33,100
(y) Region III—Solid waste transfer fa- cilities in 9 parks			27,700
(z) Region III—Drainfield and septic tank replacement in 4 parks			25,700
(aa) Riverside			138,000
(bb) Oyehut—Ocean Beach Access			12,100
(cc) Region I—Solid waste transfer fa- cilities in 3 parks			8,300
(dd) Region II—Solid waste transfer fa- cilities in 14 parks			37,900
(ee) Dosewallips			18,100
(ff) Moran			225,000
(gg) Fields Spring			10,000
(hh) San Juan Islands			30,100
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
1,226,000	0	5,334,200	6/30/79

(3) To construct water supply facilities at various state parks as provided by chapter 128, Laws of 1972 ex. sess.

	REAPPROPRIATION	APPROPRIATION
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to the provisions of chapter 128, Laws of 1972 ex. sess. (Referendum 27)	492,000	
(a) Lake Chelan		25,400
(b) Deception Pass		7,200
(c) Fort Flagler		94,800
(d) Ocean City		15,000
(e) Kitsap Memorial		31,300
(f) Lyons Ferry		7,900
(g) Sun Lakes		16,500
(h) Lewis and Clark		17,000
(i) Loomis Lake		19,000
(j) Spencer Spit		10,000
(k) Sacajawea		6,600
(l) Belfair		18,000
(m) Lake Cushman		5,800
(n) Camp Wooten		29,200
(o) Fields Spring		18,100
(p) Jarrell Cove		7,400
(q) Ginkgo/Wanapum		11,300
(r) Bogachiel		25,400
(s) Beacon Rock		12,700

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
356,000	0	1,226,600	6/30/79

(4) For acquisition only of land in the Hanford Reservation. Said land to be held without development for hazardous waste disposal purposes until further authorization by the legislature and only after receipt by the legislature of hydrological and geological site surveys as well as other environmental data.

REAPPROPRIATION      APPROPRIATION

General Fund—State and Local Improvements Revolving Account Appropriation—Waste Disposal Facilities: Appropriated pursuant to the provisions of chapter 127, Laws of 1972 ex. sess. (Referendum 26)

		200,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	200,000	12/7/77

**NEW SECTION. Sec. 15. FOR THE STATE PARKS AND RECREATION COMMISSION**

	Estimated Total Cost of Projects		\$15,481,250
	Biennial Amounts By Fund Source		
	Carryover	Current	Total
General Fund	179,000	0	179,000
General Fund—ORA	1,169,000	1,212,000	2,381,000
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	1,709,000	865,000	2,574,000
General Fund—State and Local Improvement Revolving Account Appropriation—Public Recreation Facilities: Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	3,569,000	2,878,250	6,447,250
<b>Total Funds</b>	<b>6,626,000</b>	<b>4,955,250</b>	<b>11,581,250</b>

(1) To provide for unanticipated restoration and repairs to existing state park facilities.

**REAPPROPRIATION      APPROPRIATION**

General Fund—State and Local Improvement Revolving Account Appropriation—Public Recreation Facilities; Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess. (Referendum 28)

		0	222,000
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
200,000	500,000	922,000	6/30/83

(2) To construct, repair, and improve state park facilities.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		179,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	179,000	6/30/79

(3) Schematics and preplanning as provided by chapter 129, Laws of 1972 ex. sess.

		REAPPROPRIATION	APPROPRIATION
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		120,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	120,000	6/30/79

(4) Fort Ebey campground development.

		REAPPROPRIATION	APPROPRIATION
General Fund—ORA		0	100,000
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		272,000	100,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	472,000	6/30/79

(5) Manchester campground development.

	REAPPROPRIATION	APPROPRIATION
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General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)

		345,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	236,000	581,000	6/30/79

(6) Fort Columbia State Park building and interpretive display renovation.

REAPPROPRIATION      APPROPRIATION

General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)

0                      40,000

General Fund—State and Local Improvement Revolving Account Appropriation—Public Recreation Facilities; Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess. (Referendum 28)

0                      40,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	80,000	6/30/79

(7) Deception Pass final acquisition around Pass Lake.

REAPPROPRIATION      APPROPRIATION

General Fund—ORA

0                      200,000

General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)

0                      200,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
928,000	0	1,328,000	6/30/79

(8) Reed Island—Initial development of the park.

REAPPROPRIATION      APPROPRIATION

General Fund—ORA

0                      12,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	12,000	6/30/79

(9) Modernization and improvements at various parks as provided by section 4(3), chapter 129, Laws of 1972 ex. sess.

REAPPROPRIATION      APPROPRIATION

General Fund—State and Local Improvement Revolving Account Appropriation—Public Recreation Facilities; Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess.

(Referendum 28)	3,569,000	
(a) Fort Worden Conference Center		763,600
(b) Deception Pass		152,000
(c) Lake Wenatchee		16,900
(d) Lake Chelan		40,400
(e) Dash Point		102,600
(f) Twanoh		167,500
(g) Twin Harbors		98,300
(h) Peace Arch		8,900
(i) Pearrygin Lake		80,000
(j) Camp Wooten (Camp Wooten ELC)		54,600
(k) Bridle Trails		28,200
(l) Rainbow Falls		70,900
(m) Curlew Lake		29,400
(n) Illahee		40,400
(o) Fort Canby		34,400
(p) Ocean City		18,800
(q) Fort Flagler		226,300
(r) Lake Osoyoos		99,500
(s) Ginkgo/Wanapum		29,100
(t) Region I—Reforestation and construction of fire protection trails in 8 parks		30,000
(u) Region II—Reforestation and construction of fire protection trails in 5 parks		29,000
(v) Region III—Reforestation and construction of fire protection trails in 3 parks		6,000
(w) Fields Spring		35,600
(x) Dosewallips		103,400
(y) Sequim Bay		16,300

(z) Fort Okanogan	29,100
(aa) Beacon Rock	9,300
(bb) Mount Spokane	45,750
(cc) Wenberg	13,400
(dd) Maryhill—House	44,100
(ee) Federation Forest—House	40,000
(ff) Lake Cushman—House	40,000
(gg) Horsethief Lake—House	41,000
(hh) Bogachiel—House	40,000
(ii) Camp Wooten (ELC)	6,500
(jj) Peace Arch	5,400
(kk) Kitsap Memorial	19,600

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,248,000	0	7,433,250	6/30/79

(10) Haley property, land and frontage acquisition on Case Inlet.

	REAPPROPRIATION	APPROPRIATION
General Fund—ORA	0	150,000
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	0	150,000

  

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	600,000	900,000	1/83

(11) Acquisition and development, including park sites, boating facilities, and historical and archaeological sites, excluding the Mercer Slough acquisition.

	REAPPROPRIATION	APPROPRIATION
General Fund—ORA	1,169,000	0
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	692,000	0

  

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
598,000	0	2,459,000	6/30/79



(12) For acquisition and development of an ocean beach scenic corridor between Fort Casey state park and Fort Ebey state park up to a maximum width of four hundred feet.

		REAPPROPRIATION	APPROPRIATION
General Fund—ORA		0	375,000
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess.			
		0	375,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	750,000	12/77

(13) Mercer Slough additional land acquisition.

		REAPPROPRIATION	APPROPRIATION
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		280,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	280,000	6/30/79

(14) Acquisition of land at Dash Point for state park.

		REAPPROPRIATION	APPROPRIATION
General Fund—ORA		0	375,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	375,000	N/A

The appropriation contained in this subsection is for the acquisition of 124 acres adjacent to Dash Point state park giving that tidelands park adequate area to serve the large metropolitan population in its area.

**NEW SECTION. Sec. 16. FOR THE DEPARTMENT OF FISHERIES**

Estimated Total Cost of Projects	\$65,796,000
Biennial Amounts By Fund Source	

	Carryover	Current	Total
General Fund—Federal	945,000	3,073,000	4,018,000
GF, Fish Cap Proj Acct	2,555,000	4,840,000	7,395,000
General Fund—ORA	457,000	1,189,000	1,646,000
General Fund—Outdoor Rec- reation Account as provided by chapter 129, Laws of 1972 ex. sess.	560,000	596,000	1,156,000
Sal Enhmt Constr Acct	0	31,381,000	31,381,000
Total Funds	4,517,000	41,079,000	45,596,000

The appropriations contained in subsections (6) through (41) of this section shall be subject to the following conditions and limitations:

The productivity of any salmon propagation facility is very dependent on water quantity and quality. Since there is a limited number of water sources which meet the critical needs of a facility it is imperative that these sources are acquired. Therefore, site acquisitions and preliminary design shall be considered by the department as generally having priority over project development in the allocation of funds;

Prior to expending any moneys for the construction and development of any particular salmon propagation facility, except for site acquisition and preliminary design, the department shall give consideration to the following factors with respect to that facility:

The department's management authority over propagated salmon;

The level of expected Canadian interception on the propagated salmon and whether this would be acceptable;

Whether an acceptable agreement has been reached on the status of treaty Indian salmon harvest; and

Whether there can be a maximum harvest of propagated salmon with a tolerable impact on other salmonoid stocks, both natural and artificial, and on their environment. The department shall consult on this matter with the department of game;

To aid and advise the department in the performance of its functions as specified herein with regard to the salmon enhancement program, a salmon advisory council shall be created. The advisory council shall consist of ten members appointed by the governor; the director of the department of fisheries, who shall be chairman; the director of the department of game; one member of the senate to be appointed by the president of the senate; and one member of the house of representatives to be appointed by the speaker of the house of representatives. Of the appointive members two shall represent troll fishermen; two shall represent gillnet fishermen, of which one shall be from the Puget Sound area and one from the southwest Washington area; one shall represent purse seine fishermen; one shall represent owners of charter boats; two shall represent sportsmen; and two shall represent fish processors, of which one shall represent fresh or frozen fish processors and one shall represent canneries.

The advisory council shall be convened by the director prior to the decision to expend any funds for construction and development of any salmon propagation facility listed in subsections (6) through (41) of this section. The council shall advise

the director with regard to the considerations listed herein and any other factors the council deems relevant with respect to the proposed facility.

Terms of the appointive members shall not exceed two years and shall continue until their successors are appointed. Vacancies shall be filled in the same manner as original appointments. Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

The director of the department of game, or his designee, shall receive reimbursement for travel expenses incurred in the performance of his duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The legislative members or their designees, shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120 as now existing or hereafter amended.

Not more than the following amounts as listed in subsections (6) through (41) of this section shall be expended for the site acquisition, preliminary design, construction and development of such hereinabove described projects, which are ranked after site acquisition and exploration, survey, and design in order of their estimated benefit/cost ratio, with the project having the highest benefit/cost ratio being listed first.

(1) Renovations and improvements to meet safety, health and environmental regulations: PROVIDED, That all upgrading of domestic water supply facilities at all state hatcheries be completed by September 1, 1978.

		REAPPROPRIATION	APPROPRIATION
GF, Fish Cap Proj Acct		0	1,161,000
General Fund—Federal		0	813,000
Project Costs	Estimated Costs	Estimated Total Costs	Estimated Completion Date
Through 6/30/77	7/1/79 and Thereafter		
681,000	2,600,000	5,255,000	6/30/83

(2) Replacements and alterations to maintain current production at various locations, state-wide.

		REAPPROPRIATION	APPROPRIATION
GF, Fish Cap Proj Acct		0	2,053,000
General Fund—Federal		0	349,000
Project Costs	Estimated Costs	Estimated Total Costs	Estimated Completion Date
Through 6/30/77	7/1/79 and Thereafter		
22,000	555,000	2,979,000	7/1/83

(3) Projects to improve operation and production efficiency at existing facilities.

		REAPPROPRIATION	APPROPRIATION
GF, Fish Cap Proj Acct		0	1,368,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	5,006,000	6,374,000	7/1/83

(4) Construction and improvements for shellfish research and production—State-wide.

		REAPPROPRIATION	APPROPRIATION
GF, Fish Cap Proj Acct		0	258,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	480,000	738,000	7/1/81

(5) Fisheries related recreation activity—State-wide including acquisition and development of access facilities, boat launching facilities, and tour facilities at hatcheries.

		REAPPROPRIATION	APPROPRIATION
General Fund—ORA		457,000	1,189,000
General Fund—Outdoor Recreation Account as provided by chapter 129, Laws of 1972 ex. sess. (Referendum 28)		560,000	596,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
125,000	6,825,000	9,752,000	6/30/83

(6) Land purchase for enhancement.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	2,165,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	2,165,000	7/1/79

(7) Exploration, survey, and preliminary design.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	386,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
300,000	700,000	1,386,000	7/1/79

(8) To construct and develop Skykomish Hatchery ground water system project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	137,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	137,000	11/30/78

(9) To construct and develop Percival Cove project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	348,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	348,000	12/31/78

(10) To construct and develop Johns Creek project.

		REAPPROPRIATION	APPROPRIATION
General Fund—Federal		190,000	0
GF, Fish Cap Proj Acct		190,000	0
Sal Enhmt Constr Acct		0	370,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
20,000	0	770,000	10/31/78

(11) To construct and develop streamside gravel incubators.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	339,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Completion Date
0	0	339,000	9/31/78

(12) To construct and develop Klickitat acclamation pond.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	354,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	354,000	1/31/79

(13) To construct and develop Lewis River release pond.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	844,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	844,000	6/30/79

(14) To construct and develop Schorno Springs Pond—Nisqually River project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,008,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,008,000	6/30/79

(15) To construct and develop Bear Springs project.

		REAPPROPRIATION	APPROPRIATION
General Fund—Federal		0	228,000
Sal Enhmt Constr Acct		0	228,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	456,000	7/1/79

(16) To construct and develop Cedar River Springs rearing ponds.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	471,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	471,000	6/30/79

(17) To construct and develop Icy Creek rearing ponds.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	459,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	459,000	12/31/78

(18) To construct and develop Hunter Springs Hatchery.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,408,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,408,000	12/31/78

(19) To construct and develop Cedar River gravel incubators.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	103,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	103,000	11/30/77

(20) To construct and develop Satsop Springs Pond project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	299,000
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	0	299,000	10/31/78

(21) To construct and develop Toutle River Hatchery project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	570,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	570,000	1/31/79

(22) To construct and develop Case Inlet project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	685,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	685,000	6/30/79

(23) To construct and develop Weyco Pond project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	168,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	168,000	10/31/78

(24) To construct and develop Hupp Springs project.

		REAPPROPRIATION	APPROPRIATION
General Fund—Federal		0	168,000
GF, Fish Cap Proj Acct		116,000	0
Sal Enhmt Constr Acct		0	168,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
4,000	0	456,000	6/30/78

(25) To construct and develop Cowlitz Hatchery rearing pond.



		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,160,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
92,000	0	1,252,000	6/30/79

(26) To construct and develop McAllister Springs Hatchery.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	2,278,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
100,000	0	2,378,000	12/31/78

(27) To construct and develop Nooksack Hatchery expansion project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	3,239,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	3,239,000	3/31/79

(28) To construct and develop Lewis River Hatchery.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,969,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,969,000	12/31/79

(29) To construct and develop Wynoochee River rearing ponds.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,131,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,131,000	12/31/79

6/30/77	Thereafter		
0	0	1,131,000	3/31/79
(30) To construct and develop Lower Skagit River project.			
		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,790,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,790,000	7/1/79
(31) To construct and develop the spawning gravel restoration project.			
		REAPPROPRIATION	APPROPRIATION
GF, Fish Cap Proj Acct		45,000	0
Sal Enhmt Constr Acct		0	520,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
192,000	0	757,000	6/30/79
(32) To construct and develop Simpson Hatchery additional pumps and distribution system.			
		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	145,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	145,000	10/31/78
(33) To construct and develop South Fork Willapa Hatchery.			
		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,767,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,767,000	12/31/79
(34) To construct and develop Allison Springs Hatchery.			

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	538,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	538,000	6/30/79

(35) To construct and develop the Skookumchuck Creek project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	615,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	615,000	9/30/78

(36) To construct and develop Cedar River spawning channel.

		REAPPROPRIATION	APPROPRIATION
General Fund—Federal		0	859,000
Sal Enhmt Constr Acct		0	859,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,718,000	6/30/79

(37) To construct and develop Hurd Creek water supply.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	262,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	262,000	6/30/79

(38) To construct and develop Kalama Falls Hatchery release pond and water supply project.

		REAPPROPRIATION	APPROPRIATION
General Fund—Federal		0	656,000
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
0	0	656,000	9/30/78

(39) To construct and develop Stillaquamish River Hatchery.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,144,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,144,000	5/31/80

(40) To construct and develop Garrison Springs Hatchery—Chambers Creek trap and holding project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	139,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	139,000	9/30/78

(41) To construct and develop the Naselle Salmon Complex.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	3,315,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	3,315,000	7/1/79

(42) To complete various enhancement projects state-wide.

		REAPPROPRIATION	APPROPRIATION
GF, Fish Cap Proj Acct		2,204,000	0
General Fund—Federal		755,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,648,000	0	5,607,000	6/30/79

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF GAME

	Estimated Total Cost of Projects		\$49,561,582
Biennial Amounts By Fund Source			
	Carryover	Current	Total
Game Fund—State	213,875	1,767,738	1,981,613
Game Fund—Federal	802,125	1,041,344	1,843,469
Game Fund—Local	19,000	204,000	223,000
General Fund—ORA	350,000	0	350,000
General Fund—Outdoor Recreation Account appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	350,000	0	350,000
<b>Total Funds</b>	<b>1,735,000</b>	<b>3,013,082</b>	<b>4,748,082</b>

(1) Critical resource acquisition, acquire lands for wildlife habitat, wildlife recreation, and public hunting state-wide.

	REAPPROPRIATION	APPROPRIATION	
General Fund—ORA	115,000	0	
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	115,000	0	
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
10,308,000	17,060,000	27,598,000	6/30/83

(2) Land acquisition, freshwater shorelands, acquire lands to provide public access to inland waters state-wide.

	REAPPROPRIATION	APPROPRIATION	
General Fund—ORA	10,000	0	
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	10,000	0	
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,938,000	1,178,000	3,136,000	6/30/83

(3) Critical resource development, develop lands to provide recreational opportunities for the public state-wide.

		REAPPROPRIATION	APPROPRIATION
General Fund—ORA		120,000	0
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)			
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/79 and	Costs	Date
6/30/77	Thereafter		
908,000	2,088,000	3,236,000	6/30/83

(4) Freshwater shorelands development, development of facilities to provide public access to inland waters state-wide.

		REAPPROPRIATION	APPROPRIATION
General Fund—ORA		105,000	0
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)			
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/79 and	Costs	Date
6/30/77	Thereafter		
2,762,000	2,840,000	5,812,000	6/30/83

(5) Major repairs and replacements, provision of funds for unanticipated capital improvements at existing facilities.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	100,000
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/79 and	Costs	Date
6/30/77	Thereafter		
100,000	200,000	400,000	6/30/83

(6) Snow Creek Research Station, complete construction of fish culture research station.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Federal		530,000	0
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Completion
Through	7/1/79 and	Costs	Date

6/30/77	Thereafter		
100,000	0	630,000	6/30/79

(7) Lower Columbia study, fish production feasibility study for the lower Columbia River.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Federal		65,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,000	0	70,000	12/31/77

(8) Naches Hatchery, water supply development for raceways and hatchery.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		115,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
20,000	0	135,000	10/30/77

(9) Olympia Office Annex landscaping.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		2,500	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,500	0	8,000	7/29/77

(10) To construct Sunnyside WRA Irrigation System.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		4,000	0
Game Fund—Federal		12,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
16,000	0	32,000	7/30/77

(11) To construct pollution abatement facilities at the Skamania Hatchery.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Federal		175,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
212,000	0	387,000	9/1/77

(12) To construct pollution abatement facilities at the Beaver Creek Hatchery.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Federal		0	581,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	581,000	6/30/79

(13) Wells Wildlife Recreation Area (WRA), development of irrigation system for wildlife cover.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Local		0	89,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	89,000	6/30/79

(14) To construct ten miles of boundary fence around Wells Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Local		15,000	83,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	98,000	6/30/79

(15) To construct an equipment and storage shop at Wells Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Local		0	32,000
Project	Estimated	Estimated	Estimated



Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Completion Date
0	0	32,000	6/30/79

(16) Vancouver Hatchery, connect sewer to municipal system to meet codes.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	16,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	16,000	6/30/79

(17) To construct residences at L.T. Murray and Snoqualmie Wildlife Recreation Areas.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	22,500
Game Fund—Federal		0	67,500
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	90,000	6/30/79

(18) Develop irrigation system for wildlife species maintenance at Sherman Creek Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	8,000
Game Fund—Federal		0	24,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	32,000	6/30/79

(19) To construct seed storage facility at McNary Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	700
Game Fund—Federal		0	2,100
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	0	2,800	6/30/79

(20) To construct hay and feed barn at L.T. Murray Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	13,931
Game Fund—Federal		0	41,794
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	55,725	6/30/79

(21) To construct rearing pond at Calawah-Rayonier Hatchery.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Local		4,000	0
Game Fund—Federal		4,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
27,000	0	35,000	7/30/77

(22) To construct intake revision system at Chambers Creek.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		3,000	0
Game Fund—Federal		3,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
3,000	0	9,000	7/30/77

(23) Dingell-Johnson, feasibility study on fish impoundment projects.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	1,500
Game Fund—Federal		0	4,500
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	6,000	6/30/79

(24) Purchase and install irrigation system for habitat development at Gloyd Seeps Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	5,250
Game Fund—Federal		0	15,750
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	21,000	6/30/79

(25) To construct habitat area and wildlife recreation area boundary fencing state-wide.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	46,753
Game Fund—Federal		0	140,257
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	185,000	372,010	6/30/83

(26) To construct storage building for farm machinery at Mount Vale ranch.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	4,875
Game Fund—Federal		0	14,625
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	19,500	6/30/79

(27) Improvement of water fowl hunting area at Sunnyside Wildlife Recreation Area by raising Griffin Lake.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	4,875
Game Fund—Federal		0	14,625
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	19,500	6/30/79

(28) To construct and/or improve one mile of dike to protect production and recreation land at Skagit Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	5,250
Game Fund—Federal		0	15,750
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	21,000	6/30/79

(29) To construct shop and storage area for equipment at the McNary Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	4,500
Game Fund—Federal		0	13,500
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	18,000	6/30/79

(30) To construct shop and storage area for equipment at Skagit Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	6,175
Game Fund—Federal		0	18,525
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	24,700	6/30/79

(31) To construct storage shed at Columbia Basin Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		4,375	0
Game Fund—Federal		13,125	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
13,000	0	30,500	9/30/77

(32) Purchase and install irrigation system for habitat development at Sinlahekin Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	5,500
Game Fund—Federal		0	16,500
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	22,000	6/30/79

(33) To construct shop and equipment storage building at Snoqualmie Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	6,675
Game Fund—Federal		0	20,025
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	26,700	6/30/79

(34) To construct Phase II of development of major trout production facility at the Waikiki Brood Pond at Spokane.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		70,000	414,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
30,000	713,000	1,227,000	9/30/77

(35) Move five brooder houses from Auburn Game Farm to South Tacoma Game Farm, and repair or replace brooder and holding pens state-wide.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	262,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	275,000	537,000	6/30/81

(36) Survey to establish boundaries of Wildlife Recreation Areas.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	8,300
Game Fund—Federal		0	24,950
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	33,250	6/30/79

(37) To construct and maintain fences state-wide.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		15,000	160,954
Game Fund—Federal		0	25,943
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
54,000	167,000	422,897	6/30/83

(38) Install areator in water supply to reduce trout mortality at Arlington Hatchery.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	15,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	15,000	6/30/79

(39) To construct combination garage and storage building at the South Tacoma Hatchery.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	14,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	14,000	6/30/79

(40) To construct concrete troughs to replace obsolete metal troughs.

	REAPPROPRIATION	APPROPRIATION
Game Fund—State	0	7,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	7,000	6/30/79

(41) To construct new residence at the Naches Hatchery.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	45,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	45,000	6/30/79

(42) Remodel existing storage area at Olympia warehouse to provide 3,300 square feet of office space and parking.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	80,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	107,000	187,000	6/30/81

(43) Auburn Game Farm Consolidation—Distribute existing Auburn facilities to Whidbey Island, South Tacoma, and Lewis County Game Farms, and sell Auburn Game Farm.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	235,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	235,000	6/30/79

(44) Relocate Auburn shop activities to Olympia after sale of Auburn Game Farm.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	200,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	200,000	6/30/79

6/30/77	Thereafter		
0	1,546,000	2,121,000	6/30/83

(45) To construct underground electrical and telephone service lines to the Seward Park Hatchery, and remove overhead distribution system.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	25,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	25,000	6/30/79

(46) Site improvements—Paving and landscaping at Spokane and Ephrata offices.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	11,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	18,000	29,000	6/30/79

(47) Purchase of portable fish disease laboratory, and renovation of Puyallup laboratory.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	25,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	25,000	6/30/79

(48) Remodeling of Vancouver Game Office for increased capacity.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	13,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	13,000	6/30/79



(49) Notwithstanding any other provision of this section to the contrary, all capital projects relating to the Auburn Game Farm and shops shall be contingent upon the sale of the Auburn Game Farm at a sale value of not less than \$1,500,000 and final approval by the Office of Program Planning and Fiscal Management. Funds received from the sale of the Auburn Game Farm shall be deposited in the game fund—state.

**NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF NATURAL RESOURCES**

	Estimated Total Cost of Projects	\$41,340,278
	Biennial Amounts By Fund Source	
	Carryover	Current
General Fund—State	25,500	296,750
GF, For Dev Acct	387,000	700,000
GF, Res Mgmt Acct	5,538,500	10,382,250
CEP & RI Acct	0	198,000
General Fund—ORA	451,000	1,047,661
General Fund—Outdoor Rec- reation Account as provided by chapter 129, Laws of 1972 ex. sess.	414,000	897,617
Total Funds	6,816,000	13,522,278
		20,338,278

(1) To construct southeast area office at Ellensburg. Construction of new headquarters complex in Kittitas County: PROVIDED, That the proceeds from the sale of the existing Ellensburg complex be deposited in the state general fund.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		0	259,000
GF, Res Mgmt Cost Acct		0	259,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	518,000	10/31/78

(2) Northwest area building renovation. Construction of additional space to provide office and timber sale auction facility.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		71,000	280,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	351,000	10/31/78

(3) To construct roads and bridges for access to state timber lands state-wide.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		1,914,000	1,517,000
GF, For Dev Acct		387,000	500,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,484,000	3,000,000	9,802,000	6/30/83

(4) To construct irrigation systems to convert existing unproductive acreage to income producing land.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		2,845,000	4,923,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,490,000	4,000,000	13,258,000	6/30/83

(5) Right of way acquisition to permit access to state timber lands and lands with potential commercial development.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		0	740,000
GF, For Dev Acct		0	200,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	2,000,000	2,940,000	6/30/83

(6) Forks seedling storage.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		8,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
8,000	0	16,000	6/30/79

(7) Land development and tideland facilities, preparation of sites for commercial development.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		385,000	1,660,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
122,000	2,000,000	4,167,000	6/30/83

(8) To construct lookout replacement.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		0	10,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	20,000	30,000	6/30/83

(9) Larch Mountain, provide hydraulic hoist in auto shop for vehicle maintenance.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	6,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	6,000	6/30/78

(10) To construct chemical and paint storage facility at Larch Mountain.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	20,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	20,000	9/30/77

(11) To construct storage building at Larch Mountain for storage of fire fighting vehicles and equipment.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	12,000
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
0	0	12,000	6/30/79

(12) To construct Hoh-Clearwater office, lab, and storage.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		0	55,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	55,000	10/31/78

(13) To construct addition to body shop for furnace and paint storage to meet fire codes.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		0	1,750
GF, Res Mgmt Cost Acct		0	1,750
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	3,500	6/30/79

(14) Youth and Honor Camp road and bridge materials.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	150,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	300,000	450,000	6/30/79

(15) To construct reforestation roads—Construction of access roads to isolated timber stands in need of rehabilitation.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		0	612,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	85,000	697,000	6/30/83

(16) Recreation—Interagency Committee for Outdoor Recreation (IAC) projects—Implementation of IAC approved budget for acquisition and development of recreation facilities state-wide.

	REAPPROPRIATION	APPROPRIATION
General Fund—ORA	451,000	1,047,661
General Fund—Outdoor Recreation Account as provided by section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	414,000	897,617

The appropriations contained in this subsection shall be expended so that not more than the following amounts listed for each of the following projects shall be expended:

(a) Foss Cove/Eagle Cliff on Cypress Island, Skagit County	119,500
(b) Cattle Point Lighthouse on San Juan Island development	41,500
(c) Mima Mounds stage 2 acquisition	176,000
(d) Douglas Falls near Colville	93,500
(e) Homestead redevelopment in Spokane County	79,500
(f) Yahoo Lake near Queets acquisition	17,500
(g) Mima Mounds stage I development	119,000
(h) Black River boat trail acquisition	18,000
(i) River Bend in Skagit County boating and camping development	79,500
(j) Cypress Head on Cypress Island in Skagit County—Development	75,500
(k) Overland Trail in Kitsap and Mason Counties to develop 14 miles of trail	66,000
(l) Samish Island parking acquisition (Skagit County)	25,000
(m) Yacolt Trail 3 mile extension (Clark County)	25,000
(n) Margaret McKenny expansion Capitol Forest, acquisition	6,000
(o) Blanchard Trail and Trailhead development (Skagit County)	38,500
(p) Lily Lake development (Skagit County)	34,000
(q) Howell Lake Trail (Mason County), develop 3-1/2 miles of trail	35,500
(r) Yahoo Lake development (NE of Queets)	48,000
(s) Mission Creek Trailhead acquisition (Mason County)	5,000

(t) Mima Trailhead Camp acquisition (Capitol Forest)	13,000
(u) Bald Point Trailhead acquisition (Mason County)	5,000
(v) Shelter Rock stage 2 development (Skamania County)	50,000
(w) Gibson Trail (Capitol Forest), to develop 13 miles of trail	143,000
(x) South Fork Hoh River acquisition	12,000
(y) Dragoon Creek Expansion	69,000
(z) Siouxon Trail (Clark/Skamania Counties), to develop 12 miles of trail	84,000
(aa) Lizzard Lake—Skagit County development	22,000
(bb) Upper Humptulips—Grays Harbor acquisition	20,000
(cc) Boulder Creek—Ferry County acquisition	5,000
(dd) Cypress Island acquisition	209,793
(ee) Mima Mounds stage III acquisition	180,000
(ff) Mima Mounds development	29,985

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,506,000	3,960,000	8,276,278	6/30/83

(17) Humptulips, garage and storage, replace unsafe wood structure for winter protection of fire vehicles.

	REAPPROPRIATION	APPROPRIATION
General Fund—State	0	16,000

  

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	16,000	6/31/78

(18) To construct cold storage facilities at Clearwater Honor Camp and at Enumclaw.

	REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct	0	47,000

  

Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	0	47,000	6/30/79

(19) To construct additional shop and storage space at the southwest area headquarters.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		0	80,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	80,000	6/30/79

(20) To construct storage facility for centralized storage of fertilizer, seed, and hydro-mulch.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		105,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	105,000	6/30/79

(21) To construct gunnite or concrete lined water holes on ridgetops for use by helicopter for dipping water during fire operations.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		8,500	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,000	10,000	20,500	6/30/79

(22) To construct wells and distribution system for the seed orchard to provide irrigation and fire protection.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		73,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
12,000	0	85,000	6/30/79

(23) To construct facility at Bellingham head greenhouse to provide for mechanical handling of containerized plants.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		15,000	5,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	20,000	6/30/79

(24) To construct hose drying facilities.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		17,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
3,000	0	20,000	6/30/79

(25) Bellingham packing shed, convert bulb house to a packing shed and cold storage area.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		10,000	10,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	20,000	6/30/79

(26) To construct 3,000 square feet of office and laboratory space for forest land management center.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		105,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	105,000	6/30/79

(27) Webster nursery—Land reclamation

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		0	50,000



Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	50,000	6/30/79

(28) Paving of driveways and parking areas at south Puget Sound, southwest and northeast area headquarters.

	REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct	0	23,000

  

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	23,000	6/30/79

(29) To construct 15,000 square feet of lath house at the Bellingham nursery to provide holding area for seedlings.

	REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct	7,500	60,000

  

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	67,500	6/30/79

(30) Forest land management center, enlarge shop to accommodate large equipment.

	REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct	0	20,000

  

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	20,000	6/30/79

(31) To construct additional storage space for fire fighting equipment at the central area headquarters.

	REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct	0	25,500

  

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	25,500	6/30/79

6/30/77	Thereafter		
0	0	25,500	6/30/79

(32) To construct remote gas station at Larch Mountain Honor Camp.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	10,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	10,000	6/30/79

(33) To construct underground vaults to house remote weather sensing instruments.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		0	10,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	10,000	6/30/79

(34) Forest Land Management Center—Paving of parking area, access road, and drive circle to reduce dust problems.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		0	14,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	14,000	6/30/79

**NEW SECTION. Sec. 19. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Estimated Total Cost of Projects \$5,916,000

**Biennial Amounts By Fund Source**

	Carryover	Current	Total
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(2), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	1,916,000	4,000,000	5,916,000

Total Funds	1,916,000	4,000,000	5,916,000
		REAPPROPRIATION	APPROPRIATION
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(2), chapter 129, Laws of 1972 ex. sess. (Referendum 28)			
	1,916,000		4,000,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	5,916,000	6/30/79

**NEW SECTION. Sec. 20. FOR THE UNIVERSITY OF WASHINGTON**

Estimated Total Cost of Projects \$107,841,000

**Biennial Amounts By Fund Source**

	Carryover	Current	Total
UW Bldg Acct	8,859,000	19,003,000	27,862,000
St Bldg Auth Constr Acct	9,000,000	0	9,000,000
Total Funds	17,859,000	19,003,000	36,862,000

No further real property which will affect a net addition to its real property holdings may be purchased or leased by the University of Washington in its northeast Seattle campus area. The University of Washington shall submit by January 1, 1978, to the appropriations committee of the house of representatives and the ways and means committee of the senate, its plan for the use of real property in its present ownership which is not now being used for teaching and/or research purposes.

(1) To construct, renovate, and equip teaching facilities in university hospital. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
St Bldg Auth Constr Acct		9,000,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
2,576,000	7,300,000	19,776,000	9,900,000

(2) To construct and equip renovations to building mechanical and electrical systems in Johnson Hall. Estimated project completion date 10/78.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		892,000	0
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Costs 7/1/77 Through 6/30/79
273,000	0	1,165,000	892,000

(3) To construct and equip Phase II and Phase III renovations in Bagley Hall. Estimated project completion date 6/81.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		1,550,000	3,900,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
2,212,000	0	7,662,000	5,450,000

(4) To complete basement renovation in Kane Hall for audio-visual and closed circuit TV. Estimated project completion date 7/78.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		950,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
50,000	0	1,000,000	950,000

(5) To renovate building mechanical, electrical, and ventilation systems in Smith Hall. Estimated project completion date 9/77.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		200,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
1,563,000	0	1,763,000	200,000

(6) To renovate and equip offices and upgrade building structural, mechanical, and electrical systems in Health Sciences facilities. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		800,000	2,500,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
2,250,000	5,000,000	10,550,000	3,300,000

(7) To purchase and install color television equipment for KCTS—Channel 9. Estimated project completion date 12/77.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		725,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
775,000	0	1,500,000	725,000

(8) To construct and equip addition to Edmundson Pavilion. Estimated project completion date 8/78.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		40,000	1,976,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
63,000	0	2,079,000	2,016,000

(9) To design and construct new office, classroom, and library building for School of Social Work and Speech and Hearing Sciences. Estimated project completion date 8/78.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		333,000	6,144,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
23,000	0	6,500,000	6,477,000

(10) To provide design funds for a new undergraduate and graduate biology teaching building. Estimated project completion date 6/81.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		229,000	248,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
89,000	9,528,000	10,094,000	477,000

(11) To provide planning funds for a consolidated facility for Marine Sciences and College of Fisheries. Estimated project completion date 6/81.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		300,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
100,000	3,200,000	3,600,000	300,000

(12) To construct and equip major utility and building renovations for operating efficiencies, safety improvements, and preservation of existing facilities. Estimated project completion date 6/81.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		2,800,000	4,235,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
8,367,000	26,333,000	41,000,000	6,300,000

(13) To construct and equip renovations to Gowan Hall. Estimated project completion date 3/78.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		20,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through

			6/30/79
432,000	0	452,000	20,000

(14) To construct and equip renovations to More Hall. Estimated project completion date 10/77.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		20,000	0
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Costs
Through	7/1/79 and	Costs	7/1/77
6/30/77	Thereafter		Through
			6/30/79
680,000	0	700,000	20,000

NEW SECTION. Sec. 21. FOR WASHINGTON STATE UNIVERSITY

Estimated Total Cost of Projects \$79,995,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
WSU Bldg Acct	2,592,000	6,976,000	9,568,000
WSU Constr Acct	0	4,340,000	4,340,000 St
H Ed Constr Acct	4,730,000	7,286,000	12,016,000
Off/Lab Constr Acct	949,000	0	949,000
Total Funds	8,271,000	18,602,000	26,873,000

(1) To construct and equip teaching, research and office space for biosciences, Phase II. Estimated project completion date 7/77.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		870,000	0
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Costs
Through	7/1/79 and	Costs	7/1/77
6/30/77	Thereafter		Through
			6/30/79
8,915,000	0	9,785,000	870,000

(2) To construct and equip library addition. Estimated project completion date 2/77.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		103,000	0
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Costs
Through	7/1/79 and	Costs	7/1/77
6/30/77	Thereafter		Through

			6/30/79
6,027,000	0	6,130,000	103,000

(3) To construct and equip office and laboratory space for United States Department of Agriculture and National Weather Service. Estimated project completion date 11/77.

		REAPPROPRIATION	APPROPRIATION
Off/Lab Constr Acct		949,000	0
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Costs
Through	7/1/79 and	Costs	7/1/77
6/30/77	Thereafter		Through
			6/30/79
951,000	0	1,900,000	949,000

(4) To construct and equip classroom, laboratory, and office building for veterinary sciences. Estimated project completion date 8/78.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		3,860,000	0
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Costs
Through	7/1/79 and	Costs	7/1/77
6/30/77	Thereafter		Through
			6/30/79
7,890,000	0	14,029,000	6,139,000

(5) To construct warehousing structure for storage of hazardous chemicals. Estimated project completion date 7/77.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		79,000	0
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Costs
Through	7/1/79 and	Costs	7/1/77
6/30/77	Thereafter		Through
			6/30/79
240,000	0	319,000	79,000

(6) To construct and equip experimental animal laboratory. Estimated project completion date 8/77.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		411,000	0
Project	Estimated	Estimated	Estimated
Costs	Costs	Total	Costs



Through 6/30/77	7/1/79 and Thereafter	Costs	7/1/77 Through 6/30/79
1,224,000	0	1,635,000	411,000

(7) To construct swine center facilities at Hasting's Farm. Estimated project completion date 11/77.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		966,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
737,000	0	1,703,000	966,000

(8) To provide minor building alterations or renovations for safety, increased efficiency, and extension of building life. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		683,000	1,983,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
1,472,000	5,570,000	11,929,000	4,062,000

(9) To construct and equip modifications to existing utility production and distribution systems. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		345,000	4,605,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
1,806,000	7,036,000	9,187,000	345,000

(10) To construct and equip Computer Sciences and Mathematics Building, Phase I. Estimated project completion date 12/79.

		REAPPROPRIATION	APPROPRIATION
WSU Constr Acct		0	4,340,000

St H Ed Constr Acct		0	5,060,000
Total Appropriations		0	9,400,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
272,000	0	9,986,000	9,714,000

(11) To construct and equip new receiving and delivery facility. Estimated project completion date 9/78.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		5,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
14,000	465,000	484,000	5,000

(12) To construct and equip Intercollegiate Center for Nursing Education: PROVIDED, That funds for construction purposes shall not be expended until not less than \$3,270,000 in federal funding is provided or secured. Estimated project completion date 4/79.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		0	2,226,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
183,000	0	5,679,000	5,496,000

(13) To provide design funds for renovation and addition to Wegner Hall: PROVIDED, That funds shall not be expended until federal construction funds for Wegner Hall are secured. Local plant funds may be expended for design purposes prior to the commitment of federal funds. If federal funds are secured the appropriation can be used to offset design costs funded with local plant funds. Estimated project completion date 12/89.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		0	388,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77

6/30/77	Thereafter		through 6/30/79
0	6,841,000	7,229,000	388,000

**NEW SECTION. Sec. 22. FOR EASTERN WASHINGTON STATE COLLEGE**

Estimated Total Cost of Projects \$9,934,000

**Biennial Amounts By Fund Source**

	Carryover	Current	Total
EWSC Cap Proj Acct	827,000	2,299,000	3,126,000
St H Ed Constr Acct	1,207,000	0	1,207,000
<b>Total Funds</b>	<b>2,034,000</b>	<b>2,299,000</b>	<b>4,333,000</b>

(1) To perform minor capital improvements to comply with current fire and safety codes, and provide for handicap access. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
EWSC Cap Proj Acct		0	456,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
0	635,000	1,091,000	456,000

(2) To perform minor capital improvements to correct facility deficiencies and improve utilization. Estimated project completion date 6/79.

		REAPPROPRIATION	APPROPRIATION
EWSC Cap Proj Acct		125,000	678,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
135,000	678,000	938,000	125,000

(3) To construct and equip utility loop system and implement energy conservation improvements. Estimated project completion date 6/79.

		REAPPROPRIATION	APPROPRIATION
EWSC Cap Proj Acct		700,000	165,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through

			6/30/79
158,000	865,000	1,023,000	865,000

(4) To purchase moveable equipment for new Radio-TV Building. Estimated project completion date 6/79.

		REAPPROPRIATION	APPROPRIATION
EWSC Cap Proj Acct		0	1,000,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
0	0	1,000,000	1,000,000

(5) To construct and equip new physical education field house. Estimated project completion date 12/78.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		1,207,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
1,250,000	0	2,457,000	1,207,000

(6) To complete design on Maintenance/Warehouse Building. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
EWSC Cap Proj Acct		2,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 through 6/30/79
43,000	3,380,000	3,425,000	2,000

NEW SECTION. Sec. 23. FOR CENTRAL WASHINGTON STATE COLLEGE

Estimated Total Cost of Projects                      \$10,565,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
CWSC Cap Proj Acct	913,000	665,000	1,578,000

St H Ed Constr Acct	282,000	2,000,000	2,282,000
Total Funds	1,195,000	2,665,000	3,860,000

(1) To complete schematics on Barge Hall. Estimated project completion date 12/77.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		25,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
25,000	0	50,000	25,000

(2) Renovation and alterations to facilities. Estimated project completion date 5/78.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		293,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
167,000	0	460,000	293,000

(3) Utilities extensions, alterations, and repairs. Estimated project completion date 4/78.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		485,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
247,000	0	732,000	485,000

(4) To provide chilled water to Dean Hall. Estimated project completion date 10/77.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		100,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77
100,000	0	100,000	0

6/30/77	Thereafter		Through 6/30/79
6,000	0	106,000	100,000

(5) To correct safety deficiencies in Art Building. Estimated project completion date 7/78.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		0	84,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
0	0	84,000	84,000

(6) To correct safety deficiencies on campus as defined by Washington Industrial Safety and Health Act. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		0	119,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
0	141,000	260,000	119,000

(7) To construct a botany instruction greenhouse. Estimated project completion date 8/77.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		4,000	200,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
16,000	0	220,000	204,000

(8) To provide building modifications for improved handicapped access. Estimated project completion date 10/77.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		0	162,000
Project Costs	Estimated Costs	Estimated Total	Estimated Costs

Through 6/30/77	7/1/79 and Thereafter	Costs	7/1/77 Through 6/30/79
0	0	162,000	162,000

(9) To perform minor renovations, additions and remodeling for safety, increased utilization, and preservation of facilities.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		0	100,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	1,400,000	1,500,000	6/83

(10) To renovate and remodel Bouillon Hall for utilization as an instruction and faculty office building. Estimated project completion date 7/77.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		115,000	2,000,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 through 6/30/79
109,000	0	2,224,000	2,115,000

(11) To purchase and install boilers in new boiler plant and install chiller loop. Estimated project completion date 11/77.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		7,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 through 6/30/79
769,000	0	776,000	7,000

(12) To complete grounds improvements to library area complex. Estimated project completion date 7/77.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		6,000	0
Project Costs	Estimated Costs	Estimated Total	Estimated Costs

Through 6/30/77	7/1/79 and Thereafter	Costs	7/1/77 through 6/30/79
58,000	0	64,000	6,000

(13) To renovate McConnell Hall, construct an addition for drama program, and move computer center to Wildcat Shop. Estimated project completion date 10/77.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		160,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 through 6/30/79
141,000	3,626,000	3,927,000	160,000

**NEW SECTION. Sec. 24. FOR THE EVERGREEN STATE COLLEGE**

Estimated Total Cost of Projects \$15,033,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
St H Ed Constr Acct	1,852,000	165,000	2,017,000
TESC Cap Proj Acct	250,000	0	250,000
<b>Total Funds</b>	<b>2,102,000</b>	<b>165,000</b>	<b>2,267,000</b>

(1) To construct and equip Communications Laboratory. Estimated project completion date 1/79.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		1,500,000	0
TESC Cap Proj Acct		250,000	0
<b>Total Funds</b>		<b>1,750,000</b>	<b>0</b>
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
6,705,000	0	8,455,000	1,750,000

(2) To construct and equip Laboratory and Office Building. Estimated project completion date 7/78.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		337,000	0
Project Costs	Estimated Costs	Estimated Total	Estimated Costs



Through 6/30/77	7/1/79 and Thereafter	Costs	7/1/77 Through 6/30/79
5,951,000	0	6,288,000	337,000

(3) To improve lighting, recreational fields, and utilities. Estimated project completion date 1/78.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		15,000	165,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
110,000	0	290,000	180,000

NEW SECTION. Sec. 25. FOR WESTERN WASHINGTON STATE COLLEGE

Estimated Total Cost of Projects \$21,276,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
St Bldg Auth Constr Acct	46,000	0	46,000
St H Ed Constr Acct	5,124,000	0	5,124,000
WWSC Cap Proj Acct	1,949,000	1,496,000	3,445,000
Total Funds	7,119,000	1,496,000	8,615,000

(1) To construct and equip Auditorium/Music Building addition. Estimated project completion date 6/79.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		1,837,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
574,000	0	2,459,000	1,885,000

(2) To construct and equip Environmental Studies Center. Estimated project completion date 12/78.

		REAPPROPRIATION	APPROPRIATION
St Bldg Auth Constr Acct		46,000	0
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Costs 7/1/77

6/30/77	Thereafter		Through 6/30/79
72,000	0	118,000	46,000

(3) To construct, equip, and remodel space for applied arts/science programs. Estimated project completion date 6/79.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		177,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
1,310,000	0	1,487,000	177,000

(4) To construct, equip, and renovate Old Main, Phase II. Estimated project completion date 6/79.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		3,072,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
604,000	0	3,676,000	3,072,000

(5) To construct and equip capital improvements to south campus fields and grounds. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		38,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
69,000	3,648,000	3,755,000	38,000

(6) To perform minor capital improvements to facilities on campus. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
WWSC Cap Proj Acct		354,000	200,000
Project Costs	Estimated Costs	Estimated Total	Estimated Costs

Through 6/30/77	7/1/79 and Thereafter	Costs	7/1/77 Through 6/30/79
435,000	802,000	1,617,000	380,000

(7) To provide safety and handicapped access improvements. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
WWSC Cap Proj Acct		0	331,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
0	150,000	481,000	331,000

(8) To design consolidated receiving, shops, and warehouse. Estimated project completion date 6/81.

		REAPPROPRIATION	APPROPRIATION
WWSC Cap Proj Acct		41,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 through 6/30/79
81,000	3,043,000	3,165,000	41,000

(9) To design and install utility and energy conservation improvements to include joint feasibility study with City of Bellingham for common heat producing facility: PROVIDED, That the funds expended for a joint feasibility study shall not exceed \$30,000 or an amount in proportion with the projected utilization of the completed facility by the college, whichever is less. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
WWSC Cap Proj Acct		1,554,000	150,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
405,000	1,343,000	3,703,000	1,955,000

(10) To provide deferred movable equipment for Old Main, Phase II, and Auditorium/Music Building addition. Estimated project completion date 6/79.

		REAPPROPRIATION	APPROPRIATION
WWSC Cap Proj Acct		0	815,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 through 6/30/79
0	0	815,000	815,000

**NEW SECTION. Sec. 26. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

Estimated Total Cost of Projects \$96,884,000

**Biennial Amounts By Fund Source**

	Carryover	Current	Total
General Fund—State	444,000	0	444,000
Com Col Cap Impvmt Acct	3,390,000	0	3,390,000
Com Col Cap Proj Acct	1,063,000	0	1,063,000
Com Col Cap Constr Acct	18,965,000	6,947,000	25,912,000
Total Funds	23,862,000	6,947,000	30,809,000

(1) To provide for future parking facility, Seattle Central Community College.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		444,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	444,000	6/79

(2) To provide for a new library and remodeling, Spokane Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		161,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,462,000	0	1,623,000	12/77

(3) To provide for a Learning Resource Center and remodeling, Lower Columbia Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		1,153,000	0
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Completion Date
1,500,000	0	2,653,000	4/78

(4) To provide for a Learning Resource Center, Science and Health facility, Everett Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		393,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,800,000	0	2,193,000	12/77

(5) To provide for vocational facilities, Peninsula Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		92,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
600,000	0	692,000	12/77

(6) To provide for a Learning Resource Center, Spokane Falls Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		306,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
3,350,000	0	3,656,000	12/77

(7) To provide for vocational facilities, South Seattle Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		73,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
600,000	0	673,000	12/77

(8) To provide for a student center addition and remodeling, Yakima Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		179,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
400,000	0	579,000	12/77

(9) To provide for remodeling an Art and Music Building, Olympic Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		334,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,155,000	0	1,489,000	3/78

(10) To provide for a Student Activity Building, Walla Walla Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		80,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
448,000	0	528,000	3/78

(11) To provide for land acquisition, remodels and alterations at various campuses.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		308,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
11,100,000	0	11,408,000	12/77

(12) To provide for the remodeling of Edison School, Seattle Central Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		304,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,723,000	0	6,027,000	12/77

(13) To provide for construction, equipping, renovating, and alterations related to hazardous conditions at various campuses.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		477,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
400,000	0	877,000	3/78

(14) To provide for alterations to alleviate deficient conditions.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		46,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
650,000	0	696,000	12/77

(15) To provide for a Trade and Industrial Building and remodeling, Spokane Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		1,266,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
9,000,000	0	10,266,000	3/78

(16) To provide for a Science, Dining and Physical Education Facility, Edmonds Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		125,000	0
Com Col Cap Impvmt Acct		245,000	0

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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,435,000	0	2,805,000	12/77

(17) To provide for a welding shop, Everett Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		292,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
150,000	0	442,000	6/78

(18) To provide for a Human Resources, Art and Vocational Facility, Edmonds Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		1,624,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,000,000	0	2,624,000	6/78

(19) To provide for physical education locker space, Ft. Steilacoom Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		30,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
200,000	0	230,000	12/77

(20) To provide for a Learning Resource Center, Highline Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		5,836,000	0
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date



6/30/77	Thereafter		
1,000,000	0	6,836,000	6/78

(21) To provide for a Music Building, Shoreline Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		423,000	0
Com Col Cap Impvmt Acct		66,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,240,000	0	2,729,000	12/77

(22) To provide for a Learning Resource Center, South Seattle Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		4,024,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,000,000	0	6,024,000	6/78

(23) To provide for a Fine Arts Building, Ft. Steilacoom Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		211,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
800,000	0	1,011,000	3/78

(24) To provide for a geology laboratory remodeling, Highline Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		6,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	6,000	6/78

(25) To provide for a Learning Resource Center addition, Clark Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		179,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
600,000	0	779,000	3/78

(26) To provide for construction and equipment related to utility and lines, Highline Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		321,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
900,000	0	1,221,000	3/78

(27) To provide for a Fine Arts Auditorium—Phase I, Seattle Central Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		1,851,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
500,000	0	2,351,000	6/78

(28) To provide for remodeling Ehret Hall, Centralia Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		22,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
370,000	0	392,000	12/77

(29) To provide for a shop facility, Green River Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		130,000	0

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
300,000	0	430,000	3/78

(30) To provide for a greenhouse, Everett Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		81,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	81,000	6/78

(31) To provide for a vocational facility, Clark Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		706,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
200,000	0	906,000	6/78

(32) To provide for the purchase and remodel of a dormitory for office use, Olympic Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		90,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
800,000	0	890,000	3/78

(33) To provide for code compliance through remodeling or construction at various campuses: PROVIDED, That the appropriation contained in this subsection is sufficient to complete the necessary work in all nine projects for the first year of the biennium only.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		0	1,585,000
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	1,668,000	3,253,000	6/79

(34) To provide improved handicapped access at various campuses.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		0	864,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	864,000	6/79

(35) To repair roofs at Bellevue Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		0	268,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	268,000	10/77

(36) To construct minor capital projects at various campuses for improved efficiency and utilization of existing facilities.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		0	876,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	876,000	6/79

(37) To provide for unforeseen emergency capital repairs, to be administered by the state board.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		746,000	500,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
600,000	0	1,846,000	6/79

(38) Purchase, construct, equip and administer a pool of relocatables administered by the state board.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		75,000	325,000
Com Col Cap Proj Acct		338,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
10,624,000	0	11,362,000	6/79

(39) To provide for minor capital improvements to correct facility deficiencies and improve utilization, to be allocated to each district by the state board. The appropriation contained in this subsection is contingent upon the enactment of chapter ... (SSB 2435), Laws of 1977 1st ex. sess.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		0	1,867,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,867,000	0

(40) To construct and equip the third floor auditorium for drama, Seattle Central Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Proj Acct		625,000	0
Com Col Cap Constr Acct		0	489,000
Total Appropriations		625,000	489,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,114,000	6/79

(41) To complete the construction and equipping of the physical education facility, Walla Walla Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Proj Acct		100,000	0
Com Col Cap Constr Acct		100,000	173,000
Total Appropriations		200,000	173,000
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
1,500,000	0	1,873,000	12/77

**NEW SECTION. Sec. 27. FOR THE BOARD OF EDUCATION—SUPERINTENDENT OF PUBLIC INSTRUCTION**

	Estimated Total Cost of Projects		\$467,108,000
	Biennial Amounts By Fund Source		
	Carryover	Current	Total
Com Sch Constr Fund	91,467,000	149,049,000	240,516,000
Total Funds	91,467,000	149,049,000	240,516,000

To provide for public school building planning, construction, remodeling and demolition.

		REAPPROPRIATION	APPROPRIATION
Com Sch Constr Fund		91,467,000	149,049,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
76,592,000	150,000,000	467,108,000	N/A

**NEW SECTION. Sec. 28. FOR THE COMMISSION FOR VOCATIONAL EDUCATION**

	Estimated Total Cost of Projects		\$5,305,400
	Biennial Amounts By Fund Source		
	Carryover	Current	Total
GF, Fire Trng Constr Acct	0	194,400	194,400
Total Funds	0	194,400	194,400

(1) Fire Service Training Center.

		REAPPROPRIATION	APPROPRIATION
GF, Fire Trng Constr Acct		0	194,400
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	5,111,000	5,305,400	6/30/83

**NEW SECTION. Sec. 29. FOR THE STATE PATROL**

	Estimated Total Cost of Projects		\$998,000
	Biennial Amounts By Fund Source		
	Carryover	Current	Total
MV Fund—State	178,000	1,273,000	1,451,000
Total Funds	178,000	1,273,000	1,451,000

(1) Construct and equip District V Headquarters at Vancouver.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	807,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	807,000	6/1/79

(2) Weigh station relocation at North Bend.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		35,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,000	0	40,000	6/30/79

(3) Weigh station relocation at Port Angeles west.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		35,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,000	0	40,000	6/30/79

(4) To construct dual-scale weigh station at Plymouth Port of Entry.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	83,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	83,000	6/30/79

(5) Repair existing facilities.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	120,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	120,000	6/30/79

6/30/77	Thereafter		
0	0	120,000	6/30/79

(6) To construct dual-scale weigh station at Vancouver Port of Entry.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	58,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	58,000	6/30/79

(7) To construct and equip mobile radio relay station in Grays Harbor area.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	66,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	66,000	6/30/79

(8) To construct inspection building at South King County detachment office.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	76,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	76,000	6/30/79

(9) To construct gasoline storage and dispensing facilities in the Bellingham, Okanogan, Sunnyside, and Walla Walla areas.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	63,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	63,000	6/30/79

(10) To construct radio relay station in the Gold Mountain area.



		REAPPROPRIATION	APPROPRIATION
MV Fund—State		8,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
9,000	0	17,000	6/30/79

(11) To construct East King County District II headquarters.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		35,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
290,000	0	325,000	6/30/79

(12) Land acquisition and construction for radio relay stations on the Columbia River.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		40,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
10,000	0	50,000	6/30/79

(13) Land acquisition and construction for radio relay station in the Pomeroy area.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		10,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
30,000	0	40,000	6/30/79

(14) Land acquisitions for radio relay stations in the Colville and Clarkston areas.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		15,000	0
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Completion Date
5,000	0	20,000	12/31/77

**NEW SECTION. Sec. 30. FOR THE STATE TREASURER—  
TRANSFERS**

Capitol Building Construction Account Appropriation:  
 For transfer to the State Building Construction  
 Account to be used for capital projects on the capi-  
 tol grounds ..... \$ 1,500,000

**NEW SECTION. Sec. 31.** To effectively carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 32.** Reappropriations shall be limited to the unexpended balances remaining June 30, 1977, in the current appropriation for each project.

**NEW SECTION. Sec. 33.** The governor, through the director of the office of program planning and fiscal management, may authorize a transfer of appropriation authority provided for a capital project which is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency or institution of higher education and only between capital projects which are funded from the same fund or account.

A report of any transfer effected under this section shall be filed with the legislative auditor by the director of the office of program planning and fiscal management within thirty days of the date the transfer is effected. The legislative auditor shall review and compile these filings and periodically report thereon to the legislative budget committee and the appropriate standing committees of the house and senate.

**NEW SECTION. Sec. 34.** The depreciation schedule developed by the department of personnel used in rent assessments of state employees living in state owned housing shall be based on the actual housing cost to the state including any maintenance and interest costs depreciated over 30 years. Utility charges shall be at cost.

**NEW SECTION. Sec. 35.** 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. 36. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977.

Passed the Senate June 21, 1977.

Passed the House June 21, 1977.

Approved by the Governor June 30, 1977, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State June 30, 1977.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one item Substitute Senate Bill No. 3110 entitled:

"AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; prescribing an effective date; and declaring an emergency."

In Section 7, beginning with line 19 through line 37, page 12, I have vetoed all of subsection (13). The initial concept of mini-prisons to implement the present maximum security facilities of our prison system was proposed by the previous administration. Although I recognize the extreme and immediate need for the improvement in our prisons, we have and will continue to take steps to alleviate the situation using present facilities. The mini-prison approach needs additional study, principally as to its high cost factor in relation to inmate capacity. I believe it would be to the best interests of the state at this time to delay the initiation of additional new facilities until other alternatives have been exercised and additional studies conducted.

For the above reasons, I have vetoed subsection (13) of Section 7, as described above. The remainder of Substitute Senate Bill No. 3110 is hereby approved."

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CHAPTER 339

[Substitute Senate Bill No. 3109]

STATE OPERATING BUDGET

AN ACT Adopting the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1977, and ending June 30, 1979; making other appropriations; designating effective dates for certain appropriations; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. A budget is hereby adopted and subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, other expenses of the agencies and officers of the state, and for other specified purposes for the fiscal biennium beginning July 1, 1977, and ending June 30, 1979, except as otherwise provided, out of the several funds of the state hereinafter named.

**NEW SECTION.** Sec. 2. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation .....	\$	16,882,000
Total Appropriation .....	\$	16,882,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$13,000 shall be expended for expenses incurred in hosting the 1978 annual meeting of The Council of State Governments, Western Conference.

(2) \$7,500 for the house ethics committee.

(3) \$7,500 for Western Forest Practices Task Force.

(4) \$27,000 for dues of the National Conference of State Legislatures.

(5) \$50,000 for a forest residue use study.

NEW SECTION. Sec. 3. FOR THE SENATE

General Fund Appropriation .....	\$	15,193,000
Total Appropriation .....	\$	15,193,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$25,000 shall be expended for expenses incurred in hosting the 1977 Lieutenant Governors' Annual Conference.

(2) \$7,500 for the senate ethics committee.

(3) \$7,500 for Western Forest Practices Task Force.

(4) \$27,000 for dues of the National Conference of State Legislatures.

(5) Not more than \$12,000 shall be expended for expenses incurred in hosting the 1978 annual meeting of the Council of State Governments, Western Conference.

NEW SECTION. Sec. 4. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation .....	\$	917,000
Total Appropriation .....	\$	917,000

NEW SECTION. Sec. 5. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation .....	\$	890,000
Total Appropriation .....	\$	890,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) The Office of the State Actuary and the Legislative Evaluation Accountability Program administration shall cooperate, act, and function together in the development and maintenance of the Actuarial Computer System required by the Office of the State Actuary.

(2) This appropriation shall be contingent upon chapter ... (ESHB 660), Laws of 1977 1st ex. sess. becoming law.

NEW SECTION. Sec. 6. FOR THE OFFICE OF THE STATE ACTUARY

General Fund Appropriation .....	\$	304,000
Total Appropriation .....	\$	304,000

The appropriation contained in this section shall be subject to the following condition or limitation: The Office of the State Actuary and the Legislative Evaluation Accountability Program administration shall cooperate, act, and function together in the development and maintenance of the Actuarial Computer System required by the Office of the State Actuary.

NEW SECTION. Sec. 7. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation .....	\$	3,013,000
Total Appropriation .....	\$	3,013,000

NEW SECTION. Sec. 8. FOR THE SUPREME COURT

General Fund Appropriation .....	\$	3,810,000
Total Appropriation .....	\$	3,810,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$1,039,000 shall be expended for indigent appeal cases.

NEW SECTION. Sec. 9. FOR THE LAW LIBRARY

General Fund Appropriation .....	\$	1,056,000
Total Appropriation .....	\$	1,056,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$36,000 shall be expended exclusively for joining a computerized legal information system.
- (2) The Revised Code of Washington and appellate case law shall be available on the computerized legal information system.
- (3) All nonstate agency users of the system shall be charged a service fee sufficient to cover the costs of their usage.

NEW SECTION. Sec. 10. FOR THE COURT OF APPEALS

General Fund Appropriation .....	\$	4,228,000
Total Appropriation .....	\$	4,228,000

NEW SECTION. Sec. 11. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation .....	\$	5,946,000
Total Appropriation .....	\$	5,946,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$110,000 shall be expended for judges pro tem for the superior courts and the administrator for the courts shall authorize and approve all such expenditures.
- (2) \$4,397,000 shall be for superior court judges.
- (3) Not more than \$100,000 shall be expended for criminal cost bills, including prior claims.
- (4) Not more than \$684,000 in state funds shall be expended exclusively for the development of a judicial information system.

NEW SECTION. Sec. 12. FOR THE JUDICIAL COUNCIL

General Fund Appropriation .....	\$	186,000
Total Appropriation .....	\$	186,000

NEW SECTION. Sec. 13. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation—State .....	\$	2,437,000
General Fund Appropriation—Federal .....	\$	200,000
Total Appropriation .....	\$	2,637,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) \$2,339,000 for executive operations. \$20,000 of such amount shall be expended for negotiating reciprocal agreements with adjoining states.
- (2) \$20,000 for investigation and emergency purposes to be distributed on vouchers approved by the governor.
- (3) \$184,000 for extradition expenses to carry out the provisions of RCW 10.34.030 providing for the return of fugitives when approved by the governor, including prior claims and for legal services as determined by the attorney general.
- (4) \$94,000 for mansion maintenance.

**NEW SECTION. Sec. 14. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS**

General Fund Appropriation—State . . . . .	\$	149,824,000
General Fund Appropriation—Federal . . . . .	\$	20,598,000
Special Fund Salary and Insurance Contribution Increase Revolving Fund Appropriation . . . . .	\$	57,968,000
Total Appropriation . . . . .	\$	228,390,000

The appropriations contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated herein and shall be subject to the following conditions and limitations:

- (1) \$1,330,000 shall be for the governor's emergency fund and shall be allocated for carrying out the critically necessary work of any agency of which not more than \$700,000 may be allotted by the governor for surveys and installations.
- (2) \$20,000 for the Interstate Nuclear Compact.
- (3) \$56,000 for the Council of State Governments.
- (4) \$15,000 for the National Association of State Auditors, Comptrollers, and Treasurers Conference.
- (5) Not more than \$63,783,000 of general fund moneys (including \$16,087,000 in federal funds) shall be expended to effect salary increases for state classified employees and for state employees exempt from the classified service. Not more than \$50,029,000 of this amount (including \$12,617,000 in federal funds) shall be expended to effect, beginning July 1, 1977, an average of 10% salary increases, for state classified employees and for state employees exempt from the classified service. Not more than \$13,754,000 of this amount (including \$3,470,000 in federal funds) shall be expended to effect, beginning July 1, 1978, an average of 5% salary increases, for state classified employees and for state employees exempt from the classified service.
- (6) Not more than \$24,037,000 of general fund moneys shall be expended to effect salary increases for state higher education classified employees excluding student employees not under the jurisdiction of the State Personnel Board or Higher Education Personnel Board. Not more than \$18,852,000 of this amount shall be expended to effect, beginning July 1, 1977, an average of 10% salary increases, for state higher education classified employees. Not more than \$5,185,000 of this amount shall be expended to effect, beginning July 1, 1978, an average of 5% salary increases, for state higher education classified employees.

(7) Not more than \$31,266,000 of these general fund moneys shall be expended to effect salary increases including increments or their equivalents for faculty and exempt employees of the four-year units of higher education. Not more than \$15,479,000 of this amount shall be expended to effect, beginning July 1, 1977, an average 6% salary increase including increments or their equivalents for faculty and exempt employees of the four-year units of higher education. Not more than \$5,468,000 of this amount shall be expended to effect, beginning July 1, 1978, an average 4% salary increase including increments or their equivalents for faculty and exempt employees of the four-year units of higher education. It is the intent of the Legislature to strive for equity in faculty and exempt salaries for the four-year units of higher education. To this end, not more than \$8,873,000 of this amount shall be expended to effect additional salary increases for faculty and exempt employees, effective July 1, 1977, averaging 4% for the University of Washington, Washington State University, and Western Washington State College, and averaging 2% for Eastern Washington State College and not more than \$1,446,000 of this amount shall be expended to effect salary increases for faculty and exempt employees, effective July 1, 1978, averaging 1% for the University of Washington, Washington State University, and Western Washington State College, and Eastern Washington State College: PROVIDED, That no four-year unit of higher education may grant from any fund source any additional salary increase greater than that provided in this act for faculty and exempt employees.

(8) Not more than \$18,134,000 of these general fund moneys shall be expended to effect salary increases including increments or their equivalents for faculty and exempt employees of the community college system. Not more than \$14,223,000 of this amount shall be expended to effect, beginning July 1, 1977, an average 10% salary increase including increments or their equivalents for faculty and exempt employees of each community college district: PROVIDED, That no district may grant from any fund source any additional salary increase greater than that provided in this act for faculty and exempt employees except that in addition to the increase provided herein, those districts whose actual average faculty salary for 1976-77 is less than that earned from the system's 1976-77 hypothetical schedule may increase the average salary of the faculty and exempt employees in 1977-78 up to the average earned by the district from the hypothetical schedule or 5% whichever is less, as determined from rules and regulations promulgated by the State Board for Community College Education.

Not more than \$3,911,000 of this amount shall be expended to effect, beginning July 1, 1978, an average 5% salary increase including increments or their equivalents for faculty and exempt employees of each community college district: PROVIDED, That no district may grant from any fund source any additional salary increase greater than that provided in this act for faculty and exempt employees, except that in addition to the increase provided herein, those districts whose actual average faculty salary for 1977-78 is less than that earned from the system's 1977-78 hypothetical schedule may increase the average salary of faculty and exempt employees in 1978-79 up to the average earned by the district from the hypothetical schedule or 5% whichever is less, as determined from rules and regulations promulgated by the State Board for Community College Education.

(9) Not more than \$208,000 of general fund moneys (including \$39,000 in federal funds) shall be expended to effect salary increases for commissioned members of the Washington State Patrol. Not more than \$163,000 of this amount (including \$31,000 in federal funds) shall be expended to effect, beginning July 1, 1977, an average 10% salary increase, for commissioned members of the Washington State Patrol. Not more than \$45,000 of this amount (including \$8,000 in federal funds) shall be expended to effect, beginning July 1, 1978, an average 5% salary increase, for commissioned members of the Washington State Patrol: PROVIDED, That no additional salary increases may be granted from any fund source greater than those authorized by this act: PROVIDED FURTHER, That the Department of Personnel shall conduct a comprehensive survey for providing salary rates for positions similar (both in-state and out-of-state) to commissioned members of the Washington State Patrol and report back to the Legislature no later than January 15, 1978.

(10) Not more than \$31,573,000 of general fund moneys (including \$4,472,000 in federal funds) shall be expended to effect, beginning July 1, 1977, an increase in the state's maximum contribution for employee insurance benefits from \$35 per month to \$72.50 per month per eligible employee.

(11) Not more than \$46,685,000 of Special Fund Salary and Insurance Contribution Increase Revolving Fund moneys shall be expended to provide salary increases for state classified employees, state employees exempt from the classified service, higher education classified employees and commissioned members of the Washington State Patrol. Not more than \$36,616,000 of this amount shall be expended to effect, beginning July 1, 1977, an average of 10% salary increases. Not more than \$10,069,000 of this amount shall be expended to effect, beginning July 1, 1978, an average of 5% salary increases.

(12) Not more than \$97,000 of Special Fund Salary and Insurance Contribution Increase Revolving Fund moneys shall be expended to effect salary increases including increments or their equivalents for University of Washington faculty and exempt employees. Not more than \$45,000 of this amount shall be expended to effect, beginning July 1, 1977, an average 6% increase including increments or their equivalents. Not more than \$16,000 of this amount shall be expended to effect, beginning July 1, 1978, an average 4% increase including increments or their equivalents. It is the intent of the Legislature to strive for equity in faculty and exempt salaries for the four-year units of higher education. To this end, not more than \$31,000 shall be expended to effect additional salary increases, effective July 1, 1977, averaging 4% and not more than \$5,000 shall be expended to effect additional salary increases, effective July 1, 1978, averaging 1%.

(13) Not more than \$11,186,000 of Special Fund Salary and Insurance Contribution Increase Revolving Fund moneys shall be expended to effect, beginning July 1, 1977, an increase in the state's maximum contribution for employee insurance benefits from \$35 per month to \$72.50 per month per eligible employee.

(14) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is hereby directed to transfer sufficient income from each



special fund to the Special Fund Salary and Insurance Contribution Increase Revolving Fund hereby created in accordance with schedules provided by the Office of Program Planning and Fiscal Management.

**NEW SECTION. Sec. 15. FOR THE LIEUTENANT GOVERNOR**

General Fund Appropriation .....	\$	148,000
Total Appropriation .....	\$	148,000

**NEW SECTION. Sec. 16. FOR THE SECRETARY OF STATE**

General Fund Appropriation .....	\$	2,439,000
Total Appropriation .....	\$	2,439,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$800,000 shall be expended for support of the initiatives and referendums program.

(2) Not more than \$240,000 shall be spent on advertising for initiatives and referendums.

**NEW SECTION. Sec. 17. FOR THE JAIL COMMISSION**

General Fund Appropriation .....	\$	200,000
Total Appropriation .....	\$	200,000

The appropriation contained in this section shall be contingent upon R2SSB 2040 becoming law: PROVIDED, That no more than \$250,000 from all state sources shall be expended to carry out the provisions of this act: PROVIDED FURTHER, That this appropriation shall fund such commission through fiscal year 1978.

**NEW SECTION. Sec. 18. FOR THE GOVERNOR'S INDIAN ADVISORY COUNCIL**

General Fund Appropriation .....	\$	156,000
Total Appropriation .....	\$	156,000

**NEW SECTION. Sec. 19. FOR THE WASHINGTON STATE WOMEN'S COUNCIL**

General Fund Appropriation .....	\$	198,000
Total Appropriation .....	\$	198,000

**NEW SECTION. Sec. 20. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS**

General Fund Appropriation .....	\$	107,000
Total Appropriation .....	\$	107,000

**NEW SECTION. Sec. 21. FOR THE STATE TREASURER**

General Fund Appropriation .....	\$	3,000
Motor Vehicle Fund Appropriation .....	\$	29,000
State Treasurer's Service Fund Appropriation .....	\$	2,953,000
Total Appropriation .....	\$	2,985,000

The appropriations contained in this section shall be subject to the following condition or limitation: The general fund appropriation shall be distributed as provided in RCW 84.38.120 to the appropriate county and city finance officers for senior citizen and disabled property tax and special assessment deferrals authorized by chapter 84.38 RCW.

**NEW SECTION. Sec. 22. FOR THE STATE AUDITOR**

General Fund Appropriation—State . . . . .	\$	4,772,000
General Fund Appropriation—Federal . . . . .	\$	415,000
Motor Vehicle Fund Appropriation . . . . .	\$	150,000
Total Appropriation . . . . .	\$	5,337,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) At least \$20,000 of the general fund appropriation shall be used to perform an audit of the implementation of the 106% limit on property tax levies in the 39 counties.
- (2) Within the funds appropriated and where feasible, word processing equipment is to be purchased rather than leased.
- (3) Legal costs incurred by the attorney general to insure compliance with the findings of the state auditor in state agency audits shall be charged to the agency that received the audit.

**NEW SECTION. Sec. 23. FOR THE ATTORNEY GENERAL**

General Fund Appropriation . . . . .	\$	2,127,000
Legal Services Revolving Fund Appropriation . . . . .	\$	11,377,000
Total Appropriation . . . . .	\$	13,504,000

The appropriations contained in this section shall be subject to the following condition or limitation: Not more than \$90,000 shall be expended exclusively to provide attorney general services for Counsel for the Environment.

**NEW SECTION. Sec. 24. FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT**

General Fund Appropriation . . . . .	\$	7,090,000
Total Appropriation . . . . .	\$	7,090,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) \$5,903,000 for operations. \$20,000 of the \$5,903,000 for operations shall only be expended for the purpose of entering into a contract with the bureau of the census for block statistics and for preparing maps and related materials for those areas specified in chapter ... (SSB 2356), Laws of 1977 1st ex. sess.
- (2) Not more than \$1,140,000 shall be expended for supplies and services furnished in previous biennia.
- (3) Not more than \$75,000 shall be expended for payment of assessments against state owned lands.

**\*NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF PERSONNEL**

Personnel Service Revolving Fund—State . . . . .	\$	6,048,000
Personnel Service Revolving Fund—Federal . . . . .	\$	440,000
State Employees' Insurance Fund . . . . .	\$	1,078,000

<b>Data Processing Revolving Fund Appropriation</b> .....	<b>\$ 2,930,000</b>
<b>Total Appropriation</b> .....	<b>\$ 10,496,000</b>

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$45,000 shall be expended as payments of Employee Suggestion Awards.

(2) \$85,000 of the Personnel Service Revolving Fund appropriation shall be reimbursable from the Department of Social and Health Services for the biennial costs of the Department of Personnel State Employees' Alcoholism Program established in accordance with RCW 70.96A.080.

(3) All expenses of the state employees' insurance board shall be paid from the State Employees' Insurance Fund.

(4) The Department shall conduct a comprehensive survey of providing salary rates for positions similar (both in-state and out-of-state) to commissioned members of the Washington State Patrol and report back to the Legislature no later than January 15, 1978.

*\*Sec. 25. was partially vetoed, see message at end of chapter.*

**NEW SECTION. Sec. 26. FOR THE CAPITOL COMMITTEE**

<b>General Fund—Capitol Building Construction Account Appropriation</b> .....	
\$	20,000
<b>Total Appropriation</b> .....	
\$	20,000

**\*NEW SECTION. Sec. 27. FOR THE DATA PROCESSING AUTHORITY**

<b>General Fund Appropriation</b> .....	
\$	855,000
<b>Data Processing Revolving Fund Appropriation</b> .....	
\$	<b>26,396,000</b>
<b>Total Appropriation</b> .....	
\$	<b>27,251,000</b>

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The authority shall approve the billing rates charged by the state's data processing service centers. The billing format shall be developed in such a manner as to allow rate comparisons between service centers. Initial approval by the authority shall be completed no later than January 1, 1978.

*(2) Not more than \$12,384,000 of the data processing revolving fund appropriation shall be expended exclusively for data processing service center number one.*

*(3) Not more than \$8,847,000 of the data processing revolving fund appropriation shall be expended exclusively for data processing service center number three.*

*(4) Not more than \$5,165,192 of the data processing revolving fund appropriation shall be expended exclusively for the data processing equipment pool.*

*(5) Data processing service centers number one and three shall submit, no later than April 1, 1978, an integrated management and budget plan for fiscal year 1979 for approval by the office of program planning and fiscal management and the legislative budget committee.*

*\*Sec. 27. was partially vetoed, see message at end of chapter.*

**\*NEW SECTION. Sec. 28. FOR THE FINANCE COMMITTEE**

<b>General Fund—Investment Reserve Account Appropriation</b> .....	
\$	768,000
<b>Total Appropriation</b> .....	
\$	768,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) *The committee shall assume full responsibility for the investment management of the state trust and retirement funds.*

(2) Not more than \$120,000 of the appropriation contained in this section shall be expended exclusively for the purpose of developing the computerized investment management and accounting system.

\*Sec. 28. was partially vetoed, see message at end of chapter.

**NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF REVENUE**

General Fund Appropriation .....	\$	25,595,000
State Timber Reserve Fund Appropriation .....	\$	1,885,000
Motor Vehicle Fund Appropriation .....	\$	81,000
Total Appropriation .....	\$	27,561,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department shall make every effort to maintain current audit recovery and increase this recovery by at least \$3,800,000 over the 1975-77 biennium.

(2) \$10,000 of the general fund appropriation may be used to contract with Boeing Computer Services for the econometric model: PROVIDED, That the contract is written to include the legislature as well as state agencies.

**NEW SECTION. Sec. 30. FOR THE TAX APPEALS BOARD**

General Fund Appropriation .....	\$	604,000
Total Appropriation .....	\$	604,000

**NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund Appropriation .....	\$	7,897,000
Department of General Administration Facilities and Services Revolving Fund Appropriation .....	\$	8,675,000
General Fund—Motor Transport Account Appropriation .....	\$	4,266,000
Total Appropriation .....	\$	20,838,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$560,000 of the general fund appropriation may be expended for continued maintenance of the facilities at Northern State Hospital.

(2) Not more than \$35,000 of the general fund appropriation shall be expended for the Migrant Campsite Advisory Council established by the director to extend the Buena pilot project contingent upon chapter ... (SB 2667), Laws of 1977 1st ex. sess. becoming law.

(3) \$70,000 of the general fund appropriation shall be expended solely to provide for the premium costs of insurance coverage for all state-owned, state-chartered, state-rented, or state employee-owned aircraft being used on authorized state business, including passengers. This coverage shall be in force for all such aircraft, whether piloted by a state employee or by an employee or employees of a charter or rental firm.

(4) \$631,000 of the motor transport account appropriation may only be expended for increased operating costs associated with additional vehicles being transferred to the Motor Transport Division from other state agencies and for no other purpose. Such funds shall not be available for allotment until a plan for the transfer of vehicles shall have been reviewed and approved by the Office of Program Planning and Fiscal Management. A report of any amounts approved for allotment shall be filed with the legislative auditor and the auditor shall transmit such report to the senate committee on ways and means and the house committee on appropriations.

(5) The Department of Agriculture shall transfer \$79,000 from its local fund accounts to the motor transport account and the state treasurer shall transfer to the motor transport account \$126,000 from the state general fund, \$63,000 from the grain and hay inspection fund, \$8,000 from the fertilizer, agricultural, mineral and lime fund, \$27,000 from the accident fund, and \$4,000 from the commercial feed fund. These transfers shall be in accordance with schedules provided by the Office of Program Planning and Fiscal Management.

**NEW SECTION. Sec. 32. FOR THE INSURANCE COMMISSIONER**

General Fund Appropriation .....	\$	4,712,000
Total Appropriation .....	\$	4,712,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$1,069,829 shall be expended exclusively for support of the Fire Safety and Regulation Program.

(2) Whenever the Insurance Companies Reimbursement Fund—Local exceeds \$269,000, there shall be a corresponding increase in unexpended state funds.

**NEW SECTION. Sec. 33. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premiums tax distribution .....	\$	2,064,000
General Fund Appropriation for snowmobile registration fee distribution .....	\$	34,000
General Fund Appropriation for public utility district excise tax distribution .....	\$	13,728,000
General Fund Appropriation for prosecuting attorneys salaries .....	\$	1,129,000
General Fund Appropriation for motor vehicle excise tax distribution .....	\$	32,270,000
General Fund Appropriation for local mass transit assistance .....	\$	47,174,000
General Fund Appropriation for travel trailer and camper excise tax distribution .....	\$	1,687,000
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution .....	\$	244,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution .....	\$	16,360,000

Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution . . . . .	\$	134,042,000
Liquor Board Revolving Fund Appropriation for liquor profits distribution . . . . .	\$	44,600,000
State Timber Tax Account "A" Appropriation for distribution to "Timber" Counties . . . . .	\$	26,580,000
State Timber Reserve Account Appropriation for distribution to "Timber" Counties . . . . .	\$	37,260,000

**NEW SECTION. Sec. 34. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION**

Forest Reserve Fund Appropriation for forest reserve fund distribution . . . . .	\$	34,498,000
General Fund Appropriation for federal flood control funds distribution . . . . .	\$	21,000
General Fund Appropriation for federal grazing fees distribution . . . . .	\$	42,000

**NEW SECTION. Sec. 35. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST**

Highway Bond Retirement Fund Appropriation . . . . .	\$	66,286,000
Toll Bridge Authority Bond Redemption Fund 1977		
Appropriation . . . . .	\$	1,017,000
Public School Building Bond Redemption Fund 1959		
Appropriation . . . . .	\$	4,776,000
Public School Building Bond Redemption Fund 1961		
Appropriation . . . . .	\$	7,384,000
Public School Building Bond Redemption Fund 1963		
Appropriation . . . . .	\$	8,657,000
Public School Building Bond Redemption Fund 1965		
Appropriation . . . . .	\$	2,446,000
Common School Building Bond Redemption Fund 1967 Appropriation . . . . .	\$	6,925,000
University of Washington Bond Retirement Fund Appropriation . . . . .	\$	3,304,000
Washington State University Bond Retirement Fund		
Appropriation . . . . .	\$	2,365,000
Washington State University Bond Redemption Fund 1977 Appropriation . . . . .	\$	276,000
Central Washington State College Bond Retirement Fund Appropriation . . . . .	\$	873,000
Eastern Washington State College Bond Retirement Fund Appropriation . . . . .	\$	938,000
Western Washington State College Bond Retirement Fund Appropriation . . . . .	\$	1,277,000
The Evergreen State College Bond Retirement Fund 1967 Appropriation . . . . .	\$	374,000
State Higher Education Bond Redemption Fund 1973		
Appropriation . . . . .	\$	4,393,000

State Higher Education Bond Redemption Fund 1974 Appropriation .....	\$	1,234,000
Higher Education Bond Redemption Fund 1975-76 Ap- propriation .....	\$	2,028,000
University of Washington Hospital Bond Retirement Fund 1975 Appropriation .....	\$	849,000
State Higher Education Bond Redemption Fund 1977 Appropriation .....	\$	150,000
Community College Capital Improvement Bond Re- demption Fund 1972 Appropriation .....	\$	7,516,000
Community College Capital Construction Bond Re- demption Fund 1975 Appropriation .....	\$	7,033,000
Indian Cultural Center Construction Bond Redemption Fund of 1976 Appropriation .....	\$	104,000
Community College Refunding Bond Retirement Fund 1974 Appropriation .....	\$	9,731,000
Community College Building Bond Retirement Fund 1977 Appropriation .....	\$	313,000
Office-Laboratory Facilities Bond Redemption Fund Appropriation .....	\$	298,000
Institutional Building Bond Redemption Fund 1957 Ap- propriation .....	\$	3,569,000
State Building Construction Bond Redemption Fund Appropriation .....	\$	5,668,000
State Building and Higher Education Construction Bond Redemption Fund 1965 Appropriation .....	\$	8,544,000
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation .....	\$	9,757,000
Fisheries Bond Redemption Fund 1976 Appropriation .....	\$	777,000
Fisheries Bond Redemption Fund 1977 Appropriation .....	\$	391,000
Fisheries Salmon Enhancement Bond Redemption Fund Appropriation .....	\$	391,000
Juvenile Correctional Institutional Building Bond Re- demption Fund 1963 Appropriation .....	\$	624,000
General Administration Building Bond Redemption Fund Appropriation .....	\$	674,000
State Building and Parking Bond Redemption Fund 1969 Appropriation .....	\$	2,451,000
State Building Bond Redemption Fund 1967 Appropria- tion .....	\$	651,000
State Building Bond Retirement Fund 1975 Appropria- tion .....	\$	797,000
State Building Bond Redemption Fund 1973A Appropria- tion .....	\$	389,000
State Building Bond Redemption Fund 1973 Appropria- tion .....	\$	3,938,000

State Facilities Bond Redemption Fund 1977 Appropriation .....	\$	235,000
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation .....	\$	3,001,000
State Social and Health Services Bond Redemption Fund 1976 Appropriation .....	\$	1,496,000
Outdoor Recreational Bond Redemption Fund Appropriation .....	\$	2,323,000
Recreation Improvements Bond Redemption Fund Appropriation .....	\$	4,775,000
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation .....	\$	3,855,000
Outdoor Recreational Bond Redemption Fund 1967 Appropriation .....	\$	6,290,000
State Building Authority Bond Redemption Fund Appropriation .....	\$	9,916,000
Waste Disposal Facilities Bond Redemption Fund Appropriation .....	\$	8,740,000
Water Supply Facilities Bond Redemption Fund Appropriation .....	\$	8,166,000
Emergency Water Projects Bond Redemption Fund of 1977 Appropriation .....	\$	2,681,000

**NEW SECTION. Sec. 36. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation .....	\$	746,000
Total Appropriation .....	\$	746,000

**NEW SECTION. Sec. 37. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS**

General Fund Appropriation .....	\$	304,838,000
Retirement System Expense Fund Appropriation .....	\$	3,150,000
Teachers' Retirement Fund Appropriation .....	\$	1,362,000
Motor Vehicle Fund Appropriation .....	\$	25,000
Total Appropriation .....	\$	309,375,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$2,840,000 of the general fund appropriation shall be expended within the Teachers' Retirement System to continue an ad hoc increase for the 1977-79 biennium in the minimum pension provided in RCW 41.32.497, to eight dollars per month for each year of creditable service to all members who retired prior to April 25, 1973.

(2) For the teachers' retirement system, \$175,851,000 (of which \$69,000,000 is to be from federal revenue sharing funds received during the 1977-79 biennium) shall be expended for contributions to the system and \$1,362,000 from the teachers' retirement fund shall be expended for administration.



(3) For the law enforcement officers' and fire fighters' retirement system, \$125,433,000 shall be expended for contributions to the system and \$377,000 from the retirement system expense fund shall be expended for administration.

(4) For the public employees' retirement system, \$2,773,000 from the retirement system expense fund shall be expended for administration.

(5) For the judicial retirement system, \$120,000 shall be expended for contributions to the system and \$9,000 shall be expended for administration.

(6) For the judges' retirement system, \$584,000 shall be expended for contributions to the system and \$1,000 shall be expended for administration.

(7) For the Washington state patrol retirement system, \$25,000 from the motor vehicle fund shall be expended for administration.

**NEW SECTION. Sec. 38. FOR THE MUNICIPAL RESEARCH COUNCIL**

General Fund Appropriation .....	\$	792,000
Total Appropriation .....	\$	792,000

**NEW SECTION. Sec. 39. FOR THE UNIFORM LEGISLATION COMMISSION**

General Fund Appropriation .....	\$	20,000
Total Appropriation .....	\$	20,000

**NEW SECTION. Sec. 40. FOR THE BOARD OF ACCOUNTANCY**

General Fund Appropriation .....	\$	381,000
Total Appropriation .....	\$	381,000

**NEW SECTION. Sec. 41. FOR THE ATHLETIC COMMISSION**

General Fund Appropriation .....	\$	48,000
Total Appropriation .....	\$	48,000

**NEW SECTION. Sec. 42. FOR THE CEMETERY BOARD**

General Fund—Cemetery Account Appropriation .....	\$	42,000
Total Appropriation .....	\$	42,000

**NEW SECTION. Sec. 43. FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Fund Appropriation .....	\$	1,452,000
Total Appropriation .....	\$	1,452,000

**NEW SECTION. Sec. 44. FOR THE LIQUOR CONTROL BOARD**

Liquor Board Revolving Fund Appropriation .....	\$	46,173,000
Total Appropriation .....	\$	46,173,000

**NEW SECTION. Sec. 45. FOR THE PHARMACY BOARD**

General Fund Appropriation .....	\$	603,000
Total Appropriation .....	\$	603,000

**NEW SECTION. Sec. 46. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Public Service Revolving Fund Appropriation .....	\$	10,160,000
Grade Crossing Protective Fund Appropriation .....	\$	1,078,000
Total Appropriation .....	\$	11,238,000

The appropriations contained in this section shall be subject to the following condition or limitation: \$525,000 from the Grade Crossing Protective Fund Appropriation shall be used solely for obligations incurred in the 1975-77 biennium.

**NEW SECTION. Sec. 47. FOR THE BOARD FOR VOLUNTEER FIREMEN**

**Volunteer Firemen's Relief and Pension Fund**

Appropriation .....	\$	86,000
Total Appropriation .....	\$	86,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$5,000 shall be expended for actuarial services to be performed by the state actuary.

**NEW SECTION. Sec. 48. FOR THE DEPARTMENT OF EMERGENCY SERVICES**

General Fund Appropriation—State .....	\$	423,000
General Fund Appropriation—Federal .....	\$	1,862,000
Total Appropriation .....	\$	2,285,000

**NEW SECTION. Sec. 49. FOR THE MILITARY DEPARTMENT**

General Fund Appropriation—State .....	\$	4,200,000
General Fund Appropriation—Federal .....	\$	492,000
Total Appropriation .....	\$	4,692,000

The appropriations contained in this section shall be subject to the following condition or limitation: Not more than \$225,000 shall be expended for maintenance and repair of installations.

**NEW SECTION. Sec. 50. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund Appropriation .....	\$	840,000
Total Appropriation .....	\$	840,000

**NEW SECTION. Sec. 51. DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

State Funding Sources .....	\$	947,741,000
Federal Funding Sources .....	\$	700,545,000
Other Funding Sources .....	\$	1,952,000
Total Of All Funding Sources .....	\$	1,650,238,000

The appropriations contained in sections 52 through 62 of this act shall be subject to the following conditions and limitations:

(1) Not more than 26,489 FTE staff years are authorized within the department during the 1977-79 biennium.

(2) Any funds derived from settlement of litigation against the United States government shall be deposited in the state general fund by the state treasurer and no expenditure shall be made therefrom without specific legislative appropriation pursuant to law.

(3) All program savings realized by the department in moneys or FTE staff years shall be placed in allotment reserve by the office of program planning and fiscal management.

(4) The department shall not initiate any new services or programs beyond those authorized by specific appropriation in this act.

(5) The department shall not impose rateable reduction in any public assistance grant payments for which funds are appropriated in sections 56 through 59 of this act.

(6) The department shall curtail all outreach activity within programs, subject to section 173 of this act, in order to allow the executive and legislative branches to review the policy and direction of the various programs within the agency.

(7) From the appropriations contained in sections 52 through 62 of this act, the department shall not transfer, in the aggregate, more than a total of ten million dollars among all the programs without prior approval of the office of program planning and fiscal management. Said office shall give written notice to the house appropriations committee and the senate ways and means committee thirty days prior to the allotment of the funds or full time equivalent staff years transferred. Such notice shall identify the program and category from which and to which the transfers are to be made and the reason or reasons that necessitates the transfer.

**NEW SECTION. Sec. 52. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE ADULT CORRECTIONS AND REHABILITATION PROGRAM**

State Funding Sources .....	\$	82,187,000
Total Funding Sources For Program .....	\$	82,187,000
Total FTE Staff Years For Program .....		3,780

**COMMUNITY REHABILITATION SERVICES CATEGORY.**

General Fund Appropriation—State .....	\$	15,492,000
Total Appropriation .....	\$	15,492,000
Total FTE Staff Years .....		876

**INSTITUTIONAL REHABILITATION SERVICES CATEGORY.**

General Fund Appropriation .....	\$	21,285,000
Total Appropriation .....	\$	21,285,000
Total FTE Staff Years .....		925

**CUSTODY CATEGORY.**

General Fund Appropriation .....	\$	21,193,000
Total Appropriation .....	\$	21,193,000
Total FTE Staff Years .....		1,402

**SPECIAL PROJECTS CATEGORY.**

General Fund Appropriation .....	\$	536,000
Total Appropriation .....	\$	536,000
Total FTE Staff Years .....		13

**PROGRAM SUPPORT CATEGORY.**

General Fund Appropriation .....	\$	23,681,000
Total Appropriation .....	\$	23,681,000
Total FTE Staff Years .....		564

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Probation and parole staff shall be expanded by an expenditure level not to exceed \$818,000 and a staffing level not to exceed 48 FTE staff years.

(2) Not more than \$1,194,000 and 31 FTE staff years shall be expended for establishing six additional work training release facilities.

(3) Not more than \$1,355,000 and 54 FTE staff years shall be expended to open a new 100-bed honor camp.

(4) A work/training release staging facility to be located on the existing Gieger Field site in Spokane County shall be established to provide a 30-bed work training release capability and 100 minimum security beds. Not more than \$1,295,000 and 20 FTE staff years shall be expended to operate the facility.

(5) Not more than \$467,000 and 35 FTE staff years shall be expended to expand the institutional counselling program to achieve a 60 to 1 resident/staff ratio.

(6) Not more than \$582,000 and 34 FTE staff years shall be expended to establish a specialized treatment program at the Washington State Penitentiary.

(7) The program at the Larch Mountain Correction Center shall be expanded to include 26 additional residents and the resident capacity of the Clearwater Honor Camp shall be expanded to 100. Not more than \$264,000 and 17 FTE staff years shall be expended for such purposes.

(8) Not more than \$2,096,000 and 129 FTE staff years shall be expended to increase the custody staff at each of the institutions to 100% post assignment.

(9) Not more than \$629,000 shall be expended to fund institutional diversion projects in the community.

(10) \$22,000,000 of the appropriation contained in this section shall be from the Countercyclical Revenue Sharing Program.

**NEW SECTION. Sec. 53. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE JUVENILE REHABILITATION PROGRAM**

State Funding Sources .....	\$	44,617,000
Federal Funding Sources .....	\$	2,153,000
Other Funding Sources .....	\$	500,000
Total Funding Sources For Program .....	\$	47,270,000
Total FTE Staff Years For Program .....		2,084

**COMMUNITY REHABILITATION SERVICES CATEGORY.**

General Fund Appropriation—State .....	\$	12,223,000
General Fund Appropriation—Federal .....	\$	406,000
Total Appropriation .....	\$	12,629,000
Total FTE Staff Years .....		317

**INSTITUTIONAL REHABILITATION SERVICES CATEGORY.**

General Fund Appropriation—State .....	\$	19,964,000
Total Appropriation .....	\$	19,964,000
Total FTE Staff Years .....		1,279

**SPECIAL PROJECTS CATEGORY.**

General Fund Appropriation—State .....	\$	1,300,000
General Fund Appropriation—Federal .....	\$	1,000,000
General Fund Appropriation—Other .....	\$	500,000
Total Appropriation .....	\$	2,800,000

Total FTE Staff Years . . . . . 31

**PROGRAM SUPPORT CATEGORY.**

General Fund Appropriation—State . . . . .	\$	11,130,000
General Fund Appropriation—Federal . . . . .	\$	747,000
Total Appropriation . . . . .	\$	11,877,000
Total FTE Staff Years . . . . .		457

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$212,000 and 6 FTE staff years shall be expended to staff three new group homes to be completed by January, 1979.

(2) Not more than \$1,475,000 and 180 additional FTE staff years shall be expended within the Institutional Rehabilitation category of this program to provide adequate staffing within the institutions and to allow residence units not currently being utilized to be opened and staffed. Staffing patterns within the residence units shall provide for at least two staff persons during those periods, other than normal sleeping hours, when residents are not attending classes or involved in work programs.

(3) Not more than \$300,000 of state general fund moneys shall be expended for continuation of the project for the community evaluation and diagnosis of juvenile delinquents.

(4) Not more than \$2,582,000 (of which at least \$1,000,000 shall be from federal funds and at least \$500,000 shall be from local funds) shall be expended for the continuance of existing institutional diversion programs in the community. The department shall develop contracts for the expenditure of these funds which will assure that populations served will be those which would be the responsibility of the Bureau of Juvenile Rehabilitation.

(5) Not more than \$1,277,000 and 54 FTE staff years shall be expended for delinquency prevention services.

(6) Should the United States government make funding and/or resources available with the intent to repay Washington state for the capital improvements made upon the Juvenile Diagnostic Facility at Cascadia, the department of social and health services secretary must have the approval of the senate ways and means and house appropriations committees prior to any reversion of the facility to the United States government.

**NEW SECTION. Sec. 54. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE MENTAL HEALTH PROGRAM**

State Funding Sources . . . . .	\$	75,963,000
Federal Funding Sources . . . . .	\$	12,862,000
Other Funding Sources . . . . .	\$	1,083,000
Total Funding Sources For Program . . . . .	\$	89,908,000
Total FTE Staff Years For Program . . . . .		2,597

**COMMUNITY SERVICES CATEGORY.**

General Fund Appropriation—State . . . . .	\$	25,683,000
General Fund Appropriation—Federal . . . . .	\$	5,621,000
General Fund Appropriation—Other . . . . .	\$	1,083,000
Total Appropriation . . . . .	\$	32,387,000

Total FTE Staff Years . . . . . 18

**INSTITUTIONAL REHABILITATION SERVICES CATEGORY.**

General Fund Appropriation—State . . . . . \$ 26,625,000  
 General Fund Appropriation—Federal . . . . . \$ 1,166,000  
 Total Appropriation . . . . . \$ 27,971,000  
 Total FTE Staff Years . . . . . 1,856

**ALCOHOLISM CATEGORY.**

General Fund Appropriation—State . . . . . \$ 8,364,000  
 General Fund Appropriation—Federal . . . . . \$ 3,641,000  
 Total Appropriation . . . . . \$ 12,005,000  
 Total FTE Staff Years . . . . . 33

**DRUG ABUSE CATEGORY.**

General Fund Appropriation—State . . . . . \$ 138,000  
 General Fund Appropriation—Federal . . . . . \$ 1,419,000  
 Total Appropriation . . . . . \$ 1,557,000  
 Total FTE Staff Years . . . . . 18

**SPECIAL PROJECTS CATEGORY.**

General Fund Appropriation—State . . . . . \$ 64,000  
 General Fund Appropriation—Federal . . . . . \$ 374,000  
 Total Appropriation . . . . . \$ 438,000  
 Total FTE Staff Years . . . . . 0

**PROGRAM SUPPORT CATEGORY.**

General Fund Appropriation—State . . . . . \$ 15,089,000  
 General Fund Appropriation—Federal . . . . . \$ 641,000  
 Total Appropriation . . . . . \$ 15,730,000  
 Total FTE Staff Years . . . . . 672

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$1,326,000 shall be expended to enhance the program for the hospitalization of acutely mentally ill children in the community.

(2) Not more than \$1,500,000 shall be expended to enhance the treatment of the seriously mentally ill in the community.

(3) Not more than \$349,000 and 24 FTE staff years shall be expended at Eastern State Hospital to continue the treatment of mentally ill felons referred by the courts.

(4) Not more than \$436,000 and 30 FTE staff years shall be expended to establish and operate a mentally ill offender ward at Western State Hospital

(5) Not more than \$67,000 and 2 FTE staff years shall be expended to expand the Department of Personnel alcoholism program for state employees stationed in the Seattle area.

(6) Not more than \$27,000 from federal funds shall be expended to continue the study on the effects of mental health treatment on low income persons.

(7) Not more than \$1,557,000 (of which \$1,419,000 is to be from federal funds) and 18 FTE staff years shall be expended to carry out the drug abuse program transferred from the planning and community affairs agency.

(8) Not more than \$100,000 shall be expended to maintain the calendar year 1976 level of special subsidy to community mental health grant distribution amounts for the four counties directly affected by the closure of Northern State Hospital.

(9) Not more than \$64,000 shall be expended as state matching funds for construction of the Greater Lakes Mental Health facility.

**NEW SECTION. Sec. 55. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE DEVELOPMENTAL DISABILITIES PROGRAM**

State Funding Sources . . . . .	\$	88,733,000
Federal Funding Sources . . . . .	\$	32,383,000
Total Funding Sources For Program . . . . .	\$	121,116,000
Total FTE Staff Years For Program . . . . .		6,053

**COMMUNITY SERVICES CATEGORY.**

General Fund Appropriation—State . . . . .	\$	15,188,000
General Fund Appropriation—Federal . . . . .	\$	9,206,000
Total Appropriation . . . . .	\$	24,394,000
Total FTE Staff Years . . . . .		234

**INSTITUTIONAL REHABILITATION SERVICES CATEGORY.**

General Fund Appropriation—State . . . . .	\$	45,347,000
General Fund Appropriation—Federal . . . . .	\$	12,560,000
Total Appropriation . . . . .	\$	57,907,000
Total FTE Staff Years . . . . .		4,214

**SPECIAL PROJECTS CATEGORY.**

General Fund Appropriation—State . . . . .	\$	951,000
General Fund Appropriation—Federal . . . . .	\$	4,971,000
Total Appropriation . . . . .	\$	5,922,000
Total FTE Staff Years . . . . .		122

**PROGRAM SUPPORT CATEGORY.**

General Fund Appropriation—State . . . . .	\$	27,247,000
General Fund Appropriation—Federal . . . . .	\$	5,646,000
Total Appropriation . . . . .	\$	32,893,000
Total FTE Staff Years . . . . .		1,483

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$1,059,000 shall be expended to provide vendor rate increases of 5.5% per year to group homes and to provide for additional clients.

(2) Not more than \$1,124,000 shall be expended to provide vendor rate increases of 5.5% per year for developmental centers and to increase the number of days per client to 150.

(3) Not more than \$1,808,000 (of which \$645,000 is to be from federal funds) and 101 FTE staff years shall be expended to staff and operate three state residential treatment centers.

(4) Not more than \$1,010,000 (at least \$620,000 of which is to be from federal funds) shall be expended in Home Aid Services. By January 9, 1978, the department of social and health services shall provide to the senate standing committees on ways and means and social and health services and the house standing committees on appropriations and social and health services an analysis of the Home Aid Program including the characteristics of the clients, number of hours of service each client receives, category of service each client receives, length of time client receives services, frequency of services provided, type of training service providers receive, wage scales paid to service providers based on characteristics of client and category of service provided, and amount of funds expended in each category of service for each region.

(5) Up to \$250,000 shall be expended exclusively to increase salaries for Group Home resident care nonprofessional employees.

**NEW SECTION. Sec. 56. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE NURSING HOMES PROGRAM**

State Funding Sources .....	\$	86,475,000
Federal Funding Sources .....	\$	90,991,000
Total Funding Sources .....	\$	177,466,000
Total FTE Staff Years For Program .....		198

**ASSISTANCE GRANTS CATEGORY.**

General Fund Appropriation—State .....	\$	85,119,000
General Fund Appropriation—Federal .....	\$	88,046,000
Total Appropriation .....	\$	173,165,000
Total FTE Staff Years .....		0

**ADMINISTRATION CATEGORY.**

General Fund Appropriation—State .....	\$	1,357,000
General Fund Appropriation—Federal .....	\$	2,944,000
Total Appropriation .....	\$	4,301,000
Total FTE Staff Years .....		198

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$40,000 and 2 FTE staff years shall be expended to establish a Health Data Collection system for nursing homes.

(2) \$11,995,000 (of which \$6,385,000 is to be federal funds) shall be utilized to provide vendor rate adjustments for inflation.

(3) Not more than \$11,272,000 (of which \$5,749,000 is to be from federal funds) shall be expended exclusively to increase salaries for nursing home employees, other than registered nurses, licensed practical nurses and administrative employees, involved in direct and indirect patient care.

**NEW SECTION. Sec. 57. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE INCOME MAINTENANCE PROGRAM**

State Funding Sources .....	\$	269,063,000
Federal Funding Sources .....	\$	212,994,000
Total Funding Sources For Program .....	\$	482,057,000
Total FTE Staff Years For Program .....		3,098



**MAINTENANCE GRANTS CATEGORY.**

General Fund Appropriation—State . . . . .	\$	239,451,000
General Fund Appropriation—Federal . . . . .	\$	173,805,000
Total Appropriation . . . . .	\$	413,256,000
Total FTE Staff Years . . . . .		0

**OTHER ASSISTANCE CATEGORY.**

General Fund Appropriation—State . . . . .	\$	2,820,000
General Fund Appropriation—Federal . . . . .	\$	1,154,000
Total Appropriation . . . . .	\$	3,974,000
Total FTE Staff Years . . . . .		62

**ELIGIBILITY DETERMINATION CATEGORY.**

General Fund Appropriation—State . . . . .	\$	12,737,000
General Fund Appropriation—Federal . . . . .	\$	15,720,000
Total Appropriation . . . . .	\$	28,457,000
Total FTE Staff Years . . . . .		1,704

**SPECIAL PROJECTS CATEGORY.**

General Fund Appropriation—Federal . . . . .	\$	13,067,000
Total Appropriation . . . . .	\$	13,067,000
Total FTE Staff Years . . . . .		0

**PROGRAM SUPPORT CATEGORY.**

General Fund Appropriation—State . . . . .	\$	14,055,000
General Fund Appropriation—Federal . . . . .	\$	9,248,000
Total Appropriation . . . . .	\$	23,303,000
Total FTE Staff Years . . . . .		1,332

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$34,767,000 (of which \$17,152,000 is to be from federal funds) shall be expended to provide a 5.5% cost-of-living increase for each year of the biennium for all assistance grants other than the state supplementation to the Supplemental Security Income (SSI) program.
- (2) Not more than \$17,797,000 shall be expended for a cost-of-living increase to the state supplement of the Supplemental Security Income (SSI) program.
- (3) Not more than \$1,298,000 shall be expended to resume general assistance for persons who are receiving training in the vocational rehabilitation program.
- (4) Not more than \$1,573,000 shall be expended for an increase for congregate care facilities to meet program standards in the care of mental health, developmentally disabled, and alcoholic residents, except that the department shall develop contracts which provide standards for programs and program staff.
- (5) Not more than \$1,825,000 shall be expended for an inflationary increase in vendor rates.
- (6) Not more than \$30,000 from state funds shall be expended for the continuation of the public assistance toll-free telephone service.
- (7) Not more than \$6,090,000 shall be expended to provide increases in non-continuing general assistance grants.

(8) Not more than \$14,701,000 (of which \$4,701,000 is to be from federal funds) shall be used to increase grant standards.

(9) Up to \$500,000 shall be expended exclusively to increase salaries for resident care nonprofessional employees in congregate care facilities.

**NEW SECTION. Sec. 58. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE COMMUNITY SOCIAL SERVICES PROGRAM**

State Funding Sources .....	\$	64,268,000
Federal Funding Sources .....	\$	102,306,000
Total Funding Sources For Program .....	\$	166,574,000
Total FTE Staff Years For Program .....		3,380

**FAMILY AND CHILDRENS' SERVICES CATEGORY.**

General Fund Appropriation—State .....	\$	50,086,000
General Fund Appropriation—Federal .....	\$	52,868,000
Total Appropriation .....	\$	102,954,000
Total FTE Staff Years .....		2,017

**ADULT SERVICES CATEGORY.**

General Fund Appropriation—State .....	\$	7,428,000
General Fund Appropriation—Federal .....	\$	37,559,000
Total Appropriation .....	\$	44,987,000
Total FTE Staff Years .....		671

**SPECIAL PROJECTS CATEGORY.**

General Fund Appropriation—State .....	\$	30,000
General Fund Appropriation—Federal .....	\$	1,450,000
Total Appropriation .....	\$	1,480,000
Total FTE Staff Years .....		41

**PROGRAM SUPPORT CATEGORY.**

General Fund Appropriation—State .....	\$	6,724,000
General Fund Appropriation—Federal .....	\$	10,429,000
Total Appropriation .....	\$	17,153,000
Total FTE Staff Years .....		651

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$5,564,000 (of which \$1,624,000 shall be federal funds) shall be expended for an inflationary increase in allowance and vendor rates.

(2) Not more than \$1,061,000, of which \$61,000 shall be from federal funds, shall be expended for an increase in the vendor rate for private child caring agencies: PROVIDED, That these funds shall not be expended until the department has developed a revised system for private child caring agencies which include:

- (a) The classification of children according to their needs;
- (b) The classification of facilities according to established program standards;
- (c) A reimbursement system which compensates facilities for services provided;
- (d) The development of program and fiscal operation standards; and
- (e) An audit capability to review the implementation of such program and fiscal operation standards.

(3) Not more than \$201,000 (of which \$181,000 shall be federal funds) and 12 FTE staff years shall be expended in the expansion of the Work Incentive (WIN) program.

(4) Not more than \$892,000 (of which \$612,000 shall be federal funds) and 41 FTE staff years shall be expended for workload and expansion increases in child protective services.

(5) Not more than \$881,000 (of which \$392,000 shall be federal funds) and 55 FTE staff years shall be expended for workload and expansion increases in foster care services.

(6) Not more than \$175,000 (of which \$126,000 shall be federal funds) and 15 FTE staff years shall be expended in workload and expansion increases within homemaker services.

(7) Not more than \$6,400,000 of federal funds shall be expended for the expansion of day care services resulting from passage of HR 12455 by the Congress of the United States.

**NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE MEDICAL ASSISTANCE PROGRAM**

State Funding Sources .....	\$	171,077,000
Federal Funding Sources .....	\$	136,293,000
Total Funding Sources For Program .....	\$	307,370,000
Total FTE Staff Years For Program .....		785

**GENERAL MEDICAL ASSISTANCE CATEGORY.**

General Fund Appropriation—State .....	\$	159,843,000
General Fund Appropriation—Federal .....	\$	121,674,000
Total Appropriation .....	\$	281,517,000

**PREVENTION OF BLINDNESS ASSISTANCE CATEGORY.**

General Fund Appropriation—State .....	\$	1,608,000
General Fund Appropriation—Federal .....	\$	1,315,000
Total Appropriation .....	\$	2,923,000
Total FTE Staff Years .....		5

**ELIGIBILITY DETERMINATION CATEGORY.**

General Fund Appropriation—State .....	\$	2,033,000
General Fund Appropriation—Federal .....	\$	1,650,000
Total Appropriation .....	\$	3,683,000
Total FTE Staff Years .....		254

**PROGRAM SUPPORT CATEGORY.**

General Fund Appropriation—State .....	\$	7,593,000
General Fund Appropriation—Federal .....	\$	11,654,000
Total Appropriation .....	\$	19,247,000
Total FTE Staff Years .....		526

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$32,996,000 (of which \$12,698,000 is to be federal funds) shall be expended for an inflationary increase for hospital provider payments.

(2) Not more than \$3,706,000 (of which \$1,903,000 is to be federal funds) shall be expended for an inflationary increase for drug payments.

(3) Not more than \$11,119,000 (of which \$5,434,000 is to be federal funds) shall be expended for an inflationary increase in other vendor payments.

(4) Not more than \$566,000 (of which \$76,000 is to be federal funds) shall be expended for resuming general assistance for persons who are receiving training in the vocational rehabilitation program.

**NEW SECTION. Sec. 60. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE PUBLIC HEALTH PROGRAM**

State Funding Sources .....	\$	16,674,000
Federal Funding Sources .....	\$	37,981,000
Other Funding Sources .....	\$	358,000
Total Funding Sources For Program .....	\$	55,013,000
Total FTE Staff Years For Program .....		729

**PERSONAL HEALTH IMPROVEMENT CATEGORY.**

General Fund Appropriation—State .....	\$	7,009,000
General Fund Appropriation—Federal .....	\$	15,998,000
General Fund Appropriation—Other .....	\$	358,000
Total Appropriation .....	\$	23,365,000
Total FTE Staff Years .....		388

**PATIENT CARE CATEGORY.**

General Fund Appropriation—State .....	\$	4,144,000
General Fund Appropriation—Federal .....	\$	2,623,000
Total Appropriation .....	\$	6,767,000
Total FTE Staff Years .....		36

**HEALTH SYSTEMS IMPROVEMENT CATEGORY.**

General Fund Appropriation—State .....	\$	4,056,000
General Fund Appropriation—Federal .....	\$	7,045,000
Total Appropriation .....	\$	11,101,000
Total FTE Staff Years .....		219

**SPECIAL PROJECTS CATEGORY.**

General Fund Appropriation—State .....	\$	355,000
General Fund Appropriation—Federal .....	\$	12,037,000
Total Appropriation .....	\$	12,392,000
Total FTE Staff Years .....		28

**PROGRAM SUPPORT CATEGORY.**

General Fund Appropriation—State .....	\$	1,110,000
General Fund Appropriation—Federal .....	\$	278,000
Total Appropriation .....	\$	1,388,000
Total FTE Staff Years .....		58

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$436,000 (of which \$248,000 is to be from federal funds) shall be expended to provide inflationary increases for Crippled Children's Service.

(2) Not more than \$1,478,000 (of which \$1,388,000 is to be from federal funds) shall be expended for increases in family planning services.

(3) Not more than \$206,000 (of which \$25,000 is to be from federal funds and \$181,000 is to be from local funds) shall be expended for the expansion of birth defect and metabolic disorder screening and testing.

(4) Not more than \$230,000 and 6 FTE staff years shall be expended for expansion of the dental rinsing program for children.

(5) Not more than \$705,000 (of which \$551,000 is to be from federal funds and \$154,000 is to be from local funds) shall be expended for the implementation of the Safe Drinking Water Act.

(6) Not more than \$310,000 shall be expended for an inflationary and workload increase for kidney centers.

(7) Not more than \$1,500,000 from federal funds shall be expended for the immunization programs.

(8) Not more than \$200,000 from federal funds shall be expended for implementing a blood pressure control screening program.

(9) Not more than \$355,000 shall be expended to continue the contract for purchase of research with the Fred Hutchinson Cancer Research Center.

(10) Not more than \$861,000 (of which \$414,000 is to be from federal funds) and 14 FTE staff years shall be expended for the health planning function transferred from the planning and community affairs agency.

**NEW SECTION. Sec. 61. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE VOCATIONAL REHABILITATION PROGRAM**

State Funding Sources .....	\$	6,818,000
Federal Funding Sources .....	\$	37,502,000
Other Funding Sources .....	\$	11,000
Total Funding Sources For Program .....	\$	44,331,000
Total FTE Staff Years For Program .....		775

**REHABILITATION SERVICES—GENERAL CATEGORY.**

General Fund Appropriation—State .....	\$	1,821,000
General Fund Appropriation—Federal .....	\$	27,081,000
Total Appropriation .....	\$	28,902,000
Total FTE Staff Years .....		532

**REHABILITATIVE FACILITIES AND SHELTERED WORKSHOPS—GENERAL CATEGORY.**

General Fund Appropriation—State .....	\$	3,543,000
General Fund Appropriation—Federal .....	\$	4,457,000
General Fund Appropriation—Other .....	\$	11,000
Total Appropriation .....	\$	8,011,000
Total FTE Staff Years .....		52

**REHABILITATIVE SERVICES FOR THE BLIND CATEGORY.**

General Fund Appropriation—State .....	\$	992,000
General Fund Appropriation—Federal .....	\$	3,376,000
Total Appropriation .....	\$	4,368,000
Total FTE Staff Years .....		112

**SPECIAL PROJECTS CATEGORY.**

General Fund Appropriation—State .....	\$	147,000
General Fund Appropriation—Federal .....	\$	1,326,000
Total Appropriation .....	\$	1,473,000
Total FTE Staff Years .....		18

**PROGRAM SUPPORT CATEGORY.**

General Fund Appropriation—State .....	\$	315,000
General Fund Appropriation—Federal .....	\$	1,262,000
Total Appropriation .....	\$	1,577,000
Total FTE Staff Years .....		61

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$1,668,000 (of which \$1,422,000 shall be from federal funds) shall be expended for workload increases in case services in general rehabilitation and services for the blind.

(2) Not more than \$732,000 shall be expended to expand services for developmentally disabled clients in sheltered workshops.

(3) Not more than \$257,000 (of which \$206,000 is to be from federal funds) and 19 FTE staff years shall be expended for increased training and rehabilitative services for the blind.

(4) Not more than \$802,000 (of which \$722,000 is to be from federal funds) and 10 FTE staff years shall be expended for projects related to the severely disabled and other special projects.

**NEW SECTION. Sec. 62. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE ADMINISTRATIVE AND SUPPORT SERVICES PROGRAM**

State Funding Sources .....	\$	41,866,000
Federal Funding Sources .....	\$	35,080,000
Total Funding Sources For Program .....	\$	76,946,000
Total FTE Staff Years For Program .....		3,055

**EXECUTIVE DIVISION CATEGORY.**

General Fund Appropriation—State .....	\$	2,573,000
General Fund Appropriation—Federal .....	\$	1,017,000
Total Appropriation .....	\$	3,590,000
Total FTE Staff Years .....		165

**PERSONNEL CATEGORY.**

General Fund Appropriation—State .....	\$	2,285,000
General Fund Appropriation—Federal .....	\$	1,006,000
Total Appropriation .....	\$	3,291,000
Total FTE Staff Years .....		146

**ADMINISTRATIVE SERVICES CATEGORY.**

General Fund Appropriation—State .....	\$	20,777,000
General Fund Appropriation—Federal .....	\$	15,576,000
Total Appropriation .....	\$	36,353,000
Total FTE Staff Years .....		1,745

**MANAGEMENT AND BUDGET CATEGORY.**

General Fund Appropriation—State . . . . .	\$	6,968,000
General Fund Appropriation—Federal . . . . .	\$	3,772,000
Total Appropriation . . . . .	\$	10,740,000
Total FTE Staff Years . . . . .		464

**PLANNING AND RESEARCH SERVICES CATEGORY.**

General Fund Appropriation—State . . . . .	\$	4,204,000
General Fund Appropriation—Federal . . . . .	\$	2,132,000
Total Appropriation . . . . .	\$	6,336,000
Total FTE Staff Years . . . . .		305

**COMMUNITY SERVICES CATEGORY.**

General Fund Appropriation—State . . . . .	\$	2,840,000
General Fund Appropriation—Federal . . . . .	\$	1,264,000
Total Appropriation . . . . .	\$	4,104,000
Total FTE Staff Years . . . . .		158

**SPECIAL PROJECTS CATEGORY.**

General Fund Appropriation—Federal . . . . .	\$	9,376,000
Total Appropriation . . . . .	\$	9,376,000
Total FTE Staff Years . . . . .		28

**ATTORNEY GENERAL CATEGORY.**

General Fund Appropriation—State . . . . .	\$	2,219,000
General Fund Appropriation—Federal . . . . .	\$	937,000
Total Appropriation . . . . .	\$	3,156,000
Total FTE Staff Years . . . . .		44

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) \$3,241,000 (of which \$2,400,000 is to be from federal funds) and 161 FTE staff years shall be expended for increased child support enforcement collections.
- (2) Not more than \$301,000 (of which \$125,000 is to be from federal funds) and 15 FTE staff years shall be expended for mandatory fair hearings workload increases.
- (3) Not more than \$478,000 (of which \$191,000 is to be from federal funds) and 26 FTE staff years shall be expended in the expansion of the auditing staff to completely audit each nursing home provider annually.

**NEW SECTION. Sec. 62A. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REAPPROPRIATIONS**

General Fund—State and Local Improvements Re- volving Account Reappropriation—Water Supply Facilities: Appropriated pursuant to the provisions of chapter 128, Laws of 1972 ex. sess. (Referendum 27) . . . . .	\$	15,064,000
General Fund Reappropriation—State . . . . .	\$	17,100,000
General Fund Reappropriation—Federal . . . . .	\$	14,100,000
Total Reappropriation . . . . .	\$	46,264,000

The reappropriations contained in this section shall be subject to the following conditions and limitations:

(1) The general fund—state and local improvements revolving account reappropriation—water supply facilities contained in this section shall be expended exclusively for municipal and industrial water supply and distribution facilities as provided for in chapter 1, Laws of 1977 1st ex. sess.

(2) The general fund reappropriation—state and the general fund reappropriation—federal shall be for medical services and supplies not in excess of the unexpended balance of the 1975-77 appropriations or allotments for such purpose. Within such amounts, the following programs shall be included:

(a) Mental health .....	\$	100,000
(b) Income maintenance .....	\$	300,000
(c) Community social service .....	\$	700,000
(d) Medical assistance .....	\$	30,100,000

**NEW SECTION. Sec. 63. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

General Fund Appropriation—State .....	\$	10,483,000
General Fund Appropriation—Private/Local .....	\$	881,000
Total Appropriation .....	\$	11,364,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department shall maintain the contract field offices and the state operated field offices in Bremerton, Spokane and Aberdeen.

(2) Not more than \$104,000 and 6 FTE staff years shall be expended for additional nursing services at the veterans' home.

**\*NEW SECTION. Sec. 64. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY**

General Fund Appropriation—State .....	\$	4,250,000
General Fund Appropriation—Federal .....	\$	137,456,000
General Fund Appropriation—Private/Local .....	\$	253,000
Total Appropriation .....	\$	141,959,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$111,754,000 from federal funds shall be utilized for training and public service employment as provided by the Comprehensive Employment and Training Act (CETA), which may include:

- (a) Program for local service within the employment security department (not more than \$3,500,000); and
- (b) Juvenile institutional diversion programs within the department of social and health services (not more than \$1,000,000);

(2) *Law Enforcement Assistance Administration (LEAA) funds shall be utilized for the following state projects:*

- (a) *Washington state patrol narcotics network—\$170,000;*
- (b) *The department of social and health services classification and work unit—\$2,027,000;*



- (c) *The department of social and health services intensive parole—\$559,000;*
- (d) *The board of prison terms and parole improved decision making—\$767,000;*
- (e) *The criminal justice training commission—\$2,100,000 (including \$600,000 as local share of LEAA funds), except that this amount may be withheld if chapter ... (SB 2418), Laws of 1977 1st ex. sess. becomes law with its provision for replacement funding;*

(3) Not more than \$4,528,000 (of which \$3,704,000 is to be federal funds and \$253,000 is to be local funds) and 26 FTE staff years shall be expended for transportation functions within the community planning program, except that these funds and staff shall be transferred to and expended by the department of transportation contingent upon chapter ... (SSB 2924 or SHB 718), Laws of 1977 1st ex. sess. becoming law.

(4) \$100,000 of the general fund appropriation—state shall be contingent upon chapter ... (SB 2108), Laws of 1977 1st ex. sess. becoming law.

(5) Not more than \$70,000 shall be expended for the office on voluntary action: PROVIDED, That such appropriation shall not extend beyond February 28, 1978: PROVIDED FURTHER, That a report be submitted from the office of program planning and fiscal management to the house of representatives standing committee on appropriations and the senate standing committee on ways and means, not later than January 1, 1978, on the utilization and effectiveness of the office on voluntary action and actual or potential duplication with activities of other state agencies.

\*Sec. 64. was partially vetoed, see message at end of chapter.

**NEW SECTION. Sec. 65. FOR THE HUMAN RIGHTS COMMISSION**

General Fund Appropriation—State .....	\$	2,431,000
General Fund Appropriation—Federal .....	\$	96,000
General Fund Appropriation—Local .....	\$	72,000
Total Appropriation .....	\$	2,599,000

**NEW SECTION. Sec. 66. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Accident Fund Appropriation .....	\$	1,163,000
Medical Aid Fund Appropriation .....	\$	1,163,000
Total Appropriation .....	\$	2,326,000

**NEW SECTION. Sec. 67. FOR THE WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund Appropriation .....	\$	100,000
General Fund—Criminal Justice Training Account Appropriation .....	\$	2,180,000
Total Appropriation .....	\$	2,280,000

**NEW SECTION. Sec. 68. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation—State .....	\$	6,180,000
General Fund Appropriation—Federal .....	\$	100,000
Accident Fund Appropriation .....	\$	22,658,000

Medical Aid Fund Appropriation . . . . .	\$	20,621,000
Plumbing Certificate Fund Appropriation . . . . .	\$	125,000
Electrical License Account Appropriation . . . . .	\$	4,394,000
Total Appropriation . . . . .	\$	54,078,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$928,000 (\$788,000 from accident funds and \$140,000 from medical aid funds) and 44 FTE staff years shall be expended within the Safety Inspection and Education program to provide for additional safety inspections.

(2) Not more than 66 FTE staff years shall be expended within the Building and Construction Safety program to provide additional certification and inspection capability.

(3) The Automated Records Management System (ARMS) shall remain at its present level of hardware implementation.

**NEW SECTION. Sec. 69. FOR THE BOARD OF PRISON TERMS AND PAROLES**

General Fund Appropriation . . . . .	\$	1,539,000
Total Appropriation . . . . .	\$	1,539,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$6,000 shall be expended for increasing the attorney fee schedule for indigent representation.

**NEW SECTION. Sec. 70. FOR THE HOSPITAL COMMISSION**

General Fund Appropriation—Federal . . . . .	\$	708,000
General Fund—Hospital Commission Account Ap- propriation . . . . .	\$	609,000
Total Appropriation . . . . .	\$	1,317,000

The appropriation contained in this section shall be subject to the following condition or limitation: No more than \$708,000 from federal funds shall be expended for the establishment and implementation of the manner in which hospitals shall be reimbursed under the Prospective Reimbursement Demonstration program as defined by contract with the Social Security Administration, DHEW, dated October 1, 1976.

**NEW SECTION. Sec. 71. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund Appropriation—State . . . . .	\$	3,593,000
General Fund Appropriation—Federal . . . . .	\$	225,000
Unemployment Compensation Administration Fund Appropriation—Federal . . . . .	\$	88,923,000
Administrative Contingency Fund Appropriation . . . . .	\$	400,000
Total Appropriation . . . . .	\$	93,141,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$63,000 and 4 FTE staff years shall be expended to bring the department into compliance with state accounting requirements.

(2) The department is directed to develop an integrated method of accounting which will fulfill the requirements of both the federal government and the state government without unnecessary duplication.

(3) Not more than \$3,200,000 shall be expended to continue the work orientation program, including employment orientation, ex-offender, career change, and severely disabled/mentally retarded. The department shall contract for the programs. Contracts awarded under this subsection shall contain performance specifications and financial penalties to the contractor for nonperformance. The contracting process shall stress past performance by potential contractors in the implementation of these programs. A legislative review committee comprised of the majority and minority leaders of both houses, the chairman of the appropriations committee of the house, and the chairman of the ways and means committee of the senate shall be created to audit the performance of the programs and contracting agencies. A report on the performance of the program shall be made to the legislature no later than January 1, 1978, and January 1, 1979.

**\*NEW SECTION. Sec. 72. FOR THE STATE ENERGY OFFICE**

General Fund Appropriation—State .....	\$	738,000
General Fund Appropriation—Federal .....	\$	1,335,000
Total Appropriation .....	\$	2,073,000

*The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$500,000 of this appropriation shall be used as matching funds for energy-related studies as determined by the House and Senate Energy and Utilities Committees.*

\*Sec. 72. was partially vetoed, see message at end of chapter.

**NEW SECTION. Sec. 73. FOR THE OCEANOGRAPHIC COMMISSION**

General Fund Appropriation .....	\$	210,000
Total Appropriation .....	\$	210,000

**NEW SECTION. Sec. 74. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund Appropriation .....	\$	4,000
Total Appropriation .....	\$	4,000

**NEW SECTION. Sec. 75. FOR THE DEPARTMENT OF ECOLOGY**

General Fund Appropriation—State .....	\$	15,795,000
General Fund Appropriation—Federal .....	\$	9,149,000
General Fund Appropriation—Private/Local .....	\$	69,000
General Fund—Reclamation Revolving Account Appropriation .....	\$	541,000
General Fund—Litter Control Account Appropria- tion .....	\$	2,989,000
Stream Gaging Basic Data Fund Appropriation .....	\$	180,000
General Fund—Special Grass Seed Burning Re- search Account Appropriation—State .....	\$	20,000
General Fund—State Emergency Water Projects Revolving Account Appropriation .....	\$	11,000,000

General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to the provisions of chapter 127, Laws of 1972 ex. sess. (Referendum 26) . . . . .	\$	108,329,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to the provisions of chapter 128, Laws of 1972 ex. sess. (Referendum 27) . . . . .	\$	26,593,000
Total Appropriation . . . . .	\$	174,665,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$1,132,000 in state funds from the appropriations contained herein shall be expended by the department for matching purposes for activated air pollution control authorities. If such authorities do not expend an equal amount to match such funds during the 1977–79 biennium, then such unmatched, unexpended state funds shall be available to the department.

(2) Not more than \$1,451,000 from federal air pollution control grant funds shall be made available to activated air pollution control authorities in the state as directed by the federal environmental protection agency.

(3) \$210,000 of the general fund appropriation—state shall be expended within the field operations program for the Washington state conservation commission for ongoing commission staff functions, including those responsibilities related to the implementation phase of Section 208, P.L. 92–500, the Federal Clean Water Act.

(4) Not more than \$1,053,000 from the litter control account appropriation shall be available to supervise and hire personnel for a Youth Corps Litter Pick-Up Program.

(5) On or before October 1, 1977, the department of ecology shall file with the ways and means committee of the senate and the appropriations committee of the house of representatives a master compilation by project type of those projects proposed for funding during the 1977–79 biennium from the appropriations for waste disposal facilities and municipal and industrial water supply facilities. The department shall submit updates for the master compilation to such committees at six month intervals during the 1977–79 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made during the course of administering such projects. If the department proposes to change or modify any project list on the master compilation, it shall give the senate ways and means committee and the house appropriations committee thirty days written notice of such change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall inform such committees as soon as practicable of emergent federal action which has any effect whatsoever on the appropriations for waste disposal facilities and water supply facilities.

(6) The appropriation from the state and local improvements revolving account—municipal and industrial water supply facilities may be expended to pay up to fifty percent of the eligible cost of any project, as a grant or loan or combination thereof. Also, the department may loan up to one hundred percent of the eligible costs of preconstruction activities and the department may provide up to

one hundred percent of the costs necessary to meet the conditions required to receive federal funds.

(7) The appropriation from the state and local improvements revolving account—waste disposal facilities may be expended by the department to pay for up to fifty percent of the eligible cost of any project, as a grant or loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is hereby authorized to provide up to one hundred percent of the costs necessary to meet the conditions required to receive federal funds.

(8) No moneys provided herein shall be utilized until the director of the department delegates the sole and complete responsibility for administration of the state's National Pollutant Discharge Elimination System's permit program to the deputy or an assistant director of the department; and the director is authorized to so delegate.

**NEW SECTION. Sec. 76. FOR THE POLLUTION CONTROL HEARINGS BOARD**

General Fund Appropriation .....	\$	499,000
Total Appropriation .....	\$	499,000

**NEW SECTION. Sec. 77. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL**

General Fund Appropriation—State .....	\$	347,000
General Fund Appropriation—Private/Local .....	\$	968,000
Total Appropriation .....	\$	1,315,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$15,000 of the general fund appropriation—state shall be expended only for the costs of processing petitions or grievances filed pursuant to provisions of site certification agreements.

(2) The general fund appropriation—private/local shall be expended for direct application processing costs and inspection and determinations relative to monitoring the effects of construction and operation of a facility. \$232,185 may only be expended if SB 2910 or similar legislation is enacted into law authorizing the charging of applicants for direct application processing costs. The council shall submit a report to the senate ways and means committee and the house of representatives appropriations committee no later than January 1, 1979, on costs incurred and charged to applicants or certificate holders for direct application processing or surveillance monitoring costs during fiscal year 1978.

**NEW SECTION. Sec. 78. FOR THE SHORELINES HEARING BOARD**

General Fund Appropriation .....	\$	45,000
Total Appropriation .....	\$	45,000

**NEW SECTION. Sec. 79. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund Appropriation—State .....	\$	19,390,000
General Fund Appropriation—Federal .....	\$	463,000
General Fund—Trust Land Purchase Account Ap- propriation .....	\$	5,985,000

Motor Vehicle Fund Appropriation .....	\$	725,000
General Fund—Outdoor Recreation Account Appropriation .....	\$	70,000
General Fund—State and Local Improvement Revolving Account Appropriation—Public Recreation Facilities; Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess. ....	\$	842,000
Total Appropriation .....	\$	27,475,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The commission shall make no contractual agreements or receive any donation of real property or an interest therein which commits the commission to either assuming on a current basis or to requesting funds at a future time for operating, development, or acquisition costs without prior approval of the legislative budget committee or the senate ways and means committee and house appropriations committee if the legislature is in session.

(2) \$110,000 shall be expended within the park operation program for continuation of contractual agreements with Grays Harbor and Pacific counties for beach patrol and law enforcement on North Beach, South Beach, and Long Beach.

(3) Not more than \$15,000 shall remain unexpended for the contingent purpose of making a grant to the Port of Skagit County in the event that the planned operation of the historical railroad from Sedro Woolley to Concrete is not fully self-supporting in the first year of the operation.

(4) \$32,000 shall be expended exclusively for implementation of ESB 3002, only if ESB 3002 becomes law.

(5) For transfer to the state general fund an amount up to \$3,200,000 in excess of the cash requirements in the trust land purchase account, as determined by the office of program planning and fiscal management.

(6) The commission is authorized to transfer up to \$225,000 of the trust land purchase account appropriation to the department of natural resources and in return the department of natural resources is authorized to transfer approximately 147 acres of state forest lands, including timber adjacent to Sequest state park, to the commission and the department of natural resources shall expend the amount so transferred to acquire replacement forest lands in Cowlitz county.

**NEW SECTION. Sec. 80. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

General Fund—Outdoor Recreation Account Appropriation .....	\$	16,193,000
Total Appropriation .....	\$	16,193,000

The appropriation contained in this section shall be subject to the following condition or limitation:

Not more than \$871,000 of the Outdoor Recreation Account Appropriation shall be expended for administration.

**NEW SECTION. Sec. 81. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT**

General Fund Appropriation—State .....	\$	3,067,000
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General Fund Appropriation—Federal . . . . .	\$	32,000
Motor Vehicle Fund Appropriation . . . . .	\$	305,000
Total Appropriation . . . . .	\$	3,404,000

The appropriations contained in this section shall be subject to the following condition or limitation: No funds shall be expended for the Nuclear Energy Development program.

**NEW SECTION. Sec. 82. FOR THE DEPARTMENT OF FISHERIES**

General Fund Appropriation—State . . . . .	\$	23,410,000
General Fund Appropriation—Federal . . . . .	\$	3,824,000
General Fund Appropriation—Private/Local . . . . .	\$	1,168,000
General Fund—Lewis River Hatchery Account Ap- propriation . . . . .	\$	27,000
Vessel, Gear, License, and Permit Reduction Fund Appropriation . . . . .	\$	3,500,000
Total Appropriation . . . . .	\$	31,929,000

The appropriations contained in this section shall be subject to the following condition or limitation: \$300,000 of the general fund appropriation—state shall be expended within the salmon program for additional hatchery maintenance at existing department facilities.

**NEW SECTION. Sec. 83. FOR THE DEPARTMENT OF GAME**

General Fund Appropriation . . . . .	\$	42,000
General Fund—Outdoor Recreation Account Ap- propriation . . . . .	\$	141,000
Game Fund Appropriation—State . . . . .	\$	18,765,000
Game Fund Appropriation—Federal . . . . .	\$	7,924,000
Game Fund Appropriation—Private/Local . . . . .	\$	813,000
Game Fund—Special Wildlife Account Appropria- tion . . . . .	\$	142,000
Total Appropriation . . . . .	\$	27,827,000

**NEW SECTION. Sec. 84. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund Appropriation—State . . . . .	\$	15,228,000
General Fund Appropriation—Federal . . . . .	\$	2,293,000
General Fund—Landowner Contingency Forest Fire Suppression Account Appropriation . . . . .	\$	845,000
General Fund—Resource Management Cost Ac- count Appropriation . . . . .	\$	34,075,000
General Fund—Forest Development Account Ap- propriation . . . . .	\$	9,582,000
General Fund—State Timber Reserve Account Ap- propriation . . . . .	\$	2,389,000
General Fund—Outdoor Recreation Account Ap- propriation . . . . .	\$	1,228,000
Total Appropriation . . . . .	\$	65,640,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$50,000 shall be expended exclusively for conversion to the personnel/payroll system.

(2) All federal funds received by the department of natural resources shall be placed in the general fund—federal with the exception of federal funds received for the private forestry assistance and regulation program.

(3) If more than \$180,000 in Clark McNary funds are received for the private forestry assistance and regulation program a like amount of general fund moneys shall be placed in reserve.

(4) \$1,000,000 of the general fund—state appropriation shall be expended exclusively for emergency forest fire suppression. Such funds shall also be available for interfund loans with the landowners forest fire suppression account.

(5) The recreation program shall be split into two elements for accounting and allotment purposes: Maintenance and capital enhancement.

(6) \$230,000 of the general fund appropriation—state shall be expended by the department in a program directed toward the eradication of the star thistle weed (*centaurea solstitialis*), knapweed (*centaurea L.*), and bindweed (*convolvulus*). The department shall provide a one-third state share for problem areas to such lands which are privately owned if participating counties and individual landowners provide their equal one-third shares, and not to exceed \$30,000 for cooperative studies for control, demonstration plots, application rates, and timing, with the Department of Forestry and Range Management at Washington State University.

(7) \$1,873,000 (of which \$97,000 shall be from the forest development account appropriation, and \$737,000 shall be from the resource management cost account appropriation) shall be expended within the forest rehabilitation program for the operation of the Clearwater, Larch Mountain, Indian Ridge, and Northern State Hospital (Douglas Hall) honor camps.

**NEW SECTION. Sec. 85. FOR THE FOREST PRACTICES APPEALS BOARD**

General Fund Appropriation .....	\$	67,000
Total Appropriation .....	\$	67,000

**\*NEW SECTION. Sec. 86. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund Appropriation—State .....	\$	6,491,000
Commercial Feed Fund Appropriation .....	\$	269,000
General Fund—Feed and Fertilizer Account Approp- riation .....	\$	15,000
Fertilizer, Agricultural, Mineral and Lime Fund Ap- propriation .....	\$	269,000
Nursery Inspection Fund Appropriation .....	\$	232,000
Seed Fund Appropriation .....	\$	617,000
Grain and Hay Inspection Fund Appropriation .....	\$	6,602,000
Total Appropriation .....	\$	14,495,000



The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$160,000 of the general fund appropriation—state shall be expended by the department for its one-third share for the special tansy ragwort control program in conjunction with those county noxious weed control boards which have placed tansy ragwort on their noxious weed list. Continued state expenditures are conditioned on the continuation of payment of an equal one-third share by participating county noxious weed control boards and individual landowners. No county noxious weed control board or individual landowners shall be eligible for the state's one-third share unless such board or landowner has developed a range management program approved by the department in cooperation with the appropriate local or other agency responsible for said conservation. \$20,000 of the \$160,000 shall be expended in cooperation with Washington State University for completion of research into the poisonous properties of tansy ragwort (Senecio-Jacobaea).

(2) *\$150,000 of the general fund appropriation—state shall be expended within the seed branch division for the purpose of maintaining seed certification activities.*

(3) \$10,000 of the general fund appropriation—state shall be expended for the continued implementation of the starling control program.

\*Sec. 86. was partially vetoed, see message at end of chapter.

**NEW SECTION. Sec. 87. FOR THE AERONAUTICS COMMISSION**

General Fund Appropriation—State .....	\$	93,000
General Fund—Search and Rescue Account Appropriation .....	\$	48,000
General Fund—Aeronautics Account Appropriation .....	\$	740,000
Total Appropriation .....	\$	881,000

**NEW SECTION. Sec. 88. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

General Fund—Puget Sound Pilotage Account Appropriation .....	\$	8,000
Total Appropriation .....	\$	8,000

**NEW SECTION. Sec. 89. FOR THE STATE PATROL**

General Fund Appropriation—State .....	\$	7,957,000
General Fund Appropriation—Federal .....	\$	170,000
Motor Vehicle Fund Appropriation .....	\$	56,616,000
Total Appropriation .....	\$	64,743,000

**NEW SECTION. Sec. 90. FOR THE VEHICLE EQUIPMENT SAFETY COMMISSION**

Highway Safety Fund Appropriation .....	\$	7,000
Total Appropriation .....	\$	7,000

**NEW SECTION. Sec. 91. FOR THE TRAFFIC SAFETY COMMISSION**

Highway Safety Fund Appropriation—State .....	\$	271,000
Highway Safety Fund Appropriation—Federal .....	\$	3,940,000
Total Appropriation .....	\$	4,211,000

The appropriations contained in this section shall be subject to the following condition or limitation: \$110,000 shall be expended exclusively for a grant to the

city of Bremerton to provide additional supplemental salaries and equipment as may be required because of the impact of the Trident Submarine Support Base upon the city's current and future needs for traffic control, public safety, law enforcement, prosecutorial and municipal court services.

**NEW SECTION. Sec. 92. FOR THE DEPARTMENT OF MOTOR VEHICLES**

General Fund Appropriation .....	\$	5,232,000
General Fund—Architect's License Account Appropriation .....	\$	117,000
General Fund—Commercial Automobile Driver Training School Account Appropriation .....	\$	3,000
General Fund—Optician's Account Appropriation .....	\$	23,000
General Fund—Optometry Account Appropriation .....	\$	57,000
General Fund—Professional Engineer's Account Appropriation .....	\$	359,000
General Fund—Real Estate Commission Account Appropriation .....	\$	1,828,000
General Fund—Sanitarian's Licensing Account Appropriation .....	\$	13,000
General Fund—Board of Psychological Examiners Account Appropriation .....	\$	28,000
Game Fund Appropriation .....	\$	74,000
Highway Safety Fund Appropriation .....	\$	19,483,000
Motor Vehicle Fund Appropriation .....	\$	17,452,000
Total Appropriation .....	\$	44,669,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$70,000 of the general fund appropriation shall be expended for the dental disciplinary board.
- (2) \$350,000 of the general fund appropriation shall be contingent upon chapter ... (SHB 120), Laws of 1977 1st ex. sess. becoming law.

**NEW SECTION. Sec. 93. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Motor Vehicle Fund Appropriation .....	\$	172,000
Total Appropriation .....	\$	172,000

**\*NEW SECTION. Sec. 94. K-12 PROGRAM**

The appropriations contained in sections 95 through 109 of this act shall be subject to the following conditions and limitations:

- (1) No funds shall be transferred from appropriations contained within sections 96 through 109 of this act to supplement funds appropriated for the purpose of section 95 of this act.

*(2) No funds shall be expended directly or indirectly for purposes of advancing the development of occupational skill centers not operated in conjunction with a community college or Vocational-Technical Institute. Operations of skill centers in existence or those which have had their capital funds approved on the effective date of this act may be continued.*

(3) The superintendent shall have the authority to transfer one percent of the funds appropriated in sections 96 and 97 of this act for the respective purposes of those sections.

**(4) *The state board of education shall restore all educational service district boundaries as they existed prior to September 1, 1976.***

(5) It is the intent of the legislature to meet its obligation as set forth in Article IX, section 1 of the state Constitution, and in the superior court decision in the case of Seattle School District vs. the state of Washington. The appropriation contained in this section shall serve as the first step in this commitment by the legislature to phase in full funding of basic education so that for the 1980-81 school year and thereafter, the state will assume the full responsibility of funding basic education.

(6) For the purposes of sections 96 through 109 of this act, compensation includes benefits, and benefits are defined as seven percent of the district average salary for certificated staff and fourteen percent of the district average salary for classified staff.

**\*Sec. 94. was partially vetoed, see message at end of chapter.**

**NEW SECTION. Sec. 95. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)**

General Fund Appropriation—State .....	\$	9,644,000
General Fund Appropriation—Federal .....	\$	5,333,000
General Fund—Traffic Safety Education Account		
Appropriation .....	\$	313,000
Total Appropriation .....	\$	15,290,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$313,000 shall be expended for state office administration of the traffic safety education program.

(2) The superintendent may contract for services relating to proprietary educational clinics as an alternative education program for high school dropouts for not more than \$425,000 from funds appropriated by this section. The superintendent shall adopt rules and regulations to carry out the provisions of this section.

(3) The office of the superintendent of public instruction shall review the information required of local school districts by the superintendent and shall place priority on consolidation of reports and reducing collection of unnecessary information. Further attention shall be directed to insure the most efficient and economical means of collecting information from local school districts.

**NEW SECTION. Sec. 96. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—GENERAL APPORTIONMENT FOR FISCAL YEAR 1978**

General Fund Appropriation:		
For General Apportionment .....	\$	670,100,000
Total Appropriation .....	\$	670,100,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Of the appropriation contained in this section the superintendent is hereby authorized to distribute up to \$33,000,000 for compensation including benefit increases for certificated and classified staff in the common schools starting September 1, 1977. For the purpose of distributing these funds, the superintendent of public instruction shall determine the state maximum school district average compensation level including benefits for certificated staff for the 1976-77 school year and the state maximum school district average compensation level including benefits for classified staff for the 1976-77 school year.

Such state maximum compensation levels including benefits increased by four percent shall be the "maximum control levels" for certificated and classified staff for the purposes of this section.

For the purpose of distributing these funds for the 1977-78 school year, each school district shall receive average compensation level including benefit increases for certificated and classified staff respectively as follows:

- (a) Those school districts whose district average compensation level including benefits is above the state average compensation level including benefits for 1976-77, shall receive a six percent increase above the 1976-77 average compensation level including benefits: PROVIDED, That no district shall receive an increase which would raise average compensation levels including benefits above the "maximum control level" so defined.
- (b) Those school districts whose district average compensation level including benefits is below the state average compensation level including benefits for 1976-77, shall receive a nine percent increase above the 1976-77 average compensation levels up to an amount not to exceed six percent above the state average compensation level including benefits for 1976-77.

(2) The superintendent of public instruction is hereby authorized to direct from the moneys available for distribution pursuant to and under the conditions of subsection (1) of this section, such funds as may be necessary to grant salary increases for certificated and classified employees funded through state funded categorical programs including Educational Service Districts.

(3) Compensation including benefit increases for classified and certificated staff supported by federal programs or traffic safety education funds shall be subject to the conditions of subsection (1) of this section and paid from the respective revenue source.

(4) The weighting schedule used by the superintendent of public instruction during the 1977-78 fiscal year in computing the apportionment of funds for each school district shall be based on the following factors:

- (a) A base weighting factor of 1.0 for each full time equivalent student enrolled;
- (b) An additional weighting factor of 1.0 for each full time equivalent student enrolled in vocational education in grades 9-12 which is approved by the superintendent of public instruction;
- (c) Continuation of the weighting factors used by the superintendent of public instruction for the purpose of reimbursement

to each school district for costs resulting from staff education and experience greater than the minimum requirements. The superintendent of public instruction shall employ the staff characteristic factor of the respective local districts established in the immediately preceding school year for purposes of distribution during the 1977-78 fiscal year;

- (d) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for school districts enrolling not more than 250 full time equivalent students in grades 9-12;
- (e) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for nonhigh school districts enrolling not more than 100 full time equivalent students which districts have been judged to be remote and necessary by the state board of education;
- (f) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for small school plants which are judged remote and necessary within any school district by the state board of education;
- (g) An additional weighting factor for a period of not more than four years, for any consolidated school district formed after July 1, 1971, equal to the additional weighting factor in effect in each qualifying district during the school year immediately preceding consolidation, which district consists of one or more former school districts which were either remote and necessary or which contained not more than 250 students in grades 9-12;
- (h) An additional weighting factor of 0.25 for full time equivalent students residing on tax exempt property as set forth in RCW 28A.41.140(6)(b) or (c); and
- (i) An additional weighting factor of 0.25 for full time equivalent students in an approved interdistrict cooperative program as authorized by RCW 28A.41.140(6)(a) and 28A.58.075.

(5) During the 1977-78 school year the superintendent of public instruction shall distribute not more than \$1,627,000 of the funds appropriated by this section, outside of the apportionment formula to school districts of which \$480,000 shall be for the following purposes:

- (a) To pay fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by the provisions of RCW 52.36.020 by the expenditure of not more than \$280,000;
- (b) To pay for school district emergencies by the expenditure of not more than \$200,000.

**NEW SECTION.** Sec. 97. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION ALLOCATION FOR FISCAL YEAR 1979

General Fund Appropriation . . . . .	\$	770,674,000
Total Appropriation . . . . .	\$	770,674,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) The allocation of moneys for a basic education allocation per annual average full time equivalent student for the 1978-79 school year in each school district shall be determined by the superintendent of public instruction as follows: PROVIDED, That such basic education allocation so determined shall be converted and distributed on an annual average full time equivalent student basis:

- (a) Respecting certificated employees: A numerical allocation of one certificated staff unit shall be established for each average annual twenty-three and one-half full time equivalent kindergarten, elementary, and secondary students;
- (b) Respecting certificated employees: A numerical allocation of one certificated staff unit shall be established for each average annual nineteen and six-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction;
- (c) Respecting certificated employees: Numerical allocations of certificated staff units shall be established for districts enrolling not more than one hundred average annual full time equivalent students and for small school plants within any school district, which such districts or small plants have been judged to be remote and necessary by the state board of education as follows:
  - (i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, two and one-half certificated staff units;
  - (ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty-three and one-half annual average full time equivalent students;
  - (iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, eighty-five hundredths certificated staff unit;
  - (iv) For grades 7 and 8, for enrollments above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty-three and one-half annual average full time equivalent students.
- (d) Respecting certificated employees: Numerical allocations of certificated staff units shall be established for districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students as follows:

- (i) Eight and one-tenth certificated staff units for the first sixty annual average full time equivalent students;
- (ii) Additional certificated staff units based upon a ratio of eighty-five hundredths certificated staff unit per forty-three and one-half average annual full time equivalent students.
- (e) Compensation including benefits shall be calculated as herein provided for certificated staff units generated in subsections (a) through (d) above as follows:
  - (i) For the purposes of this subsection each district's 1977-78 average compensation levels including benefits shall mean such district's 1976-77 average compensation including benefits increased pursuant to section 96(1) of this act. "Maximum control levels" shall mean the "maximum control levels" established in section 96(1) of the act increased by four percent:
  - (ii) Compensation including benefits for those school districts whose 1977-78 average certificated compensation level including benefits is above the 1977-78 state average compensation level including benefits will be calculated on the basis of the 1977-78 district average compensation level including benefits increased by six percent: PROVIDED, That no district shall receive in excess of the "maximum control level".
  - (iii) Compensation including benefits for those school districts whose 1977-78 average certificated compensation level including benefits is below the 1977-78 state average compensation level including benefits will be calculated by utilizing the 1977-78 district average compensation level including benefits increased by nine percent up to an amount not to exceed a six percent for any school district above the state average: PROVIDED, That for such districts the superintendent of public instruction shall utilize, pursuant to the provisions of section 4, chapter ...(SHB 1086), Laws of 1977 1st ex. sess., the actual 1977-78 compensation level including benefits for the purpose of calculating the entitlement for compensation including benefits increases as provided for in this subsection.
- (f) The total basic education allocation for certificated employees shall be established for each district by using the salary determinations established in subsection (e) above multiplied by the numerical allocations determined in subsections (a), (b), (c), and (d) above.
- (g) Respecting classified employees: A numerical allocation of one classified staff unit for each three certificated staff units as computed for the purposes of subsections (a), (c) and (d) above for each school district shall be established. Compensation including benefits shall be calculated as herein provided for classified staff units generated in this subsection as follows:

- (i) For the purposes of this subsection each district's 1977-78 average compensation levels including benefits shall mean such district's 1976-77 average compensation including benefits increased pursuant to section 96(1) of this act. "Maximum control levels" shall mean the "maximum control levels" established in section 96(1) of this act increased by four percent:
- (ii) Compensation including benefits for those school districts whose 1977-78 average classified compensation level including benefits is above the 1977-78 state average compensation level including benefits will be calculated on the basis of the 1977-78 district average compensation level including benefits increased by six percent: PROVIDED, That no district shall receive in excess of the "maximum control level".
- (iii) Compensation including benefits for those school districts whose 1977-78 average classified compensation level including benefits is below the 1977-78 state average compensation level including benefits will be calculated by utilizing the 1977-78 district average compensation level including benefits increased by nine percent up to an amount not to exceed a six percent for any school district above the state average: PROVIDED, That for such districts the superintendent of public instruction shall utilize, pursuant to the provisions of section 4, chapter... (SHB 1086), Laws of 1977 1st ex. sess., the actual 1977-78 compensation level including benefits for the purpose of calculating the entitlement for compensation including benefits increases as provided for in this subsection.
- (h) The total basic education allocation for classified employees shall be established for each district by using the salary determination referred to in subsection (g) above multiplied by the numerical allocation established in subsection (g) above. In addition, each school district shall receive as part of the basic education allocation, for classified employee benefits, an amount to reimburse such district for their payments to the old-age and survivors insurance system embodied in the social security act, for employee retirement, industrial insurance, or any other benefit program mandated by the legislature for their classified staff units.
- (i) Respecting nonemployee related costs: The allocation of additional moneys for nonemployee related costs for 1978-79 school year shall utilize the number of certificated staff units as computed for the purposes of subsections (a), (c), and (d) above, multiplied by \$3,650 for each such certificated staff unit.

(2) Not more than \$6,601,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1978-79 school year from the 1977-78 base enrollment level, the Superintendent of



Public Instruction shall distribute funds based on certificated staff units in the 1978-79 school year to such districts on the basis of the 1978-79 enrollment plus one-half the amount of the enrollment decline from the 1977-78 level. The superintendent of public instruction in ascertaining the full time equivalent enrollment under this section for any school district declining in enrollment at a rate of at least four percent, or 300 full time equivalent students, whichever is less, from the immediately preceding year, shall increase the enrollment as otherwise herein computed by fifty percent of the full time equivalent pupil enrollment loss from the previous year.

(3) Of the appropriation contained in this section the superintendent is hereby authorized to distribute up to \$11,096,000 for salary increases for certificated and classified staff in the state funded categorical programs including Educational Service Districts as of September 1, 1978. The superintendent shall determine the salary increase pursuant to the conditions in subsections (e) and (g) above.

(4) Salary increases for classified and certificated staff supported by federal programs or traffic safety education funds shall be subject to the conditions of subsections (e) and (g) and paid from the respective revenue source.

(5) To implement the provisions of chapter ... (SHB 480), Laws of 1977 1st ex. sess., \$600,000 shall be made available from this appropriation with any additional funds that should be required to implement the provision of chapter ... (SHB 480), Laws of 1977 1st ex. sess., coming from local or federal funds.

(6) The superintendent shall insure that in implementing the provisions of this section no school district shall receive fewer state dollars per annual average full time equivalent student than it received under the provisions of section 96 of this act.

(7) During the 1978-79 school year the superintendent of public instruction shall distribute not more than \$7,773,000 of the funds appropriated by this section, outside of the basic education allocation to school districts, of which \$530,000 shall be for the following purposes: To pay fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by the provisions of RCW 52.36.020 by the expenditure of not more than \$280,000; To pay for school district emergencies by the expenditure of not more than \$250,000.

**NEW SECTION. Sec. 98. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund Appropriation . . . . .	\$	87,553,000
Total Appropriation . . . . .	\$	87,553,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) The appropriation contained in this section shall be expended exclusively for transportation of students "to and from" public schools and/or to approved learning centers and shall be expended in accordance with the provisions of chapter 392-141 WAC as such chapter exists on the effective date of this act. Sufficient funds are provided to reimburse school districts at a rate not to exceed 85 percent during the first year of the biennium and at a rate not to exceed 90 percent during the second year of the biennium: PROVIDED, That the superintendent shall make

such reimbursements only to the extent necessary to reach the funding levels herein provided. Any portion of this appropriation not required to fund the respective reimbursement levels shall be placed in reserve and revert to the general fund at the end of each respective fiscal year.

(2) The superintendent shall distribute not more than \$415,000 for regional transportation coordinators.

**NEW SECTION. Sec. 99. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES**

General Fund Appropriation .....	\$	28,375,000
Total Appropriation .....	\$	28,375,000

The appropriation contained in this section shall be subject to the following condition or limitation: The superintendent shall distribute not less than 5 percent of this total appropriation exclusively for the purchase of instructional equipment. The superintendent shall recognize the differences among the programs at the vocational-technical institutes in distributing funds for instructional equipment: PROVIDED, That such distribution shall be exclusively for the support of core curriculum programs.

**NEW SECTION. Sec. 100. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund Appropriation—State .....	\$	4,941,000
General Fund Appropriation—Federal .....	\$	55,199,000
Total Appropriation .....	\$	60,140,000

**NEW SECTION. Sec. 101. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EXCESS COSTS**

General Fund Appropriation—State .....	\$	80,208,000
General Fund Appropriation—Federal .....	\$	12,594,000
Total Appropriation .....	\$	92,802,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) The number of students receiving special education for learning language disabilities shall be increased from 1.5 percent to 1.75 percent of the total student enrollment during the 1977-78 school year.
- (2) The number of students receiving special education for learning language disabilities shall be increased from 1.75 percent to 2.0 percent of the total student enrollment during the 1978-79 school year.
- (3) Handicapped program categories are budgeted for on the student-teacher ratios provided for by the rules and regulations adopted by the superintendent of public instruction with the exception of resource rooms which are budgeted for on a ratio of 35 students to 1 teacher.
- (4) Federal funds appropriated by this section shall be for the purpose of program improvement.
- (5) The superintendent shall distribute not more than \$75,000 for implementation of the eye safety program.

(6) The superintendent shall distribute not more than \$36,000 for continuation of the program to instruct teachers and school nurses in the techniques for recognizing and caring for epileptic students.

**NEW SECTION. Sec. 102. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE TRAFFIC SAFETY PROGRAM**

General Fund—Traffic Safety Education Account

Appropriation . . . . .	\$	12,436,000
Total Appropriation . . . . .	\$	12,436,000

The appropriation contained in this section shall be subject to the following condition or limitation: School districts shall place first priority on reducing the participation fee charged to students for receiving traffic safety education from any increased reimbursement percentage received pursuant to this section.

**NEW SECTION. Sec. 103. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund Appropriation . . . . . \$ 5,894,000  
 General Fund—Traffic Safety Education Account

Appropriation . . . . .	\$	330,000
Total Appropriation . . . . .	\$	6,224,000

The appropriations contained in this section shall be subject to the following condition or limitation: \$250,000 of the general fund appropriation shall be for Cispus Environmental learning center for fiscal year 1978. Prior to November 15, 1977, the office of program planning and fiscal management shall submit a report to the governor, the house appropriations committee, and the senate ways and means committee analyzing the present usage of Cispus. The report shall contain but not be limited to the following information: A five year fiscal and program analysis on the maintenance and operation of continuing Cispus as an environmental learning center, and alternative uses for Cispus with a five year fiscal and program analysis of each alternative use.

**NEW SECTION. Sec. 104. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR URBAN RURAL RACIAL DISADVANTAGED PROGRAMS**

General Fund Appropriation . . . . .	\$	9,980,000
Total Appropriation . . . . .	\$	9,980,000

**NEW SECTION. Sec. 105. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE INSTITUTIONAL EDUCATION PROGRAMS**

General Fund Appropriation—State . . . . .	\$	10,864,000
General Fund Appropriation—Federal . . . . .	\$	3,654,000
Total Appropriation . . . . .	\$	14,518,000

The appropriation contained in this section shall be sufficient to provide educational programs for a 220 day school year.

**NEW SECTION. Sec. 106. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CULTURAL ENRICHMENT PROGRAMS**

General Fund Appropriation . . . . .	\$	979,000
Total Appropriation . . . . .	\$	979,000

**NEW SECTION. Sec. 107. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE PACIFIC SCIENCE CENTER FOR MATHEMATICS AND SCIENCE EDUCATION SERVICES TO BE PROVIDED PUBLIC SCHOOL STUDENTS AND TEACHERS**

General Fund Appropriation .....	\$	261,000
Total Appropriation .....	\$	261,000

The appropriation contained in this section shall be subject to the following condition or limitation: It shall be expended exclusively for the purpose of implementing the contract for educational services between the Pacific Science Center and the superintendent of public instruction. The transfer of title to the astronomy education facility and equipment to the Pacific Science Center Foundation or its successor shall be at such time as the value of educational services provided to public school students and teachers exceeds the costs reimbursed by the superintendent of public instruction and participating school districts by an amount equivalent to at least the cost to the superintendent of public instruction for the construction and acquisition of such facility and equipment.

**NEW SECTION. Sec. 107A. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GIFTED SPECIAL PROGRAMS**

General Fund Appropriation .....	\$	986,000
Total Appropriation .....	\$	986,000

The appropriation contained in this section shall be subject to the following condition or limitation: For the 1977–79 biennium the superintendent shall contract \$178,000 of this appropriation for services to support an approved gifted program to be conducted at Fort Worden state park.

**NEW SECTION. Sec. 107B. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE-WIDE DATA PROCESSING PROGRAM**

General Fund Appropriation .....	\$	828,000
Total Appropriation .....	\$	828,000

**NEW SECTION. Sec. 108. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES**

General Fund Appropriation—Federal .....	\$	72,728,000
Total Appropriation .....	\$	72,728,000
Elementary and Secondary Education Act of 1965 .....	\$	68,356,000
Education of Indian Children .....	\$	1,800,000
Adult Basic Education .....	\$	2,572,000

**NEW SECTION. Sec. 109. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENCUMBRANCE OF FEDERAL GRANTS**

General Fund Appropriation—Federal .....	\$	24,007,000
Total Appropriation .....	\$	24,007,000

**\*NEW SECTION. Sec. 110. COMMUNITY COLLEGE EDUCATION.** The appropriations contained in sections 111 through 116 of this act shall be subject to the following conditions and limitations:

(1) The base system-wide formula funding levels included in the appropriations made in sections 111 through 116 of this act for each year of the biennium are:

- (a) Student services program—55.8% of formula entitlements;
- (b) Operation and maintenance program:
  - (i) 100% of formula entitlement for fixed costs; and
  - (ii) 60% of formula entitlement for variable costs;
- (c) Library services program:
  - (i) 55% of formula entitlement for staffing; and
  - (ii) 54% of formula entitlement for collections;
- (d) Instruction program:
  - (i) 72% of formula entitlement for faculty staffing; and
  - (ii) 60% of formula entitlement for support staff and operations.

(2) The state board for community college education shall not transfer more than 8% of the funds generated by the formula entitlements set forth in subsection (1) of this section between programs. Such transfers are subject to review and approval by the office of program planning and fiscal management. If any transfers between programs, up to the limit authorized by this subsection, are made the state board shall report the amounts and purposes of such transfers to the senate ways and means committee and house appropriations committee at the beginning of each session of the legislature.

**(3) The legislature directs that Olympia Technical Community College shall not become a comprehensive community college and shall offer only those courses essential to vocational education.**

(4) The appropriations contained in sections 112 through 116 of this act shall be contingent on chapter ... (SSB 2435), Laws of 1977 1st ex. sess. becoming law.

**(5) The average full time faculty direct classroom contact hours for the community college system shall be at least 19 hours per week. Faculty direct classroom contact hours are defined as the actual number of hours of weekly instructional contact between the full time faculty member and the class in the case of scheduled classes and between the full time faculty member and the student enrolled in individual instruction courses. Office hours and informal student/faculty contact shall not be included except where specifically related to individual instruction courses. The council for postsecondary education shall develop uniform guidelines and reporting requirements to carry out the provisions of this subsection and shall monitor, each quarter or semester, institutional conformance to the provisions and guidelines. The council for postsecondary education shall provide a report to the house appropriations committee and the senate ways and means committee by February 1, 1978, on the fall quarter 1978 experience and a similar report by October 1, 1979, on the 1978-79 average annual experience.**

\*Sec. 110. was partially vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 110A. The state board for community college education and the boards of trustees for community college districts thirteen and fourteen may waive the payment of nonresident fees by residents of Clatsop, Columbia, Washington, Multnomah, and Hood River counties, Oregon, for the duration of the 1977-79 biennium, contingent upon evidence that similar waivers are made for residents of Cowlitz, Clark, Pacific, or Wahkiakum counties, Washington, to attend any of the following Oregon institutions: Clatsop, Portland, or Mount Hood community colleges, or Portland state university.**

*The council for postsecondary education, in cooperation with the state board for community college education, shall undertake a study of the effects on costs and participation rates of such reciprocity arrangements, as well as the feasibility of other reciprocity agreements involving the states of Idaho and Oregon. The council for postsecondary education shall work with the above referenced Oregon institutions and their governing bodies to secure maximum participation by the state of Oregon. The council shall, to the extent possible, involve interested legislators, groups, and institutions in such efforts. The council for postsecondary education shall present its report with recommendations to the 46th regular session of the Washington state legislature.*

\*Sec. 110A. was vetoed, see message at end of chapter.

**NEW SECTION. Sec. 111. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM**

General Fund Appropriation . . . . .	\$	2,204,000
Total Appropriation . . . . .	\$	2,204,000

**NEW SECTION. Sec. 112. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE INSTRUCTIONAL SERVICES PROGRAM**

General Fund Appropriation . . . . .	\$	159,411,000
Total Appropriation . . . . .	\$	159,411,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) \$6,523,000 shall be expended for the purchase and repair of instructional equipment.
- (2) \$1,818,000 shall be expended for the small school adjustment to Whatcom, Olympia Technical, Big Bend, Peninsula, Grays Harbor, Wenatchee Valley, Centralia, Lower Columbia, and Skagit Valley Community Colleges. The distribution of such funds shall be based on a percent of formula entitlement for faculty staffing which shall be increased at the rate of one percentage point above the 72% base level for each 100 FTE students below the 2,500 enrollment level, except that no college shall be funded in excess of 87% of formula.

**NEW SECTION. Sec. 113. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE LIBRARY SERVICES PROGRAM**

General Fund Appropriation . . . . .	\$	13,841,000
Total Appropriation . . . . .	\$	13,841,000

**NEW SECTION. Sec. 114. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE STUDENT SERVICES PROGRAM**

General Fund Appropriation . . . . .	\$	22,836,000
Total Appropriation . . . . .	\$	22,836,000

The appropriation contained in this section shall be subject to the following condition or limitation: \$1,000,000 shall be distributed by the state board and expended for the continuation of programs for minority and disadvantaged students.

**NEW SECTION. Sec. 115. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE INSTITUTIONAL SUPPORT PROGRAM**

General Fund Appropriation . . . . .	\$	28,621,000
Total Appropriation . . . . .	\$	28,621,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$1,242,000 contained in this appropriation shall be expended for the maintenance and development of the management information system and such funds shall be expended only pursuant to a plan approved by the Washington State Data Processing Authority.

**NEW SECTION. Sec. 116. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM**

General Fund Appropriation . . . . .	\$	33,043,000
Total Appropriation . . . . .	\$	33,043,000

**\*NEW SECTION. Sec. 117. HIGHER EDUCATION.**

The appropriations contained in sections 118 through 148 of this act shall be subject to the following conditions and limitations:

(1) The base formula funding for the four year institutions of higher education, unless otherwise provided for in sections 118 through 148 of this act, for each year of the biennium are based in part on special nonformula items and in part on the following formula entitlements:

- (a) Student services program—75% of formula entitlement;
- (b) Plant operations and maintenance program:
  - (i) 60% of formula entitlement for variable costs; and
  - (ii) 100% of formula entitlement for fixed costs;
- (c) Instruction and departmental research—General program:
  - (i) 70% of formula entitlement for faculty staffing for the University of Washington and Washington State University;
  - (ii) 72% of formula entitlement for faculty staffing for the four year state colleges; and
  - (iii) 75% of formula entitlement for faculty support;
- (d) Libraries program—55% of formula entitlement for staffing.

(2) The four year institutions of higher education are authorized to transfer up to five percent of the amount appropriated for any specific program or programs upon review and approval by the office of program planning and fiscal management. If any transfers between programs, up to the limit authorized by this subsection, are made the institution shall report the amount and purpose of any such transfer to the senate ways and means committee and the house appropriations committee at the beginning of each session of the legislature.

(3) No funds appropriated by sections 118 through 148 of this act shall be used for the inauguration or operation of any new degree program until such program has been reviewed and recommended by the council for postsecondary education.

(4) The appropriations contained in sections 118 through 148 of this act shall be contingent on chapter ... (SSB 2435), Laws of 1977 1st ex. sess. becoming law.

*(5) The average full time faculty direct classroom contact hours shall be at least 12 hours per week for the two universities and 14 hours per week for the four state colleges. Faculty direct classroom contact hours are defined as the actual number of hours of weekly instructional contact between the full time faculty member and the class in the case of scheduled classes and between the full time faculty member and the student enrolled in individual instruction courses. Office hours and informal student/faculty contact shall not be included except where specifically related to individual instruction courses. The council for postsecondary education shall develop uniform guidelines and reporting requirements to carry out the provisions of this subsection and shall monitor, each quarter or semester, institutional conformance to the provisions and guidelines. The council for postsecondary education shall provide a report to the house appropriations committee and the senate ways and means committee by February 1, 1978, on the fall quarter 1978 experience and a similar report by October 1, 1979, on the 1978-79 average annual experience.*

\*Sec. 117. was partially vetoed, see message at end of chapter.

**NEW SECTION. Sec. 118. FOR THE UNIVERSITY OF WASHINGTON—FOR THE INSTRUCTIONAL SERVICES PROGRAM**

General Fund Appropriation .....	\$	151,398,000
Accident Fund Appropriation .....	\$	748,000
Medical Fund Appropriation .....	\$	748,000
Total Appropriation .....	\$	152,894,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$447,000 shall be expended for the Joint Center for Graduate Study—Richland.

(2) \$1,100,000 shall be for Family Medicine Education and Residency Programs provided for by chapter 70.112 RCW.

**NEW SECTION. Sec. 119. FOR THE UNIVERSITY OF WASHINGTON—FOR THE LIBRARIES PROGRAM**

General Fund Appropriation .....	\$	15,993,000
Total Appropriation .....	\$	15,993,000

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 80.46% of such formula entitlement for collections for the first year of the 1977-79 biennium and is at 80.73% of such formula entitlement for collections for the second year of the 1977-79 biennium and is at 75% of such formula entitlement for staffing for the 1977-79 biennium and is further based in part on special nonformula items.

**NEW SECTION. Sec. 120. FOR THE UNIVERSITY OF WASHINGTON—FOR THE STUDENT SERVICES PROGRAM**

General Fund Appropriation .....	\$	8,980,000
Total Appropriation .....	\$	8,980,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not less than \$1,900,000 shall be expended for the Educational Opportunity Program.



**NEW SECTION. Sec. 121. FOR THE UNIVERSITY OF WASHINGTON—FOR THE UNIVERSITY HOSPITAL PROGRAM**

General Fund Appropriation .....	\$ 16,207,000
Total Appropriation .....	\$ 16,207,000

**NEW SECTION. Sec. 122. FOR THE UNIVERSITY OF WASHINGTON—FOR THE INSTITUTIONAL SUPPORT PROGRAM**

General Fund Appropriation .....	\$ 24,709,000
Total Appropriation .....	\$ 24,709,000

**NEW SECTION. Sec. 123. FOR THE UNIVERSITY OF WASHINGTON—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM**

General Fund Appropriation .....	\$ 31,238,000
Total Appropriation .....	\$ 31,238,000

**NEW SECTION. Sec. 124. FOR WASHINGTON STATE UNIVERSITY—FOR THE INSTRUCTIONAL SERVICES PROGRAM**

General Fund Appropriation .....	\$ 89,821,000
Total Appropriation .....	\$ 89,821,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$421,000 shall be expended for the Joint Center for Graduate Study—Richland.

(2) Not less than \$508,000 shall be expended for the support of Washington State University's participation in the WAMI Program.

**NEW SECTION. Sec. 125. FOR WASHINGTON STATE UNIVERSITY—FOR THE LIBRARIES PROGRAM**

General Fund Appropriation .....	\$ 7,478,000
Total Appropriation .....	\$ 7,478,000

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 69.36% of such formula entitlement for collections for the first year of the 1977–79 biennium and is at 70.40% of such formula entitlement for collections for the second year of the 1977–79 biennium and is at 60% of such formula entitlement for staffing for the 1977–79 biennium and is further based in part on special nonformula items.

**NEW SECTION. Sec. 126. FOR WASHINGTON STATE UNIVERSITY—FOR THE STUDENT SERVICES PROGRAM**

General Fund Appropriation .....	\$ 5,609,000
Total Appropriation .....	\$ 5,609,000

**NEW SECTION. Sec. 127. FOR WASHINGTON STATE UNIVERSITY—FOR THE INSTITUTIONAL SUPPORT PROGRAM**

General Fund Appropriation .....	\$ 11,227,000
Total Appropriation .....	\$ 11,227,000

**NEW SECTION. Sec. 128. FOR WASHINGTON STATE UNIVERSITY—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM**

General Fund Appropriation .....	\$	17,611,000
Total Appropriation .....	\$	17,611,000

**NEW SECTION. Sec. 129. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE INSTRUCTIONAL SERVICES PROGRAM**

General Fund Appropriation .....	\$	22,214,000
Total Appropriation .....	\$	22,214,000

**NEW SECTION. Sec. 130. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM**

General Fund Appropriation .....	\$	2,243,000
Total Appropriation .....	\$	2,243,000

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 85.28% of such formula entitlement for collections in the first year of the 1977-79 biennium and is at 86.39% of such formula entitlement for collections in the second year of the 1977-79 biennium.

**NEW SECTION. Sec. 131. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM**

General Fund Appropriation .....	\$	2,378,000
Total Appropriation .....	\$	2,378,000

**NEW SECTION. Sec. 132. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE INSTITUTIONAL SUPPORT PROGRAM**

General Fund Appropriation .....	\$	4,303,000
Total Appropriation .....	\$	4,303,000

**NEW SECTION. Sec. 133. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM**

General Fund Appropriation .....	\$	6,886,000
Total Appropriation .....	\$	6,886,000

**NEW SECTION. Sec. 134. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE INSTRUCTIONAL SERVICES PROGRAM**

General Fund Appropriation .....	\$	20,475,000
Total Appropriation .....	\$	20,475,000

The appropriation contained in this section shall be subject to the following condition or limitation: \$50,000 shall be used for the development and operation of educational services in the Tri-Cities: PROVIDED, That Central Washington State College present its plan for the delivery of educational services in the Tri-Cities to the Council for Postsecondary Education and such plan is favorably reviewed and recommended by the Council.

**NEW SECTION. Sec. 135. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM**

General Fund Appropriation .....	\$	2,876,000
Total Appropriation .....	\$	2,876,000

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 90.28% of such formula entitlement for collections in the first year of the 1977-79 biennium and is at 91.31% of such formula entitlement for collections in the second year of the 1977-79 biennium.

**NEW SECTION. Sec. 136. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM**

General Fund Appropriation .....	\$	2,316,000
Total Appropriation .....	\$	2,316,000

**NEW SECTION. Sec. 137. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE INSTITUTIONAL SUPPORT PROGRAM**

General Fund Appropriation .....	\$	4,266,000
Total Appropriation .....	\$	4,266,000

**NEW SECTION. Sec. 138. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM**

General Fund Appropriation .....	\$	5,435,000
Total Appropriation .....	\$	5,435,000

**NEW SECTION. Sec. 139. FOR THE EVERGREEN STATE COLLEGE—FOR THE INSTRUCTIONAL SERVICES PROGRAM**

General Fund Appropriation .....	\$	8,053,000
Total Appropriation .....	\$	8,053,000

**NEW SECTION. Sec. 140. FOR THE EVERGREEN STATE COLLEGE—FOR THE LIBRARIES PROGRAM**

General Fund Appropriation .....	\$	2,174,000
Total Appropriation .....	\$	2,174,000

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 96.62% of such formula entitlement for collections in the first year of the 1977-79 biennium and is at 97.48% of such formula entitlement for collections in the second year of the 1977-79 biennium.

**NEW SECTION. Sec. 141. FOR THE EVERGREEN STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM**

General Fund Appropriation .....	\$	996,000
Total Appropriation .....	\$	996,000

**NEW SECTION. Sec. 142. FOR THE EVERGREEN STATE COLLEGE—FOR THE INSTITUTIONAL SUPPORT PROGRAM**

General Fund Appropriation .....	\$	2,717,000
Total Appropriation .....	\$	2,717,000

**NEW SECTION. Sec. 143. FOR THE EVERGREEN STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM**

General Fund Appropriation .....	\$	4,002,000
Total Appropriation .....	\$	4,002,000

**NEW SECTION. Sec. 144. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE INSTRUCTIONAL SERVICES PROGRAM**

General Fund Appropriation .....	\$	26,651,000
Total Appropriation .....	\$	26,651,000

**NEW SECTION. Sec. 145. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM**

General Fund Appropriation .....	\$	3,178,000
Total Appropriation .....	\$	3,178,000

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 88.93% of such formula entitlement for collections in the first year of the 1977-79 biennium and is at 90.00% of such formula entitlement for collections in the second year of the 1977-79 biennium.

**NEW SECTION. Sec. 146. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM**

General Fund Appropriation .....	\$	3,279,000
Total Appropriation .....	\$	3,279,000

**NEW SECTION. Sec. 147. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE INSTITUTIONAL SUPPORT PROGRAM**

General Fund Appropriation .....	\$	5,431,000
Total Appropriation .....	\$	5,431,000

**NEW SECTION. Sec. 148. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM**

General Fund Appropriation .....	\$	5,885,000
Total Appropriation .....	\$	5,885,000

**NEW SECTION. Sec. 149. FOR THE COMPACT FOR EDUCATION**

General Fund Appropriation .....	\$	34,000
Total Appropriation .....	\$	34,000

**NEW SECTION. Sec. 150. FOR THE COUNCIL FOR POSTSECONDARY EDUCATION**

General Fund Appropriation—State .....	\$	12,476,000
General Fund Appropriation—Federal .....	\$	2,290,000
Total Appropriation .....	\$	14,766,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) From such funds as are included for student financial aid in this appropriation, the Council shall make the largest possible distribution to the State Work Study program consistent with estimates of employment opportunities for students.

(2) Not more than \$25,000 shall be expended to continue reviewing existing and developing new Instructional and Library formulas.

(3) Not more than \$25,000 shall be expended to study and make recommendations on the curriculum and costs of The Evergreen State College. The study shall

determine the actions necessary to broaden the institutions clientele base by introducing traditional undergraduate and graduate course offering and reduce the institutions total operating costs per FTE student to the average cost per FTE student at the other three state colleges.

**NEW SECTION. Sec. 151. FOR THE COMMISSION ON VOCATIONAL EDUCATION**

General Fund Appropriation—State . . . . .	\$	2,806,000
General Fund Appropriation—Federal . . . . .	\$	18,310,000
Total Appropriation . . . . .	\$	21,116,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) No state funds shall be expended by the Advisory Council for Vocational Education.
- (2) \$280,000 of the \$18,310,000 general fund appropriation—federal shall be expended for fire service training special research projects.
- (3) Additional state funds in excess of those provided for by the appropriations contained in this section to secure maximum or replace anticipated federal funds shall be considered upon justification therefor.

**NEW SECTION. Sec. 152. FOR THE HIGHER EDUCATION PERSONNEL BOARD**

Higher Education Personnel Board Service Fund Ap- propriation . . . . .	\$	910,000
Total Appropriation . . . . .	\$	910,000

**NEW SECTION. Sec. 153. FOR THE STATE LIBRARY**

General Fund Appropriation—State . . . . .	\$	5,433,000
General Fund Appropriation—Federal . . . . .	\$	2,494,000
General Fund Appropriation—Private . . . . .	\$	840,000
Washington Library Network Data Processing System Revolving Fund Appropriation—State . . . . .	\$	1,188,000
Washington Library Network Data Processing System Revolving Fund Appropriation—Private/Local . . . . .	\$	4,503,000
Total Appropriation . . . . .	\$	14,458,000

**NEW SECTION. Sec. 154. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund Appropriation—State . . . . .	\$	675,000
General Fund Appropriation—Federal . . . . .	\$	845,000
Indian Cultural Center Construction Account Appo- priation—State . . . . .	\$	1,000,000
Total Appropriation . . . . .	\$	2,520,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) No bonds authorized by chapter 128, Laws of 1975-'76 2nd ex. sess. shall be sold until not less than \$2,700,000 in additional federal and private funding is provided or secured.

(2) The Indian Cultural Center Construction Account Appropriation contained in this section shall be expended exclusively for a grant to the City of Seattle for planning, acquisition, design, construction, furnishing, and landscaping of a regional Indian cultural and educational facility designated as the "People's Lodge" and located at Discovery Park or any site in Seattle, agreed to by the city.

**NEW SECTION. Sec. 155. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation .....	\$	455,000
Total Appropriation .....	\$	455,000

**NEW SECTION. Sec. 156. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation .....	\$	408,000
Total Appropriation .....	\$	408,000

**NEW SECTION. Sec. 157. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION**

General Fund Appropriation .....	\$	388,000
General Fund—State Capitol Historical Association		
Museum Account Appropriation .....	\$	46,000
Total Appropriation .....	\$	434,000

The appropriation contained in this section shall be subject to the following condition or limitation: No more than \$25,000 of the general fund appropriation shall be expended exclusively for a study to be submitted no later than November 1, 1978, to the senate ways and means committee and the house of representatives appropriation committee and the standing state government committees of the legislature to determine the potential of developing a self-supportive basis for the state capitol museum through permissible business enterprises or other activities which will provide profit to the museum. The intent of this study is to determine whether or not it is possible for a state museum to provide for its own financial support without state support. The study will include what is being done in other states, an economic assessment of the potential in this state, an implementation plan, and a draft of proposed enabling legislation.

**NEW SECTION. Sec. 158. FOR THE STATE TREASURER—TRANSFERS**

General Fund Appropriation: For transfer to the Washington Library Network Data Processing System Revolving Fund .....	\$	1,188,000
General Fund Appropriation: For transfer to the Reserve for Accrued Revenue Account pursuant to chapter 70, Laws of 1975-'76 2nd ex. sess. ....	\$	36,100,000
State Treasurer's Service Fund Appropriation: For transfer to the state general fund on or before July 20, 1979, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Fund for fiscal year 1980, for credit to the fiscal year in which earned .....	\$	5,000,000

General Fund—Investment Reserve Account Appropriation: For transfer to the state general fund on or before June 30, 1979, pursuant to chapter 50, Laws of 1969 .....	\$ 9,200,000
General Fund—State and Local Improvements Revolving Account—Public Recreation Facilities Appropriation: For transfer to the General Fund—Outdoor Recreation Account on or before June 30, 1979, pursuant to the provisions of section 4(2), chapter 129, Laws of 1972 ex. sess. ....	\$ 6,000,000
General Fund—State and Local Improvements Revolving Account—Public Recreation Facilities Appropriation: For transfer to the General Fund—Outdoor Recreation Account on or before June 30, 1979, pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess. ....	\$ 6,000,000
Motor Vehicle Fund Appropriation: For transfer to the Grade Crossing Protective Fund for appropriation to the Utilities and Transportation Commission for the 1977-79 biennium to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, and 81.53-.291 .....	\$ 582,000
Motor Vehicle Fund Appropriation: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the Department of Highways and the Washington State Patrol during the period July 1, 1977, through June 30, 1979 .....	\$ 2,000,000

NEW SECTION. Sec. 159. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period July 1, 1977, to June 30, 1979.

**SUNDRY CLAIMS**

General Fund Appropriations, except as otherwise provided, for relief of various individuals, firms, and corporations for sundry claims and for the reason that the state of Washington recognizes a moral obligation to these claimants. These appropriations are to be disbursed on vouchers approved by the chief fiscal officer of the executive branch, except as otherwise provided, as follows:

(1) RUTH B. PEDERSON, For payment to widow of policeman in lieu of pension .....	\$ 1,535.00
(2) KEN'S PHARMACY, Payment for prescriptions provided to state applicants .....	\$ 1,305.55
(3) BARRY J. DAHL, Payment of cost bill for State v. Charles Lesnick .....	\$ 416.80
(4) PATRICIA J. ORSBORN, Payment of transcription fee for Anderson v. Morris .....	\$ 78.00
(5) DONALD E. EARNEST, Payment for overcharge for 1973 travel trailer license fees .....	\$ 49.00

(6) CLERK OF THE SUPERIOR COURT, County of Spokane, costs assessed against the state pursuant to Supreme Court Remittitur No. 43685 .....	\$	222.94
(7) CLERK OF THE SUPERIOR COURT, County of Cowlitz, Costs assessed against the state pursuant to Supreme Court Remittitur No. 1655-II .....	\$	185.62
(8) VALEN H. HONEYWELL, Judgment against the state in Pacific National Bank v. State .....	\$	5,978.46
(9) J. STEVEN THOMAS, Costs assessed against the state .....	\$	42.00
(10) RICHARD E. SNYDER, Payment for loss of personal property during robbery at state liquor store .....	\$	40.75
(11) RUSSELL A. AUSTIN, JR., Judgment against the state in Y.A.F. v. C.O.P.E. ....	\$	5,551.59
(12) MARLIN L. VORTMAN, Judgment against the state in Geary S. Thompson v. Wenatchee Valley College.....	\$	2,592.70
(13) HANS C. H. JENSEN, Payment for cost bill pursuant to Iverson v. Marine Bancorporation .....	\$	300.00
(14) WILLIAM B. CAMERON, Payment for construction work at Skagit Valley College: PROVIDED, That payment is hereby authorized and shall be made from Skagit Valley College Reserve Funds .....	\$	28,708.23
(15) MICHAEL C. CHRISTIE and JOHN M. WATSON: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be presigned by Michael C. Christie and John M. Watson prior to the release of the warrant, which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof, and their agents, from any further claims with regard to payment for relief of unjust imprisonment" .....	\$	100,000.00
(16) JAMES V. KESSLER, Payment for crop damage caused by elk over a two year period: PROVIDED, That \$732.00 shall be for damages caused in calendar year 1975 and \$802.50 shall be for damages caused in calendar year 1976: PROVIDED FURTHER, That two separate payments shall be made from Department of Game Funds, established for that purpose pursuant to RCW 77.12.280 .....	\$	1,534.50
(17) SCOTT R. WARD, Payment for crop damage caused by elk.....	\$	2,500.00
(18) JOE AND LAFE WILSON, Damage to fruit trees by beaver.....	\$	5,000.00



- (19) PAULINE McCLELLAN, Damage to coats by mice ..... \$ 115.00
- (20) ROBERT A. KIESZ, Payment for legal services for representing a client on behalf of the state ..... \$ 938.39
- (21) RICHARD McKINNEY, Payment for relief for the death of the daughter of Mr. and Mrs. Alfred Kinghammer: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be presigned by Alfred Kinghammer and Richard McKinney prior to the release of the warrant, which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof, and their agents, from any further claims with regard to the death of the daughter (Nancy Kinghammer) caused by James Edward Ruzicka"..... \$ 120,000.00
- (22) KINNE F. HAWES, Payment for relief for death of daughter of Edward and Geraldine Haddenham: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be presigned by Edward and Geraldine Haddenham and Kinne F. Hawes prior to the release of the warrant, which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof, and their agents, from any further claims with regard to the death of the daughter (Penny Haddenham) caused by James Edward Ruzicka" ..... \$ 120,000.00
- (23) WILLIAM C. MEECE and HOWARD K. MICHAELSEN: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be signed by William C. Meece and Howard K. Michaelsen prior to the release of the warrant which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof and their agents and all parties to Cause No. 180299, Superior Court of Spokane County, from any future claims with regard to payment for the relief of personal injuries received by William C. Meece at Circle Bar J Ranch, except that William C. Meece may seek satisfaction of judgment in Cause No. 180299 against Circle Bar J Ranch in an amount not to exceed \$10,000.00. The undersigned further agree to

- file with the Spokane County Superior Court a release of judgment satisfying Cause No. 180299 entered on the 24th day of July, 1974, in all amounts except \$10,000.00 which will remain the obligation of the defendant in said action." . . . . . \$ 100,000.00
- (24) HELEN LEE HOLCOMB, DONALD J. HOROWITZ, JUDITH JEFFERS, and GERALD L. BANGS: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be signed by Helen Lee Holcomb, Donald J. Horowitz, Judith Jeffers, and Gerald L. Bangs prior to the release of the warrant which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof and their agents from any further claims with regard to personal injuries suffered by claimant Helen Lee Holcomb on March 11, 1973. The undersigned attorneys, Donald J. Horowitz, Judith Jeffers, and Gerald L. Bangs further agree that they release claimant Helen Lee Holcomb from any claims against her for attorneys fees, costs, and expenses incurred on her behalf in connection with this claim or the injuries which are the basis thereof, in excess of one-third of the amount granted herein, notwithstanding the terms of any other agreement between the undersigned parties." . . . . . \$ 75,000.00
- (25) CLERK OF THE SUPERIOR COURT, County of Pacific, Costs assessed against the state pursuant to Supreme Court Remittitur No. 44158 . . . . . \$ 1,198.25

ELECTION COSTS

General Fund Appropriation reimbursing counties for the state's share of election costs:

ADAMS COUNTY . . . . .	\$ 4,473.91
ASOTIN COUNTY . . . . .	\$ 4,199.52
BENTON COUNTY . . . . .	\$ 11,369.95
CHELAN COUNTY . . . . .	\$ 11,890.51
CLALLAM COUNTY . . . . .	\$ 13,029.46
CLARK COUNTY . . . . .	\$ 17,486.58
COLUMBIA COUNTY . . . . .	\$ 1,056.33
COWLITZ COUNTY . . . . .	\$ 20,795.20
DOUGLAS COUNTY . . . . .	\$ 7,170.00
FERRY COUNTY . . . . .	\$ 8,090.85
FRANKLIN COUNTY . . . . .	\$ 4,461.83
GARFIELD COUNTY . . . . .	\$ 954.39
GRANT COUNTY . . . . .	\$ 13,531.35
GRAYS HARBOR COUNTY . . . . .	\$ 14,083.91

ISLAND COUNTY .....	\$ 7,529.94
JEFFERSON COUNTY .....	\$ 3,066.68
KING COUNTY .....	\$ 227,840.85
KITSAP COUNTY .....	\$ 19,344.98
KITTITAS COUNTY .....	\$ 6,411.35
KLICKITAT COUNTY .....	\$ 6,188.98
LEWIS COUNTY .....	\$ 25,348.08
LINCOLN COUNTY .....	\$ 9,605.24
MASON COUNTY .....	\$ 9,389.38
OKANOGAN COUNTY .....	\$ 9,413.22
PACIFIC COUNTY .....	\$ 8,006.85
PEND OREILLE COUNTY .....	\$ 5,668.38
PIERCE COUNTY .....	\$ 58,355.60
SAN JUAN COUNTY .....	\$ 3,313.04
SKAGIT COUNTY .....	\$ 17,308.53
SKAMANIA COUNTY .....	\$ 4,242.88
SNOHOMISH COUNTY .....	\$ 66,829.51
SPOKANE COUNTY .....	\$ 46,636.03
STEVENS COUNTY .....	\$ 5,517.66
THURSTON COUNTY .....	\$ 22,354.87
WAKHIAKUM COUNTY .....	\$ 3,767.29
WALLA WALLA COUNTY .....	\$ 8,161.71
WHATCOM COUNTY .....	\$ 13,615.56
WHITMAN COUNTY .....	\$ 12,337.62
YAKIMA COUNTY .....	\$ 23,645.42

NEW SECTION. Sec. 160. The office of program planning and fiscal management is hereby requested to cooperate fully with the legislative evaluation and accountability program committee in the areas of appropriation schedules, allotments, and estimated expenditure schedules as such items relate to the monitoring and evaluation by the LEAP data processing system of funds appropriated in this act. It is the intent of the legislature to cooperate with the governor in the implementation of RCW 43.88.070 which provides in part: "Appropriations shall be deemed maximum authorizations to incur expenditures... to ensure that expenditure rates are such that program objectives are realized within these maximums".

NEW SECTION. Sec. 160A. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess. the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1977.

NEW SECTION. Sec. 161. Notwithstanding any other provision of law, the employers' contribution rate for the Public Employees' Retirement System shall be established based upon a long term interest earning assumption of seven percent for the investment of system funds. No appropriation contained in this act shall be used to make contributions at a rate higher than that required by this section. It is

intended that this adjustment shall reduce state general fund expenditures by eight million five hundred thousand dollars for the 1977-79 biennium.

**NEW SECTION. Sec. 162.** The word "agency" used herein means and includes every state government office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this act.

The phrase "agencies headed by elective officials" used herein shall mean those executive offices or departments of the state which are directly supervised, administered, or controlled by the governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, or insurance commissioner, but it shall not include those boards, commissions, or committees on which one or more of the above mentioned officials serve.

**NEW SECTION. Sec. 163.** In order to carry out the provisions of these appropriations and the state budget, the director of the office of program planning and fiscal management with the approval of the governor, may:

(1) Allot all or any portion of the funds herein appropriated or included in the state budget, to the various agencies by such periods as he shall determine and may place any funds not so allotted in reserve available for subsequent allotment: **PROVIDED**, That the director of the office of program planning and fiscal management shall not alter allotment requests filed with him, nor shall he place in reserve any funds, for the following: Washington State Apple Advertising Commission; Washington State Fruit Commission; Washington Dairy Products Commission or any agricultural commodity commission created under the provisions of chapter 15.66 RCW; the legislative branch of state government including the legislative budget committee, the statute law committee, and any legislative committee; or the judicial branch of state government: **PROVIDED FURTHER**, That the aggregate of allotments for any agency shall not exceed the total of applicable appropriations and local funds available to the agency concerned. It shall be unlawful for any officer or employee to incur obligations in excess of approved appropriations or to incur a deficiency and any obligations so made shall be deemed invalid. Nothing in this section or in chapter 328, Laws of 1959, shall prevent revisions of any allotment when necessary to prevent the making of expenditures under appropriations in this act in excess of available revenues.

(2) Issue rules to establish uniform standards and business practices throughout the state service, including regulation of travel by officers and employees and the conditions under which per diem shall be paid, so as to improve efficiency and conserve funds.

(3) Prescribe procedures and forms to carry out the above.

(4) Allot funds from appropriations in this act in advance of July 1, 1977, for the sole purpose of authorizing agencies to order goods, supplies, or services for delivery after July 1, 1977: **PROVIDED**, That no expenditures may be made from the appropriations contained in this act, except as otherwise provided, until after July 1, 1977.

**\*NEW SECTION. Sec. 164.** *Unless prohibited by federal law the receipt of federal or other funds which are not anticipated in the appropriation bill enacted by*

*the legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources. Any state funds replaced by federal or other receipts shall be placed in reserve to the credit of the appropriate state fund or account, and shall not be expended, unless authorized by the legislature.*

\*Sec. 164. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 165. In the event that receipts shall be less than those estimated in the budget from any source, expenditures shall be limited to the amount received and allotments made as provided in section 163 of this act. Receipts for purposes of this section shall include amounts realized within one calendar month following the close of a fiscal period and applicable to expenditures of that period. The amount of such payment shall be credited to and shall be treated for all purposes as having been collected during the fiscal period.

NEW SECTION. Sec. 165A. State funds appropriated for the specific purpose of matching federal funds and which are not required wholly or in part to qualify for such federal funds shall be placed in reserve and shall revert to the fund from which appropriated at the end of the respective fiscal year.

NEW SECTION. Sec. 166. Any programs which are supported in whole or in part by federal funds shall not receive any additional state funds for the programs in the event that federal funds are reduced or eliminated for the program.

NEW SECTION. Sec. 166A. If a scheduled program or project funded by the appropriations contained in this act has not been fully implemented during any quarter of the respective fiscal year, then the office of program planning and fiscal management shall withhold the equivalent amount of the appropriation and full time equivalent staff years from such program or project and shall place the same in reserve.

NEW SECTION. Sec. 167. Agencies are authorized to make refunds of erroneous or excessive payments and in the case of other refunds, which may be provided by law, without express appropriation therefor.

NEW SECTION. Sec. 168. Whenever allocations are made from the governor's emergency appropriation to an agency which is financed by other than general fund moneys, the director of the office of program planning and fiscal management shall direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance such agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 169. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest, and interest on registered warrants, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 170. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of

the office of program planning and fiscal management which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 171. In accordance with the provisions of this section the office of program planning and fiscal management shall use the allotment process during the 1977-79 biennium to control the funding of the formula portion of the instruction and departmental research program of all the four year institutions of higher education and the community colleges. For the purpose of the controls outlined in this section, deviations in the formula entitlements for faculty staffing shall be the controlling factor for the four year institutions of higher education while full time equivalent student enrollment will be the controlling factor for the community college system. For the purpose of this section, the "contract level" is defined as the level upon which the budget is based, and the "base level" is defined as the formula entitlement level corresponding to the prior year's actual enrollment level. Controls shall be applied to each four year institution separately and to the community college education system as a total entity. "Growth funding" is defined as that portion of the state general fund appropriation by which the contract level exceeds the base level. Growth funds may be allotted at the option of the school or system. Unearned growth funds will be reverted to the state general fund prior to the end of the fiscal year in which such growth fails to materialize.

Contract enrollments for the second year of the biennium will be renegotiated in the event the first year's actual enrollment falls below the base level of the first year. Contract enrollments for the second year of the biennium shall not be renegotiated in the event that the first year's actual enrollments exceeds the contract level established for the first year.

NEW SECTION. Sec. 171A. It is the expressed intention of the legislature that agency operational activity shall be regularly monitored by the office of program planning and fiscal management, under their statutory authority relating to the allotment control function, in order to limit fluctuations in the respective fiscal year spending patterns which tend to inflate the expenditures in the second fiscal year of the biennium. Particular control emphasis shall be placed on those instances in which the full time equivalent staff years authorization is deliberately delayed in order to increase the agency's full time equivalent staff years as substantiation for the second fiscal year or the ensuing biennial request. Unanticipated receipts, which are authorized by the governor and expended by any state agency, shall be allotted, monitored, controlled, and reported separately at the end of the respective fiscal year and at the end of the biennium to the governor and the house appropriations committee and the senate ways and means committee. Such report shall identify the full time equivalent staff years and the program and/or activity for which such funds were expended.

NEW SECTION. Sec. 172. To obtain maximum interagency use of aircraft, the Aeronautics Commission in accordance with chapter 39.34 RCW is hereby authorized to lease, purchase, or otherwise acquire suitable aircraft which shall be utilized for the purposes of the Aeronautics Commission and also by other state

agencies which have a need for an aircraft to carry out agency assigned responsibilities: PROVIDED, That the Aeronautics Commission is further authorized to enter into contractual agreements with other state agencies in order to acquire aircraft, establish rental rates for aircraft under their control, provide pilot services, aircraft maintenance, and make such other provisions as necessary to provide aircraft and related services for multi-agency use: PROVIDED FURTHER, That in order to achieve economy in the use of the appropriations contained within this act no state agency may purchase or otherwise acquire an aircraft or enter into a flying service or aircraft rental contract without first seeking such service from the Aeronautics Commission and without prior approval of the director of the office of program planning and fiscal management.

NEW SECTION. Sec. 173. If any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act; the rules and regulations under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 174. 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. 175. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 21, 1977.

Passed the House June 21, 1977.

Approved by the Governor June 30, 1977, with the exception of certain items and sections which are vetoed.

Filed in Office of Secretary of State June 30, 1977.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain sections and items Substitute Senate Bill No. 3109 entitled:

"AN ACT Adopting the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1977, and ending June 30, 1979; making other appropriations; designating effective dates for certain appropriations; and declaring an emergency."

The specific items and sections which I have vetoed are as follows:

1. For the Department of Personnel

On page 11, section 25, line 22, I have vetoed the Data Processing Revolving Fund appropriation in the amount of \$2,930,000. A full explanation of the rationale for vetoing this appropriation is set forth in the veto message for Section 27 which follows.

On page 12, Section 27, lines 10 and 11, and subsections (2) through (5), are vetoed.

Appropriation of the Data Processing Revolving fund results in appropriating the same funds twice. This requires maintaining duplicate accounting records, creates unnecessary paper work, and contradicts the function of a revolving fund. Real improvement in fiscal control will not be achieved through this change.

Second, this change to appropriated status does not coincide with the current Data Processing Authority and Service Center organizational lines of responsibility and authority.

Without statutory change or revised functional lines of responsibility there is confusion as to who has the final decision-making authority.

Finally, the wording in subsection (5) is unclear as to what is intended by an integrated management and budget plan for Service Centers #1 and #3. If the intent is to integrate Services Centers #1 and #3 then there is a contradiction in the direction of Washington State Data Processing.

Because of the reasons cited above, and the apparent need for further study, the Data Processing Revolving Fund should remain as it currently exists.

#### 2. For the Finance Committee

In section 28, on page 13, I have vetoed subsection (1) which gives the Finance Committee "full responsibility for the investment management of the state trust and retirement funds."

This change in responsibility for investment management is in direct conflict with House Bill No. 619 which I recently signed. House Bill No. 619 provides the Department of Retirement Systems and the Finance Committee with joint investment authority subject to approval by the retirement boards.

Second, the proviso language does not describe a "condition or limitation" on the Finance Committee's appropriation as was intended, but rather, constitutes a major shift in responsibility from one executive agency to another.

#### 3. For the Planning and Community Affairs Agency

On page 42, Section 64, I have vetoed subsection (2) appropriating federal Law Enforcement Assistant Administration (LEAA) funds to specific agency projects. Although I agree that the criminal justice projects identified in this section are worthwhile, this legislative appropriation contradicts projects selected through the federally mandated planning process. Violation of the state plan would result in the loss of \$18 million of federal funds.

#### 4. For the State Energy Office

On page 45, Section 72, I have vetoed: "The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$500,000 of this appropriation shall be used as matching funds for energy-related studies as determined by the House and Senate Energy and Utilities Committees."

The Legislature apparently contemplated providing an additional \$500,000 to the Energy Office for energy related studies. However, the final amount appropriated to the Energy Office does not include the additional \$500,000. Therefore, since the funds referenced in this proviso are not included in the final appropriation, I am vetoing this item. I will direct the Energy Office to work closely with the House and Senate Energy and Utilities Committees on all energy related studies during the next biennium.

#### 5. For the Department of Agriculture

On page 54, Section 86, I have vetoed subsection (2): "\$150,000 of the general fund appropriation—state shall be expended within the seed branch division for the purpose of maintaining seed certification activities."

I am vetoing this subsection because I believe establishing a precedent of using general funds to support a dedicated fund activity is inappropriate. I will direct the Department of Agriculture to evaluate, identify and recommend a solution to the seed certification funding problem.

#### 6. For K-12 Program

On page 56, Section 94, I have vetoed subsection (2) which provides that "no funds shall be expended for purposes of advancing the development of occupational skill centers not operated in conjunction with a community college or vocational technical institute. Operations of skill centers in existence or those which have had their capital funds approved on the effective date of this act may be continued."

I support the notion that surplus space should be used whenever possible. The construction of unnecessary, duplicative facilities is wasteful and should be discouraged. I also support the notion that vocational education is a keystone to a vital and prosperous populace. Subsection (2) precludes contiguous districts from joining to provide for improved vocational programs regardless of their proximity to existing facilities. This requirement can lead to one



of two things, costly and inefficient programs operated by individual districts or limited and low quality vocational education programs.

On page 56, Section 94, I have vetoed subsection (4) which directs "the State Board of Education to restore all educational service district boundaries as they existed prior to September 1, 1976."

RCW 28.21.020 [RCW 28A.21.020] clearly grants discretionary authority to the State Board to revise Educational Service District boundaries. The legal Board action of December 3, 1976, and resulting administrative implementation of a system of 9 ESDs, is expected to result in increased economy and efficiency in educational management. I firmly believe that this and similar actions must be encouraged and supported. This appropriate action, if overturned at this time, can only result in unnecessary duplication and increased cost of educational management.

#### 7. For Community College Education

On page 72, Section 110, I have vetoed subsection (3) which directs that "Olympia Technical Community College shall not become a comprehensive community college and shall offer only those courses essential to vocational education."

Subsection (3) amends 28B.52.030 RCW which gives the academic employee organization within its community college district the right to negotiate with the board of trustees of the community college district on policies relating to curriculum. This attempt to modify existing statutes and in effect create substantive law through an appropriation act is inappropriate.

In Section 110 I have vetoed subsection (5) which requires that "the average full-time faculty classroom contact hours for the community college system shall be at least 19 hours per week."

Subsection (5) amends 28B.52.030 RCW which gives the academic employee organization within its community college district the right to negotiate with the Board of Trustees of the community college district on policies relating to hiring and assignment practices. This attempt to modify existing statutes and, in effect, create substantive law through an appropriation act is inappropriate.

On pages 72 and 73, I have vetoed Section 110A which provides that "The State Board for Community College Education and the Boards of Trustees for community college districts thirteen and fourteen may waive the payment of non-resident fees by residents of Clatsop, Columbia, Washington, Multnomah, and Hood River Counties, Oregon, for the duration of the 1977-79 biennium, contingent upon evidence that similar waivers are made for residents of Cowlitz, Clark, Pacific or Wahkiakum Counties, Washington, to attend any of the following Oregon institutions: Clatsop, Portland, or Mount Hood Community Colleges, or Portland State University."

Section 110A amends Chapter 28B.15 RCW (College and University Fees). This modification of existing statutes through an appropriation act is inappropriate.

#### 8. For Higher Education

On page 76, Section 117 for the institutions of higher education, I have vetoed subsection (5) requiring "The average full-time faculty direct classroom contact hours shall be at least 12 hours per week for the two universities and 14 hours per week for the four state colleges."

Introducing substantive legislation in an appropriation act is an inappropriate method for formulating new or modifying existing state policies. This subsection is substantive because it stipulates new personnel duties and responsibilities for a certain group of higher educational employees.

#### 9. Operating Appropriations Bill

I have vetoed section 164 on page 95 which reads as follows: "Unless prohibited by federal law the receipt of federal or other funds which are not anticipated in the appropriation bill enacted by the Legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources." This section further provides that any state funds replaced by such federal or other receipts shall be placed in reserve and shall not be expended unless authorized by the Legislature.

The use of non-restricted, unanticipated federal funds as an offset against state General Fund appropriations is common practice and one which I endorse. The assumption that all

unanticipated non-federal receipts are unrestricted and can be used for any purpose is erroneous. To require that increases in certain forms of revenue, such as patient fees, be available to an institution only if an equivalent amount of state General Fund money is placed in reserve, is not reasonable. This requirement effectively limits the capability of an agency to accommodate unanticipated increases in workload and associated revenue. In addition, this proposed restriction inhibits institutions from taking advantage of various non-federal grants that were not anticipated in the budget development process and thus tends to eliminate benefits that might otherwise accrue to the state.

With the exception of the foregoing sections and items which I have vetoed for the reasons stated, the remainder of Substitute Senate Bill No. 3109 is approved."

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## CHAPTER 340

[Engrossed Senate Bill No. 2185]

### COMMON SCHOOLS—ALIEN TEACHERS

AN ACT Relating to education; and amending section 28A.67.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.020.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 28A.67.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.020 are each amended to read as follows:

No person, who is not a citizen of the United States of America, shall be permitted to teach in the common schools in this state: **PROVIDED**, That the superintendent of public instruction may grant to an alien a permit to teach in the common schools of this state if such teacher has all the other qualifications required by law, and has declared his intention of becoming a citizen of the United States of America ((and five years and six months have not expired since such declaration was made: **PROVIDED FURTHER**, That)) : **PROVIDED FURTHER**, That after a one year probationary period the superintendent of public instruction, at the request of the school district which employed such teacher on a permit, may grant to an alien whose qualifications have been approved by the state board of education ((a temporary permit)) a standard certificate to teach ((as an exchange teacher)) in the common schools of this state((, irrespective of requirements respecting citizenship and oath of allegiance)): **PROVIDED FURTHER**, That the superintendent of public instruction may grant to a nonimmigrant alien whose qualifications have been approved by the state board of education a temporary permit to teach as an exchange teacher in the common schools of this state.

Before such alien shall be granted a temporary permit he shall be required to subscribe to an oath or affirmation in writing ((that he is not a member of or affiliated with a communist or communist-sponsored organization or a fascist or fascist-sponsored organization. The form of such oath or affirmation shall be prepared by the superintendent of public instruction)) as follows: I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington; that I do not advocate the overthrow, destruction, or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them. All oaths or affirmations subscribed as herein provided shall be filed in the office of the superintendent of public instruction and shall be there retained for a

period of five years. Such permits shall at all times be subject to revocation by the superintendent of public instruction.

Passed the Senate June 14, 1977.

Passed the House June 13, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

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## CHAPTER 341

[Second Substitute Senate Bill No. 2232]

### EDUCATIONAL CLINICS

AN ACT Relating to education; providing for educational clinics; providing for state aid for common school dropouts enrolled in certain of such clinics; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW as a new chapter thereof.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. (1) As used in this chapter, unless the context thereof shall clearly indicate to the contrary:

Educational clinic means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certified by the state board of education according to rules and regulations promulgated for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an educational clinic shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall include the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting of the common schools or the approval of private schools under RCW 28A.04.120.

(3) The state board of education shall certify an education clinic only upon application and (1) determination that such school comes within the definition thereof as set forth in subsection (1) above and (2) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the board finds that a clinic fails to provide adequate instruction in basic academic skills. No educational clinic certified by the state board of education pursuant to this section shall be deemed a common school under RCW 28A.01.060 or a private

school for the purposes of RCW 28A.02.201 through 28A.02.250, or proprietary school under chapter 18.82 RCW.

**NEW SECTION.** Sec. 2. Only eligible common school dropouts shall be enrolled in a certified educational clinic for reimbursement by the superintendent of public instruction as provided in section 4 of this 1977 act. No person shall be considered an eligible common school dropout who (1) has completed high school, (2) has passed his eighteenth birthday, or (3) until three months has passed after he or she has dropped out of any common school, unless such clinic has been requested to admit such person by written communication of the board of directors or the superintendent of that common school or unless such person is unable to attend a particular common school because of disciplinary reasons, including suspension and/or expulsion therefrom.

**NEW SECTION.** Sec. 3. The superintendent of public instruction shall adopt, by rules, policies and procedures to permit a prior common school dropout to reenter at the grade level appropriate to such individual's ability: **PROVIDED**, That such individual shall be placed with the class he would be in had he not dropped out and graduate with that class, if his ability so permits notwithstanding any loss of credits prior to reentry and if such student earns credits at the normal rate subsequent to reentry.

Notwithstanding any other provision of law, any certified educational clinic student, upon completion of an individual student program and irrespective of age, shall be eligible to take the general educational development test as given throughout the state.

**NEW SECTION.** Sec. 4. From funds appropriated for that purpose, the superintendent of public instruction shall pay to a certified clinic on a monthly basis for each student enrolled in compliance with section 2 of this 1977 act, fees in accordance with the following conditions:

(1) (a) The fee for the initial diagnostic procedure shall be fifty dollars per student, and hourly fees for each student shall be sixteen dollars if the class size is no greater than one, ten dollars if the class size is at least two and no greater than five, and five dollars if the class size is at least six: **PROVIDED**, That revisions in such fees proposed by an education clinic shall become effective after thirty days notice unless the superintendent finds such a revision is unreasonable in which case the revision shall not take effect: **PROVIDED FURTHER**, That an education clinic may, within fifteen days after such a finding by the superintendent, file notification of appeal with the state board of education which shall, no later than its second regularly scheduled meeting following notification of such appeal, either grant or deny the proposed revision.

(b) Absences will be paid for, but after three consecutive absences or two unexcused absences in any one week, the student's enrollment will be terminated and no further fees will be payable: **PROVIDED**, That students may be re-enrolled at any time.

(c) No clinic shall make any charge to any student, or his parent, guardian or custodian, for whom a fee is being received under the provisions of this section.

(2) Payments shall be made from available funds first to those clinic(s) which have in the judgment of the superintendent demonstrated superior performance

based upon consideration of students' educational gains taking into account such students' backgrounds, and upon consideration of cost effectiveness. In considering the cost effectiveness of nonprofit clinics the superintendent shall take into account not only payments made under this section but also factors such as tax exemptions, direct and indirect subsidies or any other cost to taxpayers at any level of government which result from such nonprofit status.

(3) To be eligible for such payment, every such clinic, without prior notice, shall permit a review of its accounting records by personnel of the state auditor during normal business hours.

(4) If total funds for this purpose approach depletion, the superintendent shall notify the clinics of the date after which further funds for reimbursement of the clinics' services will be exhausted.

**NEW SECTION.** Sec. 5. In accordance with chapter 34.04 RCW, the administrative procedure act, the state board of education with respect to the matter of certification, and the superintendent of public instruction with respect to all other matters, shall have the power and duty to make the necessary rules and regulations to carry out the purpose and intent of this chapter.

Criteria as promulgated by the state board of education or superintendent of public instruction for determining if any educational clinic is providing adequate instruction in basic academic skills or demonstrating superior performance in student educational gains for funding under section 4 of this 1977 act shall be subject to review by four members of the legislature, one from each caucus of each house, including the chairpersons of the respective education committees.

**NEW SECTION.** Sec. 6. Sections 1 through 5 of this 1977 act are added to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW as a new chapter thereof.

**NEW SECTION.** Sec. 7. If any provision of this 1977 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate May 31, 1977.

Passed the House June 21, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

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## CHAPTER 342

[Substitute Senate Bill No. 2235]

### SOCIAL AND HEALTH SERVICES FACILITIES—CAPITAL PROJECTS FINANCING

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; creating new sections; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities, the state finance

committee is authorized to issue general obligation bonds of the state of Washington in the sum of twenty million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this act shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

The state finance committee is authorized to prescribe the form of such bonds, the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

NEW SECTION. Sec. 2. As used in this act, the term "social and health services facilities", shall include, without limitation, facilities for use in adult correction programs, juvenile rehabilitation programs, mental health programs, and developmental disabilities programs for which an appropriation is made from the state social and health services construction account in the general fund by chapter ... (SSB 3110), Laws of 1977 1st ex. sess., the capital appropriations act, or subsequent capital appropriations acts.

NEW SECTION. Sec. 3. At the time the state finance committee determines to issue such bonds authorized in section 1 of this 1977 act or a portion thereof, it may, pending the issuance thereof, issue in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "bond anticipation notes". The proceeds from the sale of bonds and notes authorized by this act shall be deposited in the state social and health services construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in this act and for the payment of expenses incurred in the issuance and sale of such bonds and notes: PROVIDED, That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the state social and health services bond redemption fund of 1976 in the state treasury.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds authorized in this act and deposited in the state social and health services construction account in the general fund shall be administered by the secretary of the department of social and health services.

NEW SECTION. Sec. 5. The state social and health services bond redemption fund of 1976 in the state treasury shall be used for the purpose of the payment of interest on and retirement of the bonds and notes authorized to be issued by this act. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months, to meet bond retirement and interest requirements. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state

treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1976 state social and health services bond redemption fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed herein.

**NEW SECTION.** Sec. 6. The bonds authorized by this act shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

**NEW SECTION.** Sec. 7. 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. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 21, 1977.

Passed the House June 21, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

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## CHAPTER 343

[Engrossed Senate Bill No. 2242]

### DEPARTMENT OF FISHERIES BUILDINGS AND FACILITIES—CAPITAL PROJECTS FINANCING

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of fisheries facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; creating new sections; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the department of fisheries, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of five million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this act shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

**NEW SECTION.** Sec. 2. When the state finance committee has determined to issue such general obligation bonds or a portion thereof as authorized in section 1 of this act, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of such bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and redemption

premium, if any, and interest on such notes shall be applied thereto when such bonds are issued.

**NEW SECTION.** Sec. 3. The state finance committee is authorized to prescribe the form, terms, conditions and covenants of the bonds and/or the bond anticipation notes provided for in sections 1 and 2 of this act, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each such bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

**NEW SECTION.** Sec. 4. Except for that portion of the proceeds required to pay bond anticipation notes pursuant to section 2 of this act, the proceeds from the sale of the bonds and/or bond anticipation notes authorized in sections 1 through 6 of this act, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the fisheries capital projects account of the general fund in the state treasury. All such proceeds shall be used exclusively for the purposes specified in sections 1 through 6 of this act and for the payment of the expenses incurred in connection with the sale and issuance of such bonds and bond anticipation notes.

**NEW SECTION.** Sec. 5. The 1977 fisheries bond retirement fund is hereby created in the state treasury for the purpose of the payment of the principal of and interest on the bonds authorized to be issued pursuant to sections 1 through 6 of this act.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 fisheries bond retirement fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

**NEW SECTION.** Sec. 6. The bonds authorized in sections 1 through 6 of this act shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

**NEW SECTION.** Sec. 7. 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. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 7, 1977.

Passed the House June 21, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.



## CHAPTER 344

[Engrossed Senate Bill No. 2272]

## WASHINGTON STATE UNIVERSITY—CAPITAL PROJECTS FINANCING

AN ACT Relating to Washington State University; providing for the acquisition, construction, remodeling, furnishing and equipping of certain state buildings and facilities for said institution and the financing thereof by the issuance of bonds, including bond anticipation notes; providing ways and means of payment of such bonds; adding a new chapter to Title 28B RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for Washington State University, the state finance committee is hereby authorized to issue from time to time general obligation bonds of the state of Washington in the aggregate principal amount of four million four hundred thousand dollars, or so much thereof as shall be required to finance the capital projects relating to Washington State University as determined by the legislature in its capital appropriation act from time to time, to be paid and discharged in not more than thirty years of the date of issuance.

**NEW SECTION.** Sec. 2. When the state finance committee has determined to issue such general obligation bonds or a portion thereof as authorized in section 1 of this act, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of such bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal of and redemption premium, if any, and interest on such notes shall be applied thereto when such bonds are issued.

**NEW SECTION.** Sec. 3. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds and/or the bond anticipation notes authorized by this act, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each such bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

**NEW SECTION.** Sec. 4. Except for that portion of the proceeds required to pay bond anticipation notes pursuant to section 2 of this act, the proceeds from the sale of the bonds and/or bond anticipation notes authorized by this act, and any interest earned on such proceeds, together with all grants, donations, transferred funds, and all other moneys which the state finance committee or the board of regents of Washington State University may direct the state treasurer to deposit therein, shall be deposited in the Washington State University construction account of the general fund hereby created in the state treasury.

**NEW SECTION.** Sec. 5. Subject to legislative appropriation, all proceeds of the bonds and/or bond anticipation notes authorized in this act shall be administered and expended by the board of regents of Washington State University exclusively for the purposes specified in this act and for the payment of the expenses

incurred in connection with the sale and issuance of such bonds and bond anticipation notes.

**NEW SECTION.** Sec. 6. The Washington State University bond retirement fund of 1977 is hereby created in the state treasury for the purpose of payment of the principal of and interest on the bonds authorized by this act.

Upon completion of the projects for which appropriations have been made by the legislature, any proceeds of the bonds and/or bond anticipation notes authorized by this act remaining in the Washington State University construction account shall be transferred by the board of regents to the Washington State University bond retirement fund of 1977 to reduce the transfer or transfers next required by section 7 of this act.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amounts required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds and the dates on which such payments are due. The state treasurer, not less than thirty days prior to the date on which any such interest or principal and interest payment is due, shall withdraw from any general state revenues received in the state treasury and deposit in the Washington State University bond retirement fund of 1977 an amount equal to the amount certified by the state finance committee to be due on such payment date.

**NEW SECTION.** Sec. 7. On or before June 30th of each year the board of regents of Washington State University shall cause to be accumulated in the Washington State University building account, from moneys transferred into said account from the Washington State University bond retirement fund pursuant to RCW 28B.30.750(5), an amount at least equal to the amount required in the next succeeding twelve months for the payment of the principal of and interest on the bonds issued pursuant to this act. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the board of regents of Washington State University shall cause the amount so computed to be paid out of such building account to the state treasurer, for deposit into the general fund of the state treasury.

**NEW SECTION.** Sec. 8. The bonds authorized by this act shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

**NEW SECTION.** Sec. 9. The bonds authorized by this act shall be issued only after an officer of Washington State University, designated by the Washington State University board of regents, has certified, based upon his estimates of future tuition income and other factors, that an adequate balance will be maintained in the Washington State University building account to enable the board of regents to meet the requirements of section 7 of this act during the life of the bonds to be issued.

**NEW SECTION.** Sec. 10. No provision of this act shall be deemed to repeal, override, or limit any provision of RCW 28B.15.310 or 28B.30.700 through 28B.30.780, nor any provision or covenant of the proceedings of the board of regents of Washington State University heretofore or hereafter taken in the issuance of its revenue bonds secured by a pledge of its general tuition fees and/or other revenues

pursuant to such statutes. The obligation of the board of regents of Washington State University to make the transfers provided for in section 7 of this act shall be subject and subordinate to the lien and charge of such revenue bonds, and any revenue bonds hereafter issued, on such general tuition fees and/or other revenues pledged to secure such bonds, and on the moneys in the Washington State University building account and the Washington State University bond retirement fund.

**NEW SECTION.** Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 28B RCW.

**NEW SECTION.** Sec. 12. 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. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 7, 1977.

Passed the House June 21, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

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## CHAPTER 345

[Substitute Senate Bill No. 2274]

### INSTITUTIONS OF HIGHER EDUCATION—CAPITAL PROJECTS FINANCING

AN ACT Relating to institutions of higher education; providing for the acquisition, construction, remodeling, furnishing and equipping of certain state buildings and facilities for said institutions of higher education and the financing thereof by the issuance of bonds, including bond anticipation notes; adding a new chapter to Title 28B RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the institutions of higher education, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of nine million five hundred thousand dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this act shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

**NEW SECTION.** Sec. 2. When the state finance committee has determined to issue such general obligation bonds or a portion thereof as authorized in section 1 of this act, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of such bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for the payment of principal of and redemption premium, if any, and interest on such notes shall be applied thereto when such bonds are issued.

**NEW SECTION.** Sec. 3. The state finance committee is authorized to prescribe the form, terms, conditions and covenants of the bonds and/or the bond anticipation notes provided for in sections 1 and 2 of this act, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each such bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

**NEW SECTION.** Sec. 4. Except for that portion of the proceeds required to pay bond anticipation notes pursuant to section 2 of this act, the proceeds from the sale of the bonds and/or bond anticipation notes authorized in this chapter, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the state higher education construction account of the general fund in the state treasury. All such proceeds shall be used exclusively for the purposes specified in this chapter and for the payment of the expenses incurred in connection with the sale and issuance of such bonds and bond anticipation notes.

**NEW SECTION.** Sec. 5. The state higher education bond retirement fund of 1977 is hereby created in the state treasury for the purpose of the payment of principal of and interest on the bonds authorized to be issued pursuant to this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the institutions of higher education.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state higher education bond retirement fund of 1977 an amount equal to the amount certified by the state finance committee to be due on such payment date.

**NEW SECTION.** Sec. 6. The bonds authorized in sections 1 through 6 of this act shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

**NEW SECTION.** Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 28B RCW.

**NEW SECTION.** Sec. 8. 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. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 21, 1977.

Passed the House June 21, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

## CHAPTER 346

[Engrossed Senate Bill No. 2277]

STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—CAPITAL PROJECTS  
FINANCING

AN ACT Relating to community colleges; authorizing the issuance and sale of state general obligation bonds, including bond anticipation notes, to fund community college capital projects; providing ways and means for the payment of such bonds; adding a new chapter to Title 28B RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. For the purpose of financing the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto as determined by the legislature in its capital appropriations act, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of seven million five hundred thousand dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

**NEW SECTION.** Sec. 2. When the state finance committee has determined to issue such general obligation bonds, or a portion thereof, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of such bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for the payment of principal of and redemption premium, if any, and interest on such notes shall be applied thereto when such bonds are issued.

**NEW SECTION.** Sec. 3. The state finance committee is authorized to determine the aggregate amounts, dates, form, terms, conditions, denominations, interest rates, maturities, rights and manner of redemption prior to maturity, registration privileges, place(s) of payment and covenants of such bonds and/or the bond anticipation notes, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption.

Each such bond and bond anticipation note shall state that it is a general obligation of the state of Washington, shall contain a pledge of the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain the state's unconditional promise to pay such principal and interest as the same shall become due.

**NEW SECTION.** Sec. 4. The proceeds from the sale of the bonds and/or bond anticipation notes authorized in this chapter, together with all grants, donations, transferred funds and all other moneys which the state finance committee or the college board may direct the state treasurer to deposit therein, shall be deposited in the 1975 community college capital construction account in the state general fund:

PROVIDED, That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal of and interest on any outstanding bond anticipation notes, together with accrued interest on the bonds received from the purchasers upon their delivery, shall be deposited in the 1975 community college capital construction bond retirement fund.

NEW SECTION. Sec. 5. Subject to legislative appropriation, all principal proceeds of the bonds and/or bond anticipation notes authorized in this chapter shall be administered by the college board exclusively for the purposes specified in this chapter and for the payment of the expenses incurred in connection with their sale and issuance.

NEW SECTION. Sec. 6. The 1975 community college capital construction bond retirement fund in the state treasury shall be used for the purpose of the payment of the principal of and redemption premium, if any, and interest on the bonds and/or the bond anticipation notes authorized to be issued pursuant to this chapter.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and interest coming due on such bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1975 community college capital construction bond retirement fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

NEW SECTION. Sec. 7. On or before June 30th of each year, the college board shall accumulate in the community college capital projects account from general tuition fees and other moneys deposited therein, an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued pursuant to this chapter. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw said sum from the community college capital projects account and deposit said sum in the state general fund.

NEW SECTION. Sec. 8. The bonds authorized in this chapter shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 9. The bonds authorized in this chapter shall be issued only after the college board has certified to the state finance committee that its anticipated general tuition fee revenue shall be adequate, based upon reasonable projections of student enrollments, for the college board to meet the requirements of section 7 of this act during the life of the bonds proposed to be issued.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 11. 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. 12. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 7, 1977.

Passed the House June 21, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

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## CHAPTER 347

[Senate Bill No. 2714]

### TIMBER TAXATION

AN ACT Relating to revenue and taxation; reenacting and amending section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 33, Laws of 1975-'76 2nd ex. sess. and by section 7, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 82.04.291; amending section 6, chapter 294, Laws of 1971 ex. sess. as amended by section 91, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33.060; amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 8, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 84.33.080; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 33, Laws of 1975-'76 2nd ex. sess. and by section 7, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 82.04.291 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in business as a harvester of timber; as to such persons the amount of tax with respect to such business shall be equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by the appropriate rate as follows:

(a) For timber harvested between October 1, 1972 and September 30, 1973 inclusive, the rate shall be one and three-tenths percent;

(b) For timber harvested between October 1, 1973 and September 30, 1974 inclusive, the rate shall be two and nine-tenths percent and between October 1, 1974 and December 31, 1978, inclusive, six and one-half percent.

(2) For purposes of this section:

(a) "Harvester" means every person who from his own privately owned land or from the privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services fells, cuts or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(b) "Timber" means forest trees, standing or down on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees.

(c) "Stumpage value of timber" means the appropriate stumpage value shown on tables to be prepared by the department of revenue pursuant to subsection (3) of this section.

(d) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other

prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) The department of revenue shall designate areas containing timber having similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, the department shall prepare tables of stumpage values of each species or subclassification of timber within such units, which values shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Such stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined from (a) gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities, or from (b) gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest, or from a combination of (a) and (b), and shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors. Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blow down, ice storm, flood or other sudden unforeseen cause, the department shall revise such tables for any area in which such timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying such tax. The preliminary area designations and stumpage value tables and any revisions thereof shall be subject to review by the ways and means committees of the house and senate prior to finalization. Tables of stumpage values shall be signed by the director or his designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request therefor.

(4) On or before the sixtieth day after the date of final adoption of any stumpage value tables, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

(5) There are hereby created in the state treasury a state timber tax account A and a state timber tax ~~((account-B))~~ reserve account in the state general fund and any interest earned on the investment of cash balances shall be deposited in these accounts. The revenues from the tax imposed by subsection (1) of this section shall be deposited in state timber tax account A and state timber tax ~~((account-B))~~ reserve account as follows:



YEAR OF COLLECTION	ACCOUNT A (( <del>ACCOUNT B</del> )) <u>RESERVE ACCOUNT</u>	
	1973 through (( <del>1978</del> )) <u>1982</u>	100%
<del>(1979</del>	<del>75%</del>	<del>25%</del>
<del>1980</del>	<del>50%</del>	<del>50%</del>
<del>1981</del>	<del>25%</del>	<del>75%</del>
<del>1982))</del> <u>1983</u> and thereafter	0%	100%

(6) In addition to the rates specified in subsection (1) of this section, there shall be imposed upon such persons a surtax at a rate of .5% of the stumpage value of timber as specified in such subsection (1) upon timber harvested between October 1, 1972 and September 30, 1974 inclusive. The revenues from such surtax shall be deposited in ((~~a separate account designated~~)) the state timber tax reserve account((, which is hereby created in the state general fund and any interest earned on the investment of these cash balances shall be deposited in this account)). Such surtax shall be reimposed for one year upon timber harvested in any calendar year following any fourth quarter during which transfers from such reserve account pursuant to subsection (3) of RCW 84.33.080 reduce the balance in such account to less than five hundred thousand dollars, but in no event shall such surtax be imposed in any year after 1980.

(7) The tax imposed under this section shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments and remittance therefor shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of the tax for which he is liable for the preceding quarterly period, and shall sign and transmit the same to the department of revenue, together with a remittance for such amount.

(8) The taxes imposed by this section shall be in addition to any taxes imposed upon the same persons pursuant to one or more of sections RCW 82.04.230 to 82.04.290, inclusive, and RCW 82.04.440, and none of such sections shall be construed to modify or interact with this section in any way, except RCW 82.04.450 and 82.04.490 shall not apply to the taxes imposed by this section.

(9) Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter shall be excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

Sec. 2. Section 6, chapter 294, Laws of 1971 ex. sess. as amended by section 91, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33.060 are each amended to read as follows:

In each year commencing with 1972 and ending with ((~~1980~~)) 1981, solely for the purpose of determining, calculating and fixing, pursuant to chapter 84.52 RCW, the dollar rates for all regular and excess levies for the state and each timber county and taxing district lying wholly or partially in such county within which there was timber on January 1 of such year, the assessor of such timber county

shall, for each such district, add to the amount of the "assessed valuation of the property" of all property other than timber the product of:

(a) The portion indicated below for each year of the value of timber therein as shown on the timber roll prepared in accordance with RCW 84.33.050 for such year; and

(b) The assessment ratio applied generally by such assessor in computing the assessed value of other property in his county:

YEAR	PORTION OF TIMBER ROLL
1972 through 1977	100%
1978	<del>((75%))</del> 80%
1979	<del>((50%))</del> 60%
1980	<del>((25%))</del> 40%
1981 <del>((and thereafter</del>	<del>None))</del> 20%
1982 and thereafter	None

Sec. 3. Section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 8, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 84.33.080 are each amended to read as follows:

(1) On or before December 15 of each year commencing with 1972 and ending with ~~((1980))~~ 1981, the assessor of each timber county shall deliver to the treasurer of such county and to the department of revenue a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The value of timber as shown on the timber roll for such year;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection in the following year;

(c) A "timber factor" which is the product of such aggregate dollar rate, the assessment ratio applied generally by such assessor in computing the assessed value of other property in his county and the appropriate portion listed below of the timber roll for such year ((a) above):

YEAR	PORTION OF TIMBER ROLL
1972	25%
1973	55%
1974 through 1977	100%
1978	<del>((75%))</del> 80%
1979	<del>((50%))</del> 60%
1980	<del>((25%))</del> 40%
1981	20%

On or before December 31 of each year commencing with 1972 and ending with ~~((1980))~~ 1981, the department of revenue shall determine the proportion that each taxing district's timber factor bears to the sum of the timber factors for all taxing districts in the state, and shall deliver a list to the assessor and the treasurer of each timber county and to the state treasurer showing the factor and proportion for each taxing district.

(2) On the twentieth day of the second month of each calendar quarter, commencing February 20, 1974 and ending November 20, ~~((1981))~~ 1982, the state

treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion and pay into the state general fund for the support of the common schools the state's proportion (determined in December of the preceding year pursuant to subsection (1) of this section) of the amount in state timber tax account A collected upon timber harvested in the preceding calendar quarter, but in no event shall any such quarterly payment to a taxing district, when added to such payments made to such district the previous quarters of the same year, exceed, respectively one-fourth, one-half, three-fourths, or the full amount of the timber factor for such district determined in December of the preceding year.

The balance in state timber tax account A, if any, (~~after the distribution to taxing districts on November 20, 1974 and~~) on the twentieth day of the second month of each calendar quarter commencing February 20, 1975 and ending November 20, (~~1981~~) 1982 shall be transferred to the state timber tax reserve account.

(3) If the balance in state timber tax account A immediately prior to such twentieth day of the second month of each calendar quarter is not sufficient to permit a payment of one-fourth, one-half, three-fourths, or the full amount, as the case may be, which, when added to the payments made to any taxing district the previous quarters of the same year, will equal the timber factor for such district determined in December of the preceding year, the necessary additional amount shall be transferred from the state timber tax reserve account to state timber tax account A.

(4) If, after the transfer, if any, from the state timber tax account A (pursuant to subsection (2) of this section) in August of any year commencing with 1974, the balance in the state timber reserve account exceeds two million dollars, the amount of the excess shall be applied first, subject to legislative appropriation of funds allocated from the state timber reserve account, for activities undertaken by the department of revenue forest (~~valuation section~~) tax division and for the activities undertaken by the department of natural resources relating to classification of lands as required by this chapter (~~PROVIDED, That within the 1973-75 biennium, the state treasurer shall transfer from the state timber reserve account to the state general fund an amount equal to actual expenditures of the department of revenue related to the activities of the forest valuation section no later than August 31, 1974 and August 31, 1975, for the fiscal year just completed. If the amount of such excess is more than is necessary for reimbursement for such purposes, the remaining amount of the excess shall be distributed to the taxing districts which distribution shall be made in the following manner:~~). If following the transfer, if any, from the state timber tax account A (pursuant to subsection (2) of this section) in November of 1977 and each year thereafter, the balance in the state timber tax reserve account exceeds two million dollars, the department of revenue shall determine on or before December 31 of such year, an amount to be distributed to the taxing districts the following calendar year, which distribution shall be determined in the following manner: PROVIDED, That the amount of such excess reserve account distribution shall be limited to that amount which, when added to the total account A distribution for the same calendar year, will allow a percentage increase or decrease in total calendar year distributions equal to the percentage increase or

decrease in excise tax collections between the preceding calendar year and the current calendar year:

(a) The department of revenue shall calculate a harvest factor and a harvest factor proportion for each taxing district, in the manner provided in subsection (5) of this section except that for years before 1978 there shall be used the aggregate value of timber harvested for as many quarters for which information is available;

(b) By multiplying the amount of such excess by the harvest factor proportion for each taxing district respectively, the department of revenue shall calculate the amount to be distributed to each local taxing district and to the state and shall certify such amounts to the respective county assessors and state;

(c) Along with each quarterly payment pursuant to subsection (2) of this section, the state treasurer shall pay, out of the state timber reserve account, to the treasurer of each timber county for the account of each local taxing district one-fourth of such district's portion (determined pursuant to (b) above) of such excess and the state treasurer shall pay into the state's general fund for the support of the common schools out of the state timber tax reserve account such additional one-fourth amount due the state.

~~((The balance, if any, in the state timber reserve account after the final transfer, if any, to or from state timber tax fund A in November of 1981, shall be transferred to state timber tax account B on December 31, 1981, and one-fourth of such balance shall be distributed in each quarter of 1982 in the manner set forth in subsection (6) of this section.))~~

(5) On or before December 31 of each year commencing with 1978, the department of revenue shall deliver to the treasurer of each timber county a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The average of the aggregate value of all timber harvested within such district in each of the immediately preceding five years as determined from the excise tax returns filed with the department of revenue;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and chapter 84.52 RCW and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection the following year;

(c) A "harvest factor" which is the product of such five year average and such aggregate dollar rate;

(d) The proportion that each taxing district's harvest factor bears to the sum of the harvest factors for all taxing districts in the state.

~~((6) On the twentieth day of the second month of each calendar quarter commencing February 20, 1979, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion (determined in December of the preceding year pursuant to subsection (5) of this section) of the amount in state timber tax account B collected upon timber harvested in the preceding calendar quarter.))~~

NEW SECTION. Sec. 4. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the

state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 21, 1977.

Passed the House June 21, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

## CHAPTER 348

[Senate Bill No. 2839]

### NONPROFIT RADIO AND/OR TELEVISION TRANSMISSION PROPERTY—TAX EXEMPTION

AN ACT Relating to property taxation; exempting the property of certain nonprofit corporations and associations from taxation; adding new sections to chapter 84.36 RCW; prescribing effective dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. The following property shall be exempt from taxation:

Real and personal property owned by or leased to any nonprofit corporation or association to the extent used exclusively to rebroadcast, amplify, or otherwise facilitate the transmission and/or reception of radio and/or television signals originally broadcast by foreign or domestic governmental agencies for reception by the general public: PROVIDED, That in the event such property is leased, the benefit of the exemption shall inure to the user.

**NEW SECTION.** Sec. 2. The exemption contained in section 1 of this act shall be subject to the administrative provisions contained in RCW 84.36.800 through 84.36.865 as now or hereafter amended.

**NEW SECTION.** Sec. 3. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, shall take effect immediately and shall be effective for assessment in 1977 for taxes due and payable in 1978.

**NEW SECTION.** Sec. 4. Sections 1 through 3 of this act are each added to chapter 84.36 RCW.

Passed the Senate May 2, 1977.

Passed the House June 21, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

## CHAPTER 349

[Second Substitute Senate Bill No. 3097]

### STATE FIRE SERVICE TRAINING CENTER—CAPITAL PROJECT FINANCING

AN ACT Relating to the commission for vocational education; providing for the planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for said commission for vocational education and the financing thereof by the issuance of bonds, including bond anticipation notes; creating new sections; adding a new chapter to Title 28C RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for the commission for vocational education, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

**NEW SECTION.** Sec. 2. When the state finance committee has determined to issue such general obligation bonds or a portion thereof as authorized in section 1 of this act, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of such bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for the payment of principal of and redemption premium, if any, and interest on such notes shall be applied thereto when such bonds are issued.

**NEW SECTION.** Sec. 3. The state finance committee is authorized to prescribe the form, terms, conditions and covenants of the bonds and/or the bond anticipation notes provided for in sections 1 and 2 of this act, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each such bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

**NEW SECTION.** Sec. 4. Except for that portion of the proceeds required to pay bond anticipation notes pursuant to section 2 of this act, the proceeds from the sale of the bonds and/or bond anticipation notes authorized in this chapter, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the fire training construction account of the general fund hereby created in the state treasury. All such proceeds shall be used exclusively for the purposes specified in this chapter and for the payment of the expenses incurred in connection with the sale and issuance of such bonds and bond anticipation notes.

**NEW SECTION.** Sec. 5. The 1977 state fire service training center bond retirement fund is hereby created in the state treasury for the purpose of the payment of principal of and interest on the bonds authorized to be issued pursuant to this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the commission for vocational education.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state

revenues received in the state treasury and deposit in the 1977 state fire service training center bond retirement fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

NEW SECTION. Sec. 6. The bonds authorized in this chapter shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 28C RCW.

NEW SECTION. Sec. 8. 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. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 9, 1977.

Passed the House June 21, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

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## CHAPTER 350

[House Bill No. 49]

### INDUSTRIAL INSURANCE

AN ACT Relating to industrial insurance; amending section 51.04.010, chapter 23, Laws of 1961 as amended by section 1, chapter 43, Laws of 1972 ex. sess. and RCW 51.04.010; amending section 51.04.030, chapter 23, Laws of 1961 as amended by section 74, chapter 289, Laws of 1971 ex. sess. and RCW 51.04.030; amending section 51.04.060, chapter 23, Laws of 1961 and RCW 51.04.060; amending section 51.04.070, chapter 23, Laws of 1961 and RCW 51.04.070; amending section 51.04.090, chapter 23, Laws of 1961 and RCW 51.04.090; amending section 51.04.100, chapter 23, Laws of 1961 and RCW 51.04.100; amending section 67, chapter 289, Laws of 1971 ex. sess. as last amended by section 150, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 51.04.110; amending section 3, chapter 107, Laws of 1961 and RCW 51.08.013; amending section 51.08.015, chapter 23, Laws of 1961 as amended by section 3, chapter 43, Laws of 1972 ex. sess. and RCW 51.08.015; amending section 51.08.020, chapter 23, Laws of 1961 as amended by section 91, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.08.020; amending section 51.08.050, chapter 23, Laws of 1961 and RCW 51.08.050; amending section 51.08.070, chapter 23, Laws of 1961 as amended by section 1, chapter 289, Laws of 1971 ex. sess. and RCW 51.08.070; amending section 51.08.160, chapter 23, Laws of 1961 and RCW 51.08.160; amending section 14, chapter 289, Laws of 1971 ex. sess. and RCW 51.08.178; amending section 51.08.180, chapter 23, Laws of 1961 and RCW 51.08.180; amending section 4, chapter 43, Laws of 1972 ex. sess. and RCW 51.08.185; amending section 1, chapter 20, Laws of 1971 as last amended by section 1, chapter 79, Laws of 1975 1st ex. sess. and RCW 51.12.035; amending section 51.12.050, chapter 23, Laws of 1961 as amended by section 8, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.050; amending section 51.12.060, chapter 23, Laws of 1961 and RCW 51.12.060; amending section 51.12.090, chapter 23, Laws of 1961 as amended by section 10, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.090; amending section 51.12.100, chapter 23, Laws of 1961 as last amended by section 3, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.12.100; amending section 51.12.110, chapter 23, Laws of 1961 as amended by section 85, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.110; amending section 82, chapter 289, Laws of 1971 ex. sess. as amended by section 12, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.120; amending section 16, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.035; amending section 2, chapter 151, Laws of 1963 as amended by section 84, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.042; amending section 51.16.060, chapter 23, Laws of 1961 as last amended by section 1, chapter 32, Laws of 1973 1st ex. sess. and RCW 51.16.060; amending section 51.16.105, chapter 23, Laws of 1961 as last amended by section 8, chapter 52,

Laws of 1973 1st ex. sess. and RCW 51.16.105; amending section 51.16.120, chapter 23, Laws of 1961 as amended by section 13, chapter 43, Laws of 1972 ex. sess. and RCW 51.16.120; amending section 51.16.140, chapter 23, Laws of 1961 as last amended by section 2, chapter 110, Laws of 1973 and RCW 51.16.140; amending section 51.24.010, chapter 23, Laws of 1961 as last amended by section 93, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.24.010; amending section 51.24.020, chapter 23, Laws of 1961 as amended by section 94, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.24.020; amending section 51.28.010, chapter 23, Laws of 1961 as last amended by section 4, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.28.010; amending section 51.28.020, chapter 23, Laws of 1961 as amended by section 38, chapter 289, Laws of 1971 ex. sess. and RCW 51.28.020; amending section 51.28.055, chapter 23, Laws of 1961 and RCW 51.28.055; amending section 51.28.060, chapter 23, Laws of 1961 and RCW 51.28.060; amending section 51.28.070, chapter 23, Laws of 1961 as amended by section 6, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.28.070; amending section 51.32.010, chapter 23, Laws of 1961 as last amended by section 7, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.32.010; amending section 1, chapter 107, Laws of 1961 as amended by section 41, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.015; amending section 51.32.020, chapter 23, Laws of 1961 as amended by section 42, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.020; amending section 51.32.030, chapter 23, Laws of 1961 and RCW 51.32.030; amending section 1, chapter 30, Laws of 1974 ex. sess. as amended by section 8, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.32.040; amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 2, chapter 45, Laws of 1975-'76 2nd ex. sess. and RCW 51.32.050; amending section 46, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.055; amending section 51.32.060, chapter 23, Laws of 1961 as last amended by section 9, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.32.060; amending section 1, chapter 19, Laws of 1975-'76 2nd ex. sess. and RCW 51.32.073; amending section 51.32.080, chapter 23, Laws of 1961 as last amended by section 21, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.080; amending section 51.32.090, chapter 23, Laws of 1961 as last amended by section 1, chapter 235, Laws of 1975 1st ex. sess. and RCW 51.32.090; amending section 12, chapter 289, Laws of 1971 ex. sess. as amended by section 23, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.095; amending section 51.32.100, chapter 23, Laws of 1961 as amended by section 44, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.100; amending section 51.32.110, chapter 23, Laws of 1961 as amended by section 13, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.110; amending section 51.32.120, chapter 23, Laws of 1961 and RCW 51.32.120; amending section 51.32.135, chapter 23, Laws of 1961 as amended by section 98, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.32.135; amending section 51.32.180, chapter 23, Laws of 1961 as amended by section 49, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.180; amending section 47, chapter 289, Laws of 1971 ex. sess. as amended by section 25, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.190; amending section 26, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.210; amending section 51.36.010, chapter 23, Laws of 1961 as last amended by section 1, chapter 234, Laws of 1975 1st ex. sess. and RCW 51.36.010; amending section 51.36.020, chapter 23, Laws of 1961 as last amended by section 14, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.36.020; amending section 51.36.030, chapter 23, Laws of 1961 and RCW 51.36.030; amending section 2, chapter 107, Laws of 1961 and RCW 51.36.040; amending section 54, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.070; amending section 51.40.010, chapter 23, Laws of 1961 and RCW 51.40.010; amending section 51.40.020, chapter 23, Laws of 1961 as last amended by section 2, chapter 80, Laws of 1965 ex. sess. and RCW 51.40.020; amending section 51.40.030, chapter 23, Laws of 1961 and RCW 51.40.030; amending section 51.40.040, chapter 23, Laws of 1961 as amended by section 29, chapter 106, Laws of 1973 and RCW 51.40.040; amending section 51.40.050, chapter 23, Laws of 1961 and RCW 51.40.050; amending section 51.40.060, chapter 23, Laws of 1961 and RCW 51.40.060; amending section 51.40.070, chapter 23, Laws of 1961 and RCW 51.40.070; amending section 51.44.110, chapter 23, Laws of 1961 as amended by section 30, chapter 106, Laws of 1973 and RCW 51.44.110; amending section 51.48.010, chapter 23, Laws of 1961 as amended by section 61, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.010; amending section 51.48.050, chapter 23, Laws of 1961 and RCW 51.48.050; amending section 51.48.060, chapter 23, Laws of 1961 as amended by section 20, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.060; amending section 51.48.070, chapter 23, Laws of 1961 and RCW 51.48.070; amending section 1, chapter 78, Laws of 1972 ex. sess. and RCW 51.48.105; amending section 51.52.010, chapter 23, Laws of 1961 as last amended by section 151, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 51.52.010; amending section 51.52.050, chapter 23, Laws of 1961 as amended by section 1, chapter 58, Laws of 1975 1st ex. sess. and RCW 51.52.050; amending section 51.52.060, chapter 23, Laws of 1961 as last amended by section 2, chapter 58, Laws of 1975 1st ex. sess. and RCW 51.52.060; amending section 51.52.070, chapter 23, Laws of 1961 as last amended by section 18, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.52.070; amending section 51.52.095, chapter 23, Laws of 1961 as last amended by section 3, chapter 148, Laws of 1963 and RCW 51.52.095; amending section 51.52.100, chapter 23, Laws of 1961 as amended by section 4, chapter 148, Laws of 1963 and RCW 51.52.100; amending section 1, chapter 40, Laws of 1973 and RCW 51.52.110; amending section



51.52.120, chapter 23, Laws of 1961 as amended by section 1, chapter 63, Laws of 1965 ex. sess. and RCW 51.52.120; and amending section 51.52.130, chapter 23, Laws of 1961 and RCW 51.52.130.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 51.04.010, chapter 23, Laws of 1961 as amended by section 1, chapter 43, Laws of 1972 ex. sess. and RCW 51.04.010 are each amended to read as follows:

The common law system governing the remedy of ~~((workmen))~~ workers against employers for injuries received in employment is inconsistent with modern industrial conditions. In practice it proves to be economically unwise and unfair. Its administration has produced the result that little of the cost of the employer has reached the ~~((workman))~~ worker and that little only at large expense to the public. The remedy of the ~~((workman))~~ worker has been uncertain, slow and inadequate. Injuries in such works, formerly occasional, have become frequent and inevitable. The welfare of the state depends upon its industries, and even more upon the welfare of its wage worker. The state of Washington, therefore, exercising herein its police and sovereign power, declares that all phases of the premises are withdrawn from private controversy, and sure and certain relief for ~~((workmen))~~ workers, injured in their work, and their families and dependents is hereby provided regardless of questions of fault and to the exclusion of every other remedy, proceeding or compensation, except as otherwise provided in this title; and to that end all civil actions and civil causes of action for such personal injuries and all jurisdiction of the courts of the state over such causes are hereby abolished, except as in this title provided.

Sec. 2. Section 51.04.030, chapter 23, Laws of 1961 as amended by section 74, chapter 289, Laws of 1971 ex. sess. and RCW 51.04.030 are each amended to read as follows:

The director shall, through the division of industrial insurance, supervise the providing of prompt and efficient care and treatment to ~~((workmen))~~ workers injured in during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and promulgate and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment.

The director shall make and, from time to time, change as may be, and promulgate a fee bill of the maximum charges to be made by any physician, surgeon, hospital, druggist, or other agency or person rendering services to injured ~~((workmen))~~ workers. No service covered under this title shall be charged or paid at a rate or rates exceeding those specified in such fee bill, and no contract providing for greater fees shall be valid as to the excess.

The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured ~~((workmen))~~ workers, shall approve and pay those which conform to the promulgated rules, regulations, and practices of the director and may reject any bill or item thereof incurred in violation of the

principles laid down in this section or the rules and regulations promulgated under it.

Sec. 3. Section 51.04.060, chapter 23, Laws of 1961 and RCW 51.04.060 are each amended to read as follows:

No employer or ~~((workman))~~ worker shall exempt himself or herself from the burden or waive the benefits of this title by any contract, agreement, rule or regulation, and any such contract, agreement, rule or regulation shall be pro tanto void.

Sec. 4. Section 51.04.070, chapter 23, Laws of 1961 and RCW 51.04.070 are each amended to read as follows:

A minor working at an age legally permitted under the laws of this state shall be deemed sui juris for the purpose of this title, and no other person shall have any cause of action or right to compensation for an injury to such minor ~~((workman))~~ worker, except as expressly provided in this title, but in the event of a lump sum payment becoming due under this title to such minor ~~((workman))~~ worker, the management of the sum shall be within the probate jurisdiction of the courts the same as other property of minors and, in the event it is necessary to procure the appointment of a guardian to receive the money to which any minor ~~((workman))~~ worker is entitled under the provisions of this title, the director may allow from the accident fund toward the expenses of such guardianship, not to exceed the sum of fifty dollars in any one case: PROVIDED, That in case any such minor is awarded a lump sum payment of not more than seven hundred fifty dollars, the director may make payment direct to such minor without the necessity of the appointment of a guardian.

Sec. 5. Section 51.04.090, chapter 23, Laws of 1961 and RCW 51.04.090 are each amended to read as follows:

If any employer shall be adjudicated to be outside the lawful scope of this title, the title shall not apply to him or ~~((his workman))~~ her or his or her worker, or if any ~~((workman))~~ worker shall be adjudicated to be outside the lawful scope of this title because of remoteness of his or her work from the hazard of his or her employer's work, any such adjudication shall not impair the validity of this title in other respects, and in every such case an accounting in accordance with the justice of the case shall be had of moneys received. If the provisions for the creation of the accident fund, or the provisions of this title making the compensation to the ~~((workman))~~ worker provided in it exclusive of any other remedy on the part of the ~~((workman))~~ worker shall be held invalid the entire title shall be thereby invalidated. In other respects an adjudication of invalidity of any part of this title shall not affect the validity of the title as a whole or any other part thereof.

Sec. 6. Section 51.04.100, chapter 23, Laws of 1961 and RCW 51.04.100 are each amended to read as follows:

If the provisions of this title relative to compensation for injuries to or death of ~~((workmen))~~ workers become invalid because of any adjudication, or be repealed, the period intervening between the occurrence of an injury or death, not previously compensated for under this title by lump payment or completed monthly payments, and such repeal or the rendition of the final adjudication of invalidity shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death: PROVIDED, That such action be commenced

within one year after such repeal or adjudication; but in any such action any sum paid out of the accident fund to the ((workman)) worker on account of injury, to whom the action is prosecuted, shall be taken into account or disposed of as follows: If the defendant employer shall have paid without delinquency into the accident fund the payment provided by this title, such sums shall be credited upon the recovery as payment thereon, otherwise the sum shall not be so credited but shall be deducted from the sum collected and be paid into the said fund from which they had been previously disbursed.

Sec. 7. Section 67, chapter 289, Laws of 1971 ex. sess. as last amended by section 150, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 51.04.110 are each amended to read as follows:

The director shall appoint a ((workmen's)) workers' compensation advisory committee composed of nine members: Three representing subject ((workmen)) workers, three representing subject employers, one representing self-insurers, one representing ((workmen)) workers of self-insurers, and one ex officio member, without a vote, representing the department, who shall be chairman. This committee shall conduct a continuing study of any aspects of ((workmen's)) workers' compensation as the committee shall determine require their consideration. The committee shall report its findings to the department or the board of industrial insurance appeals for such action as deemed appropriate. The members of the committee shall be appointed for a term of three years commencing on July 1, 1971 and the terms of the members representing the ((workmen)) workers and employers shall be staggered so that the director shall designate one member from each such group initially appointed whose term shall expire on June 30, 1972 and one member from each such group whose term shall expire on June 30, 1973. The members shall serve without compensation, but shall be entitled to travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The committee may hire such experts, if any, as it shall require to discharge its duties, and may utilize such personnel and facilities of the department and board of industrial insurance appeals as it shall need without charge. All expenses of this committee shall be paid by the department.

The ((workmen's)) workers' compensation advisory committee created by this section shall conduct a study of the advisability and necessity of deposits by self-insurers into the reserve fund to guarantee the payments of pensions established pursuant to this title, and shall report its findings and recommendations on this study to the department, and the department shall transmit said findings and recommendations to the next regular session of the legislature.

Sec. 8. Section 3, chapter 107, Laws of 1961 and RCW 51.08.013 are each amended to read as follows:

"Acting in the course of employment" means the ((workman)) worker acting at his or her employer's direction or in the furtherance of his or her employer's business which shall include time spent going to and from work on the jobsite, as defined in RCW 51.32.015 and 51.36.040, insofar as such time is immediate to the actual time that the ((workman)) worker is engaged in the work process in areas controlled by his or her employer, except parking areas, and it is not necessary that at the time an injury is sustained by a ((workman)) worker he or she be doing the work on which his or her compensation is based or that the event be within the

time limits on which industrial insurance or medical aid premiums or assessments are paid.

Sec. 9. Section 51.08.015, chapter 23, Laws of 1961 as amended by section 3, chapter 43, Laws of 1972 ex. sess. and RCW 51.08.015 are each amended to read as follows:

Wherever and whenever in any of the provisions of this title relating to any payments by an employer or ((~~workman~~)) worker the words "amount" and/or "amounts," "payment" and/or "payments," "premium" and/or "premiums," "contribution" and/or "contributions", and "assessment" and/or "assessments" appear said words shall be construed to mean taxes, which are the money payments by an employer or ((~~workman~~)) worker which are required by this title to be made to the state treasury for the accident fund, the medical aid fund, the supplemental pension fund, or any other fund created by this title.

Sec. 10. Section 51.08.020, chapter 23, Laws of 1961 as amended by section 91, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.08.020 are each amended to read as follows:

"Beneficiary" means a husband, wife, child, or dependent of a ((~~workman~~)) worker in whom shall vest a right to receive payment under this title: PROVIDED, That a husband or wife of an injured ((~~workman~~)) worker, living separate and apart in a state of abandonment, regardless of the party responsible therefor, for more than one year at the time of the injury or subsequently, shall not be a beneficiary. A spouse who has lived separate and apart from the other spouse for the period of two years and who has not, during that time, received, or attempted by process of law to collect, funds for maintenance, shall be deemed living in a state of abandonment.

Sec. 11. Section 51.08.050, chapter 23, Laws of 1961 and RCW 51.08.050 are each amended to read as follows:

"Dependent" means any of the following named relatives of a ((~~workman~~)) worker whose death results from any injury and who leaves surviving no widow, widower, or child, viz: father, mother, grandfather, grandmother, stepfather, stepmother, grandson, granddaughter, brother, sister, half-sister, half-brother, niece, nephew, who at the time of the accident are actually and necessarily dependent in whole or in part for their support upon the earnings of the ((~~workman~~)) worker: PROVIDED, That unless otherwise provided by treaty, aliens other than father or mother, not residing within the United States at the time of the accident, are not included.

Sec. 12. Section 51.08.070, chapter 23, Laws of 1961 as amended by section 1, chapter 289, Laws of 1971 ex. sess. and RCW 51.08.070 are each amended to read as follows:

"Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any work covered by the provisions of this title, by way of trade or business, or who contracts with one or more ((~~workmen~~)) workers, the essence of which is the personal labor of such ((~~workman or workmen~~)) worker or workers.

Sec. 13. Section 51.08.160, chapter 23, Laws of 1961 and RCW 51.08.160 are each amended to read as follows:

"Permanent total disability" means loss of both legs, or arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the ((workman)) worker from performing any work at any gainful occupation.

Sec. 14. Section 14, chapter 289, Laws of 1971 ex. sess. and RCW 51.08.178 are each amended to read as follows:

(1) For the purposes of this title, the monthly wages the ((workman)) worker was receiving from all employment at the time of injury shall be the basis upon which compensation is computed unless otherwise provided specifically in the statute concerned. In cases where the ((workman's)) worker's wages are not fixed by the month, they shall be determined by multiplying the daily wage the ((workman)) worker was receiving at the time of the injury:

- (a) By five, if the ((workman)) worker was normally employed one day a week;
- (b) By nine, if the ((workman)) worker was normally employed two days a week;
- (c) By thirteen, if the ((workman)) worker was normally employed three days a week;
- (d) By eighteen, if the ((workman)) worker was normally employed four days a week;
- (e) By twenty-two, if the ((workman)) worker was normally employed five days a week;
- (f) By thirty, if the ((workman)) worker was normally employed seven days a week.

The term "wages" shall include the reasonable value of board, housing, fuel, or other consideration of like nature received from the employer, but shall not include overtime pay, tips, or gratuities. The daily wage shall be eight times the hourly wage unless the ((workman)) worker is normally employed for less than eight hours.

(2) In cases where a wage has not been fixed or cannot be reasonable and fairly be determined, the monthly wage shall be computed on the basis of the usual wage paid other employees engaged in like or similar occupations where the wages are fixed.

Sec. 15. Section 51.08.180, chapter 23, Laws of 1961 and RCW 51.08.180 are each amended to read as follows:

"((Workman)) Worker" means every person in this state who is engaged in the employment of an employer under this title, whether by way of manual labor or otherwise in the course of his or her employment; also every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his or her personal labor for an employer under this title, whether by way of manual labor or otherwise, in the course of his or her employment.

Sec. 16. Section 4, chapter 43, Laws of 1972 ex. sess. and RCW 51.08.185 are each amended to read as follows:

"Employee" shall have the same meaning as "((workman)) worker" when the context would so indicate, and shall include all officers of the state, state agencies,

counties, municipal corporations, or other public corporations, or political subdivisions.

Sec. 17. Section 1, chapter 20, Laws of 1971 as last amended by section 1, chapter 79, Laws of 1975 1st ex. sess. and RCW 51.12.035 are each amended to read as follows:

(1) Volunteers shall be deemed employees and/or ((~~workmen~~)) workers, as the case may be, for all purposes relating to medical aid benefits under chapter 51.36 RCW.

A "volunteer" shall mean a person who performs any assigned or authorized duties for the state or any agency thereof, except emergency services workers as described by chapter 38.52 RCW, brought about by one's own free choice, receives no wages, and is registered and accepted as a volunteer by the state or any agency thereof, prior to the occurrence of the injury or the contraction of an occupational disease, for the purpose of engaging in authorized volunteer service: PROVIDED, That such person shall be deemed to be a volunteer although he or she may be granted maintenance and reimbursement for actual expenses necessarily incurred in performing his or her assigned or authorized duties.

Any and all premiums or assessments due under this title on account of such volunteer service shall be the obligation of and be paid by the state or any agency thereof which has registered and accepted the services of volunteers.

(2) Volunteers may be deemed employees and/or ((~~workmen~~)) workers, as the case may be, for all purposes relating to medical aid benefits under chapter 51.36 RCW at the option of any city, county, town, special district, municipal corporation, or political subdivision of any type, or any private nonprofit charitable organization, when any such unit of local government or any such nonprofit organization has given notice of covering all of its volunteers to the director prior to the occurrence of the injury or contraction of an occupational disease.

A "volunteer" shall mean a person who performs any assigned or authorized duties for any such unit of local government, or any such organization, except emergency services workers as described by chapter 38.52 RCW, or ((~~firemen~~)) fire fighters covered by chapter 41.24 RCW, brought about by one's own free choice, receives no wages, and is registered and accepted as a volunteer by any such unit of local government, or any such organization which has given such notice, for the purpose of engaging in authorized volunteer services: PROVIDED, That such person shall be deemed to be a volunteer although he or she may be granted maintenance and reimbursement for actual expenses necessarily incurred in performing his or her assigned or authorized duties.

Any and all premiums or assessments due under this title on account of such volunteer service for any such unit of local government, or any such organization shall be the obligation of and be paid by such organization which has registered and accepted the services of volunteers and exercised its option to secure the medical aid benefits under chapter 51.36 RCW for such volunteers.

Sec. 18. Section 51.12.050, chapter 23, Laws of 1961 as amended by section 8, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.050 are each amended to read as follows:

Whenever the state, county, any municipal corporation, or other taxing district shall engage in any work, or let a contract therefor, in which ((~~workmen~~)) workers

are employed for wages, this title shall be applicable thereto. The employer's payments into the accident fund shall be made from the treasury of the state, county, municipality, or other taxing district. If the work is being done by contract, the payroll of the contractor and the subcontractor shall be the basis of computation and, in the case of contract work consuming less than one year in performance, the required payment into the accident fund shall be based upon the total payroll. The contractor and any subcontractor shall be subject to the provisions of this title, and the state for its general fund, the county, municipal corporation, or other taxing district shall be entitled to collect from the contractor the full amount payable to the accident fund and the contractor, in turn, shall be entitled to collect from the subcontractor his or her proportionate amount of the payment.

Whenever and so long as, by state law, city charter, or municipal ordinance, provision is made for employees or peace officers injured in the course of employment, such employees shall not be entitled to the benefits of this title and shall not be included in the payroll of the municipality under this title: PROVIDED, That whenever any state law, city charter, or municipal ordinance only provides for payment to the employee of the difference between his or her actual wages and that received under this title such employees shall be entitled to the benefits of this title and may be included in the payroll of the municipality.

Sec. 19. Section 51.12.060, chapter 23, Laws of 1961 and RCW 51.12.060 are each amended to read as follows:

The application of this title and related safety laws is hereby extended to all lands and premises owned or held by the United States of America, by deed or act of cession, by purchase or otherwise, which are within the exterior boundaries of the state of Washington, and to all projects, buildings, constructions, improvements, and property belonging to the United States of America, which are within the exterior boundaries of the state, in the same way and to the same extent as if said premises were under the exclusive jurisdiction of the state, and as fully as is permitted under the provisions of that act of the congress of the United States approved June 25, 1936, granting to the several states jurisdiction and authority to apply their state ((workmen's)) workers' compensation laws on all property and premises belonging to the United States of America, being 49 United States Statutes at large 1938, title 40, section 290 United States code, 1958 edition: PROVIDED, That this title shall not apply to employees of the United States of America.

Sec. 20. Section 51.12.090, chapter 23, Laws of 1961 as amended by section 10, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.090 are each amended to read as follows:

The provisions of this title shall apply to employers and ((workmen)) workers (other than railways and their ((workmen)) workers) engaged in intrastate and also in interstate or foreign commerce, for whom a rule of liability or method of compensation now exists under or may hereafter be established by the congress of the United States, only to the extent that the payroll of such ((workmen)) workers may and shall be clearly separable and distinguishable from the payroll of ((workmen)) workers engaged in interstate or foreign commerce: PROVIDED, That as to ((workmen)) workers whose payroll is not so clearly separable and distinguishable the employer shall in all cases be liable in damages for injuries to the same extent

and under the same circumstances as is specified in the case of railroads in the first proviso of RCW 51.12.080: PROVIDED FURTHER, That nothing in this title shall be construed to exclude goods or materials and/or ~~((workmen))~~ workers brought into this state for the purpose of engaging in work.

Sec. 21. Section 51.12.100, chapter 23, Laws of 1961 as last amended by section 3, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.12.100 are each amended to read as follows:

The provisions of this title shall not apply to a master or member of a crew of any vessel, or to employers and ~~((workmen))~~ workers for whom a right or obligation exists under the maritime laws for personal injuries or death of such ~~((workmen))~~ workers.

If an accurate segregation of payrolls of ~~((workmen))~~ workers for whom such a right or obligation exists under the maritime laws cannot be made by the employer, the director is hereby authorized and directed to fix from time to time a basis for the approximate segregation of the payrolls of employees to cover the part of their work for which no right or obligation exists under the maritime laws for injuries or death occurring in such work, and the employer, if not a self-insurer, shall pay premiums on that basis for the time such ~~((workmen))~~ workers are engaged in their work.

Where two or more employers are simultaneously engaged in a common enterprise at one and the same site or place in maritime occupations under circumstances in which no right or obligation exists under the maritime laws for personal injuries or death of such ~~((workmen))~~ workers, such site or place shall be deemed for the purposes of this title to be the common plant of such employers.

In the event payments are made under this title prior to the final determination under the maritime laws, such benefits shall be repaid if recovery is subsequently made under the maritime laws.

Sec. 22. Section 51.12.110, chapter 23, Laws of 1961 as amended by section 85, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.110 are each amended to read as follows:

Any employer who has in his or her employment any exempt person may file notice in writing with the director of his or her election to be subject to this title, and shall forthwith display in a conspicuous manner about his or her works and in a sufficient number of places to reasonably inform his ~~((workmen))~~ or her workers of the fact, printed notices furnished by the department stating that he or she has so elected and stating when said election will become effective. Any ~~((workman))~~ worker in the employ of such applicant shall be entitled at any time within five days after the posting of said notice by his or her employer, or within five days after he or she has been employed by an employer who has elected to become subject to this title as herein provided, to give a written notice to such employer and to the department of his or her election not to become subject to this title. At the expiration of the time fixed by the notice of the employer, the employer and such of his ~~((workmen))~~ or her workers as shall not have given such written notice of their election to the contrary shall be subject to all the provisions of this title and entitled to all of the benefits thereof: PROVIDED, That those who have heretofore complied with the foregoing conditions and are carried and considered by the department as within the purview of this title shall be deemed and considered as



having fully complied with its terms and shall be continued by the department as entitled to all of the benefits and subject to all of the liabilities without other or further action. Any employer who has complied with this section may withdraw his or her acceptance of liability under this title by filing written notice with the director of the withdrawal of his or her acceptance. Such withdrawal shall become effective thirty days after the filing of such notice or on the date of the termination of the security for payment of compensation, whichever last occurs. The employer shall, at least thirty days before the effective date of the withdrawal, post reasonable notice of such withdrawal where the affected (~~(workman or workmen)~~) worker or workers work and shall otherwise notify personally the affected workmen. Withdrawal of acceptance of this title shall not affect the liability of the department or self-insurer for compensation for any injury occurring during the period of acceptance.

Sec. 23. Section 82, chapter 289, Laws of 1971 ex. sess. as amended by section 12, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.120 are each amended to read as follows:

(1) If a (~~(workman)~~) worker, while working outside the territorial limits of this state, suffers an injury on account of which he or she, or his or her beneficiaries, would have been entitled to compensation under this title had such injury occurred within this state, such (~~(workman)~~) worker, or his or her beneficiaries, shall be entitled to compensation under this title: PROVIDED, That if at the time of such injury:

(a) His or her employment is principally localized in this state; or

(b) He or she is working under a contract of hire made in this state for employment not principally localized in any state; or

(c) He or she is working under a contract of hire made in this state for employment principally localized in another state whose (~~(workmen's)~~) workers' compensation law is not applicable to his or her employer; or

(d) He or she is working under a contract of hire made in this state for employment outside the United States and Canada.

(2) The payment or award of compensation under the (~~(workmen's)~~) workers' compensation law of another state, territory, province, or foreign nation to a (~~(workman or his)~~) worker or his or her beneficiaries otherwise entitled on account of such injury to compensation under this title shall not be a bar to a claim for compensation under this title: PROVIDED, That claim under this title is timely filed. If compensation is paid or awarded under this title, the total amount of compensation paid or awarded the (~~(workman)~~) worker or beneficiary under such other (~~(workmen's)~~) workers' compensation law shall be credited against the compensation due the (~~(workman)~~) worker or beneficiary under this title.

(3) If a (~~(workman)~~) worker or beneficiary is entitled to compensation under this title by reason of an injury sustained in this state while in the employ of an employer who is domiciled in another state and who has neither opened an account with the department nor qualified as a self-insurer under this title, such an employer or his or her insurance carrier shall file with the director a certificate issued by the agency which administers the (~~(workmen's)~~) workers' compensation law in the state of the employer's domicile, certifying that such employer has secured the payment of compensation under the (~~(workmen's)~~) workers' compensation law of

such other state and that with respect to said injury such ((~~workman~~)) worker or beneficiary is entitled to the benefits provided under such law. In such event:

(a) The filing of such certificate shall constitute appointment by the employer or his or her insurance carrier of the director as its agent for acceptance of the service of process in any proceeding brought by any claimant to enforce rights under this title;

(b) The director shall send to such employer or his or her insurance carrier, by registered or certified mail to the address shown on such certificate, a true copy of any notice of claim or other process served on the director by the claimant in any proceeding brought to enforce rights under this title;

(c) (i) If such employer is a self-insurer under the ((~~workmen's~~)) workers' compensation law of such other state, such employer shall, upon submission of evidence or security, satisfactory to the director, of his or her ability to meet his or her liability to such claimant under this title, be deemed to be a qualified self-insurer under this title;

(ii) If such employer's liability under the ((~~workmen's~~)) workers' compensation law of such other state is insured, such employer's carrier, as to such claimant only, shall be deemed to be subject to this title: PROVIDED, That unless its contract with said employer requires it to pay an amount equivalent to the compensation benefits provided by this title, the insurer's liability for compensation shall not exceed its liability under the ((~~workmen's~~)) workers' compensation law of such other state;

(d) If the total amount for which such employer's insurer is liable under (c)(ii) above is less than the total of the compensation to which such claimant is entitled under this title, the director may require the employer to file security satisfactory to the director to secure the payment of compensation under this title; and

(e) If such employer has neither qualified as a self-insurer nor secured insurance coverage under the ((~~workmen's~~)) workers' compensation law of another state, such claimant shall be paid compensation by the department;

(f) Any such employer shall have the same rights and obligations as other employers subject to this title and where he or she has not provided coverage or sufficient coverage to secure the compensation provided by this title to such claimant, the director may impose a penalty payable to the department of a sum not to exceed fifty percent of the cost to the department of any deficiency between the compensation provided by this title and that afforded such claimant by such employer or his or her insurance carrier if any.

(4) As used in this section:

(a) A person's employment is principally localized in this or another state when (i) his or her employer has a place of business in this or such other state and he or she regularly works at or from such place of business, or (ii) if clause (i) foregoing is not applicable, he or she is domiciled in and spends a substantial part of his or her working time in the service of his or her employer in this or such other state;

(b) "~~(Workmen's)~~ Workers' compensation law" includes "occupational disease law" for the purposes of this section.

(5) A ((~~workman~~)) worker whose duties require him or her to travel regularly in the service of his or her employer in this and one or more other states may agree

in writing with his or her employer that his or her employment is principally localized in this or another state, and, unless such other state refuses jurisdiction, such agreement shall govern as to any injury occurring after the effective date of the agreement.

(6) The director shall be authorized to enter into agreements with the appropriate agencies of other states and provinces of Canada which administer their ~~((workmen's))~~ workers' compensation law with respect to conflicts of jurisdiction and the assumption of jurisdiction in cases where the contract of employment arises in one state or province and the injury occurs in another, and when any such agreement has been executed and promulgated as a regulation of the department under chapter 34.04 RCW, it shall bind all employers and ~~((workmen))~~ workers subject to this title and the jurisdiction of this title shall be governed by this regulation.

Sec. 24. Section 16, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.035 are each amended to read as follows:

The department shall classify all occupations or industries in accordance with their degree of hazard and fix therefor basic rates of premium which shall be the lowest necessary to maintain actuarial solvency of the accident and medical aid funds in accordance with recognized insurance principles. The department shall formulate and adopt rules and regulations governing the method of premium calculation and collection and providing for a rating system consistent with recognized principles of ~~((workmen's))~~ workers' compensation insurance which shall be designed to stimulate and encourage accident prevention and to facilitate collection. The department may annually, or at such other times as it deems necessary to maintain solvency of the funds, readjust rates in accordance with the rating system to become effective on such dates as the department may designate.

Sec. 25. Section 2, chapter 151, Laws of 1963 as amended by section 84, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.042 are each amended to read as follows:

Inasmuch as business, industry and labor desire to provide for testing, research, training and teaching facilities and consulting services at the University of Washington for industrial and occupational health for ~~((workmen))~~ workers in the environmental research facility thereat, all employers shall bear their proportionate share of the cost therefor. The director may require payments to the department from all employers under this title and may make rules and regulations in connection therewith, which costs shall be paid from the department, in lieu of the previous provisions of RCW 28B.20.458.

Sec. 26. Section 51.16.060, chapter 23, Laws of 1961 as last amended by section 1, chapter 32, Laws of 1973 1st ex. sess. and RCW 51.16.060 are each amended to read as follows:

Every employer not qualifying as a self-insurer shall insure with the state and shall, on or before the last day of January, April, July and October of each year thereafter, furnish the department with a true and accurate payroll for the period in which ~~((workmen))~~ workers were employed by him or her during the preceding calendar quarter, the total amount paid to such ~~((workmen))~~ workers during such preceding calendar quarter, and a segregation of employment in the different

classes established pursuant to this title, and shall pay his or her premium thereon to the appropriate fund. The sufficiency of such statement shall be subject to the approval of the director: **PROVIDED**, That the director may in his or her discretion and for the effective administration of this title require an employer in individual instances to furnish a supplementary report containing the name of each individual (~~((workman))~~) worker, his or her hours worked, his or her rate of pay and the class or classes in which such work was performed: **PROVIDED, FURTHER**, That in the event an employer shall furnish the department with four consecutive quarterly reports wherein each such quarterly report indicates that no premium is due the department may close the account: **AND, PROVIDED FURTHER**, That the department may promulgate rules and regulations in accordance with chapter 34.04 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated payrolls, with such payments being subject to approval as to sufficiency of the estimated payroll by the department, and also subject to appropriate periodic adjustments made by the department based on actual payroll.

Sec. 27. Section 51.16.105, chapter 23, Laws of 1961 as last amended by section 8, chapter 52, Laws of 1973 1st ex. sess. and RCW 51.16.105 are each amended to read as follows:

All expenses of the industrial safety and health division of the department pertaining to (~~((workmen's))~~) workers' compensation shall be paid by the department and financed by premiums and by assessments collected from a self-insurer as provided in this title.

Sec. 28. Section 51.16.120, chapter 23, Laws of 1961 as amended by section 13, chapter 43, Laws of 1972 ex. sess. and RCW 51.16.120 are each amended to read as follows:

Whenever a (~~((workman))~~) worker has sustained a previous bodily infirmity or disability from any previous injury or disease and shall suffer a further injury or disease in employment covered by this title and become totally and permanently disabled from the combined effects thereof, then the experience record of the employer at the time of said further injury or disease shall be charged only with the accident cost which would have resulted solely from said further injury or disease, had there been no preexisting disability, and which accident cost shall be based upon an evaluation of the disability by medical experts. The difference between the charge thus assessed to the employer at the time of said further injury or disease and the total cost of the pension reserve shall be assessed against the second injury fund.

Sec. 29. Section 51.16.140, chapter 23, Laws of 1961 as last amended by section 2, chapter 110, Laws of 1973 and RCW 51.16.140 are each amended to read as follows:

Every employer who is not a self-insurer shall deduct from the pay of each of his (~~((workmen))~~) or her workers one-half of the amount he or she is required to pay, for medical benefits within each risk classification. Such amount shall be periodically determined by the director and reported by him or her to all employers under this title: **PROVIDED**, That the state governmental unit shall pay the entire

amount into the medical aid fund for volunteers, as defined in RCW 51.12.035, and the state apprenticeship council shall pay the entire amount into the medical aid fund for registered apprentices or trainees, for the purposes of RCW 51.12.130. It shall be unlawful for the employer, unless specifically authorized by this title, to deduct or obtain any part of the premium or other costs required to be by him or her paid from the wages or earnings of any of his ((workmen)) or her workers, and the making of or attempt to make any such deduction shall be a gross misdemeanor.

**\*Sec. 30. Section 51.24.010, chapter 23, Laws of 1961 as last amended by section 93, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.24.010 are each amended to read as follows:**

***If the injury to a ((workman)) worker is due to negligence or wrong of another not in the same employ, the injured ((workman)) worker or, if death results from the injury, the surviving spouse, children, or dependents, as the case may be, shall elect whether to take under this title or seek a remedy against such other, such election to be in advance of any suit under this section and, if he or she takes under this title, the cause of action against such other shall be assigned to the department or self-insurer; if the other choice is made, the department or self-insurer shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected and the compensation provided or estimated by this title for such case: PROVIDED, That the injured ((workman)) worker or if death results from the injury, the surviving spouse, children or dependents as the case may be, electing to seek a remedy against such other person, shall receive benefits payable under this title as if such election had not been made, and the department or self-insurer to the extent of such payments having been made by the department or self-insurer to the injured ((workman)) worker or if death results from the injury, the surviving spouse, children or dependents as the case may be shall be subrogated to the rights of such person or persons against the recovery had from such third party and shall have a lien thereupon. Any such cause of action assigned to the department or self-insurer may be prosecuted or compromised by the department or self-insurer in its discretion in the name of the ((workman)) worker, beneficiaries, or legal representative. Any compromise by the ((workman)) worker of any such suit, which would leave a deficiency to be made good by the department or self-insurer may be made only with the written approval of the department or self-insurer. If such approval is not obtained, claim for the deficiency will be deemed to have been waived.***

***Any third party action brought under this title by such ((workman)) worker or beneficiary must be duly prosecuted; if the action is not filed or settled within one year of the notice of election, the cause of action shall be deemed assigned to the department or self-insurer if after thirty days notice the action is neither filed nor settled. If a cause of action which has been filed is not diligently prosecuted, the department or self-insurer shall have the right to petition the court in which the action is pending for an order assigning the cause of action to the department or self-insurer. Upon sufficient showing in the court's discretion of a lack of diligent prosecution, such an order shall issue.***

***In any action brought under this section wherein recovery is made by compromise and settlement or otherwise, the department or self-insurer, to the extent of the***

***benefits paid or payable under this title, shall bear its proportionate share of attorney's fees and costs incurred by the injured ((workman)) worker or surviving spouse, children, or dependents, as the case may be, and the court shall approve the amount of attorney's fees.***

**\*Sec. 30. was vetoed, see message at end of chapter.**

Sec. 31. Section 51.24.020, chapter 23, Laws of 1961 as amended by section 94, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.24.020 are each amended to read as follows:

If injury or death results to a ((workman)) worker from the deliberate intention of his or her employer to produce such injury or death, the ((workman)) worker, surviving spouse, child, or dependent of the ((workman)) worker shall have the privilege to take under this title and also have cause of action against the employer as if this title had not been enacted, for any excess of damages over the amount received or receivable under this title.

Sec. 32. Section 51.28.010, chapter 23, Laws of 1961 as last amended by section 4, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.28.010 are each amended to read as follows:

Whenever any accident occurs to any ((workman)) worker it shall be the duty of such ((workman)) worker or someone in his or her behalf to forthwith report such accident to his or her employer, superintendent or foreman or forewoman in charge of the work, and of the employer to at once report such accident and the injury resulting therefrom to the department pursuant to RCW 51.28.025, as now or hereafter amended, where the ((workman)) worker has received treatment from a physician, has been hospitalized, disabled from work, or has died as the apparent result of such accident and injury.

Upon receipt of such notice of accident, the department shall immediately forward to the ((workman)) worker or his or her beneficiaries or dependents notification, in nontechnical language, of their rights under this title.

Sec. 33. Section 51.28.020, chapter 23, Laws of 1961 as amended by section 38, chapter 289, Laws of 1971 ex. sess. and RCW 51.28.020 are each amended to read as follows:

Where a ((workman)) worker is entitled to compensation under this title he or she shall file with the department or his or her self-insuring employer, as the case may be, his or her application for such, together with the certificate of the physician who attended him or her, and it shall be the duty of the physician to inform the injured ((workman)) worker of his or her rights under this title and to lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the ((workman)) worker. If application for compensation is made to a self-insuring employer, he or she shall forthwith send a copy thereof to the department.

Sec. 34. Section 51.28.055, chapter 23, Laws of 1961 and RCW 51.28.055 are each amended to read as follows:

Claims for occupational disease or infection to be valid and compensable must be filed within one year following the date the ((workman)) worker had notice from a physician of the existence of his or her occupational disease, without reference to its date of origin.

Sec. 35. Section 51.28.060, chapter 23, Laws of 1961 and RCW 51.28.060 are each amended to read as follows:

A dependent shall at all times furnish the department with proof satisfactory to the director of the nature, amount and extent of the contribution made by the deceased (~~(workman)~~) worker.

Proof of dependency by any beneficiary residing without the United States shall be made before the nearest United States consul or consular agency, under the seal of such consul or consular agent, and the department may cause any warrant or warrants to which such beneficiary is entitled to be transmitted to the beneficiary through the nearest United States consul or consular agent.

Sec. 36. Section 51.28.070, chapter 23, Laws of 1961 as amended by section 6, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.28.070 are each amended to read as follows:

Information contained in the claim files and records of injured (~~(workmen)~~) workers, under the provisions of this title, shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but representatives of a claimant, be it an individual or an organization, may review a claim file or receive specific information therefrom upon the presentation of the signed authorization of the claimant. Employers or their duly authorized representatives may review any files of their own injured (~~(workmen)~~) workers in connection with any pending claims. Physicians treating or examining (~~(workmen)~~) workers claiming benefits under this title, or physicians giving medical advice to the department regarding any claim may, at the discretion of the department, inspect the claim files and records of injured (~~(workmen)~~) workers, and other persons may make such inspection, at the departments discretion, when such persons are rendering assistance to the department at any stage of the proceedings on any matter pertaining to the administration of this title.

Sec. 37. Section 51.32.010, chapter 23, Laws of 1961 as last amended by section 7, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.32.010 are each amended to read as follows:

Each (~~(workman)~~) worker injured in the course of his or her employment, or his or her family or dependents in case of death of the (~~(workman)~~) worker, shall receive compensation in accordance with this chapter, and, except as in this title otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever: PROVIDED, That if an injured (~~(workman)~~) worker, or the surviving spouse of an injured (~~(workman)~~) worker shall not have the legal custody of a child for, or on account of whom payments are required to be made under this title, such payment or payments shall be made to the person or persons having the legal custody of such child but only for the periods of time after the department has been notified of the fact of such legal custody, and it shall be the duty of any such person or persons receiving payments because of legal custody of any child immediately to notify the department of any change in such legal custody.

Sec. 38. Section 1, chapter 107, Laws of 1961 as amended by section 41, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.015 are each amended to read as follows:

The benefits of Title 51 RCW shall be provided to each ((workman)) worker receiving an injury, as defined therein, during the course of his or her employment and also during his or her lunch period as established by the employer while on the jobsite. The jobsite shall consist of the premises as are occupied, used or contracted for by the employer for the business or work process in which the employer is then engaged: PROVIDED, That if a ((workman)) worker by reason of his or her employment leaves such jobsite under the direction, control or request of the employer: and if such ((workman)) worker is injured during his or her lunch period while so away from the jobsite, the ((workman)) worker shall receive the benefits as provided herein: AND PROVIDED FURTHER, That the employer need not consider the lunch period in his or her payroll for the purpose of reporting to the department unless the ((workman)) worker is actually paid for such period of time.

Sec. 39. Section 51.32.020, chapter 23, Laws of 1961 as amended by section 42, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.020 are each amended to read as follows:

If injury or death results to a ((workman)) worker from the deliberate intention of the ((workman)) worker himself or herself to produce such injury or death, or while the ((workman)) worker is engaged in the attempt to commit, or the commission of, a felony, neither the ((workman)) worker nor the widow, widower, child, or dependent of the ((workman)) worker shall receive any payment under this title.

An invalid child, while being supported and cared for in a state institution, shall not receive compensation under this chapter.

No payment shall be made to or for a natural child of a deceased ((workman)) worker and, at the same time, as the stepchild of a deceased ((workman)) worker.

Sec. 40. Section 51.32.030, chapter 23, Laws of 1961 and RCW 51.32.030 are each amended to read as follows:

Any individual employer or any member or officer of any corporate employer who is carried upon the payroll at a salary or wage not less than the average salary or wage named in such payroll and who shall be injured, shall be entitled to the benefit of this title, as and under the same circumstances and subject to the same obligations as a ((workman)) worker: PROVIDED, That no such employer or the beneficiaries of such employer shall be entitled to benefits under this title unless the director, prior to the date of the injury, has received notice in writing of the fact that such employer is being carried upon the payroll prior to the date of the injury as the result of which claims for a compensation are made.

Sec. 41. Section 1, chapter 30, Laws of 1974 ex. sess. as amended by section 8, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.32.040 are each amended to read as follows:

No money paid or payable under this title shall, except as provided for in RCW 74.20A.090 and 74.20A.100, prior to the issuance and delivery of the check or warrant therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: PROVIDED, That if any ((workman)) worker suffers a permanent partial injury, and dies from some other



cause than the accident which produced such injury before he or she shall have received payment of his or her award for such permanent partial injury, or if any ((workman)) worker suffers any other injury before he or she shall have received payment of any monthly installment covering any period of time prior to his or her death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to the surviving spouse, or to the child or children if there is no surviving spouse: PROVIDED FURTHER, That, if any ((workman)) worker suffers an injury and dies therefrom before he or she shall have received payment of any monthly installment covering time loss for any period of time prior to his or her death, the amount of such monthly payment shall be paid to the surviving spouse, or to the child or children if there is no surviving spouse: PROVIDED FURTHER, That any application for compensation under the foregoing provisos of this section shall be filed with the department or self-insuring employer within one year of the date of death: PROVIDED FURTHER, That if the injured ((workman)) worker resided in the United States as long as three years prior to the date of injury, such payment shall not be made to any surviving spouse or child who was at the time of the injury a nonresident of the United States: PROVIDED FURTHER, That any ((workman)) worker receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible therefor while confined in any institution under conviction and sentence shall have all payments of such compensation canceled during the period of confinement but after discharge from the institution payment of benefits thereafter due shall be paid if such ((workman)) worker would, but for the provisions of this proviso, otherwise be entitled thereto: PROVIDED FURTHER, That if any prisoner is injured in the course of his or her employment while participating in a work or training release program authorized by chapter 72.65 RCW and is subject to the provisions of this title, he or she shall be entitled to payments under this title subject to the requirements of chapter 72.65 RCW unless his or her participation in such program has been canceled, or unless he or she is returned to a state correctional institution, as defined in RCW 72.65.010(3), as a result of revocation of parole or new sentence: PROVIDED FURTHER, That if such incarcerated ((workman)) worker has during such confinement period, any beneficiaries, they shall be paid directly the monthly benefits which would have been paid to him or her for himself or herself and his or her beneficiaries had he or she not been so confined. Any lump sum benefits to which the ((workman)) worker would otherwise be entitled but for the provisions of these provisos shall be paid on a monthly basis to his or her beneficiaries.

Sec. 42. Section 51.32.050, chapter 23, Laws of 1961 as last amended by section 2, chapter 45, Laws of 1975-'76 2nd ex. sess. and RCW 51.32.050 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed one thousand dollars shall be paid.

(2) Where death results from the injury, a surviving spouse of a deceased ((workman)) worker eligible for benefits under this title shall receive monthly for life or until remarriage the following sums: (a) If there are no children of the deceased ((workman)) worker, sixty percent of the wages of the deceased ((workman)) worker but not less than one hundred eighty-five dollars. (b) If there is one

child of the deceased ((workman)) worker and in the legal custody of such spouse, sixty-two percent of the wages of the deceased ((workman)) worker but not less than two hundred twenty-two dollars. (c) If there are two children of the deceased ((workman)) worker and in the legal custody of such spouse, sixty-four percent of the wages of the deceased ((workman)) worker but not less than two hundred fifty-three dollars. (d) If there are three children of the deceased ((workman)) worker and in the legal custody of such spouse, sixty-six percent of the wages of the deceased ((workman)) worker but not less than two hundred seventy-six dollars. (e) If there are four children of the deceased ((workman)) worker and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased ((workman)) worker but not less than two hundred ninety-nine dollars. (f) If there are five or more children of the deceased ((workman)) worker and in the legal custody of such spouse, seventy percent of the wages of the deceased ((workman)) worker but not less than three hundred twenty-two dollars. (g) Where the surviving spouse does not have legal custody of any child or children of the deceased ((workman)) worker or where after the death of the ((workman)) worker legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the wages of the deceased ((workman)) worker for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which such surviving spouse would have been entitled had such surviving spouse had legal custody of all of the children and the surviving spouse shall receive the remainder after such payments on account of such child or children have been subtracted. Such payments on account of a child or children not in the legal custody of such surviving spouse shall be apportioned equally among such children.

Payments to the surviving spouse of the deceased ((workman)) worker shall cease at the end of the month in which remarriage occurs: PROVIDED, That the monthly payment made to the child or children of the deceased ((workman)) worker shall from the month following such remarriage be a sum equal to five percent of the wages of the deceased ((workman)) worker for one child and a sum equal to five percent for each additional child up to a maximum of five such children. Payments to such child or children shall be apportioned equally among such children. Such sum shall be in place of any payments theretofore made for the benefit of or on account of any such child or children. In no event shall the monthly payments provided in subsection (2) of this section exceed seventy-five percent of the average monthly wage in the state as computed under RCW 51.08.018.

In addition to the monthly payments above provided for, a surviving spouse or child or children of such ((workman)) worker if there is no surviving spouse, or dependent parent or parents, if there is no surviving spouse or child or children of any such deceased ((workman)) worker shall be forthwith paid the sum of eight hundred dollars, any such children, or parents to share and share alike in said sum.

Upon remarriage of a surviving spouse the monthly payments for the child or children shall continue as provided in this section, but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage

occurs, and, after September 8, 1975, an otherwise eligible surviving spouse of a ((workman)) worker who died at any time prior to or after September 8, 1975, shall have an option of:

(i) He or she shall receive, once and for all, a lump sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of his or her pension, whichever is the lesser: PROVIDED, That if the injury occurred prior to July 1, 1971, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect.

(ii) If a surviving spouse does not choose the option specified in subsection (2)(i) of this section, to accept the lump sum payment, the remarriage of the surviving spouse of a ((workman)) worker shall not bar him or her from exercising the option granted in subsection (2)(i) of this section during the life of the remarriage and shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved or annulled by valid court decree provided he or she has not previously accepted the lump sum payment provided in this section: PROVIDED, HOWEVER, That if the surviving spouse during the remarriage should die without having previously received the lump sum payment provided herein his or her estate shall be entitled to receive the sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of his or her pension whichever is the lesser: PROVIDED FURTHER, That if it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of this 1976 amendatory act the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund.

The effective date of an award of payments to a surviving spouse based upon termination of a remarriage by death, annulment, or dissolution shall be the date of the death, or the date the judicial decree of annulment or dissolution becomes final and when application for the payments has been received.

(3) If there is a child or children and no surviving spouse of the deceased ((workman)) worker or the surviving spouse is not eligible for benefits under this title, a sum equal to thirty-five percent of the wages of the deceased ((workman)) worker shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) shall not exceed sixty-five percent of the wages of the deceased ((workman)) worker at the time of his or her death or seventy-five percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums.

(4) In the event a surviving spouse receiving monthly payments dies, the child or children of the deceased ((workman)) worker shall receive the same payment as provided in subsection (3) of this section.

(5) If the ((workman)) worker leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the ((workman)) worker during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed sixty-five percent of the wages of the deceased ((workman)) worker at

the time of the death or seventy-five percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-three while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) If the injured ((workman)) worker dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse or child or children shall receive benefits as if death resulted from the injury as provided in subsections (2) through (4) of this section. Upon remarriage or death of such surviving spouse the payments to such child or children shall be made as provided in subsection (2) of this section when the surviving spouse of a deceased ((workman)) worker remarries.

Sec. 43. Section 46, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.055 are each amended to read as follows:

(1) One purpose of this title is to restore the injured ((workman)) worker as near as possible to the condition of self-support as an able-bodied ((workman)) worker. Benefits for permanent disability shall be determined under the director's supervision only after the injured ((workman's)) worker's condition becomes fixed.

(2) All determinations of permanent disabilities shall be made by the department. Either the ((workman)) worker, employer, or self-insurer may make a request or such inquiry may be initiated by the director on his or her own motion. Such determinations shall be required in every instance where permanent disability is likely to be present. All medical reports and other pertinent information in the possession of or under the control of the employer or self-insurer shall be forwarded to the director with such requests.

(3) A request for determination of permanent disability shall be examined by the department and an order shall issue in accordance with RCW 51.52.050.

(4) The department may require that the ((workman)) worker present himself or herself for a special medical examination by a physician, or physicians, selected by the department, and the department may require that the ((workman)) worker present himself or herself for a personal interview. In such event the costs of such examination or interview, including payment of any reasonable travel expenses, shall be paid by the department or self-insurer as the case may be.

(5) The director may establish a medical bureau within the department to perform medical examinations under this section. Physicians hired or retained for this purpose shall be grounded in industrial medicine and in the assessment of industrial physical impairment. Self-insurers shall bear a proportionate share of the cost of such medical bureau in a manner to be determined by the department.

(6) Where dispute arises from the handling of any claims prior to the condition of the injured ((workman)) worker becoming fixed, the ((workman)) worker, employer, or self-insurer may request the department to resolve the dispute or the director may initiate an inquiry on his or her own motion. In such cases the

department shall proceed as provided in this section and an order shall issue in accordance with RCW 51.52.050.

Sec. 44. Section 51.32.060, chapter 23, Laws of 1961 as last amended by section 9, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.32.060 are each amended to read as follows:

When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the ((~~workman~~)) worker shall receive monthly during the period of such disability:

(1) If married at the time of injury, sixty-five percent of his or her wages but not less than two hundred fifteen dollars per month.

(2) If married with one child at the time of injury, sixty-seven percent of his or her wages but not less than two hundred fifty-two dollars per month.

(3) If married with two children at the time of injury, sixty-nine percent of his or her wages but not less than two hundred eighty-three dollars.

(4) If married with three children at the time of injury, seventy-one percent of his or her wages but not less than three hundred six dollars per month.

(5) If married with four children at the time of injury, seventy-three percent of his or her wages but not less than three hundred twenty-nine dollars per month.

(6) If married with five or more children at the time of injury, seventy-five percent of his or her wages but not less than three hundred fifty-two dollars per month.

(7) If unmarried at the time of the injury, sixty percent of his or her wages but not less than one hundred eighty-five dollars per month.

(8) If unmarried with one child at the time of injury, sixty-two percent of his or her wages but not less than two hundred twenty-two dollars per month.

(9) If unmarried with two children at the time of injury, sixty-four percent of his or her wages but not less than two hundred fifty-three dollars per month.

(10) If unmarried with three children at the time of injury, sixty-six percent of his or her wages but not less than two hundred seventy-six dollars per month.

(11) If unmarried with four children at the time of injury, sixty-eight percent of his or her wages but not less than two hundred ninety-nine dollars per month.

(12) If unmarried with five or more children at the time of injury, seventy percent of his or her wages but not less than three hundred twenty-two dollars per month.

(13) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled ((~~workmen~~)) workers, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.

(14) In case of permanent total disability, if the character of the injury is such as to render the ((~~workman~~)) worker so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly payments to such attendant for such services as long as such requirement continues, but such payments shall not obtain or be operative while the ((~~workman~~)) worker is receiving care under or pursuant to the provisions of chapters 51.36 and 51.40 RCW.

(15) Should any further accident result in the permanent total disability of an injured ((~~workman~~)) worker, he or she shall receive the pension to which he or she

would be entitled, notwithstanding the payment of a lump sum for his or her prior injury.

(16) In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018, except that this limitation shall not apply to the payments provided for in subsection (14) of this section.

Sec. 45. Section 1, chapter 19, Laws of 1975-'76 2nd ex. sess. and RCW 51-.32.073 are each amended to read as follows:

Each employer shall retain from the earnings of each ((workman)) worker that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department in such manner and at such intervals as the department directs and shall be placed in the supplemental pension fund: PROVIDED, That the state apprenticeship council shall pay the entire amount into the supplemental pension fund for registered apprentices or trainees during their participation in supplemental and related instruction classes. The moneys so collected shall be used exclusively for the additional payments from the supplemental pension fund prescribed in this title and for the amount of any increase payable under the provisions of RCW 51.32.075 and shall be no more than necessary to make such payments on a current basis.

Sec. 46. Section 51.32.080, chapter 23, Laws of 1961 as last amended by section 21, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.080 are each amended to read as follows:

(1) For the permanent partial disabilities here specifically described, the injured ((workman)) worker shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium) . . . . .	\$18,000.00
Of leg at or above knee joint with functional stump . . . . .	16,200.00
Of leg below knee joint . . . . .	14,400.00
Of leg at ankle (Syme) . . . . .	12,600.00
Of foot at mid-metatarsals . . . . .	6,300.00
Of great toe with resection of metatarsal bone . . . . .	3,780.00
Of great toe at metatarsophalangeal joint . . . . .	2,268.00
Of great toe at interphalangeal joint . . . . .	1,200.00
Of lesser toe (2nd to 5th) with resection of metatarsal bone . . . . .	1,380.00
Of lesser toe at metatarsophalangeal joint . . . . .	672.00
Of lesser toe at proximal interphalangeal joint . . . . .	498.00
Of lesser toe at distal interphalangeal joint . . . . .	126.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder . . . . .	18,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon . . . . .	17,100.00

Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand . . . . .	16,200.00
Of all fingers except the thumb at metacarpophalangeal joints . . . . .	9,720.00
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone . . . . .	6,480.00
Of thumb at interphalangeal joint . . . . .	3,240.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	4,050.00
Of index finger at proximal interphalangeal joint . . . . .	3,240.00
Of index finger at distal interphalangeal joint . . . . .	1,782.00
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	3,240.00
Of middle finger at proximal interphalangeal joint . . . . .	2,592.00
Of middle finger at distal interphalangeal joint . . . . .	1,458.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	1,620.00
Of ring finger at proximal interphalangeal joint . . . . .	1,296.00
Of ring finger at distal interphalangeal joint . . . . .	810.00
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	810.00
Of little finger at proximal interphalangeal joint . . . . .	648.00
Of little finger at distal interphalangeal joint . . . . .	324.00

MISCELLANEOUS

Loss of one eye by enucleation . . . . .	7,200.00
Loss of central visual acuity in one eye . . . . .	6,000.00
Complete loss of hearing in both ears . . . . .	14,400.00
Complete loss of hearing in one ear . . . . .	2,400.00

(2) Compensation for amputation of a member or part thereof at a site other than those above specified, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment: PROVIDED, That in order to reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments. For purposes of calculating monetary benefits, the amount

payable for total bodily impairment shall be deemed to be thirty thousand dollars: PROVIDED, That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of thirty thousand dollars: PROVIDED FURTHER, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured ((~~workman~~)) worker if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured ((~~workman~~)) worker and his or her monthly compensation payments shall be reduced accordingly.

(3) Should a ((~~workman~~)) worker receive an injury to a member or part of his or her body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such ((~~workman~~)) worker, his or her compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

(4) When the compensation provided for in subsections (1) and (2) exceeds three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured ((~~workman~~)) worker in full, except that the first monthly payment shall be in an amount equal to three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, and interest shall be paid at the rate of six percent on the unpaid balance of such compensation commencing with the second monthly payment: PROVIDED, That upon application of the injured ((~~workman~~)) worker the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured ((~~workman~~)) worker to the department and shall rest in the discretion of the department depending upon the merits of each individual application: PROVIDED FURTHER, That upon death of a ((~~workman~~)) worker all unpaid installments accrued, less interest, shall be paid in a lump sum amount to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

Sec. 47. Section 51.32.090, chapter 23, Laws of 1961 as last amended by section 1, chapter 235, Laws of 1975 1st ex. sess. and RCW 51.32.090 are each amended to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in subdivisions (1) through (13) of RCW 51.32.060 as amended shall apply, so long as the total disability continues.

(2) Any compensation payable under this section for children not in the custody of the injured ((~~workman~~)) worker as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.



(3) As soon as recovery is so complete that the present earning power of the ((workman)) worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable unless the loss of earning power shall exceed five percent.

(4) Whenever an employer requests that a ((workman)) worker who is entitled to temporary total disability under this chapter be certified by a physician as able to perform available work other than his or her usual work, the employer shall furnish to the physician, with a copy to the ((workman)) worker, a statement describing the available work in terms that will enable the physician to relate the physical activities of the job to the ((workman's)) worker's disability. The physician shall then determine whether the ((workman)) worker is physically able to perform the work described. If the ((workman)) worker is released by his or her physician for said work, and the work thereafter comes to an end before the ((workman's)) worker's recovery is sufficient in the judgment of his or her physician to permit him or her to return to his or her usual job, or to perform other available work, the ((workman's)) worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the ((workman)) worker, impede his or her recovery to the extent that in the judgment of his or her physician he or she should not continue to work, the ((workman's)) worker's temporary total disability payments shall be resumed when the ((workman)) worker ceases such work.

Once the ((workman)) worker returns to work under the terms of this subsection, he or she shall not be assigned by the employer to work other than the available work described without the ((workman's)) worker's written consent, or without prior review and approval by the ((workman's)) worker's physician.

In the event of any dispute as to the ((workman's)) worker's ability to perform the available work offered by the employer, the department shall make the final determination.

(5) No ((workman)) worker shall receive compensation for or during the day on which injury was received or the three days following the same, unless his or her disability shall continue for a period of fourteen consecutive calendar days from date of injury.

(6) Should a ((workman)) worker suffer a temporary total disability and should his or her employer at the time of the injury continue to pay him or her the wages which he or she was earning at the time of such injury, such injured ((workman)) worker shall not receive any payment provided in subsection (1) of this section during the period his or her employer shall so pay such wages.

(7) In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018.

Sec. 48. Section 12, chapter 289, Laws of 1971 ex. sess. as amended by section 23, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.095 are each amended to read as follows:

One of the primary purposes of this title is the restoration of the injured ((workman)) worker to gainful employment. To this end, the department shall utilize the services of individuals whose experience, training, and interests in vocational rehabilitation and retraining qualify them to lend expert assistance to the supervisor of industrial insurance in such programs of vocational rehabilitation or retraining as may be reasonable to qualify the ((workman)) worker for employment consistent with his or her physical and mental status. Where, after evaluation and recommendation by such individuals and prior to final evaluation of the ((workman's)) worker's permanent disability and in the sole opinion of the supervisor, vocational rehabilitation or retraining is both necessary and likely to restore the injured ((workman)) worker to a form of gainful employment, the supervisor may, in his or her sole discretion, continue the temporary total disability compensation under RCW 51.32.090 while the ((workman)) worker is actively and successfully undergoing a formal program of vocational rehabilitation or retraining: PROVIDED, That such compensation may not be authorized for a period of more than fifty-two weeks: PROVIDED FURTHER, That such period may, in the sole discretion of the supervisor after his or her review, be extended for an additional fifty-two weeks or portion thereof by written order of the supervisor.

In cases where the ((workman)) worker is required to reside away from his or her customary residence, the reasonable cost of board and lodging shall also be paid. Said costs shall be chargeable to the employer's cost experience or shall be paid by the self-insurer for ((workmen)) workers to whom he or she is liable for compensation and benefits under the provisions of this title.

Sec. 49. Section 51.32.100, chapter 23, Laws of 1961 as amended by section 44, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.100 are each amended to read as follows:

If it is determined that an injured ((workman)) worker had, at the time of his or her injury, a preexisting disease and that such disease delays or prevents complete recovery from such injury, it shall be ascertained, as nearly as possible, the period over which the injury would have caused disability were it not for the diseased condition and the extent of permanent partial disability which the injury would have caused were it not for the disease, and compensation shall be awarded only therefor.

Sec. 50. Section 51.32.110, chapter 23, Laws of 1961 as amended by section 13, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.110 are each amended to read as follows:

Any ((workman)) worker entitled to receive compensation or claiming compensation under this title shall, if requested by the department or self-insurer, submit himself or herself for medical examination, at a time and from time to time, at a place reasonably convenient for the ((workman)) worker and as may be provided by the rules of the department. If the ((workman)) worker refuses to submit to medical examination, or obstructs the same, or, if any injured ((workman)) worker shall persist in unsanitary or injurious practices which tend to imperil or retard his or her recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his or her recovery, the department or the self-insurer upon approval by the department, with notice to the ((workman)) worker may reduce or suspend the compensation of such ((workman)) worker so long as such refusal or

practice continues. If the ((workman)) worker necessarily incurs traveling expenses in attending for examination pursuant to the request of the department, such traveling expenses shall be repaid to him or her out of the accident fund upon proper voucher and audit.

If the medical examination required by this section causes the ((workman)) worker to be absent from his or her work without pay he or she shall be paid for such time lost in accordance with the schedule of payments provided in RCW 51.32.090 as amended.

Sec. 51. Section 51.32.120, chapter 23, Laws of 1961 and RCW 51.32.120 are each amended to read as follows:

Should a further accident occur to a ((workman)) worker who has been previously the recipient of a lump sum payment under this title, his or her future compensation shall be adjusted according to the other provisions of this chapter and with regard to the combined effect of his or her injuries and his or her past receipt of money under this title.

Sec. 52. Section 51.32.135, chapter 23, Laws of 1961 as amended by section 98, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.32.135 are each amended to read as follows:

In pension cases when a ((workman)) worker or beneficiary closes his or her claim by full conversion to a lump sum or in any other manner as provided in RCW 51.32.130 and 51.32.150, such action shall be conclusive and effective to bar any subsequent application or claim relative thereto by the ((workman)) worker or any beneficiary which would otherwise exist had such person not elected to close the claim: PROVIDED, The director may require the spouse of such ((workman)) worker to consent in writing as a prerequisite to conversion and/or the closing of such claim.

Sec. 53. Section 51.32.180, chapter 23, Laws of 1961 as amended by section 49, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.180 are each amended to read as follows:

Every ((workman)) worker who suffers disability from an occupational disease in the course of employment under the mandatory or elective adoption provisions of this title, or his or her family and dependents in case of death of the ((workman)) worker from such disease or infection, shall receive the same compensation benefits and medical, surgical and hospital care and treatment as would be paid and provided for a ((workman)) worker injured or killed in employment under this title: PROVIDED, HOWEVER, That this section and RCW 51.16.040 shall not apply where the last exposure to the hazards of the disease or infection occurred prior to January 1, 1937.

Sec. 54. Section 47, chapter 289, Laws of 1971 ex. sess. as amended by section 25, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.190 are each amended to read as follows:

(1) If the self-insurer denies a claim for compensation, written notice of such denial, clearly informing the claimant of the reasons therefor and that the director will rule on the matter shall be mailed or given to the claimant and the director within seven days after the self-insurer has notice of the claim.

(2) Until such time as the department has entered an order in a disputed case acceptance of compensation by the claimant shall not be considered a binding determination of his or her rights under this title. Likewise the payment of compensation shall not be considered a binding determination of the obligations of the self-insurer as to future compensation payments.

(3) Upon making the first payment of income benefits, and upon stopping or changing of such benefits except where a determination of the permanent disability has been made as elsewhere provided in this title, the self-insurer shall immediately notify the director in accordance with a form to be prescribed by the director that the payment of income benefits has begun or has been stopped or changed. Where temporary disability compensation is payable, the first payment thereof shall be made within fourteen days after notice of claim and shall continue at regular semimonthly or biweekly intervals.

(4) If, after the payment of compensation without an award, the self-insurer elects to controvert the right to compensation, the payment of compensation shall not be considered a binding determination of the obligations of the self-insurer as to future compensation payments. The acceptance of compensation by the ((~~workman~~)) worker or his or her beneficiaries shall not be considered a binding determination of their rights under this title.

(5) The director (a) may, upon his or her own initiative at any time in a case in which payments are being made without an award, and (b) shall, upon receipt of information from any person claiming to be entitled to compensation, from the self-insurer, or otherwise that the right to compensation is controverted, or that payment of compensation has been opposed, stopped or changed, whether or not claim has been filed, promptly make such inquiry as circumstances require, cause such medical examinations to be made, hold such hearings, require the submission of further information, make such orders, decisions or awards, and take such further action as he or she considers will properly determine the matter and protect the rights of all parties.

(6) The director, upon his or her own initiative, may make such inquiry as circumstances require or is necessary to protect the rights of all the parties and he or she may enact rules and regulations providing for procedures to ensure fair and prompt handling by self-insurers of the claims of ((~~workmen~~)) workers and beneficiaries.

Sec. 55. Section 26, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.210 are each amended to read as follows:

Claims of injured ((~~workmen~~)) workers of employers who have secured the payment of compensation by insuring with the department shall be promptly acted upon by the department. Where temporary disability compensation is payable, the first payment thereof shall be mailed within fourteen days after receipt of the claim at the department's offices in Olympia and shall continue at regular semimonthly intervals. The payment of this or any other benefits under this title, prior to the entry of an order by the department in accordance with RCW 51.52.050 as now or hereafter amended, shall be not considered a binding determination of the obligations of the department under this title. The acceptance of compensation by the ((~~workman~~)) worker or his or her beneficiaries prior to such order shall likewise not be considered a binding determination of their rights under this title.

Sec. 56. Section 51.36.010, chapter 23, Laws of 1961 as last amended by section 1, chapter 234, Laws of 1975 1st ex. sess. and RCW 51.36.010 are each amended to read as follows:

Upon the occurrence of any injury to a ((workman)) worker entitled to compensation under the provisions of this title, he or she shall receive proper and necessary medical and surgical services at the hands of a physician of his or her own choice, if conveniently located, and proper and necessary hospital care and services during the period of his or her disability from such injury, but the same shall be limited in point of duration as follows:

In the case of permanent partial disability, not to extend beyond the date when compensation shall be awarded him or her, except when the ((workman)) worker returned to work before permanent partial disability award is made, in such case not to extend beyond the time when monthly allowances to him or her shall cease; in case of temporary disability not to extend beyond the time when monthly allowances to him or her shall cease: PROVIDED, That after any injured ((workman)) worker has returned to his or her work his or her medical and surgical treatment may be continued if, and so long as, such continuation is deemed necessary by the supervisor of industrial insurance to be necessary to his or her more complete recovery; in case of a permanent total disability not to extend beyond the date on which a lump sum settlement is made with him or her or he or she is placed upon the permanent pension roll: PROVIDED, HOWEVER, That the supervisor of industrial insurance, solely in his or her discretion, may authorize continued medical and surgical treatment for conditions previously accepted by the department when such medical and surgical treatment is deemed necessary by the supervisor of industrial insurance to protect such ((workman's)) worker's life or provide for the administration of medical and therapeutic measures including payment of prescription medications, but not including those controlled substances currently scheduled by the state board of pharmacy as Schedule I, II, III, or IV substances under chapter 69.50 RCW, which are necessary to alleviate continuing pain which results from the industrial injury. In order to authorize such continued treatment the written order of the supervisor of industrial insurance issued in advance of the continuation shall be necessary.

Sec. 57. Section 51.36.020, chapter 23, Laws of 1961 as last amended by section 14, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.36.020 are each amended to read as follows:

When the injury to any ((workman)) worker is so serious as to require his or her being taken from the place of injury to a place of treatment, his or her employer shall, at the expense of the medical aid fund, or self-insurer, as the case may be, furnish transportation to the nearest place of proper treatment.

Every ((workman)) worker whose injury results in the loss of one or more limbs or eyes shall be provided with proper artificial substitutes and every ((workman)) worker, who suffers an injury to an eye producing an error of refraction, shall be once provided proper and properly equipped lenses to correct such error of refraction and his or her disability rating shall be based upon the loss of sight before correction. Every ((workman)) worker, whose accident results in damage to or destruction of an artificial limb, eye, or tooth, shall have same repaired or replaced. Every ((workman)) worker whose hearing aid or eyeglasses or lenses are damaged,

destroyed, or lost as a result of an industrial accident shall have the same restored or replaced. The department or self-insurer shall be liable only for the cost of restoring damaged hearing aids or eyeglasses to their condition at the time of the accident. All mechanical appliances necessary in the treatment of an injured ((workman)) worker, such as braces, belts, casts, and crutches, shall be provided and all mechanical appliances required as permanent equipment after treatment has been completed shall continue to be provided or replaced without regard to the date of injury or date treatment was completed, notwithstanding any other provision of law. A ((workman)) worker, whose injury is of such short duration as to bring him or her within the time limit provisions of RCW 51.32.090, shall nevertheless receive during the omitted period medical, surgical, and hospital care and service and transportation under the provisions of this chapter.

Sec. 58. Section 51.36.030, chapter 23, Laws of 1961 and RCW 51.36.030 are each amended to read as follows:

Every employer, who employs less than fifty ((workmen)) workers, shall keep at his or her plant a first aid kit equipped as required by the department with materials for first aid to his or her injured ((workmen)) workers. Every employer who employs within a radius of one-half mile of any plant or establishment fifty or more ((workmen)) workers, shall keep one first aid station equipped as required by the department with materials for first aid to his or her injured ((workmen)) workers, and shall cooperate with the department in training one or more employees in first aid to the injured. The maintenance of such first aid kits and stations shall be deemed to be a part of any educational standards established under Title 49 RCW.

Sec. 59. Section 2, chapter 107, Laws of 1961 and RCW 51.36.040 are each amended to read as follows:

The benefits of Title 51 RCW shall be provided to each ((workman)) worker receiving an injury, as defined therein, during the course of his or her employment and also during his or her lunch period as established by the employer while on the jobsite. The jobsite shall consist of the premises as are occupied, used or contracted for by the employer for the business of work process in which the employer is then engaged: PROVIDED, That if a ((workman)) worker by reason of his or her employment leaves such jobsite under the direction, control or request of the employer and if such ((workman)) worker is injured during his or her lunch period while so away from the jobsite, the ((workman)) worker shall receive the benefits as provided herein: AND PROVIDED FURTHER, That the employer need not consider the lunch period in ((workman)) worker hours for the purpose of reporting to the department unless the ((workman)) worker is actually paid for such period of time.

Sec. 60. Section 54, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.070 are each amended to read as follows:

Whenever the director or the self-insurer deems it necessary in order to resolve any medical issue, a ((workman)) worker shall submit to examination by a physician or physicians selected by the director, with the rendition of a report to the person ordering the examination. The director, in his or her discretion, may charge the cost of such examination or examinations to the self-insurer or to the medical

aid fund as the case may be. The cost of said examination shall include payment to the ((workman)) worker of reasonable expenses connected therewith.

Sec. 61. Section 51.40.010, chapter 23, Laws of 1961 and RCW 51.40.010 are each amended to read as follows:

Any contract made in violation of this title shall be invalid, except that any employer engaged in extrahazardous work may, with the consent of a majority of his ((workmen)) or her workers, enter into written contracts with physicians, surgeons and owners of hospitals operating the same, or with hospital associations, for medical, surgical and hospital care to ((workmen)) workers injured in such employment, by, and under the control and administration of, and at the direct expense of the employer and his ((workmen)) or her workers. Such a contract shall be known as a "medical aid contract" and shall not be assignable or transferable by operation of law or otherwise except with the consent of the supervisor of industrial insurance endorsed thereon.

Sec. 62. Section 51.40.020, chapter 23, Laws of 1961 as last amended by section 2, chapter 80, Laws of 1965 ex. sess. and RCW 51.40.020 are each amended to read as follows:

Before any medical aid contract shall go into effect it shall be submitted to the supervisor of industrial insurance and may be disapproved by him or her when found not to provide for such care of injured ((workmen)) workers as is contemplated by the provisions of RCW 51.04.030 and, if a contract so submitted is with the owners of a hospital operating the same, or with a hospital association, the supervisor of industrial insurance shall have power to disapprove the same if in his or her judgment the ownership or management of such hospital or hospital association is not such as to produce satisfactory service. Any such contract with physician, surgeon, or owner and operator of a hospital, or with a hospital association, so disapproved shall not be valid. If approved the contract shall be in effect for any period of time specified therein, not exceeding three years from the date of approval: PROVIDED, That the director, through the division of industrial insurance, may, before approving any such contract, require the giving by any physician, surgeon, hospital or hospital association, of a bond in such sum and in such form, as the director may determine, conditioned that the obligor will faithfully perform such contract. Every such contract to be valid must provide the injured ((workman)) worker the same services and a standard of service equal to that provided by the department for noncontract cases: PROVIDED, That the contract shall provide for the payment of fees to licensed practitioners of the healing arts ((that)) who are not members of the medical contracting group but who render services to a contract-covered employee. Such fees shall not exceed the agreed fee schedule of the medical contracting group and said fees shall be subject to the proration of payments on the same basis as the medical aid contracting group and any such practitioner participating in the agreement of any contract-covered employee shall agree to render similar services in the event of a catastrophe and to accept a proration of payments on the same basis as the medical contracting group. Every such contract to be valid must provide that the expenses incident to it shall be borne one-half by the employer and one-half by the employees, and that it shall be administered by the two interests jointly and equally.

No contract entered into prior to the time chapter 36, Laws of 1965 goes into effect shall be invalidated during its term by anything contained in the amendatory provisions of said chapter 36, Laws of 1965.

Sec. 63. Section 51.40.030, chapter 23, Laws of 1961 and RCW 51.40.030 are each amended to read as follows:

So long as a medical aid contract is in effect the subject matter of the contract shall, except as in this chapter otherwise specified, be outside of, and not affected by the provisions relating to the assessment and payment of medical aid premiums, but the provisions relating to artificial substitutes and lenses and the basis of compensation when lenses are supplied, and to transportation of injured (~~(workmen)~~) workers and to educational standards of safety shall apply.

Sec. 64. Section 51.40.040, chapter 23, Laws of 1961 as amended by section 29, chapter 106, Laws of 1973 and RCW 51.40.040 are each amended to read as follows:

The employer shall pay monthly into the medical aid fund ten percent of the amount he or she would have been required to pay in that month if such contract had not been made, and of that ten percent he or she shall collect one-half from his or her said (~~(workmen)~~) workers by proper deduction from the daily wage of each and, in addition thereto, every classification and subclassification of industries whose employer and employees are under medical aid contract, shall pay into the surplus fund hereby created a further sum to be determined by the director, through the division of industrial insurance, not exceeding ten percent of the amount that would have been required to be paid into the medical aid fund if such contract had not been made and the employer shall collect such sum from the party agreeing to furnish such medical aid and hospital service. The surplus fund shall be used by the director only for the purpose of furnishing medical aid to (~~(workmen)~~) workers included in the contract provided for in this section, where the necessity therefor arises after the expiration or cancellation of such medical aid contract, in those instances where the medical aid contractor has become deceased, insolvent, dissolved or, in the opinion of the director, otherwise incapable of rendering the required medical aid to the injured (~~(workmen)~~) workers. The amount at which such surplus fund shall be maintained in each classification and subclassification shall be determined by the director, through the division of industrial insurance, based upon the estimated costs of such future medical treatment required to be furnished after the expiration or cancellation of the medical aid contract, except as in this chapter provided. When adequate reserves for such purpose have been accumulated to the credit of any classification and subclassification the levy therefor may be suspended in the discretion of the director. Disbursements from said surplus fund shall be made by warrants drawn against the same by the department upon certificate thereof, or requisition therefor through the division of industrial insurance. Payment into the surplus fund shall not relieve the party agreeing to furnish such medical aid and hospital service from his or her obligation so to do at any time during or after the expiration of his or her medical aid contract except as in this section provided: PROVIDED, That if, upon the expiration of any medical aid contract, the medical aid contractor does not renew it and forthwith and thereafter ceases the performance of all medical aid contracts as in this chapter provided, he or she shall be relieved from all liability to furnish future medical aid to the injured



~~((workman))~~ worker arising after the expiration of such contract or contracts, if he or she has paid all levies theretofore made during the existence of such contract or contracts into the surplus fund.

Sec. 65. Section 51.40.050, chapter 23, Laws of 1961 and RCW 51.40.050 are each amended to read as follows:

During the operation of any contract the supervisor of industrial insurance, on his or her own motion, or any interested person, may file a complaint alleging that the service and care actually rendered thereunder are not up to the standard provided in RCW 51.04.030 and, upon a hearing had upon notice to the employer and ~~((workmen))~~ workers interested thereunder, the supervisor of industrial insurance may make an order that the contract shall terminate unless the defect or deficiency complained of is remedied to his or her satisfaction within a period to be fixed in such order, or he or she may at such hearing sustain the complaint and make an order that the contract shall terminate forthwith.

Notice to the ~~((workmen))~~ workers may be effected by service upon one of them designated by a majority of the ~~((workmen))~~ workers, in writing in duplicate, one copy to be posted for local convenience and the other filed with the supervisor of industrial insurance. In default of any such designation, service upon any one ~~((workman))~~ worker other than the one instituting a complaint shall be service upon all. During an appeal the contract shall remain in force and operation, but the costs of the appeal shall be paid out of the medical aid fund only in case the decision of the supervisor of industrial insurance is reversed.

Sec. 66. Section 51.40.060, chapter 23, Laws of 1961 and RCW 51.40.060 are each amended to read as follows:

If, during the operation of any medical aid contract, any injured ~~((workman))~~ worker shall not receive medical or surgical treatment with reasonable promptness upon the occurrence of his or her injury, or at any time during his or her treatment, the supervisor of industrial insurance may provide such treatment during the emergency at the expense of his or her employer, who may charge such expense against such contract, and such emergency treatment shall continue until supplanted by like treatment under such contract, notwithstanding the pendency of an appeal from such action. The cost of such emergency treatment shall not exceed the rate specified in the department's fee bill. The acceptance of employment by any ~~((workman))~~ worker shall be and be held to be an acceptance of any existing contract made under this chapter to which his or her employer is a party.

Sec. 67. Section 51.40.070, chapter 23, Laws of 1961 and RCW 51.40.070 are each amended to read as follows:

The director shall have power to enact rules prescribing whether and under what conditions an injured ~~((workman))~~ worker, who has been receiving treatment under medical aid contract at a place other than his or her place of permanent abode and who shall be or have become ambulatory or who, being discharged, shall require further treatment, may be transferred to the care of a surgeon at his or her place of residence, and providing for the compensation of such surgeon at the expense of the doctor, hospital or hospital association holding such contract.

Sec. 68. Section 51.44.110, chapter 23, Laws of 1961 as amended by section 30, chapter 106, Laws of 1973 and RCW 51.44.110 are each amended to read as follows:

Disbursement out of the several funds shall be made only upon warrants drawn by the department. The state treasurer shall pay every warrant out of the fund upon which it is drawn. If, at any time, there shall not be sufficient money in the fund on which any such warrant is drawn wherewith to pay the same, the employer on account of whose ((~~workman~~)) worker it was that the warrant was drawn shall pay the same, and he or she shall be credited upon his or her next following contribution to such fund the amount so paid with interest thereon at the legal rate from the date of such payment to the date such next following contribution became payable and, if the amount of the credit shall exceed the amount of the contribution, he or she shall have a warrant upon the same fund for the excess and, if any such warrant shall not be so paid, it shall remain, nevertheless, payable out of the fund.

Sec. 69. Section 51.48.010, chapter 23, Laws of 1961 as amended by section 61, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.010 are each amended to read as follows:

Every employer shall be liable for the penalties described in this title and shall also be liable if an injury or occupational disease has been sustained by a ((~~workman~~)) worker prior to the time he or she has secured the payment of such compensation to a penalty in a sum equal to fifty percent of the cost for such injury or occupational disease, for the benefit of the medical aid fund.

Sec. 70. Section 51.48.050, chapter 23, Laws of 1961 and RCW 51.48.050 are each amended to read as follows:

It shall be unlawful for any employer to directly or indirectly demand or collect from any of his ((~~workmen~~)) or her workers any sum of money whatsoever for or on account of medical, surgical, hospital, or other treatment or transportation of injured ((~~workmen~~)) workers, other than as specified in RCW 51.16.140 and 51.40.040, and any employer who directly or indirectly violates the foregoing provisions of this section shall be liable to the state for the benefit of the medical aid fund in ten times the amount so demanded or collected, and such employer and every officer, agent, or servant of such employer knowingly participating therein shall also be guilty of a misdemeanor.

Sec. 71. Section 51.48.060, chapter 23, Laws of 1961 as amended by section 20, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.060 are each amended to read as follows:

Any physician who fails, neglects or refuses to file a report with the director, as required by this title, within five days of the date of treatment, showing the condition of the injured ((~~workman~~)) worker at the time of treatment, a description of the treatment given, and an estimate of the probable duration of the injury, or who fails or refuses to render all necessary assistance to the injured ((~~workman~~)) worker, as required by this title, shall be subject to a civil penalty of one hundred dollars.

Sec. 72. Section 51.48.070, chapter 23, Laws of 1961 and RCW 51.48.070 are each amended to read as follows:

If any ((workman)) worker is injured because of the absence of any safeguard or protection required to be provided or maintained by, or pursuant to, any statute or ordinance, or any departmental regulation under any statute, or is, at the time of the injury, of less than the maximum age prescribed by law for the employment of a minor in the occupation in which he or she is engaged when injured the employer shall, within ten days after the demand therefor by the department, pay into the accident fund in addition to all other payments required by law:

(1) In case the consequent payment to the ((workman)) worker out of the accident fund is a lump sum, a sum equal to fifty percent of that amount.

(2) In case the consequent payment to the ((workman)) worker is payable in monthly payments, a sum equal to fifty percent of the lump value of such monthly payment, estimated in accordance with the rule stated in RCW 51.32.130.

The foregoing provisions shall not apply to the employer if the absence of such guard or protection is due to the removal thereof by the injured ((workman)) worker himself or herself or with his or her knowledge by any of his or her fellow ((workmen)) workers, unless such removal is by order or direction of the employer or superintendent or foreman of the employer, or anyone placed by the employer in control or direction of such ((workman)) worker. If the removal of such guard or protection is by the ((workman)) worker himself or herself or with his or her consent by any of his or her fellow ((workmen)) workers, unless by order or direction of the employer or the superintendent or foreman of the employer, or anyone placed by the employer in control or direction of such ((workman)) worker, the schedule of compensation provided in chapter 51.32 RCW shall be reduced ten percent for the individual case of such ((workman)) worker.

Sec. 73. Section 1, chapter 78, Laws of 1972 ex. sess. and RCW 51.48.105 are each amended to read as follows:

The penalties provided under this title for failure to apply for coverage for employees as required by the provisions of Title 51 RCW, the ((workmen's)) worker's compensation law, shall not be applicable prior to March 1, 1972, as to any employer whose work first became subject to this title on or after January 1, 1972.

Sec. 74. Section 51.52.010, chapter 23, Laws of 1961 as last amended by section 151, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 51.52.010 are each amended to read as follows:

There shall be a "board of industrial insurance appeals," hereinafter called the "board," consisting of three members appointed by the governor as hereinafter provided. One shall be a representative of the public and a lawyer, appointed from a mutually agreed to list of not less than three active members of the Washington state bar association, submitted to the governor by the two organizations defined below, and such member shall be the ((chairman)) chairperson of said board. The second member shall be a representative of the majority of ((workmen)) workers engaged in employment under this title and selected from a list of not less than three names submitted to the governor by an organization, state-wide in scope, which through its affiliates embraces a cross section and a majority of the organized labor of the state. The third member shall be a representative of employers under this title, and appointed from a list of at least three names submitted to the governor by a recognized state-wide organization of employers, representing a majority of employers. The initial terms of office of the members of the board shall be

for six, four, and two years respectively. Thereafter all terms shall be for a period of six years. Each member of the board shall be eligible for reappointment and shall hold office until his or her successor is appointed and qualified. In the event of a vacancy the governor is authorized to appoint a successor to fill the unexpired term of his or her predecessor. All appointments to the board shall be made in conformity with the foregoing plan. Whenever the workload of the board and its orderly and expeditious disposition shall necessitate, the governor may appoint two additional pro-tem members in addition to the regular members. Such appointments shall be for a definite period of time, and shall be made from lists submitted respectively by labor and industry as in the case of regular members. One pro-tem member shall be a representative of labor and one shall be a representative of industry. Members shall devote their entire time to the duties of the board and shall receive for their services a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 which shall be in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Headquarters for the board shall be located in Olympia. The board shall adopt a seal which shall be judicially recognized.

Sec. 75. Section 51.52.050, chapter 23, Laws of 1961 as amended by section 1, chapter 58, Laws of 1975 1st ex. sess. and RCW 51.52.050 are each amended to read as follows:

Whenever the department has made any order, decision, or award, it shall promptly serve the ((workman)) worker, beneficiary, employer, or other person affected thereby, with a copy thereof by mail, which shall be addressed to such person at his or her last known address as shown by the records of the department. The copy, in case the same is a final order, decision, or award, shall bear on the same side of the same page on which is found the amount of the award, a statement, set in black faced type of at least ten point body or size, that such final order, decision, or award must be appealed to the board, Olympia, within sixty days, or the same shall become final.

Whenever the department has taken any action or made any decision relating to any phase of the administration of this title the ((workman)) worker, beneficiary, employer, or other person aggrieved thereby may appeal to the board and said appellant shall have the burden of proceeding with the evidence to establish a prima facie case for the relief sought in such appeal. Any such person aggrieved by the decision and order of the board may thereafter appeal to the superior court, as prescribed in this chapter.

Sec. 76. Section 51.52.060, chapter 23, Laws of 1961 as last amended by section 2, chapter 58, Laws of 1975 1st ex. sess. and RCW 51.52.060 are each amended to read as follows:

Any ((workman)) worker, beneficiary, employer, or other person aggrieved by an order, decision, or award of the department must, before he or she appeals to the courts, file with the board and the director, by mail or personally, within sixty days from the day on which such copy of such order, decision, or award was communicated to such person, a notice of appeal to the board. Within ten days of the date on which an appeal has been granted by the board, the board shall notify the other interested parties thereto of the receipt thereof and shall forward a copy of said notice of appeal to such other interested parties. Within twenty days of the

receipt of such notice of the board, the ((workman)) worker or the employer may file with the board a cross-appeal from the order of the department from which the original appeal was taken: PROVIDED, That nothing contained in this section shall be deemed to change, alter or modify the practice or procedure of the department for the payment of awards pending appeal: AND PROVIDED, That failure to file notice of appeal with both the board and the department shall not be ground for denying the appeal if the notice of appeal is filed with either the board or the department: AND PROVIDED, That, if within the time limited for filing a notice of appeal to the board from an order, decision, or award of the department, the department shall direct the submission of further evidence or the investigation of any further fact, the time for filing such notice of appeal shall not commence to run until such person shall have been advised in writing of the final decision of the department in the matter: PROVIDED, FURTHER, That in the event the department shall direct the submission of further evidence or the investigation of any further fact, as above provided, the department shall render a final order, decision, or award within ninety days from the date such further submission of evidence or investigation of further fact is ordered which time period may be extended by the department for good cause stated in writing to all interested parties for an additional ninety days: PROVIDED, FURTHER, That the department, either within the time limited for appeal, or within thirty days after receiving a notice of appeal, may modify, reverse or change any order, decision, or award, or may hold any such order, decision, or award in abeyance for a period of ninety days which time period may be extended by the department for good cause stated in writing to all interested parties for an additional ninety days pending further investigation in light of the allegations of the notice of appeal, and the board shall thereupon deny the appeal, without prejudice to the appellant's right to appeal from any subsequent determinative order issued by the department.

Sec. 77. Section 51.52.070, chapter 23, Laws of 1961 as last amended by section 18, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.52.070 are each amended to read as follows:

The notice of appeal to the board shall set forth in full detail the grounds upon which the person appealing considers such order, decision, or award is unjust or unlawful, and shall include every issue to be considered by the board, and it must contain a detailed statement of facts upon which such ((workman)) worker, beneficiary, employer, or other person relies in support thereof. The ((workman)) worker, beneficiary, employer, or other person shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in such notice of appeal or appearing in the records of the department. The department shall promptly transmit its original record, or a legible copy thereof produced by mechanical, photographic, or electronic means, in such matter to the board.

Sec. 78. Section 51.52.095, chapter 23, Laws of 1961 as last amended by section 3, chapter 148, Laws of 1963 and RCW 51.52.095 are each amended to read as follows:

The board, upon request of the ((workman)) worker, beneficiary, or employer, or upon its own motion, may direct all parties interested in an appeal, together with their attorneys, if any, to appear before it, a member of the board, or an authorized

hearing examiner, for a conference for the purpose of determining the feasibility of settlement, the simplification of issues of law and fact, the necessity of amendments to the notice of appeal or other pleadings, the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, the limitation of the number of expert witnesses, and such other matters as may aid in the disposition of the appeal. Such conference may be held prior to the hearing, or it may be held during the hearing, at the discretion of the board member or hearing examiner conducting the same, in which case the hearing will be recessed for such conference. Following the conference, the board member or hearing examiner conducting the same, shall state on the record the results of such conference, and the parties present or their representatives shall state their concurrence on the record. Such agreement as stated on the record shall control the subsequent course of the proceedings, unless modified at a subsequent hearing to prevent manifest injustice. If agreement concerning final disposition of the appeal is reached by the parties present at the conference, or by the employer and ((workman)) worker or beneficiary, the board may enter a final decision and order in accordance therewith, providing the board finds such agreement is in conformity with the law and the facts.

Sec. 79. Section 51.52.100, chapter 23, Laws of 1961 as amended by section 4, chapter 148, Laws of 1963 and RCW 51.52.100 are each amended to read as follows:

Hearings shall be held in the county of the residence of the ((workman)) worker or beneficiary, or in the county where the injury occurred, at a place designated by the board. Such hearing shall be de novo and summary, but no witness' testimony shall be received unless he or she shall first have been sworn to testify the truth, the whole truth and nothing but the truth in the matter being heard, or unless his or her testimony shall have been taken by deposition according to the statutes and rules relating to superior courts of this state. The department shall be entitled to appear in all proceedings before the board and introduce testimony in support of its order. The board shall cause all oral testimony to be stenographically reported and thereafter transcribed, and when transcribed, the same, with all depositions, shall be filed in, and remain a part of, the record on the appeal. Such hearings on appeal to the board may be conducted by one or more of its members, or a duly authorized hearing examiner, and depositions may be taken by a person duly commissioned for the purpose by the board.

Members of the board, its duly authorized hearing examiners, and all persons duly commissioned by it for the purpose of taking depositions, shall have power to administer oaths; to preserve and enforce order during such hearings; to issue subpoenas for, and to compel the attendance and testimony of, witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of his or her office.

If any person in proceedings before the board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any

pertinent book, paper or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having the oath refuses to be examined according to law, the board or any member or duly authorized hearing examiner may certify the facts to the superior court having jurisdiction in the place in which said board or member or hearing examiner is sitting; the court shall thereupon, in a summary manner, hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the proceedings, or in the presence, of the court.

Sec. 80. Section 1, chapter 40, Laws of 1973 and RCW 51.52.110 are each amended to read as follows:

Within thirty days after a decision of the board to deny the petition or petitions for review upon such appeal has been communicated to such ((workman)) worker, beneficiary, employer or other person, or within thirty days after the final decision and order of the board upon such appeal has been communicated to such ((workman)) worker, beneficiary, employer or other person, or within thirty days after the appeal is deemed denied as herein provided, such ((workman)) worker, beneficiary, employer or other person aggrieved by the decision and order of the board may appeal to the superior court.

In cases involving injured ((workmen)) workers such appeal shall be to the superior court of the county of residence of the ((workman)) worker or beneficiary, as shown by the department's records, or to the superior court of the county wherein the injury occurred or where neither the county of residence nor the county wherein the injury occurred are in the state of Washington then the appeal may be directed to the superior court for Thurston county. In all other cases the appeal shall be to the superior court of Thurston county. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail, or personally, on the director and on the board. If the case is one involving a self-insurer, a copy of the notice of appeal shall also be served by mail, or personally, on such self-insurer. The department shall, in all cases not involving a self-insurer, within twenty days after the receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed at issue. If the case is one involving a self-insurer, such self-insurer shall, within twenty days after receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed to be at issue. In such cases the department may appear and take part in any proceedings. The board shall serve upon the appealing party, the director, the self-insurer if the case involves a self-insurer, and any other party appearing at the board's proceeding, and file with the clerk of the court before trial, a certified copy of the board's official record which shall include the notice of appeal and other pleadings, testimony and exhibits, and the board's decision and order, which shall become the record in such case. No bond shall be required on appeals to the superior court or on appeals to the supreme court or the court of appeals, except that an appeal by the employer from a decision and order of the board under RCW 51.48.070, shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the court, shall be filed, conditioned to perform the judgment of the court. Except in the case last

named an appeal shall not be a stay: PROVIDED, HOWEVER, That whenever the board has made any decision and order reversing an order of the supervisor of industrial insurance on questions of law or mandatory administrative actions of the director, the department shall have the right of appeal to the superior court.

Sec. 81. Section 51.52.120, chapter 23, Laws of 1961 as amended by section 1, chapter 63, Laws of 1965 ex. sess. and RCW 51.52.120 are each amended to read as follows:

(1) It shall be unlawful for an attorney engaged in the representation of any ((~~workman~~)) worker or beneficiary to charge for services in the department any fee in excess of a reasonable fee, of not more than thirty percent of the increase in the award secured by the attorney's services. Such reasonable fee shall be fixed by the director for services performed by an attorney for such ((~~workman~~)) worker or beneficiary, prior to the notice of appeal to the board if written application therefor is made by the attorney, ((~~workman~~)) worker or beneficiary.

(2) If, on appeal to the board, the order, decision or award of the department is reversed or modified and additional relief is granted to a ((~~workman~~)) worker or beneficiary, or in cases where a party other than the ((~~workman~~)) worker or beneficiary is the appealing party and the ((~~workman's~~)) worker's or beneficiary's right to relief is sustained by the board, the board shall fix a reasonable fee for the services of his or her attorney in proceedings before the board if written application therefor is made by the attorney, ((~~workman~~)) worker or beneficiary. In fixing the amount of such attorney's fee, the board shall take into consideration the fee allowed, if any, by the director, for services before the department, and the board may review the fee fixed by said director. Any attorney's fee set by the department or the board may be reviewed by the superior court upon application of such attorney. Where the board, pursuant to this section, fixes the attorney's fee, it shall be unlawful for an attorney to charge or receive any fee for services before the board in excess of that fee fixed by the board. Any person who violates any provision of this section shall be guilty of a misdemeanor.

Sec. 82. Section 51.52.130, chapter 23, Laws of 1961 and RCW 51.52.130 are each amended to read as follows:

If, on appeal to the court from the decision and order of the board, said decision and order is reversed or modified and additional relief is granted to a ((~~workman~~)) worker or beneficiary, or in cases where a party other than the ((~~workman~~)) worker or beneficiary is the appealing party and the ((~~workman's~~)) worker's or beneficiary's right to relief is sustained by the court, a reasonable fee for the services of the ((~~workman's~~)) worker's or beneficiary's attorney shall be fixed by the court. In fixing the fee the court shall take into consideration the fee or fees, if any, fixed by the director and the board for such attorney's services before the department and the board. If the court finds that the fee fixed by the director or by the board is inadequate for services performed before the department or board, or if the director or the board has fixed no fee for such services, then the court shall fix a fee for the attorney's services before the department, or the board, as the case may be, in addition to the fee fixed for the services in the court. If the decision and order of the board is reversed or modified and if the accident fund is affected by the litigation then the attorney's fee fixed by the court for services before the court



only, and the fees of medical and other witnesses and the costs shall be payable out of the administrative fund of the department.

Passed the House March 11, 1977.

Passed the Senate June 11, 1977.

Approved by the Governor July 1, 1977, with the exception of section 30 which was vetoed.

Filed in Office of Secretary of State July 1, 1977.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section House Bill No. 49 entitled:

"AN ACT Relating to industrial insurance;"

Section 30 of the bill purports to amend RCW 51.24.010 to change "workman" to "worker". Because Senate Bill No. 2154, codified in Chapter 85, Laws of 1977, 1st Extraordinary Session, approved by me on May 26, 1977, repealed that section of the RCW and made other substantive changes in the law dealing with the same subject and using the term "worker", section 30 is therefore unnecessary.

With the exception of section 30 which I have vetoed, the remainder of House Bill No. 49 is approved."

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## CHAPTER 351

[Substitute House Bill No. 68]

### CEMETERIES

AN ACT Relating to cemeteries; amending section 31, chapter 290, Laws of 1953 and RCW 68.05.040; amending section 32, chapter 290, Laws of 1953 and RCW 68.05.050; amending section 40, chapter 290, Laws of 1953 as amended by section 16, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.180; amending section 51, chapter 290, Laws of 1953 as amended by section 4, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.230; amending section 9, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.090; and adding a new section to chapter 68.46 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 31, chapter 290, Laws of 1953 and RCW 68.05.040 are each amended to read as follows:

A cemetery board is created to consist of ~~((five))~~ six members to be appointed by the governor. The first five members shall be appointed within thirty days after June 11, 1953. The terms of the five members first appointed shall expire: One, January 15, 1954; one, January 15, 1955; one, January 15, 1956; and two, January 15, 1957. Thereafter appointments shall be for a four year term. The sixth member shall be appointed within thirty days of the effective date of this 1977 amendatory act, and shall serve a four year term.

Sec. 2. Section 32, chapter 290, Laws of 1953 and RCW 68.05.050 are each amended to read as follows:

Three members of the board shall be ~~((appointed only from))~~ persons who have had ~~((, immediately preceding their appointment,))~~ a minimum of five ~~((consecutive))~~ years experience in this state in the active administrative management of a cemetery corporation or as a member of the board of directors thereof for this period ~~((and shall at the time of their appointment, have the actual and full authority of a president, general manager, or executive vice president, but they shall hold office only so long as they continue in such active, actual, and authoritative capacity. The five year consecutive period shall be exclusive of time spent in the armed~~

services)). Two members of the board shall be persons who have legal, accounting, or other professional experience which relates to the duties of the board. The sixth member of the board shall represent the general public and shall not have a financial interest in the cemetery business.

Sec. 3. Section 40, chapter 290, Laws of 1953 as amended by section 16, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.180 are each amended to read as follows:

Each cemetery authority in charge of cemetery endowment care funds shall file with the board annually, on or before the thirtieth day of June, a written report in form prescribed by the board setting forth:

(1) The number of square feet of grave space and the number of crypts and niches sold or disposed of under endowment care:

(a) From June 12, 1943, to the first day of January of the year preceding the filing of this report.

(b) From the first day of January through the thirty-first day of December of the preceding year.

(2) The amount collected and deposited in both the general and special endowment care funds:

(a) Prior to June 12, 1943.

(b) From June 12, 1943, to the first day of January preceding the filing of this report.

(c) From the first day of January through the thirty-first day of December of the preceding year segregated as to the amounts deposited for crypts, niches, and grave space.

(3) A statement showing the total amount of the general and special endowment care funds invested in each of the investments authorized by law and the amount of cash on hand not invested, which statement shall show the actual financial condition of the funds.

(4) A statement showing the information required to be filed pursuant to RCW 68.46.090.

These reports shall be verified by the president or vice president (~~and~~), one other officer of the cemetery authority (~~and shall be certified by~~), the accountant or auditor preparing the same, and a certified public accountant in accordance with generally accepted auditing standards.

Sec. 4. Section 51, chapter 290, Laws of 1953 as amended by section 4, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.230 are each amended to read as follows:

Every cemetery authority shall pay for each cemetery operated by it, an annual regulatory charge to be fixed by the board, based on the number of interments, entombments, and inurnments made during the preceding full calendar year, but not exceeding (~~twenty-five~~) one hundred dollars for one hundred or less, (~~fifty~~) two hundred dollars for one hundred one to three hundred fifty, (~~seventy-five~~) three hundred dollars for three hundred fifty-one to seven hundred, (~~one~~) five hundred dollars for seven hundred one or more; plus an additional charge of not more than (~~fifty cents~~) one dollar per interment, entombment, and inurnment made during the preceding full calendar year, which charges shall be deposited in the cemetery account. Upon payment of said charges and compliance with the provisions of Title

68 RCW and the lawful orders, rules, and regulations of the board, the board will issue a certificate of authority.

Sec. 5. Section 9, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.090 are each amended to read as follows:

Any cemetery authority selling prearrangement merchandise or other prearrangement services shall file in its office or offices and with the cemetery board a written report upon forms prepared by the cemetery board which shall state the amount of the principle of the prearrangement trust fund or funds, the depository of such fund or funds, and cash on hand which is or may be due to such fund as well as such other information the board may deem appropriate. All information appearing on such written reports shall be revised at least annually and shall be verified by the president, ~~((and))~~ the secretary or auditor preparing the same, and a certified public accountant in accordance with generally accepted auditing standards.

NEW SECTION. Sec. 6. There is added to chapter 68.46 RCW a new section to read as follows:

The provisions of this chapter do not apply to any of the following: Any religious corporation, church, coroner, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them, any county, town, or city cemetery.

NEW SECTION. Sec. 7. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House June 13, 1977.

Passed the Senate June 10, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

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## CHAPTER 352

[Substitute House Bill No. 581]

### PRESCRIPTION DRUGS—SUBSTITUTIONS—GENERIC DRUGS

AN ACT Relating to prescription drugs; adding new sections to chapter 69.41 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. The legislature recognizes the responsibility of the state to insure that the citizens of the state are offered the benefit of quality pharmaceutical products at competitive prices. Advances in the drug industry resulting from research and the elimination of counterfeiting of prescription drugs should benefit the users of the drugs. Pharmacy must continue to operate with accountability and effectiveness. The legislature hereby declares it to be the policy of the state that its citizens receive safe and therapeutically effective drug products at the most reasonable cost consistent with high drug quality standards.

**NEW SECTION.** Sec. 2. As used in this act, the following words shall have the following meanings:

(1) "Brand name" means the proprietary or trade name selected by the manufacturer and placed upon a drug, its container, label, or wrapping at the time of packaging;

(2) "Generic name" means the official title of a drug or drug ingredients published in the latest edition of a nationally recognized pharmacopoeia or formulary;

(3) "Substitute" means to dispense, with the practitioner's authorization, a "therapeutically equivalent" generic drug product, being consistent with basic salt intent, in place of the drug ordered or prescribed;

(4) "Therapeutically equivalent" means essentially the same efficacy and toxicity when administered to an individual in the same dosage regimen; and

(5) "Practitioner" means a physician, osteopath, dentist, veterinarian, or any other person authorized to prescribe drugs under the laws of this state.

**NEW SECTION.** Sec. 3. Every drug prescription shall contain an instruction on whether or not a therapeutically equivalent generic drug may be substituted in its place.

If a written prescription is involved, the form shall have two signature lines at opposite ends on the bottom of the form. Under the line at the right side shall be clearly printed the words "DISPENSE AS WRITTEN". Under the line at the left side shall be clearly printed the words "SUBSTITUTION PERMITTED". The practitioner shall communicate the instructions to the pharmacist by signing the appropriate line. No prescription shall be valid without the signature of the practitioner on one of these lines.

If an oral prescription is involved, the practitioner or the practitioner's agent shall instruct the pharmacist as to whether or not a therapeutically equivalent generic drug may be substituted in its place. The pharmacist shall note the instructions on the file copy of the prescription.

The pharmacist shall note the manufacturer of the drug dispensed on the file copy of a written or oral prescription.

**NEW SECTION.** Sec. 4. A pharmacist shall not substitute any drug for another drug unless all savings in the retail price of the prescription are passed to the purchaser. The savings shall be equal to the difference in acquisition costs of the prescribed product and the substituted product.

**NEW SECTION.** Sec. 5. A pharmacist may not substitute a product under the provisions of this section unless the manufacturer has shown that the drug has been manufactured with the following minimum good manufacturing standards and practices:

(1) Maintain quality control standards equal to those of the Food and Drug Administration;

(2) Comply with regulations promulgated by the Food and Drug Administration;

(3) Mark products with identification code or monogram;

(4) Label products with expiration date;

(5) Provide reasonable services to accept return goods that have reached their expiration date;

- (6) Maintain twenty-four hour resources for product information;
- (7) Maintain recall capabilities for unsafe or defective drugs.

**NEW SECTION.** Sec. 6. A practitioner who authorizes a prescribed drug shall not be liable for any side effects or adverse reactions caused by the manner or method by which a substituted drug product is selected or dispensed.

**NEW SECTION.** Sec. 7. Every pharmacy shall post a sign in a location at the prescription counter that is readily visible to patrons stating, "Under Washington law, an equivalent but less expensive drug may in some cases be substituted for the drug prescribed by your doctor. Such substitution, however, may only be made with the consent of your doctor. Please consult your pharmacist or physician for more information." The printing shall be in block letters no less than one inch in height.

**NEW SECTION.** Sec. 8. It shall be unlawful for any employer to coerce, within the meaning of RCW 9A.36.070, any pharmacist to dispense a generic drug or to substitute a generic drug for another drug. A violation of this section shall be punishable as a misdemeanor.

**NEW SECTION.** Sec. 9. The state board of pharmacy may adopt any necessary rules under chapter 34.04 RCW for the implementation, continuation, or enforcement of this act, including, but not limited to, a list of non-therapeutically equivalent drugs which, when adopted, shall be provided to all registered pharmacists in the state and shall be updated as necessary.

**NEW SECTION.** Sec. 10. 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. 11. Sections 1 through 9 of this act are each added to chapter 69.41 RCW.

Passed by the House June 13, 1977.

Passed the Senate June 10, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

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## CHAPTER 353

[Substitute House Bill No. 936]

### LIBRARY DISTRICTS—CITIES OR TOWNS—ANNEXATION

AN ACT Relating to public libraries; amending section 2, chapter 119, Laws of 1935 as last amended by section 1, chapter 122, Laws of 1965 and RCW 27.12.010; and adding new sections to chapter 27.12 RCW.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. Any city or town with a population of eight thousand five hundred or less at the time of annexation may become a part of any rural county library district or intercounty rural library district lying contiguous thereto by annexation in the following manner: The inclusion of such a city or town may be initiated by the adoption of an ordinance by the legislative authority thereof stating its intent to join the library district and finding that the public interest will be served thereby. If the board of trustees of the rural library district or intercounty

rural library district concurs in the annexation, notification thereof shall be transmitted to the legislative authority or authorities of the counties in which the city or town is situated.

**NEW SECTION. Sec. 2.** The county legislative authority or authorities shall by resolution call a special election to be held in such city or town at the next date provided in RCW 29.13.010 but not less than forty-five days from the date of the declaration of such finding, and shall cause notice of such election to be given as provided for in RCW 29.27.080.

The election on the annexation of the city or town into the library district shall be conducted by the auditor of the county or counties in which the city or town is located in accordance with the general election laws of the state and the results thereof shall be canvassed by the canvassing board of the county or counties. No person shall be entitled to vote at such election unless he or she is registered to vote in said city or town for at least thirty days preceding the date of the election. The ballot proposition shall be in substantially the following form:

"Shall the city or town of ..... be annexed to and be a part of ..... library district?"

YES \_\_\_\_\_   
NO \_\_\_\_\_

If a majority of the persons voting on the proposition shall vote in favor thereof, the city or town shall thereupon be annexed and shall be a part of such intercounty rural library district or rural library district.

**NEW SECTION. Sec. 3.** The legislative body of such a city or town which has annexed to such a library district, may, by resolution, present to the voters of such city or town a proposition to withdraw from said rural county library district or intercounty rural library district at any general election held at least three years following the annexation to the library district.

**NEW SECTION. Sec. 4.** The annual tax levy authorized by RCW 27.12.050 and 27.12.150 shall be imposed throughout the library district, including any city or town annexed thereto. Any city or town annexed to a rural library district or intercounty rural library district shall be entitled to levy up to three dollars and sixty cents per thousand dollars of assessed valuation less any regular levy made by such library district in the incorporated area, notwithstanding any other provision of law: PROVIDED, That the limitations upon regular property taxes imposed by chapter 84.55 RCW shall apply.

Sec. 5. Section 2, chapter 119, Laws of 1935 as last amended by section 1, chapter 122, Laws of 1965 and RCW 27.12.010 are each amended to read as follows:

As used in this act, unless the context requires a different meaning:

(1) "Governmental unit" means any county, city, town, rural county library district or intercounty rural library district;

(2) "Legislative body" means the body authorized to determine the amount of taxes to be levied in a governmental unit; in rural county library districts and in intercounty rural library districts the legislative body shall be the board of library trustees of the district;

(3) "Library" means a free public library supported in whole or in part with money derived from taxation; and

(4) "Regional library" means a free public library maintained by two or more counties or other governmental units as provided in RCW 27.12.080; and

(5) "Rural county library district" means a library serving all the area of a county not included within the area of incorporated cities and towns: PROVIDED, That any city or town with a population of eight thousand five hundred or less at the time of annexation may be included therein as provided in sections 1 through 4 of this amendatory act; and

(6) "Intercounty rural library district" means a municipal corporation organized to provide library service for all areas outside of incorporated cities and towns within two or more counties: PROVIDED, That any city or town with a population of eight thousand five hundred or less at the time of annexation may be included therein as provided in sections 1 through 4 of this amendatory act.

**NEW SECTION.** Sec. 6. Sections 1 through 4 of this amendatory act are each added to chapter 27.12 RCW.

Passed the House April 29, 1977.

Passed the Senate June 13, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

## CHAPTER 354

[Substitute House Bill No. 1265]

### INSTITUTIONS OF HIGHER EDUCATION—REFUNDING BONDS

AN ACT relating to the refunding of certain limited obligation revenue bonds of various of the institutions of higher education with state general obligation bonds, herein authorized; providing for reimbursement of the general fund for debt service on the bonds to be issued and the application of reserves to effect the refunding; adding a new chapter to Title 28B RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. The state finance committee is hereby authorized to issue from time to time on behalf of the state, general obligation bonds of the state in the amount of sixty million dollars, or so much thereof as may be required to refund at or prior to maturity, all or some or any part of the various issues of outstanding limited obligation revenue bonds identified below, issued by various of the institutions of higher education, similarly identified:

(1) University of Washington general tuition fee revenue bonds, all series, aggregating \$28,850,000 in original principal amount;

(2) Washington State University general tuition fee revenue bonds and general tuition fee and scientific fund revenue bonds, all series, aggregating \$19,450,000 in original principal amount;

(3) Western Washington State College general tuition fee and normal school fund revenue bonds, all series, aggregating \$11,620,000 in original principal amount;

(4) Eastern Washington State College general tuition fee and normal school fund revenue bonds, all series, aggregating \$9,501,000 in original principal amount;

(5) Central Washington State College general tuition fee and normal school fund revenue bonds, all series, including refunding series, aggregating \$8,925,000 in original principal amount; and

(6) The Evergreen State College general tuition fee revenue bonds, all series, aggregating \$2,191,125 in original principal amount.

**NEW SECTION.** Sec. 2. The refunding authorized by this act is to be carried out primarily for the purpose of releasing for other needs of the state and its agencies the reserves presently required under existing covenants and statutes to secure payment of the various issues of the bonds to be refunded and, as such, is of substantial benefit to the state.

**NEW SECTION.** Sec. 3. Subject to the specific requirements of sections 1 through 15 of this act, such general obligation refunding bonds shall be issued and the refunding plan carried out in accordance with Article VIII, section 1, of the state Constitution, in accordance with chapter 39.42 RCW as presently in effect, and in accordance with the following sections of chapter 39.53 RCW as presently in effect, where applicable: RCW 39.53.010, 39.53.030, 39.53.060, 39.53.070, 39.53.100, and 39.53.110. The remainder of chapter 39.53 RCW shall not be applicable to the refunding authorized by this act.

In addition to the powers granted to the state finance committee in this subsection, said committee is hereby authorized (1) to determine the times and manner of redemption of the various bonds to be refunded, if any are to be redeemed prior to maturity; (2) to carry out all procedures necessary to accomplish the call for redemption and the subsequent redemption of the bonds to be refunded on behalf of the board of regents or the board of trustees, as the case may be, of each of the institutions which originally issued the bonds to be refunded; and (3) to determine the time, manner, and call premium, if any, for redemption of the refunding issue or issues, if any of the bonds of such issue are to be redeemed prior to maturity.

**NEW SECTION.** Sec. 4. The amount of general obligation refunding bonds issued shall not exceed 1.05 times the amount which, taking into account amounts to be earned from the investment of the proceeds of such issue or issues, is required to pay the principal of, the interest on, premium of, if any, on the revenue bonds to be refunded with the proceeds of the refunding issue or issues.

Each bond issued pursuant to the provisions of this act shall contain a pledge of the state's full faith and credit to the payment of the principal thereof and the interest thereon and the state's unconditional promise to pay said principal and interest as the same shall become due.

**NEW SECTION.** Sec. 5. The proceeds of the refunding issue or issues shall be invested and applied to the payment of the principal of, interest on and redemption premium, if any, on the bonds to be refunded, at the times and in the manner determined by the state finance committee consistent with the provisions and intent of this act. Any investment of such proceeds shall be made only in direct general obligations of the United States of America.

Any proceeds in excess of the amounts required to accomplish the refunding, or any such direct obligation of the United States of America acquired with such excess proceeds, shall be used to pay the fees and costs incurred in the refunding and



the balance shall be deposited in the institutions of higher education refunding bond retirement fund of 1977.

**NEW SECTION.** Sec. 6. There is hereby created in the state treasury the institutions of higher education refunding bond retirement fund of 1977, which fund shall be devoted to the payment of principal of, interest on and redemption premium, if any, on the bonds authorized to be issued pursuant to this act.

The state finance committee shall, on or before June 30 of each year, certify to the state treasurer the amount needed in the next succeeding twelve months to pay the installments of principal of and interest on the refunding bonds coming due in such period. The state treasurer shall, not less than thirty days prior to the due date of each installment, withdraw from any general state revenues received in the state treasury an amount equal to the amount certified by the state finance committee as being required to pay such installment; shall deposit such amount in the institutions of higher education refunding bond retirement fund of 1977; and shall apply in a timely manner the funds so deposited to the payment of the installment due on the bonds.

Moneys in the said bond retirement fund may be invested as determined by the state finance committee. Any interest and profits derived from such interim investment shall be deposited into the said bond retirement fund.

**NEW SECTION.** Sec. 7. The legislature may provide additional means for the payment of the principal of and interest on bonds issued pursuant to this act and this act shall not be deemed to provide an exclusive method for such payment.

**NEW SECTION.** Sec. 8. At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding University of Washington general tuition fee revenue bonds payable from the University of Washington bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this act utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this act, then:

(1) The said University of Washington bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.20.720, 28B.20.725, 28B.20.800 or any other statute pertaining to said bonds or any covenant of the University of Washington board of regents pertaining to said bonds;

(2) The board of regents of the University of Washington shall, from moneys thereafter paid into the University of Washington bond retirement fund pursuant to the provisions of chapter 28B.20 RCW, transfer to the state general fund amounts sufficient to pay the principal of and the interest on that portion or series of the refunding bonds necessary to refund the said University of Washington bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.20 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been

accumulated theretofore in the University of Washington bond retirement fund pursuant to covenants in the said University of Washington bonds.

(4) Anything to the contrary contained in RCW 28B.20.725 notwithstanding, the board of regents of the University of Washington is empowered to authorize the transfer from time to time to the University of Washington building account any moneys in the University of Washington bond retirement fund in excess of the amounts determined by the state finance committee to be transferred from such bond retirement fund in accordance with subsection (2) of this section 8.

NEW SECTION. Sec. 9. At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Washington State University general tuition fee revenue bonds and general tuition fee and scientific fund revenue bonds payable from the Washington State University bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this act utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this act, then:

(1) The said Washington State University bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.20.720, 28B.30.740, 28B.30.750 or any other statute pertaining to said bonds or any covenant of Washington State University board of regents pertaining to said bonds;

(2) The board of regents of Washington State University shall, from moneys thereafter paid into the Washington State University bond retirement fund pursuant to the provisions of chapter 28B.30 RCW, transfer to the state general fund amounts sufficient to pay the principal of and the interest on that portion or series of the refunding bonds necessary to refund the said Washington State University bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.30 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Washington State University bond retirement fund pursuant to covenants in the said Washington State University bonds.

(4) Anything to the contrary contained in RCW 28B.30.750 notwithstanding, the board of regents of Washington State University is empowered to authorize the transfer from time to time to the Washington State University building account any moneys in the Washington State University bond retirement fund in excess of the amounts determined by the state finance committee to be transferred from such bond retirement fund in accordance with subsection (2) of this section 9.

NEW SECTION. Sec. 10. At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Western Washington State College general tuition fee and normal school fund revenue bonds payable from the Western Washington State College bond retirement fund, which provision has been made in a refunding

plan adopted by the state finance committee pursuant to the terms of this act utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this act, then:

(1) The said Western Washington State College bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.40.370, 28B.40.750, or, other than RCW 28B.40.751, any other statute pertaining to said bonds or any covenant of the board of trustees of Western Washington State College pertaining to said bonds;

(2) Anything to the contrary in chapter 28B.40 RCW notwithstanding, all general tuition fees and all normal school fund revenues received by Western Washington State College pursuant to RCW 28B.40.751 shall thenceforth be deposited into the Western Washington State College capital projects account and the board of trustees of said college shall thereafter transfer from said capital projects account to the state general fund, amounts sufficient to pay the principal of and interest on that portion or series of the refunding bonds necessary to refund the said bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.40 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Western Washington State College bond retirement fund pursuant to covenants in the said Western Washington State College bonds.

NEW SECTION. Sec. 11. At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Eastern Washington State College general tuition fee and normal school fund revenue bonds payable from the Eastern Washington State College bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this act utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this act, then:

(1) The said Eastern Washington State College bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.40.370, 28B.40.750, or, other than RCW 28B.40.751, any other statute pertaining to said bonds or any covenant of the board of trustees of Eastern Washington State College pertaining to said bonds;

(2) Anything to the contrary in chapter 28B.40 RCW notwithstanding, all general tuition fees and all normal school fund revenues received by Eastern Washington State College pursuant to RCW 28B.40.751 shall thenceforth be deposited into the Eastern Washington State College capital projects account and the board of trustees of said college shall thereafter transfer from said capital projects account to the state general fund, amounts sufficient to pay the principal of and interest on that portion or series of the refunding bonds necessary to refund the said bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.40 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Eastern Washington State College bond retirement fund pursuant to covenants in the said Eastern Washington State College bonds.

**NEW SECTION. Sec. 12.** At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Central Washington State College general tuition fee and normal school fund revenue bonds payable from the Central Washington State College bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this act utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this act, then:

(1) The said Central Washington State College bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.40.370, 28B.40.750, or, other than RCW 28B.40.751, any other statute pertaining to said bonds or any covenant of the board of trustees of Central Washington State College pertaining to said bonds;

(2) Anything to the contrary in chapter 28B.40 RCW notwithstanding, all general tuition fees and all normal school fund revenues received by Central Washington State College pursuant to RCW 28B.40.751 shall thenceforth be deposited into the Central Washington State College capital projects account and the board of trustees of said college shall thereafter transfer from said capital projects account to the state general fund, amounts sufficient to pay the principal of and interest on that portion or series of the refunding bonds necessary to refund the said bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.40 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Central Washington State College bond retirement fund pursuant to covenants in the said Central Washington State College bonds.

**NEW SECTION. Sec. 13.** At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Evergreen State College general tuition fee revenue bonds payable from the Evergreen State College bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this act utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this act, then:

(1) The said Evergreen State College bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.40.370, 28B.40.750, or, other than RCW 28B.40.751, any other statute pertaining to said bonds or any covenant of the board of trustees of The Evergreen State College pertaining to said bonds;

(2) Anything to the contrary in chapter 28B.40 RCW notwithstanding, all general tuition fees and all normal school fund revenues received by The Evergreen State College pursuant to RCW 28B.40.751 shall thenceforth be deposited into the Evergreen State College capital projects account and the board of trustees of said college shall thereafter transfer from said capital projects account to the state general fund, amounts sufficient to pay the principal of and interest on that portion or series of the refunding bonds necessary to refund the said bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.40 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Evergreen State College bond retirement fund pursuant to covenants in the said Evergreen State College bonds.

**NEW SECTION.** Sec. 14. Any reserves transferred to the state general fund by the state treasurer pursuant to sections 8(3), 9(3), 10(3), 11(3), 12(3), or 13(3) of this act shall be appropriated and expended solely for the maintenance and support of the institutions listed in section 1 of this act.

**NEW SECTION.** Sec. 15. 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 provisions to other persons or circumstances shall not be affected.

**NEW SECTION.** Sec. 16. Sections 1 through 15 of this act shall constitute a new chapter in Title 28B RCW.

**NEW SECTION.** Sec. 17. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 13, 1977.

Passed the Senate June 6, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

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## CHAPTER 355

[Substitute House Bill No. 952]

### MOTOR VEHICLE EQUIPMENT

AN ACT Relating to motor vehicle equipment; amending section 46.37.010, chapter 12, Laws of 1961 as amended by section 1, chapter 154, Laws of 1963 and RCW 46.37.010; amending section 46.37.020, chapter 12, Laws of 1961 as last amended by section 2, chapter 124, Laws of 1974 ex. sess. and RCW 46.37.020; amending section 46.37.030, chapter 12, Laws of 1961 and RCW 46.37.030; amending section 46.37.040, chapter 12, Laws of 1961 and RCW 46.37.040; amending section 46.37.050, chapter 12, Laws of 1961 as amended by section 3, chapter 154, Laws of 1963 and RCW 46.37.050; amending section 46.37.060, chapter 12, Laws of 1961 as amended by section 4, chapter 154, Laws of 1963 and RCW 46.37.060; amending section 46.37.070, chapter 12, Laws of 1961 as amended by section 5, chapter 154, Laws of 1963 and RCW 46.37.070; amending section 46.37.080, chapter 12, Laws of 1961 as amended by section 6, chapter 154, Laws of 1963 and RCW 46.37.080; amending section 46.37.090, chapter 12, Laws of 1961 as amended by section 7, chapter 154, Laws of 1963 and RCW 46.37.090; amending section 46.37.110, chapter 12, Laws of 1961 and RCW 46.37.110; amending section 46.37.120, chapter 12, Laws of 1961 as amended by section 8, chapter 154, Laws of 1963 and RCW 46.37.120; amending section 46.37.140, chapter 12, Laws of 1961 as amended by section 9, chapter 154, Laws of 1963 and RCW 46.37.140; amending

section 46.37.150, chapter 12, Laws of 1961 as amended by section 10, chapter 154, Laws of 1963 and RCW 46.37.150; amending section 46.37.160, chapter 12, Laws of 1961 as last amended by section 22, chapter 281, Laws of 1969 ex. sess. and RCW 46.37.160; amending section 46.37.170, chapter 12, Laws of 1961 as amended by section 12, chapter 154, Laws of 1963 and RCW 46.37.170; amending section 46.37.200, chapter 12, Laws of 1961 as amended by section 15, chapter 154, Laws of 1963 and RCW 46.37.200; amending section 46.37.210, chapter 12, Laws of 1961 as last amended by section 1, chapter 242, Laws of 1975 1st ex. sess. and RCW 46.37.210; amending section 46.37.220, chapter 12, Laws of 1961 and RCW 46.37.220; amending section 46.37.240, chapter 12, Laws of 1961 as amended by section 18, chapter 154, Laws of 1963 and RCW 46.37.240; amending section 46.37.260, chapter 12, Laws of 1961 and RCW 46.37.260; amending section 46.37.270, chapter 12, Laws of 1961 and RCW 46.37.270; amending section 46.37.280, chapter 12, Laws of 1961 as amended by section 19, chapter 154, Laws of 1963 and RCW 46.37.280; amending section 46.37.320, chapter 12, Laws of 1961 and RCW 46.37.320; amending section 46.37.330, chapter 12, Laws of 1961 and RCW 46.37.330; amending section 46.37.340, chapter 12, Laws of 1961 as last amended by section 49, chapter 170, Laws of 1965 ex. sess. and RCW 46.37.340; amending section 46.37.360, chapter 12, Laws of 1961 and RCW 46.37.360; amending section 24, chapter 154, Laws of 1963 and RCW 46.37.365; amending section 46.37.380, chapter 12, Laws of 1961 and RCW 46.37.380; amending section 46.37.390, chapter 12, Laws of 1961 as last amended by section 1, chapter 135, Laws of 1972 ex. sess. and RCW 46.37.390; amending section 46.37.400, chapter 12, Laws of 1961 as amended by section 25, chapter 154, Laws of 1963 and RCW 46.37.400; amending section 46.37.410, chapter 12, Laws of 1961 and RCW 46.37.410; amending section 2, chapter 77, Laws of 1971 and RCW 46.37.424; amending section 3, chapter 77, Laws of 1971 and RCW 46.37.425; amending section 46.37.440, chapter 12, Laws of 1961 as amended by section 1, chapter 97, Laws of 1971 ex. sess. and RCW 46.37.440; amending section 46.37.480, chapter 12, Laws of 1961 and RCW 46.37.480; amending section 46.37.500, chapter 12, Laws of 1961 and RCW 46.37.500; amending section 1, chapter 117, Laws of 1963 and RCW 46.37.510; adding new sections to chapter 46.37 RCW; repealing section 46.37.250, chapter 12, Laws of 1961 and RCW 46.37.250; repealing section 46.37.370, chapter 12, Laws of 1961, section 23, chapter 154, Laws of 1963 and RCW 46.37.370; amending section 4, chapter 232, Laws of 1967 as last amended by section 1, chapter 150, Laws of 1971 ex. sess. and RCW 46.37.530; amending section 10, chapter 232, Laws of 1967 and RCW 46.37.535; and providing penalties.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 46.37.010, chapter 12, Laws of 1961 as amended by section 1, chapter 154, Laws of 1963 and RCW 46.37.010 are each amended to read as follows:

(1) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the state commission on equipment, or which is equipped in any manner in violation of this chapter or the commission's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the commission's regulations.

(2) Nothing contained in this chapter or the commission's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the commission's regulations.

(3) The provisions of the chapter and the commission's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a misdemeanor for any person to sell or offer for sale vehicle equipment which is required to be approved by the commission on equipment as prescribed in RCW 46.37.005 unless it has been approved by the state commission on equipment.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

Sec. 2. Section 46.37.020, chapter 12, Laws of 1961 as last amended by section 2, chapter 124, Laws of 1974 ex. sess. and RCW 46.37.020 are each amended to read as follows:

Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of ~~((five hundred))~~ one thousand feet ahead shall display lighted ~~((lamps))~~ head lights, other lights, and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and ~~((further that))~~ such stop lights, turn signals, and other signaling devices shall be lighted as prescribed for the use of such devices ~~((: PROVIDED, That every motorcycle and every motor-driven cycle shall have its head and tail lamps lighted whenever such vehicle is in motion upon a highway))~~.

Sec. 3. Section 46.37.030, chapter 12, Laws of 1961 and RCW 46.37.030 are each amended to read as follows:

(1) Whenever requirement is hereinafter declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in RCW 46.37.020 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(2) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

(3) No additional lamp, reflective device, or other motor vehicle equipment shall be added which impairs the effectiveness of this standard.

Sec. 4. Section 46.37.040, chapter 12, Laws of 1961 and RCW 46.37.040 are each amended to read as follows:

(1) Every motor vehicle ~~((other than a motorcycle or motor-driven cycle))~~ shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

~~((Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this chapter.~~

~~((3))~~ Every head lamp upon every motor vehicle ~~((, including every motorcycle and motor-driven cycle,))~~ shall be located at a height measured from the center of

the head lamp of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in RCW 46.37.030(2).

Sec. 5. Section 46.37.050, chapter 12, Laws of 1961 as amended by section 3, chapter 154, Laws of 1963 and RCW 46.37.050 are each amended to read as follows:

(1) After January 1, 1964, every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in RCW 46.37.020, shall emit a red light plainly visible from a distance of one thousand feet to the rear, except that passenger cars manufactured or assembled prior to January 1, 1939, (~~and motorcycles and motor-driven cycles;~~) shall have at least one tail lamp. On a combination of vehicles only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(2) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than ~~((twenty))~~ fifteen inches.

(3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

Sec. 6. Section 46.37.060, chapter 12, Laws of 1961 as amended by section 4, chapter 154, Laws of 1963 and RCW 46.37.060 are each amended to read as follows:

(1) Every motor vehicle, trailer, semitrailer, and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section, (~~except that motorcycles and motor-driven cycles shall carry at least one such reflector~~): PROVIDED, HOWEVER, That vehicles of the types mentioned in RCW 46.37.090 shall be equipped with reflectors meeting the requirements of RCW 46.37.110 and 46.37.120.

(2) Every such reflector shall be mounted on the vehicle at a height not less than ~~((twenty))~~ fifteen inches nor more than ~~((sixty))~~ seventy-two inches measured as set forth in RCW 46.37.030(2), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within ~~((three))~~ six hundred ~~((fifty))~~ feet to one hundred feet from such vehicle when directly in front of lawful upper beams of head lamps, except that ~~((visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles))~~ reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be visible at night from all distances within three hundred and fifty feet to one hundred feet when directly in front of lawful upper beams of head lamps.

Sec. 7. Section 46.37.070, chapter 12, Laws of 1961 as amended by section 5, chapter 154, Laws of 1963 and RCW 46.37.070 are each amended to read as follows:



(1) After January 1, 1964, every motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with two or more stop lamps meeting the requirements of RCW 46.37.200, except that passenger cars manufactured or assembled prior to January 1, 1964, (~~and motorcycles and motor-driven cycles~~) shall be equipped with at least one such stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in RCW 46.37.200(1).

(2) After January 1, 1960, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of RCW 46.37.200(2), except that (~~motor vehicles~~) passenger cars, trailers, semitrailers (~~and~~), pole trailers, and trucks less than eighty inches in width, manufactured or assembled prior to January 1, (~~1954, and motorcycles and motor-driven cycles~~) 1953, need not be equipped with electric turn signal lamps.

Sec. 8. Section 46.37.080, chapter 12, Laws of 1961 as amended by section 6, chapter 154, Laws of 1963 and RCW 46.37.080 are each amended to read as follows:

Those sections of this chapter which follow immediately, including RCW 46.37.090, 46.37.100, 46.37.110, 46.37.120, and 46.37.130, relating to clearance lamps, marker lamps, and reflectors, shall apply as stated in said sections to vehicles of the type therein enumerated, namely buses, trucks, truck tractors, and trailers, semitrailers, and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in RCW 46.37.020. For purposes of the sections enumerated above, a camper, when mounted upon a motor vehicle, shall be considered part of the permanent structure of that motor vehicle.

Sec. 9. Section 46.37.090, chapter 12, Laws of 1961 as amended by section 7, chapter 154, Laws of 1963 and RCW 46.37.090 are each amended to read as follows:

In addition to other equipment required in RCW 46.37.040, 46.37.050, 46.37.060, and 46.37.070, the following vehicles shall be equipped as herein stated under the conditions stated in RCW 46.37.080, and in addition, the reflectors elsewhere enumerated for such vehicles shall conform to the requirements of RCW 46.37.120(1).

(1) Buses (~~and~~), trucks, motor homes, and motor vehicles with mounted campers eighty inches or more in over-all width:

(a) On the front, two clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) of this section((-));

(b) On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) of this section((-);

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear((-);

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(2) Trailers and semitrailers eighty inches or more in over-all width:

(a) On the front, two clearance lamps, one at each side((-);

(b) On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) of this section((-));

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear((-));

(d) On each side, two reflectors, one at or near the front and one at or near the rear: PROVIDED, That a mobile home as defined by RCW 46.04.302 need not be equipped with two side marker lamps or two side reflectors as required by subsection (2) (c) and (d) of this section while operated under the terms of a special permit authorized by RCW 46.44.090.

(3) Truck tractors:

On the front, two cab clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) of this section.

(4) Trailers, semitrailers, and pole trailers thirty feet or more in over-all length:

On each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle: PROVIDED, That a mobile home as defined by RCW 46.04.302 need not be equipped with such side marker lamp or reflector while operated under the terms of a special permit authorized by RCW 46.44.090.

(5) Pole trailers:

(a) On each side, one amber side marker lamp at or near the front of the load((-));

(b) One amber reflector at or near the front of the load((-));

(c) On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

(6) Boat trailers eighty inches or more in overall width:

(a) One on each side, at or near the midpoint, one clearance lamp performing the function of both a front and rear clearance lamp;

(b) On the rear, after June 1, 1978, three identification lamps meeting the specifications of subsection (7) of this section;

(c) One on each side, two side marker lamps, one at or near the front and one at or near the rear;

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(7) Whenever required or permitted by this chapter, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than six nor more than twelve inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical centerline: **PROVIDED, HOWEVER,** That where the cab of a vehicle is not more than forty-two inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps.

Sec. 10. Section 46.37.110, chapter 12, Laws of 1961 and RCW 46.37.110 are each amended to read as follows:

(1) Reflectors when required by RCW 46.37.090 shall be mounted at a height not less than twenty-four inches and not higher than sixty inches above the ground

on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

(2) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate (~~its extreme width and as near the top thereof as practicable~~) the extreme height and width of the vehicle. When rear identification lamps are required and are mounted as high as is practicable, rear clearance lamps may be mounted at optional height, and when the mounting of front clearance lamps results in such lamps failing to indicate the extreme width of the trailer, such lamps may be mounted at optional height but must indicate, as near as practicable, the extreme width of the trailer. Clearance lamps on truck tractors shall be located so as to indicate the extreme width of the truck tractor cab. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both: PROVIDED, That no rear clearance lamp may be combined in any shell or housing with any tail lamp or identification lamp.

Sec. 11. Section 46.37.120, chapter 12, Laws of 1961 as amended by section 8, chapter 154, Laws of 1963 and RCW 46.37.120 are each amended to read as follows:

(1) Every reflector upon any vehicle referred to in RCW 46.37.090 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet to one hundred feet from the vehicle when directly in front of lawful (~~upper~~) lower beams of head lamps, except that the visibility for reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be measured in front of the lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(2) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the front and rear, respectively, of the vehicle.

(3) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the side of the vehicle on which mounted.

Sec. 12. Section 46.37.140, chapter 12, Laws of 1961 as amended by section 9, chapter 154, Laws of 1963 and RCW 46.37.140 are each amended to read as follows:

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in RCW 46.37.020, two red lamps, visible

from a distance of at least five hundred feet to the rear, two red reflectors (~~meeting the requirements of RCW 46.37.120(1), visible from the rear~~) visible at night from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful lower beams of headlamps, and located so as to indicate maximum width, and on each side one red lamp, visible from a distance of at least five hundred feet to the side, located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red flags, not less than twelve inches square, marking the extremities of such loads, at each point where a lamp would otherwise be required by this section, under RCW 46.37.020.

Sec. 13. Section 46.37.150, chapter 12, Laws of 1961 as amended by section 10, chapter 154, Laws of 1963 and RCW 46.37.150 are each amended to read as follows:

(1) Every vehicle shall be equipped with one or more lamps, which, when lighted, shall display a white or amber light visible from a distance of one thousand feet to the front of the vehicle, and a red light visible from a distance of one thousand feet to the rear of the vehicle. The location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. (~~The foregoing provisions shall not apply to a motor-driven cycle.~~)

(2) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(3) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, outside an incorporated city or town, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (1) of this section.

(4) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

Sec. 14. Section 46.37.160, chapter 12, Laws of 1961 as last amended by section 22, chapter 281, Laws of 1969 ex. sess. and RCW 46.37.160 are each amended to read as follows:

(1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry (~~shall at all times mentioned in RCW 46.37.020 be equipped with two single-beam or multiple-beam head lamps meeting the requirements of RCW 46.37.220 or 46.37.250, respectively, or, as an alternative, RCW 46.37.260, and at least two red lamps visible when lighted from a distance of not less than one thousand feet to the rear, and at least two red reflectors visible from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps~~) manufactured or assembled after January 1, 1970, shall be equipped with vehicular hazard warning lights of the type

described in section 19 of this 1977 amendatory act visible from a distance of not less than one thousand feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.

(2) Every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall at all times, and every other motor vehicle shall at times mentioned in RCW 46.37.020, be equipped with lamps and reflectors as follows:

(a) At least two headlamps meeting the requirements of RCW 46.37.220, 46-37.240, or 46.37.260;

(b) At least one red lamp visible when lighted from a distance of not less than one thousand feet to the rear mounted as far to the left of center of vehicle as practicable;

(c) At least two red reflectors visible from all distances within six hundred to one hundred feet to the rear when directly in front of lawful lower beams of headlamps.

(3) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in RCW 46.37.020 be equipped with lamps and reflectors as follows:

(a) The farm tractor element of every such combination shall be equipped as required in subsections (1) and (2) of this section((:));

(b) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped on the rear with two red lamps visible when lighted from a distance of not less than one thousand feet to the rear, and two red reflectors visible to the rear from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps. One reflector shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit;

(c) ((Said combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible when lighted from a distance of not less than one thousand feet to the front. This lamp shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the combination carrying it.)) If the towed unit or its load obscures either of the vehicle hazard warning lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in subsection (1) of this section.

((3)) (4) The two red lamps and the two red reflectors required in the foregoing subsections of this section on a self-propelled unit of farm equipment or implement of husbandry or combination of farm tractor and towed farm equipment shall be so positioned as to show from the rear as nearly as practicable the extreme width of the vehicle or combination carrying them: PROVIDED, That if all other requirements are met, reflective tape or paint may be used in lieu of reflectors required by subsection (3) of this section.

((4)) (5) After January 1, 1970, every farm tractor and every self-propelled unit of farm equipment or implement of husbandry designed for operation at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection ((5)) (6) of this section.

~~((5))~~ (6) After January 1, 1970, every combination of farm tractor and towed farm equipment or towed implement of husbandry normally operating at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:

(a) Where the towed unit is sufficiently large to obscure the slow moving vehicle emblem on the farm tractor, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem~~((:))~~;

(b) Where the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.

~~((6))~~ (7) The emblem required by subsections ~~((4))~~ (5) and ~~((5))~~ (6) of this section shall comply with current standards and specifications as promulgated by the state commission on equipment.

Sec. 15. Section 46.37.170, chapter 12, Laws of 1961 as amended by section 12, chapter 154, Laws of 1963 and RCW 46.37.170 are each amended to read as follows:

(1) Every vehicle, including animal-drawn vehicles and vehicles referred to in RCW 46.37.010(3), not specifically required by the provisions of RCW 46.37.020 through 46.37.330 to be equipped with lamps, or other lighting devices, shall at all times specified in RCW 46.37.020 be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of said vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred to one hundred feet to the rear when illuminated by the ~~((upper))~~ lawful lower beams of head lamps.

(2) After June 1, 1978, every animal-drawn vehicle shall at all times be equipped with a slow-moving vehicle emblem complying with RCW 46.37.160(7).

NEW SECTION. Sec. 16. There is added to chapter 46.37 RCW a new section to read as follows:

All emergency tow trucks shall be identified by an intermittent or revolving red light capable of 360° visibility at a distance of five hundred feet under normal atmospheric conditions. This intermittent or revolving red light shall be used only at the scene of an emergency or accident, and it will be unlawful to use such light while traveling to or from an emergency or accident, or for any other purposes.

Sec. 17. Section 46.37.200, chapter 12, Laws of 1961 as amended by section 15, chapter 154, Laws of 1963 and RCW 46.37.200 are each amended to read as follows:

(1) Any vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light. or any shade of color between red and amber, visible from a distance of not less than one hundred feet and on any vehicle manufactured or assembled after January 1, 1964, three hundred feet to the rear in normal sunlight,

and which shall be actuated upon application of a service brake, and which may but need not be incorporated with one or more other rear lamps.

(2) Any vehicle may be equipped and when required under RCW 46.37.070(2) shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit ~~((white or))~~ amber light: PROVIDED, That on any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may emit white or amber light, or any shade of ((color)) light between white and amber. The lamp showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lamps ~~((on vehicles eighty inches or more in over-all width))~~ shall be visible from a distance of not less than five hundred feet to the front and rear in normal sunlight. ~~((Turn signal lamps on vehicles less than eighty inches wide shall be visible at a distance of not less than three hundred feet in normal sunlight.))~~ Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle.

Sec. 18. Section 46.37.210, chapter 12, Laws of 1961 as last amended by section 1, chapter 242, Laws of 1975 1st ex. sess. and RCW 46.37.210 are each amended to read as follows:

(1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(2) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(4) Any vehicle may be equipped with one or more side marker lamps ~~((which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this chapter. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than fifteen hundred feet under normal atmospheric conditions at night)), and any such lamp may be flashed in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber, and side marker lamps located toward the rear shall be red.~~

(5) Any vehicle eighty inches or more in over-all width, if not otherwise required by RCW 46.37.090, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in RCW 46.37.090(6).

(6) (a) Every motor vehicle, trailer, semitrailer, truck tractor, and pole trailer used in the state of Washington may be equipped with an auxiliary lighting system consisting of:

(i) One green light to be activated when the accelerator of the motor vehicle is depressed;

(ii) Not more than two amber lights to be activated when the motor vehicle is moving forward, or standing and idling, but is not under the power of the engine((:));

(b) Such auxiliary system shall not interfere with the operation of vehicle stop lamps or turn signals, as required by RCW 46.37.070. Such system, however, may operate in conjunction with such stop lamps or turn signals((:));

(c) Only one color of the system may be illuminated at any one time, and at all times either the green light, or amber light or lights shall be illuminated when the stop lamps of the vehicle are not illuminated((:));

(d) The green light, and the amber light or lights, when illuminated shall be plainly visible at a distance of one thousand feet to the rear((:));

(e) Only one such system may be mounted on a motor vehicle, trailer, semitrailer, truck tractor, or pole trailer; and such system shall be rear mounted in a horizontal fashion, at a height of not more than seventy-two inches, nor less than twenty inches, as provided by RCW 46.37.050((:));

(f) On a combination of vehicles, only the lights of the rearmost vehicle need actually be seen and distinguished as provided in subparagraph (d) of this subsection((; and)).

(g) Each manufacturer's model of such a system as described in this subsection shall be approved by the commission on equipment as provided for in RCW 46.37-.005 and 46.37.320, before it may be sold or offered for sale in the state of Washington.

**NEW SECTION.** Sec. 19. There is added to chapter 46.37 RCW a new section to read as follows:

(1) Any vehicle may be equipped with lamps for the purpose of warning other operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.

(2) After June 1, 1978, every motorhome, bus, truck, truck tractor, trailer, semitrailer, or pole trailer eighty inches or more in overall width or thirty feet or more in overall length shall be equipped with lamps meeting the requirements of this section.

(3) Vehicular hazard warning signal lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing amber light: PROVIDED, That on any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may display simultaneously flashing white or amber lights, or any shade of color



between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred feet in normal sunlight.

Sec. 20. Section 46.37.220, chapter 12, Laws of 1961 and RCW 46.37.220 are each amended to read as follows:

Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles (~~((other than motorcycles or motor-driven cycles))~~) shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and such lamps may be so arranged that such selection can be made automatically subject to the following limitations:

(1) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of ~~((three))~~ four hundred fifty feet ahead for all conditions of loading((-));

(2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of one hundred fifty feet ahead; and on a straight level road under any conditions of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver((-));

(3) Every new motor vehicle(~~(, other than a motorcycle or motor-driven cycle,))~~) registered in this state after January 1, 1948, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

Sec. 21. Section 46.37.240, chapter 12, Laws of 1961 as amended by section 18, chapter 154, Laws of 1963 and RCW 46.37.240 are each amended to read as follows:

Head lamp systems which provide only a single distribution of light shall be permitted on all farm tractors regardless of date of manufacture, and on all other motor vehicles manufactured and sold prior to one year after March 18, 1955, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

(1) The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead((-));

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

Sec. 22. Section 46.37.260, chapter 12, Laws of 1961 and RCW 46.37.260 are each amended to read as follows:

Any motor vehicle may be operated under the conditions specified in RCW 46.37.020 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects (~~(seventy-five)~~) one hundred feet ahead in lieu of lamps required in RCW 46.37.220 or 46.37.240: PROVIDED, HOWEVER, That at no time shall it be operated at a speed in excess of twenty miles per hour.

Sec. 23. Section 46.37.270, chapter 12, Laws of 1961 and RCW 46.37.270 are each amended to read as follows:

(1) At all times specified in RCW 46.37.020, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle (~~((other than a motorcycle or motor-driven cycle))~~), except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(2) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of (~~(four)~~) two of any such additional lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

Sec. 24. Section 46.37.280, chapter 12, Laws of 1961 as amended by section 19, chapter 154, Laws of 1963 and RCW 46.37.280 are each amended to read as follows:

(1) During the times specified in RCW 46.37.020, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, warning lamps authorized by the state commission on equipment and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(2) Except as required in RCW 46.37.190 no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof.

(3) Flashing lights are prohibited except as required in RCW 46.37.190, 46.37.200, 46.37.210, section 19 of this 1977 amendatory act, and 46.37.300, and warning lamps authorized by the state commission on equipment.

Sec. 25. Section 46.37.320, chapter 12, Laws of 1961 and RCW 46.37.320 are each amended to read as follows:

(1) The state commission on equipment is hereby authorized to approve or disapprove any lighting device (~~(s and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, their installation, adjustment and aiming, and adjustment when in use on motor vehicles. Such regulations shall correlate with and, so far as practicable, conform to the then current standards and specifications of the society of automotive engineers applicable to such equipment.~~

(2) ~~The state commission on equipment is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this chapter, within a reasonable time after such device has been submitted.~~

~~(3) The state commission on equipment is further authorized to set up the procedure which shall be followed when any device is submitted for approval.~~

~~(4) The state commission on equipment upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by it.) or other safety equipment, component, or assembly of a type for which approval is required in this chapter or in regulations issued by the state commission on equipment within a reasonable time after such approval has been requested.~~

(2) The state commission on equipment shall establish the procedure to be followed when request for approval of any lighting device or other safety equipment, component, or assembly is submitted under this chapter or in regulations issued by the state commission on equipment. The procedure may provide for submission of such device, component, or assembly to any recognized organization or agency such as, but not limited to, the vehicle equipment safety commission, American national standards institute, society of automotive engineers, and the American association of motor vehicle administrators, as the agent of the state commission on equipment and for the issuance of an approval certificate by that recognized organization or agency in lieu of submission of the device, component, or assembly to the state commission on equipment.

~~((5))~~ (3) The state commission on equipment shall maintain and publish lists of all lamps (and), lighting devices, components, assemblies, or other safety equipment by name and type which have been approved by it.

Sec. 26. Section 46.37.330, chapter 12, Laws of 1961 and RCW 46.37.330 are each amended to read as follows:

(1) When the state commission on equipment has reason to believe that an approved device ((as being sold commercially)) does not comply with the requirements of this chapter or regulations issued by the state commission on equipment, it may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the state commission on equipment shall determine whether said approved device meets the requirements of this chapter and regulations issued by the commission. If said device does not meet the requirements of this chapter or the commission's regulations it shall give notice to the ((person holding)) one to whom the certificate of approval has been issued of the commission's intention to suspend or revoke the certificate of approval for such device in this state.

(2) If at the expiration of ninety days after such notice the person holding the certificate of approval for such device has failed to satisfy the state commission on equipment that said approved device as thereafter to be sold or offered for sale meets the requirements of this chapter or the commission's regulations, the state commission on equipment shall suspend or revoke the approval issued therefor ((until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter,)) and shall require the withdrawal of all such devices from the market and may require that all said devices sold since the notification ((following the hearing)) be replaced with devices that do comply ((with the requirements of this chapter. The state commission on equipment may at the time of the retest purchase in the open market and submit to

the testing agency one or more sets of such approved devices, and if such device upon such retest fails to meet the requirements of this chapter, the state commission on equipment may refuse to renew the certificate of approval of such device)).

(3) When a certificate of approval has been suspended or revoked pursuant to this chapter or regulations by the state commission on equipment, the device shall not be again approved unless and until it has been submitted for reapproval and it has been demonstrated, in the same manner as in an application for an original approval, that the device fully meets the requirements of this chapter or regulations issued by the state commission on equipment. The state commission on equipment may require that all previously approved items are being effectively recalled and removed from the market as a condition of reapproval.

Sec. 27. Section 46.37.340, chapter 12, Laws of 1961 as last amended by section 49, chapter 170, Laws of 1965 ex. sess. and RCW 46.37.340 are each amended to read as follows:

Every motor vehicle, trailer, semitrailer, and pole trailer, and any combination of such vehicle operating upon a highway within this state shall be equipped with brakes in compliance with the requirements of this chapter.

(1) Service brakes—adequacy. Every such vehicle and combination of vehicles, except special mobile equipment as defined in RCW 46.04.552, shall be equipped with service brakes complying with the performance requirements of RCW 46.37.351 and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

(2) Parking brakes—adequacy. Every such vehicle and combination of vehicles(~~(, except motorcycles and motor-driven cycles,)~~) shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(3) Brakes on all wheels. Every vehicle shall be equipped with brakes acting on all wheels except:

(a) Trailers, semitrailers, or pole trailers of a gross weight not exceeding three thousand pounds, provided that:

(i) The total weight on and including the wheels of the trailer or trailers shall not exceed forty percent of the gross weight of the towing vehicle when connected to the trailer or trailers((-)); and

(ii) The combination of vehicles consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of RCW 46.37.351((-));

(b) Trailers, semitrailers, or pole trailers manufactured and assembled prior to July 1, 1965, shall not be required to be equipped with brakes when the total weight on and including the wheels of the trailer or trailers does not exceed two thousand pounds((-));

(c) Any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of RCW 46.37.351((-));

(d) Trucks and truck(=) tractors having three or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. However, such trucks and truck(=) tractors must be capable of complying with the performance requirements of RCW 46.37.351((-));

(e) Special mobile equipment as defined in RCW 46.04.552((-)) and all vehicles designed primarily for off-highway use with braking systems which work within the power train rather than directly at each wheel;

(f) (The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a motor-driven cycle need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of RCW 46.37.351)) Vehicles manufactured prior to January 1, 1930, may have brakes operating on only two wheels.

(4) Automatic trailer brake application upon breakaway. Every trailer, semitrailer, and pole trailer equipped with air or vacuum actuated brakes and every trailer, semitrailer, and pole trailer with a gross weight in excess of three thousand pounds, manufactured or assembled after January 1, 1964, shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied for at least fifteen minutes, upon breakaway from the towing vehicle.

(5) Tractor brakes protected. Every motor vehicle manufactured or assembled after January 1, 1964, and used to tow a trailer, semitrailer, or pole trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(6) Trailer air reservoirs safeguarded. Air brake systems installed on trailers manufactured or assembled after January 1, 1964, shall be so designed that the supply reservoir used to provide air for the brakes shall be safeguarded against backflow of air from the reservoir through the supply line.

(7) Two means of emergency brake operation.

(a) Air brakes. After January 1, 1964, every towing vehicle, when used to tow another vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, shall be equipped with two means for emergency application of the trailer brakes. One of these means shall apply the brakes automatically in

the event of a reduction of the towing vehicle air supply to a fixed pressure which shall be not lower than twenty pounds per square inch nor higher than forty-five pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

(b) Vacuum brakes. After January 1, 1964, every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or towaway operations, shall have, in addition to the single control device required by subsection (8) of this section, a second control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic, and other pressure, and independent of other controls, unless the braking system be so arranged that failure of the pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(8) Single control to operate all brakes. After January 1, 1964, every motor vehicle, trailer, semitrailer, and pole trailer, and every combination of such vehicles, (~~except motorcycles and motor-driven cycles,~~) equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control in the towing vehicle.

(9) Reservoir capacity and check valve.

(a) Air brakes. Every bus, truck, or truck(=)tractor with air operated brakes shall be equipped with at least one reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cut-out setting, a full service brake application may be made without lowering such reservoir pressure by more than twenty percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.

(b) Vacuum brakes. After January 1, 1964, every truck with three or more axles equipped with vacuum assist type brakes and every truck(=)tractor and truck used for towing a vehicle equipped with vacuum brakes shall be equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than forty percent.

(c) Reservoir safeguarded. All motor vehicles, trailers, semitrailers, and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

(10) Warning devices.

(a) Air brakes. Every bus, truck, or truck(=) tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle, shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the air reservoir pressure of the vehicle is below fifty percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

(b) Vacuum brakes. After January 1, 1964, every truck(=) tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than eight inches of mercury.

(c) Combination of warning devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement.

Sec. 28. Section 46.37.360, chapter 12, Laws of 1961 and RCW 46.37.360 are each amended to read as follows:

(1) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the front and back wheels and to wheels on opposite sides of the vehicle.

(2) All passenger cars manufactured on or after January 1, 1968, and other types of vehicles manufactured on or after September 1, 1975, shall be equipped with brake system failure indicator lamps which shall be maintained in good working order. The brake system shall demonstrate good working order and integrity by the application of a force of one hundred twenty-five pounds to the brake pedal for ten seconds without the occurrence of any of the following:

(i) Illumination of the brake system failure indicator lamp;

(ii) A decrease of more than eighty percent of service brake pedal height as measured from its free position to the floorboard or any other object which restricts service brake pedal travel;

(iii) Failure of any hydraulic line or other part.

(3) Brake hoses shall not be mounted so as to contact the vehicle body or chassis. In addition, brake hoses shall not be cracked, chafed, flattened, abraded, or visibly leaking. Protection devices such as "rub rings" shall not be considered part of the hose or tubing.

(4) Disc and drum condition. If the drum is embossed with a maximum safe diameter dimension or the rotor is embossed with a minimum safety thickness dimension, the drum or disc shall be within the appropriate specifications. These dimensions will be found on motor vehicles manufactured since January 1, 1971, and may be found on vehicles manufactured for several years prior to that time. If the drums and discs are not embossed, the drums and discs shall be within the manufacturer's specifications.

(5) Friction materials. On each brake the thickness of the lining or pad shall not be less than one thirty-second of an inch over the rivet heads, or the brake shoe on bonded linings or pads. Brake linings and pads shall not have cracks or breaks that extend to rivet holes except minor cracks that do not impair attachment. Drum brake linings shall be securely attached to brake shoes. Disc brake pads shall be securely attached to shoe plates.

(6) Backing plates and caliper assemblies shall not be deformed or cracked. System parts shall not be broken, misaligned, missing, binding, or show evidence of severe wear. Automatic adjusters and other parts shall be assembled and installed correctly.

Sec. 29. Section 24, chapter 154, Laws of 1963 and RCW 46.37.365 are each amended to read as follows:

(1) The term "hydraulic brake fluid" as used in this section shall mean the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

(2) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

(3) The state commission on equipment shall, in compliance with the provisions of chapter 34.04 RCW, the administrative procedure act, which govern the adoption of rules, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the society of automotive engineers applicable to such fluid.

(4) No person shall distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section and the standard specifications adopted by the state commission on equipment. No person shall service any vehicle with brake fluid unless it complies with the requirements of this section and the standards and specifications adopted by the state commission on equipment.

(5) Subsections (3) and (4) of this section shall not apply to petroleum base fluids in vehicles with brake systems designed to use them.

NEW SECTION. Sec. 30. There is added to chapter 46.37 RCW a new section to read as follows:

(1) No vehicle shall be equipped with wheel nuts, hub caps, or wheel discs extending outside the body of the vehicle when viewed from directly above which:

- (a) Incorporate winged projections; or
- (b) Constitute a hazard to pedestrians and cyclists.

For the purposes of this section, a wheel nut is defined as an exposed nut which is mounted at the center or hub of a wheel, and is not one of the ordinary hexagonal nuts which secure a wheel to an axle and are normally covered by a hub cap or wheel disc.

(2) Tire rims and wheel discs shall have no visible cracks, elongated bolt holes, or indications of repair by welding. In addition, the lateral and radial runout of each rim bead area shall not exceed one-eighth of an inch of total indicated runout.



(3) King pins or ball joints shall not be worn to the extent that front wheels tip in or out more than one-quarter of an inch at the lower edge of the tire.

NEW SECTION. Sec. 31. There is added to chapter 46.37 RCW a new section to read as follows:

(1) Construction of steering control system. The steering control system shall be constructed and maintained so that no components or attachments, including horn activating mechanism and trim hardware, can catch the driver's clothing or jewelry during normal driving maneuvers.

(2) Maintenance of steering control system. System play, lash, or free play in the steering system shall not exceed the values tabulated herein.

Steering wheel diameter (inches)	Lash (inches)
16 or less . . . . .	2
18 . . . . .	2-1/4
20 . . . . .	2-1/2
22 . . . . .	2-3/4

(3) Linkage play. Free play in the steering linkage shall not exceed one-quarter of an inch.

(4) Other components of the steering system such as the power steering belt, tie rods, or idler arms or Pitman arms shall not be broken, worn out, or show signs of breakage.

(5) Suspension condition. Ball joint seals shall not be cut or cracked. Structural parts shall not be bent or damaged. Stabilizer bars shall be connected. Springs shall not be broken, or extended by spacers. Shock absorber mountings, shackles, and U-bolts shall be securely attached. Rubber bushings shall not be cracked, or extruded out or missing from suspension joints. Radius rods shall not be missing or damaged.

(6) Shock absorber system. Shock absorbers shall not be loose from mountings, leak, or be inoperative.

(7) Alignment. Toe-in and toe-out measurements shall not be greater than one and one-half times the value listed in the vehicle manufacturer's service specification for alignment setting.

Sec. 32. Section 46.37.380, chapter 12, Laws of 1961 and RCW 46.37.380 are each amended to read as follows:

(1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(3) It is permissible (~~((but not required that))~~) for any (~~((commercial))~~) vehicle to be equipped with a theft alarm signal device (~~((which))~~) so long as it is so arranged

that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal device may use a whistle, bell, horn, or other audible signal but shall not use a siren.

(4) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the state commission on equipment, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

Sec. 33. Section 46.37.390, chapter 12, Laws of 1961 as last amended by section 1, chapter 135, Laws of 1972 ex. sess. and RCW 46.37.390 are each amended to read as follows:

(1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway.

(2) (a) No motor vehicle first sold and registered as a new motor vehicle on or after January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 1 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a)(i) above.

(b) No motor vehicle first sold and registered prior to January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 2 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (b)(i) above.

(c) For the purposes of this subsection the following definitions shall apply:

(i) "Opacity" means the degree to which an emission reduces the transmission of light and obscures the view of an object in the background;

(ii) "Ringelmann chart" means the Ringelmann smoke chart with instructions for use as published by the United States bureau of mines in May 1967 and as thereafter amended, information circular 7718.

(3) No person shall modify the exhaust system of a ((~~motorcycle~~)) motor vehicle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a ((~~motorcycle~~)) motor vehicle not equipped as required by this subsection, or which has been amplified as prohibited by this subsection.

Sec. 34. Section 46.37.400, chapter 12, Laws of 1961 as amended by section 25, chapter 154, Laws of 1963 and RCW 46.37.400 are each amended to read as follows:

(1) Every motor vehicle shall be equipped with a mirror ((so located as)) mounted on the left side of the vehicle and so located to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

(2) Every motor vehicle shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

(3) All mirrors required by this section shall be maintained in good condition.

Sec. 35. Section 46.37.410, chapter 12, Laws of 1961 and RCW 46.37.410 are each amended to read as follows:

(1) All motor vehicles operated on the public highways of this state shall be equipped with a front windshield manufactured of safety glazing materials for use in motor vehicles in accordance with RCW 46.37.430, except, however, on such vehicles not so equipped or where windshields are not in use, the operators of such vehicles shall wear glasses, goggles, or face shields pursuant to RCW 46.37.530(1)(b).

(2) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

((2)) (3) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. After January 1, 1938, it shall be unlawful for any person to operate a new motor vehicle first sold or delivered after that date which is not equipped with such device or devices in good working order capable of cleaning the windshield thereof over two separate arcs, one each on the left and right side of the windshield, each capable of cleaning a surface of not less than one hundred twenty square inches, or other device or devices capable of accomplishing substantially the same result.

((3)) (4) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

Sec. 36. Section 2, chapter 77, Laws of 1971 and RCW 46.37.424 are each amended to read as follows:

No person, firm or corporation shall sell or offer for sale any regrooved tire or shall regroove any tire for use on the public highways of this state which does not meet the standard established by federal motor vehicle standard part ~~((369))~~ 569—regrooved tires, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of the federal regrooved tire standard in effect at the time of regrooving.

Any person, firm, or corporation who shall sell or offer for sale any regrooved tire or shall regroove any tire which does not meet the standards prescribed in this

section shall be guilty of a misdemeanor unless such tires are sold or regrooved for off-highway use, as evidenced by a statement signed by the purchaser or regroover at the time of sale or regrooving certifying that he is not purchasing or regrooving such tires for use on the public highways of this state.

Sec. 37. Section 3, chapter 77, Laws of 1971 and RCW 46.37.425 are each amended to read as follows:

No person shall drive or move or cause to be driven or moved any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in this state, upon the public highways of this state unless such vehicle is equipped with tires in safe operating condition in accordance with requirements established by this section or by the state commission on equipment.

The state commission on equipment shall promulgate rules and regulations setting forth requirements of safe operating condition of tires capable of being employed by a law enforcement officer by visual inspection of tires mounted on vehicles including visual comparison with simple measuring gauges. These rules shall include effects of tread wear and depth of tread.

A tire shall be considered unsafe if it has:

(1) Any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed; or

(2) Any bump, bulge, or knot, affecting the tire structure; or

(3) Any break repaired with a boot; or

(4) A tread depth of less than 2/32 of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire; or

(5) A legend which indicates the tire is not intended for use on public highways such as, "not for highway use", or "for racing purposes only"; or

(6) Such condition as may be reasonably demonstrated to render it unsafe; or

(7) If not matched in tire size designation, construction, and profile to the other tire and/or tires on the same axle.

No person, firm, or corporation shall sell any vehicle for use on the public highways of this state unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm, or corporation selling the vehicle shall cause such tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the provisions of this section.

Any person operating a vehicle on the public highways of this state, or selling a vehicle for use on the public highways of this state, which is equipped with a tire or tires in violation of the provisions of this section or the rules and regulations promulgated by the state commission on equipment hereunder shall be guilty of a misdemeanor: PROVIDED, HOWEVER, That if the violation relates to items (1) to ~~((6))~~ (7) inclusive of this section ~~((that))~~ then the condition or defect must be such that it can be detected by a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges.

Sec. 38. Section 46.37.440, chapter 12, Laws of 1961 as amended by section 1, chapter 97, Laws of 1971 ex. sess. and RCW 46.37.440 are each amended to read as follows:

(1) No person shall operate any motor truck, passenger bus ((or)), truck tractor, motorhome, or travel trailer over eighty inches in overall width upon any highway outside the corporate limits of municipalities at any time unless there shall be carried in such vehicle the following equipment except as provided in subsection (2):

(a) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern, or cloth warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted to the state commission on equipment and approved by it. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred feet to one hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and unless it is of a type which has been submitted to the state commission on equipment and approved by it((-));

(b) At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried((-));

(c) At least two red-cloth flags, not less than twelve inches square, with standards to support such flags.

(2) No person shall operate at the time and under conditions stated in subsection (1) any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases or liquified gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (1) of this section, and there shall not be carried in any said vehicle any flares, fusees, or signal produced by flame.

NEW SECTION. Sec. 39. There is added to chapter 46.37 RCW a new section to read as follows:

(1) The fuel system shall be manufactured, installed, and maintained with due regard for the safety of the occupants of the vehicle and the public. Fuel tanks shall be equipped with approved caps.

(2) There shall be no signs of leakage from the carburetor or the fuel pump or the fuel hoses in the engine compartment or between the fuel tank and the engine compartment.

(3) No person shall operate any motor vehicle upon the public highways of this state unless the fuel tank is securely attached and so located that another vehicle would not be exposed to direct contact with the fuel tank in the event of a rear end collision.

Sec. 40. Section 46.37.480, chapter 12, Laws of 1961 and RCW 46.37.480 are each amended to read as follows:

No person shall drive any motor vehicle equipped with any television viewer, screen or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle.

No person shall operate any motor vehicle on a public highway while wearing any headset or earphones connected to any electronic device capable of receiving a radio broadcast or playing a sound recording for the purpose of transmitting a sound to the human auditory senses and which headset or earphones muffle or exclude other sounds.

Sec. 41. Section 46.37.500, chapter 12, Laws of 1961 and RCW 46.37.500 are each amended to read as follows:

~~((Every vehicle shall be equipped with a device adequate to effectively reduce the wheel))~~ No person shall operate any motor vehicle, trailer, or semitrailer that is not equipped with fenders, covers, flaps, or splash aprons adequate for minimizing the spray or splash of water or mud from the roadway to the rear ((thereof)) of the vehicle. All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

Sec. 42. Section 1, chapter 117, Laws of 1963 and RCW 46.37.510 are each amended to read as follows:

(1) No person shall sell any automobile manufactured or assembled after January 1, 1964, nor shall any owner cause such vehicle to be registered thereafter under the provisions of chapter 46.12 RCW unless such motor car or automobile is equipped with automobile seat belts installed for use on the front seats thereof which are of a type and installed in a manner approved by the state commission on equipment. Where registration is for transfer from an out of state license, applicant shall be informed of this section by issuing agent and have thirty days to comply. The state commission on equipment shall adopt and enforce standards as to what shall constitute adequate and safe seat belts and for the fastening and installation thereof, such standards not to be below those specified as minimum requirements by the Society of Automotive Engineers on ~~((the effective date of this act))~~ June 13, 1963.

(2) Every passenger car manufactured or assembled after January 1, 1965, shall be equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(3) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with a lap-type safety belt assembly for each permanent passenger seating position. This requirement shall not apply to police vehicles.

(4) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with at least two shoulder harness-type safety belt assemblies for use in the front seating positions.

(5) The commission on equipment shall excuse specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by subsections (1), (2), and (3) of this section when compliance would be impractical.

(6) No person shall distribute, have for sale, offer for sale, or sell any safety belt or shoulder harness for use in motor vehicles unless it meets current minimum

standards and specifications approved by the commission or the United States department of transportation.

NEW SECTION. Sec. 43. There is added to chapter 46.37 RCW a new section to read as follows:

When any motor vehicle was originally equipped with bumpers or any other collision energy absorption or attenuation system, that system shall be maintained in good operational condition, and no person shall remove or disconnect, and no owner shall cause or knowingly permit the removal or disconnection of, any part of that system except temporarily in order to make repairs, replacements, or adjustments.

NEW SECTION. Sec. 44. There is added to chapter 46.37 RCW a new section to read as follows:

(1) The body, fenders, and bumpers shall be maintained without protrusions which could be hazardous to pedestrians. In addition, the bumpers shall be so attached and maintained so as to not protrude beyond the original bumper line.

(2) The hood, hood latches, hood fastenings, doors, and door latches shall be maintained in a condition sufficient to ensure proper working equal to that at the time of original vehicle manufacture.

NEW SECTION. Sec. 45. There is added to chapter 46.37 RCW a new section to read as follows:

Every motorcycle and motor driven cycle shall have its headlamps and taillamps lighted whenever such vehicle is in motion upon a highway.

NEW SECTION. Sec. 46. There is added to chapter 46.37 RCW a new section to read as follows:

(1) Every motorcycle and every motor-driven cycle shall be equipped with at least one lamp which shall comply with the requirements and limitations of this section.

(2) Every headlamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in RCW 46.37.030(2).

(3) Every motorcycle other than a motor-driven cycle shall be equipped with multiple-beam road-lighting equipment.

(4) Such equipment shall:

(a) Reveal persons and vehicles at a distance of at least three hundred feet ahead when the uppermost distribution of light is selected;

(b) Reveal persons and vehicles at a distance of at least one hundred fifty feet ahead when the lowermost distribution of light is selected, and on a straight, level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

NEW SECTION. Sec. 47. There is added to chapter 46.37 RCW a new section to read as follows:

The headlamp or headlamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(1) Every such headlamp or headlamps on a motor-driven cycle shall be of a sufficient intensity to reveal a person or a vehicle at a distance of not less than one

hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five or more miles per hour, and at a distance of not less than three hundred feet when the motor-driven cycle is operated at a speed of thirty-five or more miles per hour;

(2) In the event the motor-driven cycle is equipped with a multiple-beam headlamp or headlamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in RCW 46.37.220(1), and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in RCW 46.37.220;

(3) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, such lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

NEW SECTION. Sec. 48. There is added to chapter 46.37 RCW a new section to read as follows:

(1) Every motorcycle and motor-driven cycle shall have at least one taillamp which shall be located at a height of not more than seventy-two nor less than fifteen inches.

(2) Either a taillamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any taillamp or taillamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

(3) Every motorcycle and motor-driven cycle shall carry on the rear, either as part of the taillamp or separately, at least one red reflector meeting the requirements of RCW 46.37.060.

(4) Every motorcycle and motor-driven cycle shall be equipped with at least one stop lamp meeting the requirements of RCW 46.37.070.

NEW SECTION. Sec. 49. There is added to chapter 46.37 RCW a new section to read as follows:

Every motorcycle and motor-driven cycle must comply with the provisions of RCW 46.37.351, except that:

(1) Motorcycles and motor-driven cycles need not be equipped with parking brakes;

(2) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, and the front wheel of a motor-driven cycle need not be equipped with brakes, if such motorcycle or motor-driven cycle is otherwise capable of complying with the braking performance requirements of sections 50 and 51 of this 1977 amendatory act.

NEW SECTION. Sec. 50. There is added to chapter 46.37 RCW a new section to read as follows:

Every motorcycle and motor-driven cycle, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:



- (1) Developing a braking force that is not less than forty-three and one-half percent of its gross weight;
- (2) Decelerating to a stop from not more than twenty miles per hour at not less than fourteen feet per second per second; and
- (3) Stopping from a speed of twenty miles per hour in not more than thirty feet, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material.

NEW SECTION. Sec. 51. There is added to chapter 46.37 RCW a new section to read as follows:

(1) The state commission on equipment is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in RCW 46.37.351, or which in its opinion is equipped with a braking system that is not so designed or constructed as to ensure reasonable and reliable performance in actual use.

(2) The director of motor vehicles may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when the state commission on equipment determines that the braking system thereon does not comply with the provisions of this section.

(3) No person shall operate on any highway any vehicle referred to in this section in the event the state commission on equipment has disapproved the braking system upon such vehicle.

NEW SECTION. Sec. 52. There is added to chapter 46.37 RCW a new section to read as follows:

No person shall modify the exhaust system of a motorcycle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motorcycle not equipped as required by this section, or which has been amplified as prohibited by this section.

NEW SECTION. Sec. 53. There is added to chapter 46.37 RCW a new section to read as follows:

Every motorcycle and every motor-driven cycle shall also comply with the requirements and limitations of:

- RCW 46.37.380 on horns and warning devices;
- RCW 46.37.390 on mufflers and prevention of noise;
- RCW 46.37.400 on mirrors; and
- RCW 46.37.420 on tires.

NEW SECTION. Sec. 54. The following acts or parts of acts are each repealed:

- (1) Section 46.37.250, chapter 12, Laws of 1961 and RCW 46.37.250; and
- (2) Section 46.37.370, chapter 12, Laws of 1961, section 23, chapter 154, Laws of 1963 and RCW 46.37.370.

Sec. 55. Section 4, chapter 232, Laws of 1967 as last amended by section 1, chapter 150, Laws of 1971 ex. sess. and RCW 46.37.530 are each amended to read as follows:

(1) It shall be unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with a mirror on the left side of the handlebars which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle.

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless he wears glasses, goggles, or a face shield of a type approved by the state commission on equipment.

~~((c) For any person to operate or ride upon a motorcycle or motor-driven cycle unless he wears upon his head a protective helmet of a type approved by the state commission on equipment. Such a helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion.))~~

(2) The state commission on equipment is hereby authorized and empowered to adopt and amend regulations, pursuant to the administrative procedure act, concerning the standards and procedures for approval of glasses, goggles, face shields and protective helmets ~~((required in this section))~~. The state commission on equipment shall maintain and publish a list of those devices which the commission on equipment has approved.

Sec. 56. Section 10, chapter 232, Laws of 1967 and RCW 46.37.535 are each amended to read as follows:

It is unlawful for any person to rent out motorcycles unless he shall also have on hand for rent helmets of a type approved by the commission on equipment.

~~((No motorcycle shall be rented out unless the renter thereof has in his possession a helmet of a type approved by the commission on equipment regardless from whom the helmet is obtained.))~~

NEW SECTION. Sec. 57. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House June 11, 1977.

Passed the Senate June 9, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

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## CHAPTER 356

[Substitute House Bill No. 1132]

### MOTOR VEHICLE OPERATORS—DRIVING RECORDS—ABSTRACTS

AN ACT Relating to motor vehicle operators; amending section 46.52.120, chapter 12, Laws of 1961 as amended by section 62, chapter 32, Laws of 1967 and RCW 46.52.120; amending section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 1, chapter 140, Laws of 1977 1st ex. sess. and RCW 46.52.130; and adding a new section to chapter 48.30 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 46.52.120, chapter 12, Laws of 1961 as amended by section 62, chapter 32, Laws of 1967 and RCW 46.52.120 are each amended to read as follows:

It shall be the duty of the director to keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each, showing all the convictions certified by the courts and an index cross reference record of each accident reported relating to such individuals with a brief statement of the cause of such accident, which index cross reference record shall be furnished to the director by the chief of the Washington state patrol, with reference to each driver involved in the reported accidents. The case record shall be maintained in two parts. One part shall be the employment driving record of the person which shall include all motor vehicle accidents in which the person is involved while the person is driving a commercial motor vehicle as an employee of another and all convictions of the person for violation of the motor vehicle laws while the person is driving a commercial motor vehicle as an employee of another. The other part shall include all other accidents and convictions. Such records shall be for the confidential use of the director and the chief of the Washington state patrol and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of director, suspending, revoking, canceling, or refusing vehicle driver's license. It shall be the duty of the director to tabulate and analyze vehicle driver's case records and to suspend, revoke, cancel, or refuse any vehicle driver's license to any person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director may order the vehicle driver's license of any such person suspended, revoked, or canceled, or shall refuse the issuance of vehicle driver's license, such suspension, revocation, cancellation, or refusal shall be final and effective unless appeal from the decision of the director shall be taken as provided by law.

Sec. 2. Section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 1, chapter 140, Laws of 1977 1st ex. sess. and RCW 46.52.130 are each amended to read as follows:

~~((The director shall upon request furnish any insurance company or its agent, having or considering the issuance of a policy of insurance and any employer or prospective employer of persons who drive commercial motor vehicles or school buses a certified abstract of the driving record of any person;))~~ Any request for a certified abstract must specify which part is requested, and only the part requested shall be furnished. The employment driving record part shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering such employer, or a prospective employer. The other part shall be furnished only to the individual named in the abstract, the insurance carrier that has insurance in effect covering such named individual, or the insurance carrier to which such named individual has applied. The director, upon proper request, shall furnish a certified abstract covering ((~~α~~) the period of not more than three years last past, and such abstract whenever possible, ((which abstract)) shall include an enumeration of motor vehicle accidents in which such person ((has been)) was involved((~~-Such abstract shall indicate~~)); the total number of vehicles

involved; whether the vehicles were legally parked or moving; whether such vehicles were occupied at the time of the accident; and any reported convictions or forfeitures of bail of such person upon a charge of violating any motor vehicle law. Such enumeration shall include any reports of failure to appear in response to a traffic citation served upon such person by an arresting officer. ~~((In addition thereto the director shall furnish such record to the person whose driving record is involved; upon such person's request.))~~

The abstract herein provided to ~~((the))~~ an insurance company shall have excluded therefrom any information pertaining to any occupational driver's license when the same is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has been issued such a license by reason of a conviction of a motor vehicle offense outside the scope of his principal employment, and who has during such period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom. The abstract provided to the insurance company shall also exclude any information pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty during an emergency situation if the chief of the officer's or fire fighter's department certifies on the accident report that the actions of the officer or fire fighter were reasonable under the circumstances as they existed at the time of the accident.

The director shall collect for each such abstract the sum of one dollar fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving such certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information therein contained to a third party: **PROVIDED**, That no policy of insurance shall be canceled on the basis of such information unless the policyholder was determined to be at fault: **PROVIDED FURTHER**, That no insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles shall use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any employer or prospective employer receiving such certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information therein contained to a third party.

Any violation of this section shall be a gross misdemeanor.

**NEW SECTION.** Sec. 3. There is added to chapter 48.30 RCW a new section to read as follows:

When an individual applies for a policy of casualty insurance providing either automobile liability coverage, uninsured motorist coverage, automobile medical payments coverage, or automobile physical damage coverage on an individually owned passenger vehicle or a renewal of such policy, an insurer shall not consider the applicant's commercial motor vehicle employment driving record in determining whether the policy will be issued or renewed or in determining the rates for the policy. An insurer shall not cancel such policy or discriminate in regard to other terms or conditions of the policy based upon the applicant's commercial motor vehicle employment driving record.

"Employment driving record" means that record maintained by the director pertaining to motor vehicle accidents or convictions for violation of motor vehicle laws while the applicant is driving a commercial motor vehicle as an employee of another.

Passed the House June 15, 1977.

Passed the Senate June 11, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

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## CHAPTER 357

[Substitute House Bill No. 1120]

### WATER RIGHTS ADJUDICATION

AN ACT Relating to water rights; amending section 15, chapter 117, Laws of 1917 and RCW 90.03.120; amending section 16, chapter 117, Laws of 1917 as amended by section 1, chapter 122, Laws of 1929 and RCW 90.03.130; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 15, chapter 117, Laws of 1917 and RCW 90.03.120 are each amended to read as follows:

Upon the filing of the statement and map as provided in RCW 90.03.110 the judge of such superior court shall make an order directing summons to be issued, and fixing the return day thereof, which shall be not less than sixty nor more than ninety days, after the making of such order: PROVIDED, That for good cause, the court, at the request of the supervisor, may modify said time period. A summons shall thereupon be issued out of said superior court, signed and attested by the clerk thereof, in the name of the state of Washington, as plaintiff, against all known persons claiming the right to divert the water involved and also all persons unknown claiming the right to divert the water involved, which said summons shall contain a brief statement of the objects and purpose of the proceedings and shall require the defendants to appear on the return day thereof, and make and file a statement of claim to, or interest in, the water involved and a statement that unless they appear at the time and place fixed and assert such right, judgment will be entered determining their rights according to the evidence: PROVIDED, HOWEVER, That any persons claiming the right to the use of water by virtue of a contract with claimant to the right to divert the same, shall not be necessary parties to the proceeding.

Sec. 2. Section 16, chapter 117, Laws of 1917 as amended by section 1, chapter 122, Laws of 1929 and RCW 90.03.130 are each amended to read as follows:

Service of said summons shall be made in the same manner and with the same force and effect as service of summons in civil actions commenced in the superior courts of the state: PROVIDED, That for good cause, the court, at the request of the supervisor, may authorize service of summons to be made by certified mail, with acknowledgment of receipt of summons executed by defendant required, as an alternative to personal service. If the defendants, or either of them, cannot be found within the state of Washington, of which the return of the sheriff of the county in which the proceeding is pending shall be prima facie evidence, upon the filing of an

affidavit by the supervisor of water resources, or his attorney, in conformity with the statute relative to the service of summons by publication in civil actions, such service may be made by publication in a newspaper of general circulation printed and published at the county seat of the county in which such proceeding is pending, and also publication of said summons in a newspaper published at the county seat of each county in which any portion of the water is situated, once a week for six consecutive weeks (six publications), before the return day thereof. In cases where personal service can be had, such summons shall be served at least twenty days before the return day thereof.

Personal service of summons may be made by department of ecology employees for actions pertaining to water rights.

**NEW SECTION.** Sec. 3. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 17, 1977.

Passed the Senate June 16, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

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## CHAPTER 358

[Substitute House Bill No. 1310]

### SHORELINE MANAGEMENT—PERMITS

AN ACT Relating to shoreline management; and amending section 14, chapter 286, Laws of 1971 ex. sess. as last amended by section 1, chapter 51, Laws of 1975-'76 2nd ex. sess. and RCW 90.58.140.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 14, chapter 286, Laws of 1971 ex. sess. as last amended by section 1, chapter 51, Laws of 1975-'76 2nd ex. sess. and RCW 90.58.140 are each amended to read as follows:

(1) No development shall be undertaken on the shorelines of the state except those which are consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, regulations or master program.

(2) No substantial development shall be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971 until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and regulations of the department; and (iii) so far as can be ascertained, the master program being developed for the area;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and the provisions of chapter 90.58 RCW.

(3) Local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by local government.

(4) Local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that:

(a) A notice of such an application is published at least once a week on the same day of the week for two consecutive weeks in a legal newspaper of general circulation within the area in which the development is proposed; and

(b) Additional notice of such an application is given by at least one of the following methods:

(i) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

(iii) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

Such notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive a copy of the final order concerning an application as expeditiously as possible after the issuance of the order, may submit such comments or such requests for orders to the local government within thirty days of the last date the notice is to be published pursuant to subsection (a) of this subsection. Local government shall forward, in a timely manner following the issuance of an order, a copy of the order to each person who submits a request for such order.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at such hearing.

(5) Such system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until thirty days from the date the final order was filed as provided in subsection (6) of this section; or until all review proceedings are terminated if such proceedings were initiated within thirty days from the date of filing as defined in subsection (6) of this section except as follows:

(a) In the case of any permit issued to the state of Washington, department of highways, for the construction and modification of the SR 90 (I-90) bridges across Lake Washington, such construction may begin after thirty days from the date of filing;

(b) If a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within thirty days of the date of filing, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to the provisions of chapter 34.04 RCW, the permittee may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction may begin pursuant to

the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would not involve a significant, irreversible damaging of the environment, the court may allow the permittee to begin such construction pursuant to the approved or revised permit as the court deems appropriate. The court may require the permittee to post bonds, in the name of the local government that issued the permit, sufficient to remove the substantial development or to restore the environment if the permit is ultimately disapproved by the courts, or to alter the substantial development if such alteration is ultimately ordered by the courts: PROVIDED, That construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had originally issued the permit and construction pursuant to such a revised permit on other portions of the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether such construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate shall be on the appellant;

(c) If a permit is granted by the local government and the granting of the permit is appealed directly to the superior court for judicial review pursuant to the proviso in RCW 90.58.180(1) as now or hereafter amended, the permittee may request the court to remand the appeal to the shorelines hearings board, in which case the appeal shall be so remanded and construction pursuant to such a permit shall be governed by the provisions of subsection (b) of this subsection or may otherwise begin after review proceedings before the hearings board are terminated if judicial review is not thereafter requested pursuant to the provisions of chapter 34.04 RCW;

If a permittee begins construction pursuant to subsections (a), (b) or (c) of this subsection, such construction shall begin at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or the restoration of any portion of the environment involved or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee shall be barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervener.

(6) Any ruling on an application for a permit under authority of this section, whether it be an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general. With regard to a permit other than a permit governed by subsection (12) of this section, "date of filing" as used herein shall mean the date of actual receipt by the department. With regard to a permit for a variance or a conditional use, "date of filing" shall mean the date a decision of the department rendered on the permit pursuant to subsection (12) of this section is transmitted by the department to the local government. The department shall notify in writing the local government and the applicant of the date of filing.

(7) Applicants for permits under this section shall have the burden of proving that a proposed substantial development is consistent with the criteria which must



be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2) as now or hereafter amended, the person requesting the review shall have the burden of proof.

(8) Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. In the event the department is of the opinion that such noncompliance exists, the department shall provide written notice to the local government and the permittee. If the department is of the opinion that such noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of such permit upon written notice of such petition to the local government and the permittee: PROVIDED, That the request by the department is made to the hearings board within fifteen days of the termination of the thirty day notice to the local government.

(9) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(10) No permit shall be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government prior to April 1, 1971, if:

(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969; ~~((or))~~ and

(b) ~~((i) Sales of lots to purchasers with reference to the plat, or substantial development incident to platting or required by the plat, occurred prior to April 1, 1971, and~~

~~(ii) The development to be made without a permit meets all requirements of the applicable state agency or local government, other than requirements imposed pursuant to this chapter, and~~

~~(iii) The development does not involve construction of buildings, or involves construction on wetlands of buildings to serve only as community social or recreational facilities for the use of owners of platted lots and the buildings do not exceed a height of thirty-five feet above average grade level, and~~

~~(iv))~~ The development is completed within two years after the effective date of this chapter.

(11) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and prior to April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (10) of this section, or does not require a permit because of substantial development occurred prior to June 1, 1971.

(12) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.

Passed the House June 17, 1977.

Passed the Senate June 16, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

## CHAPTER 359

[Substitute House Bill No. 960]

## THE WASHINGTON BASIC EDUCATION ACT OF 1977

AN ACT Relating to education; amending section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 211, Laws of 1975 1st ex. sess. and RCW 28A.41.130; amending section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 80 Laws of 1977 and RCW 28A.41.160; amending section 4, chapter 217, Laws of 1969 ex. sess. as amended by section 1, chapter 14, Laws of 1972 ex. sess. and RCW 28A.41.145; amending section 28A.44.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.040; amending section 2, chapter 92, Laws of 1974 ex. sess. as amended by section 71, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.02.201; amending section 1, chapter 105, Laws of 1973 1st ex. sess. as amended by section 21, chapter 288, Laws of 1975 1st ex. sess. and RCW 28A.01.130; amending section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.44.080; amending section 2, chapter 124, Laws of 1972 ex. sess. as last amended by section 25, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.44.085; amending section 28A.45.050, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 135, Laws of 1975 1st ex. sess. and RCW 28A.45.050; amending section 28A.58.190, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.190; amending section 36.33.110, chapter 4, Laws of 1963 as last amended by section 1, chapter 230, Laws of 1967 and RCW 36.33.110; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapters 28A.41 and 28A.58 RCW; repealing sections 28A.45.040 and 28A.67.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.040 and 28A.67.100; providing penalties; and making an effective date.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. This 1977 amendatory act shall be known and may be cited as "The Washington Basic Education Act of 1977". The program evolving from the Basic Education Act shall include (1) the goal of the school system as defined in section 2 of this 1977 amendatory act, (2) those program requirements enumerated in section 3 of this 1977 amendatory act, and (3) the determination and distribution of state resources as defined in sections 4 and 5 of this 1977 amendatory act.

The requirements of the Basic Education Act are deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex", and are adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools".

**NEW SECTION.** Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The goal of the Basic Education Act for the schools of the state of Washington set forth in this 1977 amendatory act shall be to provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning. Those skills shall include the ability:

- (1) To distinguish, interpret and make use of words, numbers and other symbols, including sound, colors, shapes and textures;
- (2) To organize words and other symbols into acceptable verbal and nonverbal forms of expression, and numbers into their appropriate functions;

(3) To perform intellectual functions such as problem solving, decision making, goal setting, selecting, planning, predicting, experimenting, ordering and evaluating; and

(4) To use various muscles necessary for coordinating physical and mental functions.

**NEW SECTION.** Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) For the purposes of sections 3 through 5 of this 1977 amendatory act:

(a) The term "total program hour offering" shall mean those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes and recess and exclusive of intermission for meals.

(b) "Instruction in work skills" shall include the instruction of industrial arts, home and family life education, business and office education, distributive education, agricultural education, health occupations education, vocational education, trade and industrial education, technical education and career education, and shall include career orientation.

(2) Satisfaction of the basic education goal identified in section 2 of this 1977 amendatory act shall be considered to be implemented by the following program requirements:

(a) Each school district shall make available to students in kindergarten at least a total program offering of four hundred fifty hours. The program shall include reading, arithmetic, language skills and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students in grades one through three, at least a total program hour offering of two thousand seven hundred hours. A minimum of ninety-five percent of the total program hour offerings shall be in the basic skills areas of reading/language arts, mathematics, social studies, science, music, art, health and physical education. The remaining five percent of the total program hour offerings may include foreign languages, or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(c) Each school district shall make available to students in grades four through six at least a total program hour offering of two thousand nine hundred seventy hours. A minimum of ninety percent of the total program hour offerings shall be in the basic skills areas of reading/language arts, mathematics, social studies, science, music, art, health and physical education. A minimum of five percent of the total program hour offerings shall be in the area of work skills. The remaining five percent of the total program hour offerings may include foreign languages, or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(d) Each school district shall make available to students in grades seven through eight, at least a total program hour offering of one thousand nine hundred eighty hours. A minimum of eighty-five percent of the total program hour offerings shall be in the basic skills areas of reading/language arts, mathematics, social

studies, science, music, art, health and physical education. A minimum of ten percent of the total program hour offerings shall be in the area of work skills. The remaining five percent of the total program hour offerings may include foreign language, or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(e) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three hundred twenty hours. A minimum of sixty percent of the total program hour offerings shall be in the basic skills areas of language arts, mathematics, social studies, science, music, art, health and physical education. A minimum of twenty percent of the total program hour offerings shall be in the area of work skills. The remaining twenty percent of the total program hour offerings may include traffic safety, foreign language, or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades, with not less than one-half thereof in basic skills and/or work skills.

Nothing contained in subsection (2) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

Each school district's basic educational program shall be accessible to all students between the ages of five and twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten. The state board of education pursuant to its authority in RCW 28A.04.120 and 28A.41.130, as now or hereafter amended, shall adopt the necessary rules and regulations to ensure program compliance with the provisions of this section.

Sec. 4. Section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 211, Laws of 1975 1st ex. sess. and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education an amount which, when combined with the following revenues, excluding excess property tax levies, will constitute ~~((an equal guarantee in dollars for each weighted pupil enrolled))~~ a basic education allocation in dollars for each annual average full time equivalent student enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.180:

(1) The receipts from the one percent tax on real estate transactions ~~((which may be imposed))~~ pursuant to chapter 28A.45 RCW ~~((~~PROVIDED~~, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28A.45 RCW shall be reduced by five percent))~~; and

(2) One hundred percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

(3) One hundred percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110; and

(4) One hundred percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support.

Basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to sections 4 and 5 of this 1977 amendatory act to fund those program requirements identified in section 3 of this 1977 amendatory act in accordance with the formula and ratios provided in section 5 of this 1977 amendatory act.

Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of ~~((pupils))~~ students per classroom teacher~~((s))~~ in grades kindergarten through three is not greater than the ratio of ~~((pupils))~~ students per classroom teacher in grades four and above for such district: PROVIDED, That for the purposes of this section, "classroom teacher" shall be defined as ~~((a certificated employee))~~ an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of ~~((pupils))~~ students: PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the ~~((pupil))~~ student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the ~~((pupil))~~ student/teacher ratio requirements of this section by virtue of a small number of ~~((pupils))~~ students: PROVIDED, FURTHER, That these rules and regulations shall provide that any district that has a ratio of no greater than twenty-five students per classroom teacher in grades kindergarten through three shall be in conformance with this section.

~~((Notwithstanding any other provision of this chapter, the state shall guarantee to school districts an amount of money from state and local funds, not less than ninety-five percent of the average amount per enrolled student, excluding special levies, which any such district realized from state and local funds during the preceding three school years.))~~ If a school district's basic education program fails to meet the basic education requirements enumerated in sections 3 through 5 of this 1977 amendatory act, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured: PROVIDED, That for the school years 1978 through 1981 the state board of education may waive this requirement in the event of levy failure: PROVIDED FURTHER, That the state board of education may waive this requirement in the event of substantial lack of classroom space.

Sec. 5. Section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140 are each amended to read as follows:

~~((To determine a "weighted student enrolled," as that term is used in this chapter a schedule shall be established by the superintendent of public instruction which shall provide appropriate recognition of the following costs among the various types of students and districts of the state, with the equalization of educational opportunity being the primary objective:~~

- ~~(1) Costs attributable to staff experience and professional preparation; and~~  
~~(2) Costs to state and local funds attributable to the operation of approved educational programs arising as a result of a concentration of culturally disadvantaged students, or as a result of a high degree of transient enrollment;~~  
~~(3) Costs resulting from the operation of small school plants within districts: PROVIDED, That such plants are judged by the state board of education as remote and necessary;~~  
~~(4) Costs differentials attributable to the operation of approved elementary and secondary programs;~~  
~~(5) Costs which must be incurred to operate an approved vocational program;~~  
~~(6) Costs resulting from the attendance of students who:~~  
~~(a) Do not reside within the servicing school district: PROVIDED, That nothing within this provision shall be construed as affecting the reimbursement procedures in RCW 28A.44.040;~~  
~~(b) Reside in any home or institution devoted to providing a home for dependent or otherwise referred or entrusted children: PROVIDED, Such home or institution is exempt from taxation under the laws of the state of Washington; or~~  
~~(c) Constitute at least three percent of the student enrollment within the district and who reside within the servicing district on property of either the state, its political subdivisions, or any municipal corporation.~~

~~The weighting schedule when established shall be renewed biennially by the state superintendent and shall be subject to approval, rejection or amendment by the legislature. The schedule shall be submitted for approval as a part of the state superintendent's biennial state budget. In the event the legislature rejects the weighting schedule presented, without adopting a new schedule, the schedule established for the previous biennium shall remain in effect. The enrollment of any district, before weighting, shall be the average number of full time students and part time students as provided in RCW 28A.41.145 enrolled on the first school day of each month.))~~

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (1) Certificated staff and their related costs;
- (2) Classified staff and their related costs;
- (3) Nonsalary costs; and
- (4) Extraordinary costs of remote and necessary schools and small high schools.

This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. Commencing with the 1980-81 school year, the formula adopted by the legislature shall reflect a ratio of not less than fifty certificated personnel to one thousand annual average full time

equivalent students and one classified person to three certificated personnel. In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous biennium shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in section 3 of this 1977 amendatory act. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the first school day of each month. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of program planning and fiscal management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

Certificated staff shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated employees as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent: PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute: PROVIDED, FURTHER, That the hiring of such noncertificated persons shall be subject to disapproval by the superintendent of public instruction. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances. Annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall be at least twenty-five hours per week. Classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Classified staff shall include those persons employed by a school district other than certificated staff as defined in this section in a capacity for which certification is not required.

Sec. 6. Section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 80, Laws of 1977 and RCW 28A.41.160 are each amended to read as follows:

Reimbursement for transportation costs shall be in addition to ~~((state assistance based upon weighted enrollment))~~ the basic education allocation. Transportation costs shall be reimbursed as follows:

(1) ~~((Operational reimbursement))~~ School districts shall be ~~((limited to ninety))~~ reimbursed up to one hundred percent of the ~~((service costs on routes))~~ operational costs for established bus routes for the transportation of students to and from common schools as recommended by the educational service district superintendent or his or her designee, and as approved by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible; and

(2) Costs of acquisition of approved transportation equipment shall be ~~((limited))~~ reimbursed up to ~~((ninety))~~ one hundred percent of the cost to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible: PROVIDED FURTHER, That reimbursements for the acquisition of approved transportation equipment received by school districts shall be held within the general fund exclusively for the future ~~((purpose))~~ purchase of approved transportation equipment and for major transportation equipment repairs consistent with rules and regulations authorized and promulgated under RCW 28A.41.170 and chapter 28A.65 RCW.

NEW SECTION. Sec. 7. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

In addition to those state funds provided to school districts for basic education, the legislature shall appropriate funds for pupil transportation, in accordance with RCW 28A.41.160, and for programs for handicapped students, in accordance with chapter 28A.13 RCW. The legislature may appropriate funds to be distributed to school districts for population factors such as urban costs, enrollment fluctuations and for special programs, including but not limited to, vocational-technical institutes, compensatory programs, bilingual education, urban, rural, racial and disadvantaged programs, programs for gifted students, and other special programs.

Sec. 8. Section 4, chapter 217, Laws of 1969 ex. sess. as amended by section 1, chapter 14, Laws of 1972 ex. sess. and RCW 28A.41.145 are each amended to read as follows:

(1) For purposes of this section, the following definitions shall apply:

(a) "private school student" shall mean any student enrolled full time in a private or private sectarian school;

(b) "school" shall mean any primary, secondary or vocational school;

(c) "school funding authority" shall mean any nonfederal governmental authority which provides moneys to common schools;

(d) "part time student" shall mean and include any student enrolled in a course of instruction in a private or private sectarian school and taking courses at and/or receiving ancillary services offered by any public school not available in such private or private sectarian school district and any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.

(2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students, including (a) the part time enrollment



of students involved in any work training program and desirous of taking courses within the district upon the school board's approval of any such work training program and (b) the part time enrollment of any private school student in any school within the district for the purpose of attending a class or classes or a course of instruction if the class, classes, or course of instruction for which the private school student requests enrollment, are unavailable to the student in the private school in which the student is regularly enrolled: PROVIDED, That this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district.

(3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part time students authorized by subsection (2) and shall include such costs in the (~~"weighting schedule" established~~) distribution of funds to school districts pursuant to RCW 28A.41.140. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.

(4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part time students authorized by subsection (2), and shall include said costs in funding the activities of said school districts.

(5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of RCW 28A.41.140 and 28A.41.145.

Sec. 9. Section 2, chapter 92, Laws of 1974 ex. sess. as amended by section 71, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.02.201 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year shall be the same as that required of public schools in RCW 28A.01.025 as now or hereafter amended.

(2) The length of the school day shall be the same as that required of public schools in RCW 28A.01.010 and section 3 of this 1977 amendatory act, each as now or hereafter amended, except that the percentages of total program hour offerings as prescribed in section 3 of this 1977 amendatory act for basic skills, work

skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(5) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements.

(6) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(7) In compliance with provisions of RCW 28A.31.010 as now or hereafter amended and rules or regulations of the state board of education, each private school teacher shall file with the educational service district in which the school is located a valid health certificate issued by the state department of social and health services.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (6) above provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 10. Section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.44.080 are each amended to read as follows:

The superintendent of every high school district shall certify under oath, as a part of an annual report to the educational service district board to be made on or before the fifteenth day of October as required by law, the following facts as nearly as the same can be ascertained:

(1) Name, post office address, county, and resident school district of each non-resident high school (~~(parent)~~) student who is not a resident of another high school district and is enrolled in the high school, or high schools, of the district during the school year, with the enrollment date and departure date of each such nonresident (~~(parent)~~) student.

(2) The cost per ~~((weighted pupil))~~ annual average full time equivalent student of educating high school ~~((pupils))~~ students for the school year in ~~((his))~~ the district. For ascertaining such cost the following items of high school expenditure shall be used: Salaries of all high school teachers, supervisors, principals, special instructors, superintendent and assistants, janitors, clerks, and secretaries, stenographers, and all other employees; fuel, light, water, power, telephones, textbooks, office expenses, janitors' supplies, freight, express, drayage, rents for high school purposes, upkeep of grounds, upkeep of shops and laboratories, all materials used in instruction, insurance, current ordinary repairs of every nature, inspection, promotion of health, and such other current expenditures as may be necessary to efficient operation of the high school, or high schools. Expenditures for real estate, construction of buildings, and for other permanent improvements and fixtures shall not be included in estimating high school expenditures for the purposes of this section. When any item, as a necessary result of organization, covers both grade and high school work, it shall be prorated, as nearly as practicable, by the high school district superintendent.

Sec. 11. Section 2, chapter 124, Laws of 1972 ex. sess. as last amended by section 25, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.44.085 are each amended to read as follows:

The educational service district board, after verifying such reports as provided in RCW 28A.44.080 as now or hereafter amended, shall certify, on or before the fifteenth day of November each year to the appropriate county commissioners, the amount of claims which any high school district in its educational service district may have under the provisions of RCW 28A.44.045 through 28A.44.100 as now or hereafter amended against any nonhigh district for the cost of educating nonresident high school ~~((pupils))~~ students of such district. In fixing the amount of any such claim by a high school district for educating nonresident high school ~~((pupils))~~ students from such nonhigh districts the educational service district board shall determine the net difference between the cost of educating high school ~~((pupils))~~ students in the given high school district per ~~((weighted pupil))~~ annual average full time equivalent student enrolled for the preceding year as determined pursuant to RCW 28A.44.080(2) and the total state ~~((guarantee, including the equal guarantee))~~ basic education allocation provided for in RCW 28A.41.130, per ~~((weighted pupil))~~ annual average full time equivalent student enrolled in such high school district for the preceding year, less any funds received by the high school district pursuant to Title 20, sections 236 through 244, United States Code, for any nonresident high school ~~((pupils))~~ students educated in the high school district for such preceding year. Such amount, when certified as provided in this section, shall constitute a valid claim against the appropriate nonhigh district.

Sec. 12. Section 28A.44.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.040 are each amended to read as follows:

The ~~((weighted student))~~ annual average full time equivalent student enrollment as computed under RCW 28A.41.140 ~~((accredited to))~~ for each school district or part thereof within a county shall be the basis upon which the real estate sales tax proceeds as provided for in chapter 28A.45 RCW and apportionments from the county current school fund shall be made.

Sec. 13. Section 28A.45.050, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 135, Laws of 1975 1st ex. sess. and RCW 28A.45.050 are each amended to read as follows:

The county commissioners or legislative authority of ~~((any))~~ each county ~~((are authorized by ordinance to))~~ shall levy an excise tax upon sales of real estate ~~((not exceeding))~~ of one percent of the selling price. ~~((The rate of the levy shall be determined annually by the commissioners.))~~ The proceeds of the tax provided for in this chapter shall be placed in the county school fund and shall be used exclusively for the support of the common schools: PROVIDED, That one percent of the proceeds of the tax provided for herein may be placed in the current expense fund of the county: PROVIDED, That each educational service district superintendent shall certify each month the distribution of the real estate excise tax from the county school fund, for each county whose seat of government is within the educational service district, to the general fund of each school district in the county: PROVIDED FURTHER, That when a local school district board of directors, by properly executed resolution, instructs that the distribution in whole or part be credited to the building fund and/or bond interest and redemption fund of the local school district, the educational service district superintendent shall certify the distribution in accordance with such resolution: AND PROVIDED FURTHER, That such certification of distribution to each school district in the county shall be in proportion (using the most recent data) to the number of ~~((weighted))~~ annual average full time equivalent students enrolled in each district to the number of ~~((weighted))~~ annual average full time equivalent students in the county.

Sec. 14. Section 28A.58.190, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.190 are each amended to read as follows:

Except as otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons between the ages of ~~((six))~~ five and twenty-one years residing in that school district. Except as otherwise provided by law, the state board of education is hereby authorized to adopt rules in accordance with chapter 34.04 RCW which establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student.

Sec. 15. Section 36.33.110, chapter 4, Laws of 1963 as last amended by section 1, chapter 230, Laws of 1967 and RCW 36.33.110 are each amended to read as follows:

The state treasurer shall turn over to the treasurers of the counties within United States forest reserves, the amount of money belonging to them, received from the federal government from such reserves, in accordance with Title 16, section 500, United States Code. Where the reserve is situated in more than one county the money shall be distributed in proportion to the area of the counties interested, and to that end the state treasurer is authorized and required to obtain the necessary information to enable him to make the distribution on such basis.

County commissioners or the legislative authority of the respective counties to which the money is distributed are authorized and directed annually to distribute not less than fifty percent of said money to each school district within each such

county according to the proportional number of ((~~weighted~~)) annual average full time equivalent students enrolled in each such school district during the immediate preceding school year as certified by the ((~~county school superintendent of schools or the intermediate~~)) educational service district superintendent ((~~of schools as the case may be. PROVIDED, That if any such school district would suffer a decrease in its total revenue as the result of receipt of said money, such district may refuse its proportional share and the county commissioners shall thereupon redistribute such proportional share to the remaining districts in the county~~)). The county commissioners or county legislature authority shall expend the balance of said money for the benefit of the public roads of such county, and not otherwise.

NEW SECTION. Sec. 16. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Rules and regulations adopted by the state board of education and superintendent of public instruction pursuant to the provisions of this 1977 amendatory act shall be subject to periodic review by the legislature.

Sec. 17. Section 1, chapter 105, Laws of 1973 1st ex. sess. as amended by section 21, chapter 288, Laws of 1975 1st ex. sess. and RCW 28A.01.130 are each amended to read as follows:

The term "certificated employee" as used in RCW 28A.02.201, 28A.41.140, 28A.58.450 through 28A.58.515, 28A.58.445, 28A.67.065, 28A.67.070, 28A.67.074 and 28A.01.130 and chapter 41.59 RCW, each as now or hereafter amended, shall include those persons who hold certificates as authorized by rule or regulation of the state board of education or the superintendent of public instruction.

NEW SECTION. Sec. 18. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program meet the individual and collective needs of the particular students enrolled therein.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors, acting through its respective administrative staff, to:

(a) Establish performance criteria and an evaluation process for its certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum.

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs.

(c) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in section 3 of this 1977 amendatory act, or rules and regulations of the state board of education.

(d) Determine the allocation of staff time, whether certificated or classified.

(e) Establish final curriculum standards consistent with law and rules and regulations of the state board of education, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district.

(f) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

(3) In keeping with the accountability purpose expressed in this section and to insure that the local community and electorate have access to information on the educational programs in the school districts, each school district's board of directors shall annually publish a descriptive guide to the district's common schools. This guide shall be made available at each school in the district for examination by the public. The guide shall include, but not be limited to, the following:

(a) Criteria used for written evaluations of staff members pursuant to RCW 28A.67.065.

(b) A summary of program objectives pursuant to RCW 28A.58.090.

(c) Results of comparable testing for all schools within the district.

(d) Budget information which will include the following:

(i) Student attendance.

(ii) Number of full time equivalent personnel per school in the district itemized according to classroom teachers, instructional support, building and central administration and support services, including itemization of such personnel by program.

(iii) Number of full time equivalent personnel assigned in the district to central administrative offices, itemized according to instructional support, building and central administration, and support services, including itemization of such personnel by program.

(iv) Total number of full time equivalent personnel itemized by classroom teachers, instructional support, building and central administration, and support services, including itemization of such personnel by program.

(v) Special levy budget request presented by program and expenditure for purposes over and above those requirements identified in section 3 of this 1977 amendatory act.

NEW SECTION. Sec. 19. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) It is the intended purpose of this section to guarantee that the certificated teaching and administrative staff in each common school district be held accountable for the proper and efficient conduct of classroom teaching in their school which will meet the individual and collective needs of the particular students enrolled therein.

(2) In conformance with the other provisions of Title 28A RCW, it shall be the responsibility of the certificated teaching and administrative staff in each common school to:

(a) Implement the district's prescribed curriculum and enforce, within their area of responsibility, the rules and regulations of the school district, the state superintendent of public instruction, and the state board of education, taking into due

consideration individual differences among students, and maintain and render appropriate records and reports pertaining thereto.

(b) Maintain good order and discipline in their classrooms at all times.

(c) Hold students to a strict accountability while in school for any disorderly conduct while under their supervision.

(d) Require excuses from the parents, guardians, or custodians of minor students in all cases of absence, tardiness, or early dismissal.

(e) Give careful attention to the maintenance of a healthful atmosphere in the classroom.

(f) Give careful attention to the safety of the student in the classroom and report any doubtful or unsafe conditions to the building administrator.

(g) Evaluate each student's educational growth and development and make periodic reports thereon to parents, guardians, or custodians and to school administrators.

Failure to carry out such requirements as set forth in subsection (2) (a) through (g) above shall constitute sufficient cause for discharge of any member of such teaching or administrative staff.

NEW SECTION. Sec. 20. The following acts or parts thereof are each hereby repealed:

(1) Section 28A.45.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.040; and

(2) Section 28A.67.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.100.

NEW SECTION. Sec. 21. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. This 1977 amendatory act shall take effect September 1, 1978.

Passed the House June 20, 1977.

Passed the Senate June 20, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

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## CHAPTER 360

[Substitute House Bill No. 980]

### WASHINGTON STATE FERRIES—CAPITAL PROJECTS FINANCING

AN ACT Relating to marine transportation; authorizing the sale of general obligation bonds and the use of the proceeds for the acquisition of new ferry vessels; amending section 2, chapter 85, Laws of 1970 ex. sess. and RCW 47.60.505; adding new sections to chapter 47.60 RCW; making an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. In order to provide funds necessary for vessel acquisition, vessel construction, major and minor vessel improvements, and terminal

construction and improvements for the Washington state ferries, there shall be issued and sold upon the request of the Washington toll bridge authority general obligation bonds of the state of Washington in the sum of one hundred thirty-five million dollars or such amount thereof as may be required (together with other funds available therefor). In the event the state of Washington is able to obtain matching funds from the urban mass transportation administration or other federal government agencies for the acquisition of four high speed passenger only vessels capable of operating as an integral part of the Washington state ferries on Puget Sound and the Straits of Juan de Fuca, a sufficient amount of the proceeds of said bonds authorized herein shall be utilized to pay the state's share of the acquisition cost of such high speed passenger only vessels. The high speed passenger only vessels shall be of existing design currently manufactured in the United States, shall have a normal cruising speed in excess of 40 knots, and shall have a passenger capacity of 250 to 350 passengers. Upon request being made by the Washington toll bridge authority, the state finance committee shall supervise and provide for the issuance, sale, and retirement of said bonds in accordance with the provisions of chapter 39.42 RCW. Such bonds may be sold from time to time in such amounts as may be necessary for the orderly progress in constructing the ferries.

NEW SECTION. Sec. 2. The proceeds from the sale of the bonds shall be deposited in the Puget Sound capital construction account of the motor vehicle fund and such proceeds shall be available only for the purposes enumerated in section 1 of this 1977 amendatory act, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds.

NEW SECTION. Sec. 3. Bonds issued under the provisions of section 1 of this 1977 amendatory act shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in sections 1 through 9 of this 1977 amendatory act from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of sections 1 through 9 of this 1977 amendatory act and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of sections 1 through 9 of this 1977 amendatory act.

NEW SECTION. Sec. 4. Any funds required to repay the bonds authorized by section 1 of this 1977 amendatory act or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state for expenditure pursuant to RCW 46.68.130 and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on



motor vehicle and special fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

NEW SECTION. Sec. 5. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of such bonds, the state finance committee shall estimate, subject to the provisions of section 4 of this 1977 amendatory act, the percentage of the receipts in money of the motor vehicle fund resulting from collection of excise taxes on motor vehicle and special fuels, for each month of the year which shall be required to meet interest or bond payments when due and shall notify the treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle and special fuels of the motor vehicle fund to the ferry bond retirement fund hereby created in the state treasury, which funds shall be available solely for payment of the principal of and interest on the bonds when due. If in any month it shall appear that the estimated percentage of moneys so made is insufficient to meet the requirements for payment of the principal thereof or interest thereon, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for the interest on and principal of all bonds issued shall be fully met at all times.

NEW SECTION. Sec. 6. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels payable into the bond retirement fund shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee and with the concurrence of the Washington toll bridge authority, be available for the prior redemption of any bonds or remain available in the fund to reduce requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

NEW SECTION. Sec. 7. Whenever, pursuant to section 5 of this 1977 amendatory act, the state treasurer shall transfer funds from the motor vehicle fund to the ferry bond retirement fund, the state treasurer shall at the same time reimburse the motor vehicle fund in an identical amount from the Puget Sound capital construction account. After each transfer by the treasurer of funds from the motor vehicle fund to the bond retirement fund, the obligation to reimburse the motor vehicle fund as required herein shall constitute a first and prior charge against the funds within and accruing to the Puget Sound capital construction account, including the proceeds of the additional two-tenths of one percent excise tax imposed by RCW 82.44.020, as amended by chapter — (Substitute Senate Bill No. 2522), Laws of 1977 1st ex. sess. All funds reimbursed to the motor vehicle fund as provided herein shall be distributed to the state for expenditure pursuant to RCW 46.68.130.

NEW SECTION. Sec. 8. The bonds authorized in sections 1 through 9 of this 1977 amendatory act shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 9. Bonds issued under authority of sections 1 through 9 of this 1977 amendatory act and any subsequent general obligation bonds of the

state of Washington which may be authorized and which pledge motor vehicle and special fuel excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuel excise taxes.

Sec. 10. Section 2, chapter 85, Laws of 1970 ex. sess. and RCW 47.60.505 are each amended to read as follows:

There is hereby created in the motor vehicle fund the Puget Sound capital construction account. All moneys hereafter deposited in said account shall be used by the ~~((state highway commission exclusively for improving the Washington state ferry system or constructing or improving transportation facilities for the crossing of Puget Sound and any of its tributary waters))~~ Washington toll bridge authority for:

(1) Reimbursing the motor vehicle fund for all transfers therefrom made in accordance with section 7 of this 1977 amendatory act; and

(2) Improving the Washington state ferry system including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements, pursuant to proper appropriations: PROVIDED, That any funds accruing to the Puget Sound capital construction account after June 30, 1979, which are not required to reimburse the motor vehicle fund pursuant to section 7 of this 1977 amendatory act as such obligations come due nor are required for capital improvements of the Washington state ferries pursuant to appropriations therefor shall from time to time as shall be determined by the department of highways be transferred by the state treasurer to the Puget Sound ferry operations account in the motor vehicle fund.

**NEW SECTION.** Sec. 11. There is hereby appropriated from the Puget Sound capital construction account of the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1979, the sum of ten million dollars, or so much thereof as may be necessary to carry out the provisions of this act: **PROVIDED,** That the money available for expenditure under this appropriation shall not exceed the amount of money derived from the sale of bonds as provided for herein and deposited to the credit of the Puget Sound capital construction account of the motor vehicle fund.

**NEW SECTION.** Sec. 12. Sections 1 through 9 of this 1977 amendatory act shall be added to chapter 47.60 RCW.

**NEW SECTION.** Sec. 13. If any provision of this 1977 amendatory act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 14. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 20, 1977.

Passed the Senate June 20, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

## CHAPTER 361

[Reengrossed Substitute Senate Bill No. 2034]

## ELECTIONS

AN ACT Relating to elections; amending section 29.04.020, chapter 9, Laws of 1965 as last amended by section 1, chapter 202, Laws of 1971 ex. sess. and RCW 29.04.020; amending section 29.04.030, chapter 9, Laws of 1965 as last amended by section 1, chapter 165, Laws of 1973 1st ex. sess. and RCW 29.04.030; amending section 29.04.040, chapter 9, Laws of 1965 as last amended by section 3, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.040; amending section 29.04.055, chapter 9, Laws of 1965 as amended by section 1, chapter 127, Laws of 1974 ex. sess. and RCW 29.04.055; amending section 29.10.040, chapter 9, Laws of 1965 as amended by section 26, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.040; amending section 29.10.080, chapter 9, Laws of 1965 as last amended by section 28, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.080; amending section 29.10.120, chapter 9, Laws of 1965 as amended by section 33, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.120; amending section 29.13.070, chapter 9, Laws of 1965 as amended by section 6, chapter 103, Laws of 1965 ex. sess. and RCW 29.13.070; amending section 29.18.040, chapter 9, Laws of 1965 as amended by section 1, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 29.18.040; amending section 29.21.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.060; amending section 1, chapter 130, Laws of 1967 ex. sess. and RCW 29.21.330; amending section 29.30.010, chapter 9, Laws of 1965 and RCW 29.30.010; amending section 29.30.020, chapter 9, Laws of 1965 as amended by section 76, chapter 81, Laws of 1971 and RCW 29.30.020; amending section 29.30.030, chapter 9, Laws of 1965 and RCW 29.30.030; amending section 29.30.040, chapter 9, Laws of 1965 and RCW 29.30.040; amending section 29.30.060, chapter 9, Laws of 1965 and RCW 29.30.060; amending section 29.30.075, chapter 9, Laws of 1965 as amended by section 5, chapter 103, Laws of 1965 ex. sess. and RCW 29.30.075; amending section 29.33.180, chapter 9, Laws of 1965 and RCW 29.33.180; amending section 29.33.210, chapter 9, Laws of 1965 and RCW 29.33.210; amending section 29.33.220, chapter 9, Laws of 1965 as last amended by section 4, chapter 46, Laws of 1975-'76 2nd ex. sess. and RCW 29.33.220; amending section 11, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.010; amending section 18, chapter 109, Laws of 1967 ex. sess. as amended by section 1, chapter 6, Laws of 1971 ex. sess. and RCW 29.34.080; amending section 23, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.130; amending section 32, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.170; amending section 29.36.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.010; amending section 29.36.030, chapter 9, Laws of 1965 as amended by section 1, chapter 73, Laws of 1974 ex. sess. and RCW 29.36.030; amending section 29.36.060, chapter 9, Laws of 1965 as amended by section 1, chapter 140, Laws of 1973 and RCW 29.36.060; amending section 29.39.170, chapter 9, Laws of 1965 and RCW 29.39.170; amending section 29.48.020, chapter 9, Laws of 1965 and RCW 29.48.020; amending section 29.48.030, chapter 9, Laws of 1965 as amended by section 40, chapter 202, Laws of 1971 ex. sess. and RCW 29.48.030; amending section 29.51.125, chapter 9, Laws of 1965 and RCW 29.51.125; amending section 29.54.010, chapter 9, Laws of 1965 as amended by section 6, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.010; amending section 29.54.035, chapter 9, Laws of 1965 and RCW 29.54.035; amending section 29.54.040, chapter 9, Laws of 1965 as amended by section 9, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.040; amending section 29.54.045, chapter 9, Laws of 1965 as last amended by section 4, chapter 102, Laws of 1973 and RCW 29.54.045; amending section 29.54.050, chapter 9, Laws of 1965 as last amended by section 2, chapter 121, Laws of 1973 1st ex. sess. and RCW 29.54.050; amending section 29.54.060, chapter 9, Laws of 1965 and RCW 29.54.060; amending section 29.54.070, chapter 9, Laws of 1965 as amended by section 10, chapter 109, Laws of 1967 ex. sess. and RCW 29.54.070; amending section 29.54.080, chapter 9, Laws of 1965 and RCW 29.54.080; amending section 29.54.130, chapter 9, Laws of 1965 and RCW 29.54.130; amending section 29.54.140, chapter 9, Laws of 1965 and RCW 29.54.140; amending section 29.62.090, chapter 9, Laws of 1965 and RCW 29.62.090; amending section 29.62.100, chapter 9, Laws of 1965 and RCW 29.62.100; amending section 29.64.010, chapter 9, Laws of 1965 and RCW 29.64.010; amending section 29.64.020, chapter 9, Laws of 1965 and RCW 29.64.020; amending section 29.64.060, chapter 9, Laws of 1965 and RCW 29.64.060; amending section 29.65.010, chapter 9, Laws of 1965 and RCW 29.65.010; amending section 29.65.020, chapter 9, Laws of 1965 and RCW 29.65.020; amending section 29.65.040, chapter 9, Laws of 1965 and RCW 29.65.040; amending section 29.65.055, chapter 9, Laws of 1965 and RCW 29.65.055; amending section 29.79.200, chapter 9, Laws of 1965 as amended by section 1, chapter 107, Laws of 1969 ex. sess. and RCW 29.79.200; amending section 29.80.010, chapter 9, Laws of 1965 as last amended by section 2, chapter 4, Laws of 1975-'76 2nd ex. sess. and RCW 29.80.010; amending section 29.82.090,

chapter 9, Laws of 1965 and RCW 29.82.090; amending section 29.82.100, chapter 9, Laws of 1965 as amended by section 5, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.100; amending section 29.82.140, chapter 9, Laws of 1965 and RCW 29.82.140; amending section 29.85.200, chapter 9, Laws of 1965 and RCW 29.85.200; adding a new section to chapter 29.01 RCW; adding new sections to chapter 29.30 RCW; adding new sections to chapter 29.34 RCW; adding a new section to chapter 29.48 RCW; adding new sections to chapter 29.54 RCW; adding a new chapter to Title 29 RCW; repealing section 29.07.010, chapter 9, Laws of 1965, section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010; repealing section 29.07.020, chapter 9, Laws of 1965, section 5, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.020; repealing section 29.07.030, chapter 9, Laws of 1965 and RCW 29.07.030; repealing section 29.07.040, chapter 9, Laws of 1965, section 6, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.040; repealing section 29.07.050, chapter 9, Laws of 1965, section 7, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.050; repealing section 29.07.060, chapter 9, Laws of 1965, section 8, chapter 202, Laws of 1971 ex. sess., section 1, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.060; repealing section 2, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.065; repealing section 29.07.070, chapter 9, Laws of 1965, section 9, chapter 202, Laws of 1971 ex. sess., section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070; repealing section 29.07.080, chapter 9, Laws of 1965, section 10, chapter 202, Laws of 1971 ex. sess., section 4, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.080; repealing section 29.07.090, chapter 9, Laws of 1965, section 11, chapter 202, Laws of 1971 ex. sess., section 5, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.090; repealing section 2, chapter 153, Laws of 1973, section 1, chapter 184, Laws of 1975 1st ex. sess. and RCW 29.07.092; repealing section 29.07.095, chapter 9, Laws of 1965, section 12, chapter 202, Laws of 1971 ex. sess., section 6, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.095; repealing section 29.07.100, chapter 9, Laws of 1965, section 13, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.100; repealing section 29.07.105, chapter 9, Laws of 1965, section 14, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.105; repealing section 29.07.110, chapter 9, Laws of 1965, section 15, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.110; repealing section 23, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.115; repealing section 29.07.120, chapter 9, Laws of 1965, section 16, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.120; repealing section 29.07.130, chapter 9, Laws of 1965, section 17, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.130; repealing section 29.07.140, chapter 9, Laws of 1965, section 18, chapter 202, Laws of 1971 ex. sess., section 7, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.140; repealing section 29.07.150, chapter 9, Laws of 1965, section 19, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.150; repealing section 29.07.160, chapter 9, Laws of 1965, section 20, chapter 202, Laws of 1971 ex. sess., section 4, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.160; repealing section 29.07.170, chapter 9, Laws of 1965, section 21, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.170; repealing section 29.07.180, chapter 9, Laws of 1965, section 22, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.180; repealing section 12, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.220; repealing section 13, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.230; repealing section 14, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.240; repealing section 29.21.100, chapter 9, Laws of 1965 and RCW 29.21.100; repealing section 29.30.050, chapter 9, Laws of 1965 and RCW 29.30.050; repealing section 29.30.080, chapter 9, Laws of 1965, section 2, chapter 52, Laws of 1965, section 1, chapter 18, Laws of 1971 and RCW 29.30.080; repealing section 29.30.090, chapter 9, Laws of 1965 and RCW 29.30.090; repealing section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100; repealing section 29.30.110, chapter 9, Laws of 1965 and RCW 29.30.110; repealing section 25, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.150; repealing section 27, chapter 109, Laws of 1967 ex. sess., section 1, chapter 70, Laws of 1973 1st ex. sess. and RCW 29.34.160; repealing section 29.51.040, chapter 9, Laws of 1965 and RCW 29.51.040; repealing section 29.59.050, chapter 9, Laws of 1965 and RCW 29.59.050; repealing section 29.62.110, chapter 9, Laws of 1965 and RCW 29.62.110; repealing section 29.62.150, chapter 9, Laws of 1965, section 44, chapter 202, Laws of 1971 ex. sess. and RCW 29.62.150; repealing section 29.65.030, chapter 9, Laws of 1965, section 30, chapter 109, Laws of 1967 ex. sess. and RCW 29.65.030; repealing section 29.65.110, chapter 9, Laws of 1965 and RCW 29.65.110; repealing section 29.65.130, chapter 9, Laws of 1965, section 77, chapter 81, Laws of 1971 and RCW 29.65.130; repealing section 1, chapter 73, Laws of 1967 ex. sess., section 3, chapter 178, Laws of 1971 ex. sess., section 7, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.010; repealing section 2, chapter 73, Laws of 1967 ex. sess., section 4, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.020; repealing section 3, chapter 73, Laws of 1967 ex. sess., section 6, chapter 178, Laws of 1971 ex. sess., section 8, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.030; repealing section 4, chapter 73, Laws of 1967 ex. sess., section 7, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.040; repealing section 5, chapter 73, Laws of 1967 ex. sess., section 9, chapter 178, Laws of 1971 ex. sess., section 9, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.050; repealing section 6, chapter 73, Laws of 1967 ex. sess., section 10, chapter 178, Laws of 1971 ex. sess., section 10, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.060; repealing section 7, chapter 73, Laws of 1967 ex. sess., section 11, chapter 178, Laws of 1971 ex. sess., section 11, chapter 127, Laws of 1974 ex. sess. and

RCW 29.72.070; repealing section 8, chapter 73, Laws of 1967 ex. sess., section 12, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.080; repealing section 14, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.910; repealing section 29.82.050, chapter 9, Laws of 1965 and RCW 29.82-.050; repealing section 29.82.150, chapter 9, Laws of 1965 and RCW 29.82.150; providing penalties; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. There is added to chapter 29.01 RCW a new section to read as follows:

As used in this title:

(1) "Ballot" shall mean a paper ballot, a voting machine diagram, a ballot label, a ballot book, a ballot page, or any combination thereof as the context may imply;

(2) "Paper ballot" shall mean a piece of paper whereon the candidates and measures to be voted upon for a particular election or a primary appear and upon which a voter may directly indicate a vote for any candidate or for or against any measure;

(3) "Voting machine diagram" means an illustration of a voting machine complete with ballot labels prepared for a particular election or a primary;

(4) "Ballot card" means any type of tabulating card or cards or ballots of any size upon which the voter records his vote and shall also include either a security flap or an envelope issued to each voter at ballot card precincts for the voter to conceal his voted ballot to insure secrecy and to provide a space for the voter to cast write-in votes if he so desires;

(5) "Ballot label" means the card or paper containing the names of offices and candidates and the statements of measures to be voted upon;

(6) "Ballot page" means the pages on the vote recorder used to display the printed ballot titles and the names of candidates together with properly aligned numbers of response positions;

(7) "Chad" means the piece [piece] of material which is removed or partially removed when punching a hole or notch in a prescored ballot card.

Sec. 2. Section 29.04.020, chapter 9, Laws of 1965 as last amended by section 1, chapter 202, Laws of 1971 ex. sess. and RCW 29.04.020 are each amended to read as follows:

The county auditor of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be his duty to provide places for holding such primaries and elections; to appoint the precinct election officers; to provide for their compensation; to provide ballot boxes and ballots or voting machines, poll books, or precinct lists of registered voters, and tally sheets, and deliver them to the precinct election officers at the polling places; to publish and post notices of calling such primaries and elections in the manner provided by law((;)); PROVIDED, That notice of a general election held in an even-numbered year shall indicate that the office of precinct committeeman will be on the ballot; and to apportion to each city, town, or district, its share of the expense of such primaries and elections: PROVIDED, That this section shall not apply to general or special elections for any city, town, or district which is not subject to RCW 29.13.010 and 29.13.020, but all such elections shall be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and

certifications by local officers) as provided and required by the laws governing such elections.

Sec. 3. Section 29.04.030, chapter 9, Laws of 1965 as last amended by section 1, chapter 165, Laws of 1973 1st ex. sess. and RCW 29.04.030 are each amended to read as follows:

Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

(1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or

(2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or

(3) The name of any person has been or is about to be wrongfully placed upon the ballots; or

(4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or

(5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur; or

(6) An error or omission has occurred or is about to occur in the issuance of a certificate of election.

An affidavit of an elector under subsections (1) and (3) above when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the issuance of a certificate of election.

Sec. 4. Section 29.04.040, chapter 9, Laws of 1965 as last amended by section 3, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.040 are each amended to read as follows:

(1) No paper ballot precinct shall contain more than three hundred voters. ~~((If at any election three hundred or more votes are cast at any such voting place, the secretary of state as ex officio chief election officer, shall report that fact to the city council, if it is a precinct lying within a first class city or to the county legislative authority if it is any other precinct.))~~ The ~~((city council of the first class city or the))~~ county legislative authority ~~((as the case may be, shall))~~ may divide, alter, or combine precincts so that, whenever practicable ~~((such)),~~ over populated precincts shall contain no more than two hundred fifty registered voters in anticipation of

future growth(~~(, subject to the requirements and limitations of subsection (2) of this section)~~).

(2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored: PROVIDED, HOWEVER, That no precinct boundaries shall be changed during the period starting as of the thirtieth day prior to the first day for candidates to file for the ~~((September))~~ primary election and ending with the day of the ~~((November))~~ general election ~~((held in the even-numbered years. PROVIDED FURTHER, That no precinct boundaries shall be changed nor shall any precinct be created, divided, abolished, or consolidated during the period between February 1st of any year whose last digit is seven and December 1st of any year whose last digit is one, except whose boundaries are changed due to annexation or detachment))~~.

(3) Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred registered voters(~~(, subject to the requirements and limitations of subsection (2) of this section)~~): PROVIDED, That ~~((the counties shall make such changes in the size of the precincts in anticipation of future growth, subject to the requirements and limitations of subsection (2) of this section. PROVIDED FURTHER, That))~~ there shall be at least one voting machine or device for each three hundred registered voters or major fraction thereof when a state primary or general election is held in an even-numbered year.

~~((4) Each county auditor, when reporting the official election returns to the secretary of state as provided by RCW 29.62.090, shall indicate in such report which precincts are voted by paper ballots, by voting machines, or by voting devices. In the instance of a voting machine or voting device precinct, the county auditor shall also indicate the number of such machines or devices used so that the secretary of state will be able to determine that the requirements of this section are being honored:))~~

On petition of ~~((ten))~~ twenty-five or more voters resident more than ten miles from any place of election, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall establish a separate voting precinct therefor(~~(, subject to the requirements and limitations of subsection (2) of this section)~~).

The county legislative authority of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the same; the county auditor shall thereupon designate the voting place for each such precinct.

Sec. 5. Section 29.04.055, chapter 9, Laws of 1965 as amended by section 1, chapter 127, Laws of 1974 ex. sess. and RCW 29.04.055 are each amended to read as follows:

At any ~~((primary, regular, or special county, city, town, or district))~~ election, general or special, or at any primary, the election authority ~~((of any such municipality or district))~~ may combine, unite, or divide precincts for the purpose of holding such election: PROVIDED, That in the event such election shall be held upon the day of any state primary or state general election held in an even-numbered year this section shall not apply.

NEW SECTION. Sec. 6. In all counties, all voters shall be registered in accordance with the provisions of this chapter. For the purpose of this chapter,

"county auditor" shall have the meaning ascribed to that term by RCW 29.04.095(1). The county auditor shall be responsible for the conduct of voter registration within the county and shall be the custodian of all official voter registration records for that county.

**NEW SECTION. Sec. 7.** The secretary of state shall design a unified voter registration form, compatible with existing records, which will permit the applicant to conveniently prepare, on a single card, an original registration, an initiative signature card as required by section 14 of this 1977 amendatory act, and a cancellation of any prior registration in this state. The applicant shall enter the required information, other than his or her signature, no more than one time. The form shall also contain instructions on its use, a notification of filing deadlines specified by section 16 of this 1977 amendatory act, a warning to the applicant of the penalty for knowingly supplying false information, and space for the county auditor to enter the voter's precinct identification, taxing district identification, and registration number. The reverse side of the form shall be printed to permit mailing to the county auditor.

**NEW SECTION. Sec. 8.** Registration forms necessary to carry out the registration of voters as provided by this chapter shall be furnished by the secretary of state without cost to the respective counties.

**NEW SECTION. Sec. 9.** The original voter registration records for all precincts within each county shall be filed alphabetically without regard to precincts in the office of the county auditor and shall not be open to public inspection. The information from such records, with the exception of date of birth, shall be available for public inspection and copying as provided in RCW 29.04.100 and 29.04.110.

**NEW SECTION. Sec. 10.** Each county auditor shall maintain a computer file on magnetic tape or disk, punched cards, or other form of data storage containing the records of all registered voters within the county. Where it is necessary or advisable, the auditor may provide for the maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW, as now or hereafter amended. The computer file shall include, but not be limited to, each voter's name, residence address, sex, date of registration, applicable taxing district and precinct codes, and the last five consecutive dates on which the individual has voted: PROVIDED, That if the voter has not voted at least five times since establishing his or her current registration record, only the available dates shall be included. The county auditor shall subsequently record each consecutive date upon which the individual votes and retain at least the last five such consecutive dates. The computer file of voter registration records shall be arranged so that individual precinct lists of registered voters may be prepared containing only the names, and other information required by this section, listed alphabetically by the surnames of the voters in that precinct.

**NEW SECTION. Sec. 11.** There is established in the state general fund an account, entitled the voter registration assistance account, to be used to compensate county auditors in counties with fewer than twelve thousand registered voters at the time of the most recent state general election, for unrecoverable costs incident to the maintenance of voter registration records on electronic data processing systems. The secretary of state shall administer the voter registration assistance account and



authorize the payments therefrom under such rules as he may prescribe. County auditors in counties entitled to this compensation shall be paid annually an amount equal to thirty cents for each registered voter in that county at the time of the most recent state general election.

**NEW SECTION.** Sec. 12. The expense of voter registration and the maintenance of voter registration records shall be apportioned between the county and the cities and towns within that county according to the number of voters registered in all rural areas of the county and in each city and town, respectively, at the time of the last state general election.

**NEW SECTION.** Sec. 13. The county auditor shall be responsible for the distribution of voter registration forms by which a person may register to vote and cancel any previous registration in the state. Registrations submitted on such voter registration forms need not be subscribed to by the county auditor or a deputized registrar. The county auditor shall keep an adequate supply of voter registration forms in his or her office at all times for political parties and others interested in assisting in voter registration, and he or she shall make every effort to make these forms generally available to the public through government offices, businesses, labor union offices, schools, and any other locations necessary to extend registration opportunities to all areas of the county. After the initial distribution of voter registration forms to a given location, it shall be the duty of a representative designated at that location by that office, business, union, school, firm, or other establishment to notify the county auditor of the need for additional supplies of voter registration forms.

**NEW SECTION.** Sec. 14. An applicant for registration shall record on the registration form the following items concerning his or her qualifications as a voter of this state, and of the county, city, town, and precinct in which he or she applies for registration:

(1) The address of his or her last former registration as a voter in this state, if applicable;

(2) His or her full name;

(3) His or her sex;

(4) His or her date of birth;

(5) His or her place of residence for voting purposes, giving the street and number, or post office box and physical description sufficient to determine location; and

(6) His or her daytime telephone number, if any. After completing this information concerning his or her qualifications, the applicant shall sign a statement in the following form: "I, the undersigned, hereby declare that the facts set forth relating to my qualifications as a voter are true. I further declare that I am a citizen of the United States, that I am not presently denied my civil rights as a result of being convicted of an infamous crime, that I will have lived in this state, county, and precinct thirty days immediately preceding the next election at which I offer to vote, and that I will be at least eighteen years of age at the time of voting."

The applicant shall also sign his or her name upon a separate portion of the voter registration card, to be designated as an initiative signature card, which also contains spaces for his or her surname, followed by his or her given name or names,

the name of the county and city or town, with post office or street address, the date on which the individual registered, and the name or number of the precinct in which the voter is registered.

The voter registration form shall provide, in a conspicuous place, the following warning: "Any person who knowingly supplies false information on this voter registration form or who knowingly makes a false declaration as to his or her qualifications for registration shall be guilty of a class C felony."

NEW SECTION. Sec. 15. Upon receipt of a completed voter registration form, the county auditor shall immediately examine the form to see that the applicant for registration is not currently registered in that county and shall record on the form the precinct identification, taxing district identification, and other information required by law. Except as provided in section 16 of this 1977 amendatory act, the county auditor, within thirty days of receipt of a voter registration form, shall send to the applicant by first class mail a voter registration card identifying his or her current precinct and containing such other information as may be prescribed by the secretary of state. If the voter registration form is incomplete or incorrect the county auditor, within fifteen days of receipt of such form, shall so notify the applicant, and if necessary, send him or her a new voter registration form. The post office shall be instructed not to forward this form or any voter registration card to any other address and to return to the county auditor all undelivered forms and voter registration cards.

NEW SECTION. Sec. 16. To be included among the records of a given precinct for any primary or election, the applicant's voter registration form must be received not later than thirty days prior to that primary or election. An applicant for voter registration whose otherwise complete and correct application is received less than thirty days prior to a primary or election shall be notified by the county auditor that he or she is not eligible to vote in such primary or election at a regular precinct polling place, explaining that he or she may vote an absentee ballot for said primary or election under section 19 of this 1977 amendatory act.

NEW SECTION. Sec. 17. At least thirty-five days prior to each primary or election, the county auditor shall give notice that, in order to be eligible to vote in that election at a regular precinct polling place, an original voter registration form or a request for transfer must be received not later than thirty days prior to that primary or election.

NEW SECTION. Sec. 18. Any qualified elector temporarily residing outside of the county of his or her permanent residence but within the state of Washington, may submit a registration form to the auditor of the county in which he or she is temporarily residing in the manner provided in this chapter. The county auditor receiving the voter registration forms as provided in section 15 of this 1977 amendatory act shall transmit the forms to the county auditor of the county where the applicant permanently resides. A voter registration form received from another county shall be processed immediately by the county auditor of the place of permanent residence of the applicant in the manner provided in sections 15 and 16 of this 1977 amendatory act.

NEW SECTION. Sec. 19. Any otherwise qualified elector whose otherwise complete and correct application for voter registration is received by the county

auditor less than thirty days prior to a primary or election, general or special, may apply prior to the day of any such primary or election in person to the office of the county auditor of the county of his or her residence for a special absentee ballot for such election or primary. The auditor shall register the individual in the manner provided in this chapter, but the registration shall not be effective until thirty days after its execution. The auditor, after the twenty-first day before the election in which the individual intends to vote, shall issue the individual an absentee ballot for any election which occurs before the effectiveness of the individual's registration. This absentee ballot shall be of the same form and shall be processed and canvassed in the same manner as other absentee ballots under chapter 29.36 RCW, as now or hereafter amended.

NEW SECTION. Sec. 20. On the first Monday of each calendar month the county auditor shall transmit all initiative signature cards which have been received in his or her office during the prior month to the secretary of state for filing in his office. Each lot must be accompanied by the certificate of the county auditor that the cards so transmitted are the original cards, and that the voters are registered in the precincts and from the addresses shown thereon.

NEW SECTION. Sec. 21. The initiative signature cards shall be kept on file in the office of the secretary of state in such manner as will be most convenient for, and for the sole purpose of, checking initiative and referendum petitions. They shall not be open to public inspection or be used for any other purpose.

NEW SECTION. Sec. 22. Prior to each primary or election, the county auditor shall prepare a precinct list of registered voters for each precinct in which that primary or election is to be conducted and a certificate as to the authenticity of those records. He or she shall deliver the precinct list of registered voters and the certificate to the inspector or one of the judges of the appropriate precinct at the proper polling place as provided by RCW 29.48.030, as now or hereafter amended.

NEW SECTION. Sec. 23. The precinct list of registered voters for each precinct, delivered to the precinct election officers for use on the day of a primary or an election held in that precinct, shall be returned by them to the county auditor upon the closing of the polling place or at the completion of the count of the votes cast in that precinct at the primary or election. The lists shall be retained by the county auditor for a period of at least one year following the election. These records shall be open to public inspection under such rules as the county auditor may prescribe.

NEW SECTION. Sec. 24. The secretary of state, as chief election officer, shall adopt rules not inconsistent with the provisions of this chapter to:

- (1) Provide the specifications, including style, form, color, quality, and dimensions of the cards, records, forms, lists, and other supplies to be used in recording and maintaining voter registration records;
- (2) Establish standards and procedures for the maintenance of voter registration records on electronic data processing systems and the use of voter registration information in the conduct of elections; and
- (3) Facilitate the registration of voters in an orderly manner and assist county auditors in the performance of their responsibilities under this chapter.

He or she shall provide planning, coordination, training, and other assistance to county auditors to facilitate the maintenance of voter registration records on electronic data processing systems and the use of voter registration in the conduct of elections.

NEW SECTION. Sec. 25. Sections 6 through 24 of this 1977 amendatory act shall constitute a new chapter in Title 29 RCW.

Sec. 26. Section 29.10.040, chapter 9, Laws of 1965 as amended by section 26, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.040 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county, shall be required to register anew. Before registering anew, the voter shall sign an authorization to cancel his or her present registration in substantially the following form: "I hereby authorize the cancellation of my registration in . . . . . precinct of . . . . . county." Such authorization shall be ~~((filed with the registration officer before whom the voter registers anew, and shall be))~~ forwarded promptly to the ~~((registrar))~~ county auditor of the county in which the voter was previously registered. Upon the receipt of such authorization, the ~~((registrar))~~ county auditor of the county where the previous registration was made, shall cause the signature on the authorization to be compared with the signature on the registration ~~((forms))~~ record of such voter, and if it appears that the signatures were made by the same person, the former registration record shall be canceled forthwith ~~((; but if it shall not so appear, it shall be the duty of the registrar receiving such authorization to notify the registrar of the county forwarding such authorization of the apparent fraud, and the registrar receiving such notification shall cancel the new registration, and note on the cards or forms the reason for such cancellation, and shall notify the person so registered anew, by mail of such cancellation and the reason therefor))~~.

Sec. 27. Section 29.10.080, chapter 9, Laws of 1965 as last amended by section 28, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.080 are each amended to read as follows:

~~((On the first day of April of each odd-numbered year, or as soon thereafter as is practicable, every))~~ (1) After each state general election and prior to January 1st of the next calendar year, the county auditor shall ~~((examine the registration records in his custody, and if, from such examination, he finds that))~~ cancel the voter registration record of any registered voter ~~((has failed, for a period of thirty months preceding April 1st of said odd-numbered year to vote in at least one election, he shall remove the registration cards of such voter from the original and duplicate files, and cancel the same by entering thereon over his signature the words "canceled for failure to vote for thirty months" and the date of such cancellation or shall remove the name and other registration information of such voter from the registration lists of the county and place them on a list identified with the date of cancellation and the words, "canceled for failure to vote for thirty months"))~~ who fails to meet the requirements of subsection (2) of this section for retaining registered status. He shall ~~((also))~~ notify the voter whose registration has been canceled, by mail, at his last registration address, of the fact that his registration has been

canceled, and that he will not be entitled to vote at any election until he has registered anew. No voter's registration shall be canceled if his original registration was made less than ~~((thirty))~~ twenty-four months prior to the cancellation date. The secretary of state shall be notified immediately of all such cancellations.

(2) A registered voter shall retain such status by either having voted at (a) any election, general or special, or at any primary within the past twenty-four months, or (b) the most recent presidential election.

Sec. 28. Section 29.10.120, chapter 9, Laws of 1965 as amended by section 33, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.120 are each amended to read as follows:

On or before ~~((August))~~ March 1st of ~~((the odd-numbered))~~ each year, each county auditor shall execute a sworn statement and file same with the secretary of state within ten days after date of execution. Said statement shall be furnished by the office of secretary of state and shall be in substantially the following form:

State of Washington }  
County of ..... } ss.

I, ....., do solemnly swear that I have caused to be examined the permanent voting record of each registered voter under my jurisdiction and have canceled those registrations of said voters who have failed to cast a ballot at any election held during the ~~((thirty))~~ twenty-four month period immediately prior to the first day of ~~((April))~~ January of this year, or at the last presidential election, as provided by law.

Further, the number of said cancellations totaled ..... A notice has been mailed to each elector concerned and the office of the secretary has been notified of said cancellations ~~((as reported on Permanent Registration Form No. 8))~~.

.....  
(Signature) (Title)  
Subscribed and sworn to.

Sec. 29. Section 29.13.070, chapter 9, Laws of 1965 as amended by section 6, chapter 103, Laws of 1965 ex. sess. and RCW 29.13.070 are each amended to read as follows:

Nominating primaries for general elections to be held in November shall be held at the regular polling places in each precinct on the third Tuesday of the preceding September or on the seventh Tuesday immediately preceding such general election, whichever occurs first.

Sec. 30. Section 29.18.040, chapter 9, Laws of 1965 as amended by section 1, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 29.18.040 are each amended to read as follows:

~~((+))~~ Declarations of candidacy shall be filed as follows:

~~((a))~~ (1) For state offices, United States senate, United States house of representatives, and the state legislature and superior court when electors from a district comprising more than one county vote upon the candidates, in the office of the secretary of state~~((:))~~;

~~((b))~~ (2) For all other offices, ~~((except city and town offices,))~~ when electors from only one county vote upon the candidates, in the office of the county auditor.

~~((c) For city and town offices, in the office of the city clerk.~~

~~(2))~~ Each official with whom declarations of candidacy are filed under this section, within one business day following the closing of the applicable filing period, shall forward to the public disclosure commission a copy of each declaration of candidacy filed in his office during such filing period or a list containing the name of each candidate who files such a declaration in his office during such filing period together with a precise identification of the position sought by each such candidate and the date on which each such declaration was filed. Such official, within three days following his receipt of any letter withdrawing a person's name as a candidate, shall also forward a copy of such withdrawal letter to the public disclosure commission.

Sec. 31. Section 29.21.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.060 are each amended to read as follows:

All candidates for offices to be voted on at any election in first, second, and third class cities and fourth class municipalities (towns) shall file declarations of candidacy with the ~~((clerk thereof))~~ county auditor not earlier than the last Monday of July nor later than the next succeeding Friday in the year such regular city elections are held.

All candidates for district offices subject to the provisions of RCW 29.21.010, as now or hereafter amended, shall file their declarations of candidacy with the county auditor of the county not earlier than the last Monday of July nor later than the next succeeding Friday in the year such regular district elections are held: PROVIDED, That this chapter shall not change the method of nomination for first district officers at the formation of any district.

Any candidate for city, town, or district offices may withdraw his declaration at any time to and including the first Wednesday after the last day allowed for filing declarations of candidacy.

~~((The city and town clerks in all counties shall transmit to their county auditors at least thirty-five days before the date fixed for the primary, a certified list of the names and addresses of the candidates to be voted on thereat as represented by the declarations of candidacy filed in their offices.))~~

All candidates required to file declarations of candidacy shall pay the same fees and be governed by the same rules as contained in RCW 29.18.030 through 29.18.100: PROVIDED, That no filing fee shall be charged in the event that the office sought is without a fixed annual salary.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for filing declarations of candidacy for such city, town, and district elections, the purpose of this section being to establish a uniform five day period throughout the state of Washington for filing declarations of candidacy.

Sec. 32. Section 1, chapter 130, Laws of 1967 ex. sess. and RCW 29.21.330 are each amended to read as follows:

Not less than ten days before the time for filing declarations of candidacy for election as freeholders under Article XI, section 4, of the state Constitution, and after the county ~~((commissioners have))~~ legislative authority has determined the number of positions to be filled in either the legislative or county commissioner

districts, the county auditor shall designate the positions to be filled by consecutive number, commencing with one. The positions to be designated shall be dealt with as separate offices for all election purposes, and each candidate shall file for one, but only one, of the positions so designated.

In the printing of ballots, the positions of the names of candidates for each numbered position shall be changed as many times as there are candidates for the numbered position, following insofar as applicable the procedure provided for in RCW 29.30.040 as now or hereafter amended for the rotation of names on primary ballots, the intention being that ballots at the polls will reflect as closely as practicable the rotation procedure as provided for herein.

**NEW SECTION.** Sec. 33. There is added to chapter 29.30 RCW a new section to read as follows:

All ballot pages for primary, general, or special elections in counties using voting devices shall be uniform in color and size, shall be white, and shall be printed in black ink. The first page shall be identified at the top with the name of the election, the county in which the ballot page is to be used, and the date of the election. On the front of the first ballot page or prominently displayed on each voting device to be used at a primary, general, or special election, there shall be printed instructions directing the voters how to properly record a vote for any candidate and for or against any measure. Beginning at the top of the left hand column, at the left of the line shall appear the name of the position for which the names to the immediate right are candidates, and below the name of the office or position the words, "Vote for", then the words "One", "Two", or a spelled number designating how many persons under that head are to be voted for. Immediately to the right of the name of the office or position shall come the names of all candidates for that position, each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan", with an arrow or other notation at the right edge of the ballot page indicating where the voter is to punch or otherwise mark his ballot for that candidate. Each position with the names running for that office, shall be separated from the following one by a bold line. All ballot cards for primary elections shall be sequentially numbered, but done in such a way to permit removal of such numbers by precinct election workers without leaving any identifying marks on the ballot. There shall be no marks on the ballot cards which would distinguish an individual voter's ballot card from other ballot cards in the same precinct.

**NEW SECTION.** Sec. 34. There is added to chapter 29.30 RCW a new section to read as follows:

In precincts using voting devices and on absentee ballots designed to be tabulated on a vote tallying system, the positions or offices on a state primary ballot shall be arranged in substantially the following order: United States senator; United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; insurance commissioner; state senator; state representative; county officers; superintendent of public instruction; justices of the supreme court; judges of the court of appeals; judges of the superior court; and judges of the district court. For all other jurisdictions appearing the primary ballot, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if

any. Unless otherwise specified by law, the names shall be listed in order of filing. There shall be blank spaces for writing in the name of any candidate, if desired, on the ballot card or envelope.

**NEW SECTION.** Sec. 35. There is added to chapter 29.30 RCW a new section to read as follows:

The form of a ballot page for a primary election shall be substantially as follows:

**PRIMARY ELECTION BALLOT**

..... County

(Date of primary)

To vote for a candidate or for or against a measure, punch through the ballot card in the hole to the RIGHT of the measure or of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write the title of the office, the name of the candidate, and party affiliation if for a partisan office, in the space provided on the ballot card or ballot envelope.

<b>UNITED STATES SENATOR</b>	(Name of candidate)	(Party)→
	(Name of candidate)	(Party)→
Vote for one	(Name of candidate)	(Party)→
<b>UNITED STATES REPRESENTATIVE</b>	(Name of candidate)	(Party)→
	(Name of candidate)	(Party)→
Vote for one	(Name of candidate)	(Party)→

(and so on with the other officers in order.)

**NEW SECTION.** Sec. 36. There is added to chapter 29.30 RCW a new section to read as follows:

In primary elections in precincts where votes are cast on voting devices, unless otherwise required, the names of candidates for each office or position shall be first arranged beside each office heading in the order in which their declarations of candidacy were filed. Additional sets of ballot pages for the voting devices shall be printed in which the positions of the names of all candidates for each such office or position shall be changed as many times as there are candidates in the office or position in which there are the greatest number of names. In making the changes of position between each set of ballot pages, the candidates for each such office in the first position under the office heading shall be moved to the last position under that office heading, and each other name shall be moved to the position previously occupied by the name of the preceding candidate under that office heading in the order of filing for such office. After the required sets of ballot pages are printed, they shall be allocated among the various voting devices throughout the county in such a manner that each rotation will be utilized by a nearly equal number of registered voters. The maximum variation between the number of registered voters allocated to any two sets of rotated ballot pages shall not exceed ten percent of the total number of registered voters in the county, with the count taken at the close of the filing period: **PROVIDED**, That this ten percent restriction shall not apply to counties with fewer than twenty-five precincts.



NEW SECTION. Sec. 37. There is added to chapter 29.30 RCW a new section to read as follows:

In counties or portions of counties using absentee ballots designed to be tabulated on a vote tallying system, on or before the fifteenth day before a primary or an election, the county auditor shall prepare sample ballots which he shall display in a conspicuous place in his office for public inspection. Sample ballots shall be substantially in the same form as the official ballot pages but the names of the candidates for each office shall be arranged thereon in the order in which their declarations of candidacy were filed, except that the position of precinct committeeman shall be shown on the general election sample ballot only by a listing of the position itself, and the names of candidates therefor need not be shown.

NEW SECTION. Sec. 38. There is added to chapter 29.30 RCW a new section to read as follows:

In counties using absentee ballots designed to be tabulated on a vote tallying system, at least twenty days before any primary, each county auditor shall have prepared a sufficient number of such absentee ballots for use by absentee voters.

NEW SECTION. Sec. 39. There is added to chapter 29.30 RCW a new section to read as follows:

All ballot pages for general elections shall be of the same size for each and every precinct within a county, shall be of a good quality paper, and the names shall be printed thereon in black ink.

NEW SECTION. Sec. 40. There is added to chapter 29.30 RCW a new section to read as follows:

Where voting devices are used, the candidates for partisan offices shall be listed on the ballot pages at the general election in the following manner: The candidate or candidates of the major political party which received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election shall appear first beside the office heading, the candidate or candidates of the other major political parties shall follow according to the votes cast for their nominees for president at the last presidential election, and the candidate or candidates of all other parties shall follow in the order of their qualification with the secretary of state. The candidates for nonpartisan offices shall be listed in the manner otherwise provided by law. There shall be blank spaces for writing in the name of any candidate, if desired, on the ballot card or envelope.

NEW SECTION. Sec. 41. There is added to chapter 29.30 RCW a new section to read as follows:

The arrangement of the ballot pages used in general elections shall conform as nearly as possible to the following form:

GENERAL ELECTION BALLOT  
..... County  
(Date of election)

To vote for a candidate or for or against a measure, punch through the ballot card in the hole to the right of the measure or of the name of the person for whom

you desire to vote. To vote for a person not on the ballot, write the title of the office, the name of the candidate, and party affiliation if for a partisan office, in the space provided on the ballot card or ballot envelope.

(Here place any state measures to be voted on.)

PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES	(Name of candidate) and (Name of candidate)	}	(Party)→
	(Name of candidate) and (Name of candidate)		(Party)→
Vote for one	(Name of candidate) and (Name of candidate)	}	(Party)→
UNITED STATES SENATOR	(Name of candidate)	}	(Party)→
	(Name of candidate)		(Party)→
Vote for one	(Name of candidate)		(Party)→

(Other partisan offices follow on the ballot in the same form.)

NONPARTISAN BALLOT

SUPERINTENDENT OF PUBLIC INSTRUCTION	(Name of candidate)	}	Nonpartisan→
	(Name of candidate)		Nonpartisan→
Vote for one			
JUSTICE OF THE SUPREME COURT POSITION.....	(Name of candidate)	}	Nonpartisan→
	(Name of candidate)		Nonpartisan→
Vote for one			

(Other nonpartisan offices follow on the ballot in the same form.)

NEW SECTION. Sec. 42. There is added to chapter 29.30 RCW a new section to read as follows:

All ballot labels for primary elections in counties using voting machines shall be uniform in color and size, shall be white and printed in black ink. The following instructions shall be prominently displayed in the polling place: "Move the handle of the machine to the RIGHT as far as it will go and leave it there. To vote on measures, pull the lever down over the 'Yes' or 'No' and leave it there. To vote for a candidate, pull the lever down over the name of each candidate you wish to vote for and leave it there. Move the handle of the machine to the LEFT as far as it will go and you have voted." Beginning at the top of the left hand column, at the left of the line shall appear the name of the position for which the names beneath such designation are candidates, and below the office designation the words, "Vote for", then the words "One", "Two", or a spelled number designating how many persons under that head are to be voted for. Below this shall come the names of all candidates for that position, each followed by the name of the political party, if any,

with which the candidate desires to affiliate or the word "nonpartisan". Each position with the names running for that office, shall be separated from the adjacent ones by a bold line.

**NEW SECTION.** Sec. 43. There is added to chapter 29.30 RCW a new section to read as follows:

In precincts using voting machines the positions or offices on a state primary ballot shall be arranged in substantially the following order: United States senator; United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; insurance commissioner; state senator; state representative; county officers; superintendent of public instruction; justices of the supreme court; judges of the court of appeals; judges of the superior court; and judges of the district court. For all other jurisdictions appearing on the primary ballot, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any. Unless otherwise specified by law, the names shall be listed in order of filing. The voting machine shall provide blank spaces for writing in the name of any candidate, if desired.

**NEW SECTION.** Sec. 44. There is added to chapter 29.30 RCW a new section to read as follows:

The form of primary ballots in precincts where voting machines are used shall be substantially as follows:

**PRIMARY ELECTION BALLOT**  
 ..... County  
 (Date of primary)

(Here place any state or local measure to be voted on.)

UNITED STATES SENATOR	UNITED STATES REPRESENTATIVE
Vote for one	..... District Vote for one
(Name of Candidate) (Party)	(Name of Candidate) (Party)
(Name of Candidate) (Party)	(Name of Candidate) (Party)
(Name of Candidate) (Party)	(Name of Candidate) (Party)

(Other offices follow to the right in order.)

**NEW SECTION.** Sec. 45. There is added to chapter 29.30 RCW a new section to read as follows:

In primary elections in precincts where votes are cast on voting machines, unless otherwise required by law, the names of candidates for each office or position shall be first arranged under each office heading in the order in which their declarations of candidacy were filed. Additional sets of ballot labels shall be printed in which the positions of the names of all candidates for each such office or position shall be changed as many times as there are candidates in the office or position in which there are the greatest number of names. In making the changes of position

between each set of ballot labels, the candidates for each such office in the first position under the office heading shall be moved to the last position under that office heading, and each other name shall be moved to the position previously occupied by the name of the preceding candidate under that office heading in the order of filing for such office. After the required sets of ballot labels are printed, they shall be allocated among the various voting machines throughout the county in such a manner that each rotation will be utilized by a nearly equal number of registered voters. The maximum variation between the number of registered voters allocated to any two sets of rotated ballot labels shall not exceed ten percent of the total number of registered voters in the county, with the count taken at the close of the filing period: PROVIDED, That this restriction shall not apply to counties with fewer than twenty-five precincts.

**NEW SECTION.** Sec. 46. There is added to chapter 29.30 RCW a new section to read as follows:

In counties or portions of counties using voting machines, on or before the fifteenth day before a primary or an election, the county auditor shall prepare a voting machine diagram which he shall display in a conspicuous place in his office for public inspection. Voting machine diagrams shall be substantially in the same form as the official ballot labels, but the names of the candidates for each office shall be arranged thereon in the order in which their declarations of candidacy were filed, except that the position of precinct committeeman shall be shown on the general election voting machine diagram only by a listing of the position itself, and the names of candidates therefor need not be shown. Voting machine diagrams shall also include instructions for write-in voting.

**NEW SECTION.** Sec. 47. There is added to chapter 29.30 RCW a new section to read as follows:

All ballot labels for use at a general election shall be of the same size for each and every precinct within the county, shall be of a good quality white paper, and the names shall be printed thereon in black ink.

**NEW SECTION.** Sec. 48. There is added to chapter 29.30 RCW a new section to read as follows:

The list of candidates of the party whose candidate for president of the United States received the highest number of votes from the electors of this state in the preceding presidential election shall precede the list of candidates of the party whose candidate for president of the United States received the next highest number of votes from the electors of this state in the preceding presidential election, and the candidates of other parties shall be placed in subsequent rows in the order in which their certificates of nomination have been filed.

**NEW SECTION.** Sec. 49. There is added to chapter 29.30 RCW a new section to read as follows:

(1) Prominently displayed in the polling place used at a general election there shall be printed instructions directing the voters how to operate the voting machine and correctly indicate votes on issues and candidates, including write-in votes. Next after the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state or county measures authorized by law to be submitted to the voters of such election. Measures submitted by

any jurisdiction other than the state or county may be placed on the same ballot labels as the state and county measures or on separate ballot labels either immediately following the state or county measures or in the position in which offices in that jurisdiction would normally be located.

(2) All nominations of any party or group of petitioners shall be placed on the same row as the title of such party or petitioners as designated by them in their certificate of nomination or petition, and the name of each nominee shall be placed under the designation of the office for which he has been nominated.

(3) There shall be a lever above the name of each nominee so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his vote.

(4) Under the designation of the office, if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, in a column separated from the balance of the party tickets by a heavy black line, shall be the names of the candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single lever above with which the voter indicates his choice.

NEW SECTION. Sec. 50. There is added to chapter 29.30 RCW a new section to read as follows:

(1) Displayed within the voting machine shall be instructions including the following: If you desire to vote for any candidate, pull down the lever above the name of such candidate. If you desire to vote for or against any measure, pull down the lever over the "Yes" or "No" above such measure. To vote for a person not on the ballot, write the name of the candidate in the space provided.

(2) The arrangement of the ballot labels used in general elections shall conform as nearly as possible to the following form:

(Here place any state or local measures to be voted on.)

PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES Vote for one	UNITED STATES SENATOR  Vote for one
(Names of candidates) (Party)	(Name of candidate) (Party)
(Names of candidates) (Party)	(Name of candidate) (Party)
(Names of candidates) (Party)	(Name of candidate) (Party)

(Other partisan offices follow to the right in the same form.)

Nonpartisan offices appear on a separate portion of the voting machine in the

following form:

SUPERINTENDENT OF PUBLIC INSTRUCTION	JUSTICE OF THE SUPREME COURT POSITION . . . . .
Vote for one	Vote for one
(Name of candidate) Nonpartisan	(Name of candidate) Nonpartisan
(Name of candidate) Nonpartisan	(Name of candidate) Nonpartisan

Sec. 51. Section 29.30.010, chapter 9, Laws of 1965 and RCW 29.30.010 are each amended to read as follows:

Every primary paper ballot shall be uniform in color and size, shall be white and printed in black ink. ~~((Across the head of each ballot shall be printed in plain, black type, first,))~~ Each ballot shall be identified at the top with the words, "Primary Election Ballot," and below that, the county(;) in which the ballot is to be used(;- Then shall follow the words), the date of the primary, and the instruction: "To vote for a person mark a cross in the first square at the right of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write in the name of the candidate, and the party affiliation if for a partisan office, in the space provided." Beginning at the top of the left hand column, at the left of the line ~~(, in black type,))~~ shall appear the name of the position for which the names following are candidates, and to the extreme right of the same line the words, "Vote for," then the words "One," "Two," or a spelled number designating how many persons under that head are to be voted for. ~~((Following))~~ Below this shall come the names of all candidates for that position ((inclosed in a light faced rule)), each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan", with a square to the right(, said square being separated by a heavy black face rule, the parallel rules containing the names and squares to be one-sixth of an inch apart)). Each position with the names running for that office, shall be separated from the following one by a ~~((black face rule))~~ bold line. All primary paper ballots shall be sequentially numbered, but done in such a way to permit removal of such numbers by precinct election workers without revealing the identity of any individual voter. There shall be no printing upon the back of the ballots nor any mark thereon to distinguish them.

Sec. 52. Section 29.30.020, chapter 9, Laws of 1965 as amended by section 76, chapter 81, Laws of 1971 and RCW 29.30.020 are each amended to read as follows:

In precincts using paper ballots and on absentee paper ballots, the positions or offices on a state primary ballot shall be arranged in substantially ((as follows: First,)) the following order: United States senator; ((next, congressional, next,)) United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; insurance commissioner; state senator; state representative; county officers; superintendent of public instruction; justices of the supreme court; ((next,)) judges of the court of appeals; ((next,)) judges of the superior court; ((next, other state officers; next, legislative; next, county officers; next, precinct officers; next, justice of the peace;

~~next, precinct committeemen)) and judges of the district court. For all other jurisdictions appearing on the primary ballot, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any. Unless otherwise specified by law, the names shall be listed in order of filing. There shall be a blank space left following the list of names of candidates for each office or position for writing in the name of a candidate, if desired.~~

Sec. 53. Section 29.30.030, chapter 9, Laws of 1965 and RCW 29.30.030 are each amended to read as follows:

The form of primary paper ballots shall be substantially as follows:

~~((FORM OF BALLOT))~~  
PRIMARY ELECTION BALLOT  
..... County  
(Date of primary)

To vote for a person make a cross in the square to the RIGHT of the name of the person for whom you desire to vote.

UNITED STATES SENATOR	Vote for One
<del>((Adams, Frank C. ....</del>	<del>Democrat <input type="checkbox"/></del>
<del>Haddock, R. A. ....</del>	<del>Republican <input type="checkbox"/></del>
<del>Johnson, Oscar F. ....</del>	<del>Republican <input type="checkbox"/></del>
<del>(name of candidate) .....</del>	<del>(party) <input type="checkbox"/></del>
<del>(name of candidate) .....</del>	<del>(party) <input type="checkbox"/></del>
<del>(name of candidate) .....</del>	<del>(party) <input type="checkbox"/></del>
<del>(space for write-in candidate) .....</del>	<del>(name of party) <input type="checkbox"/></del>

(and so on with the other officers in order.)

~~((Where voting machines are legally used in any county, city, or other municipality, the ballot arrangement of candidates to be voted on at the primary shall be substantially in form with that heretofore set forth in this section, but may be varied so as to carry out the purposes required by use of voting machines.))~~

Sec. 54. Section 29.30.040, chapter 9, Laws of 1965 and RCW 29.30.040 are each amended to read as follows:

In primary elections in precincts where votes are cast on paper ballots, unless otherwise required by law, the names of candidates for each office ((upon primary ballots under the heading designating each official)) or position ((upon the ballots to be used in voting;)) shall be first arranged in the order in which their declarations of candidacy were filed. ((In printing each set of ballots for the several counties;)) Additional sets of official ballots shall be printed in which the positions of the names of all candidates for each such office or position shall be changed ((in

~~each office division)) as many times as there are candidates in the office ((division)) or position in which there are the ((most)) greatest number of names. As nearly as possible an equal number of ballots shall be printed after each change. In making the changes of position((, the printer shall take the line of type at the head of each office division and place it at the bottom of the division and shove up the column so that the name that before was second, shall be first, after the change)) between each set of ballots, the candidates for each such office in the first position under the office heading shall be moved to the last position under that office heading, and each other name shall be moved up to the position immediately above its previous position under that office heading. After the required sets of ballots are printed, they shall be kept in separate piles, one pile for each change of position, and shall then be gathered by taking one from each pile((;)), the intention being that every other ballot at the polls shall have the names of the candidates under such offices in a different position.~~

Sec. 55. Section 29.30.060, chapter 9, Laws of 1965 and RCW 29.30.060 are each amended to read as follows:

In counties or portions of counties using paper ballots, on or before the fifteenth day before a primary or an election, the county auditor shall prepare ((at once)) a sample paper ballot which he shall ((post)) display in a conspicuous place in his office for public inspection. Sample paper ballots shall be substantially in the same form as the official paper ballots but upon colored paper, and the names of the candidates for each office shall be arranged thereon in the order in which their declarations of candidacy were filed ((and need not be alternated)), except that the position of precinct committeeman shall be shown on the general election sample ballot only by a listing of the position itself, and the names of candidates therefor need not be shown.

Sec. 56. Section 29.30.075, chapter 9, Laws of 1965 as amended by section 5, chapter 103, Laws of 1965 ex. sess. and RCW 29.30.075 are each amended to read as follows:

In counties using absentee paper ballots, at least twenty days before any primary, each county auditor shall have prepared sufficient paper ballots for use by absentee voters.

NEW SECTION. Sec. 57. There is added to chapter 29.30 RCW a new section to read as follows:

All general election paper ballots within a given precinct shall be of a good quality white paper and the names shall be printed thereon in black ink.

No ballot shall bear any impression, device, color, or thing designated to distinguish such ballot from other legal ballots, or whereby the ballot may be known or designated.

NEW SECTION. Sec. 58. There is added to chapter 29.30 RCW a new section to read as follows:

The names of the persons certified as the nominees resulting from a primary election by the secretary of state or the county canvassing board shall be printed on the official ballot prepared for the ensuing election.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot unless it appears upon the certificate of either (1)



the secretary of state, or (2) the county canvassing board, or (3) a minor party convention, or (4) of the state or county central committee of a major political party to fill a vacancy on its ticket occasioned by any cause on account of which it is lawfully authorized so to do.

No person who has offered himself as a candidate for the nomination of one party at the primary shall have his name printed on the ballot of the succeeding general election as the candidate of another political party.

No candidate's name shall appear more than once upon the ballot, unless the name appears once for the office of precinct committeeman, in which case the name may appear not more than twice: **PROVIDED**, That any candidate who has been nominated by two or more political parties may, upon a written notice filed with the county auditor within three days after the certification of the canvass of the primary, designate the political party under whose title he desires to have his name placed.

**NEW SECTION.** Sec. 59. There is added to chapter 29.30 RCW a new section to read as follows:

The list of candidates of the party whose candidate for president of the United States received the highest number of votes from the electors of this state in the preceding presidential election shall be placed in the first column of the left hand side of the paper ballot, the list of candidates of the party whose candidate for president of the United States received the next highest number of votes from the electors of this state in the preceding presidential election shall be placed in the second column, and the candidates of other parties in the order in which certificates of nomination have been filed.

**NEW SECTION.** Sec. 60. There is added to chapter 29.30 RCW a new section to read as follows:

(1) On the top of each general election paper ballot and extending across the party groups, there shall be printed instructions directing the voters how to mark the ballot, including write-in votes, before the same shall be deposited with the judges of election. Next after the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters of such election.

(2) All nominations of any party or group of petitioners shall be placed under the title of such party of petitioners as designated by them in their certificate of nomination or petition, and the name of each nominee shall be placed under the designation of the office for which he has been nominated.

(3) There shall be a  at the right of the name of each of its nominees so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his ballot.

(4) Under the designation of the office if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice

president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single square to the right in which the voter indicates his choice.

(6) All paper ballots for general elections shall be sequentially numbered, but done in such a way to permit removal of such numbers by precinct election workers without leaving any identifying marks on the ballot. There shall be no printing on the back of the paper ballots nor any mark thereon to distinguish them.

NEW SECTION. Sec. 61. There is added to chapter 29.30 RCW a new section to read as follows:

The arrangement of paper ballots used in general elections shall in general conform as nearly as possible to the following form:

**GENERAL ELECTION BALLOT**

..... County  
(Date of election)

Instructions: If you desire to vote for any candidate, place X in  at the right of the name of such candidate. If you desire to vote for or against any measure, place an X in the appropriate  following such measure. To vote for a person not on the ballot, write the title of the office and the name of the candidate in the space provided.

(Here place any state measures to be voted on.)

REPUBLICAN PARTY	DEMOCRATIC PARTY	OTHER PARTY
PRESIDENT AND VICE PRESIDENT (Name of candidate) . . . } (Name of candidate) . . . } <input type="checkbox"/>	PRESIDENT AND VICE PRESIDENT (Name of candidate) . . . } (Name of candidate) . . . } <input type="checkbox"/>	
UNITED STATES SENATOR (Name of candidate) . . . <input type="checkbox"/>	UNITED STATES SENATOR (Name of candidate) . . . <input type="checkbox"/>	

(Other partisan offices follow on the ballot in the same form.)

**NONPARTISAN OFFICES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

Vote for one

(name of candidate) .....   
(name of candidate) .....

**JUSTICE OF STATE SUPREME COURT  
POSITION .....**

Vote for one

(name of candidate) .....   
(name of candidate) .....

(Other nonpartisan offices follow on the ballot in the same form.)

Sec. 62. Section 29.33.180, chapter 9, Laws of 1965 and RCW 29.33.180 are each amended to read as follows:

Not more than ten nor less than three days before each election at which voting machines are to be used the board or officer charged with the duty of providing ballots shall publish in newspapers representing at least two political parties a diagram of reduced size showing the face of the voting machine after the official ballot labels are arranged thereon, together with illustrated instructions how to vote and a statement of the locations of voting machines which are on public exhibition. Diagrams of voting machines used at general elections held in even-numbered years shall show the position of precinct committeeman, but need not list the names of candidates therefor. In lieu of publication thereof, the board or officer may send by mail or otherwise at least three days before the elections a printed copy of the diagram to each registered voter.

Sec. 63. Section 29.33.210, chapter 9, Laws of 1965 and RCW 29.33.210 are each amended to read as follows:

If more than one voting machine or voting device is to be used in a precinct, ~~((one)) as many additional ((inspector of election shall)) judges may be appointed ((for each additional machine. In any voting precinct where the number of registered voters is less than one hundred the election board may consist of one inspector, one judge and one clerk))~~ as the county auditor determines are required for that primary or election.

Sec. 64. Section 29.33.220, chapter 9, Laws of 1965 as last amended by section 4, chapter 46, Laws of 1975-'76 2nd ex. sess. and RCW 29.33.220 are each amended to read as follows:

Before each primary ~~((election))~~ at which voting machines ~~((or voting devices))~~ are to be used, or more frequently as the custodian deems necessary, the custodian shall instruct all inspectors~~((;))~~ and judges~~((, and clerks))~~ of election who are to serve thereat in the use of the machine ~~((or voting device))~~ and their duties in connection therewith. The custodian may waive instructional requirements for inspectors~~((;))~~ and judges~~((, and clerks))~~ of elections ~~((that))~~ who previously have been granted a certificate of proficiency and ~~((that))~~ who have served as precinct officers for a sufficient length of time to be fully qualified to perform his or her duties in connection with the machine ~~((or voting device))~~: PROVIDED, That any inspectors~~((;))~~ and judges ~~((and clerks))~~ of elections for whom the instructional requirements are waived may at their discretion take advantage of the instructional program outlined herein. He shall give to each inspector and judge who has received instruction and is fully qualified to conduct the election with a machine ~~((or voting device))~~ a certificate to that effect. For the purpose of instruction, the custodian shall call such meetings of the inspectors and judges as may be necessary. ~~((Every inspector and judge shall attend the meetings and receive instruction in the proper conduct of the election with a machine or voting device.))~~ As compensation for the time spent in receiving instruction each inspector and judge who qualifies and serves in the election shall receive an additional two hours' compensation to be paid to him at the same time and in the same manner as compensation is paid him for his services on election day. No inspector or judge of election shall serve in any primary or general election at which a voting machine ~~((or voting device))~~ is used unless he has received the required instruction and is fully qualified to perform his

duties in connection with the machine (~~(or voting device)~~) and has received a certificate to that effect from the custodian of the machines (~~(or voting devices)~~): PROVIDED, That this shall not prevent the appointment of an inspector(~~(:)~~) or judge of election to fill a vacancy in an emergency.

Sec. 65. Section 11, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.010 are each amended to read as follows:

As used in this (~~(1967 amendatory act)~~) chapter:

(1) (~~("Ballot card" means the tabulating card or cards or paper ballot of any size upon which the voter records his vote and shall also include the envelope issued to each voter at ballot card precincts for the voter to enclose his voted ballot to insure secrecy and to provide a space for the voter to cast write-in votes if he so desires;~~

~~(2) "Ballot label" means the cards, papers, booklet or other material containing the names of offices, candidates, and measures to be voted on;~~

~~(3)) "Election" means all state, county, city, town, and district elections, general or special, including primaries;~~

~~((4)) (2) "Voting device" means any device into which a ballot card may be inserted and which is so designed and constructed that the vote for any candidate or for and against any measure may be indicated by punching or marking the ballot card;~~

~~((5)) (3) "Vote tally system" means one or more machines used for the purpose of automatically examining and counting votes as cast by paper ballots or ballot cards. Such apparatus may be operated manually, electrically, or electronically and may include data processing machines;~~

~~((6)) (4) "Precinct election officers" shall mean the inspectors(~~(:)~~) and judges(~~(, and clerks)~~) as provided by chapter 29.45 RCW as it now exists or may hereafter be amended;~~

(5) "Counting center" means a facility designated by the county auditor for the operation of a vote tally system on the day of a primary or election.

Sec. 66. Section 18, chapter 109, Laws of 1967 ex. sess. as amended by section 1, chapter 6, Laws of 1971 ex. sess. and RCW 29.34.080 are each amended to read as follows:

No voting device shall be approved by the state voting machine committee unless it is constructed so that it:

(1) Secures to the voter secrecy in the act of voting;

(2) Provides facilities for voting for the candidate of as many political parties or organizations as may make nominations, and for or against as many measures as may be submitted;

(3) Permits the voter to vote for any person for any office and upon any measure that he has the right to vote for;

(4) Permits the voter to vote for all the candidates of one party or in part for the candidates of one or more other parties;

(5) Correctly registers (~~(or records)~~) all votes cast for any and all persons and for or against any and all measures;

(6) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for president and vice president of the United States;

(7) (~~Voting devices shall list~~) Lists all candidates for any office in every primary and election, special or general (~~in the manner shown in RCW 29.30.030 after an arrangement of positions as provided in RCW 29.30.020~~: PROVIDED, That at partisan general elections the candidate or candidates of the major political party which received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election shall appear first under the position designation, the candidate or candidates of the other major political parties shall follow according to the votes cast for their nominees for president at the last presidential election, and the candidate or candidates of all other parties shall follow in the order of their qualification with the secretary of state)).

NEW SECTION. Sec. 67. There is added to chapter 29.34 RCW a new section to read as follows:

(1) On the front of the first ballot page or prominently displayed on each voting device to be used at a general election, there shall be printed instructions directing the voters how to properly record a vote for any candidate and for or against any measure, including write-in votes. After the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters of such election.

(2) All nominations of any party or group of petitioners shall be indicated by the title of such party or petitioners as designated by them in their certificate of nomination or petition, following the name of such candidate, and the name of each nominee shall be placed beside the designation of the office for which he has been nominated.

(3) There shall be an arrow or other notation at the right edge of the ballot page opposite the name of each candidate indicating where the voter is to punch or otherwise mark his ballot card for that candidate.

(4) Under the designation of the office, if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single arrow or other notation to the right.

(6) All ballot cards for general elections shall be sequentially numbered, but done in such a way to permit removal of such numbers by precinct election workers without leaving any identifying marks on the ballot. There shall be no printing on the back of the ballot cards nor any mark thereon to distinguish an individual voter's ballot card from other ballot cards from the same precinct.

Sec. 68. Section 23, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.130 are each amended to read as follows:

(1) Pursuant to RCW 29.04.080, the secretary of state shall by appropriate regulation devise and prescribe the form, size, weight of paper or material, kind of ballot cards, ballot page formats, procedures for conducting logic and accuracy

tests of computer programs, and other materials and supplies and procedures necessary in the use of voting devices or vote tally systems as provided in this ((1967 amendatory act)) chapter and in the process of counting and tabulating the ballots by mechanical, electrical, or electronic devices or equipment.

(2) The secretary of state shall follow the provisions of the Administrative Procedure Act, chapter 34.04 RCW, in adopting the rules and regulations authorized by this ((1967 amendatory act)) chapter.

NEW SECTION. Sec. 69. There is added to chapter 29.34 RCW a new section to read as follows:

Before each primary at which voting devices are to be used, or more frequently as he deems necessary, the county auditor or other election official shall instruct all inspectors and judges of elections who are to serve at that primary or general election in the use of the voting devices and their duties in conjunction with the conduct of that primary or election.

The auditor may waive instructional requirements for inspectors and judges of elections who previously have been granted a certificate of proficiency and who have served as precinct officers for a sufficient length of time to be fully qualified to perform their duties in connection with the voting device: PROVIDED, That any inspectors and judges of elections for whom the instructional requirements are waived may at their discretion take advantage of the instructional program outlined herein. He shall give to each inspector or judge who has received instruction and is qualified to conduct the primary or election with the voting devices, a certificate to that effect. For the purpose of instruction, the county auditor or other election officials shall call such meetings of the inspectors or judges as may be necessary. As compensation for the time spent in receiving instruction each inspector or judge who qualifies and serves at the subsequent primary or election shall receive an additional two hours compensation, to be paid to him at the same time and in the same manner as compensation is paid him for his services on the day of the primary or election. No inspector or judge of election shall serve at any primary or general election at which voting devices are used unless he has received the required instruction and is qualified to perform his duties in connection with voting devices and has received a certificate to that effect from the county auditor or other election official: PROVIDED, That this shall not prevent the appointment of an inspector or judge of election to fill a vacancy in an emergency.

NEW SECTION. Sec. 70. There is added to chapter 29.34 RCW a new section to read as follows:

Before each state primary or general election at which a vote tallying system is to be used, or more frequently as he deems necessary, the county auditor or other election official shall, during the day of the election, instruct all counting center personnel, including political party observers, who are to serve at that primary or election in their duties in connection with the handling and tallying of ballots for that primary or election. No person shall serve as an election worker in the counting center at any primary or election at which a vote tallying system is used unless he has received the required instruction and is qualified to perform his duties in connection with the handling and tallying of ballots for that primary or election. No person shall serve as a political party observer unless he has received the required instruction and is familiar with the operation of the vote tallying system and

the procedures to be employed to verify the accuracy of the programming for that vote tallying system.

**NEW SECTION.** Sec. 71. There is added to chapter 29.34 RCW a new section to read as follows:

The county auditor shall determine the location of the counting center for each vote tallying system under his jurisdiction and the number of ballot card precincts assigned to each. Such facility may be located wherever in the judgment of the county auditor best serves the voters.

All proceedings at the counting center shall be under the direction of the county auditor and under the observation of at least two observers, who shall not be from the same political party, appointed by the county chairman of the respective major political party. Such proceedings shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot card or ballot container.

Technical assistance from private vendors to the county auditor shall be limited to advice and assistance in the training of precinct election officers and counting center personnel and the development of instructional materials for use in such training, routine maintenance and repair service on the voting devices and vote tallying systems, and any emergency assistance required due to the mechanical failure of any voting device or vote tallying system. Private vendors may provide the compilation of computer programs and preparation of office and report files according to the specifications established by the county auditor for a specific primary or election. All precinct program cards shall be prepared by the county auditor or the staff of his office. Ballot layout functions are to be performed by the secretary of state for federal offices and state-wide measures and offices, and by the county auditor for all other measures and offices.

**NEW SECTION.** Sec. 72. There is added to chapter 29.34 RCW a new section to read as follows:

At the direction of the county auditor, a representative of each major political party shall together stop at each designated polling place and pick up the sealed containers containing the voted ballot cards for delivery to the counting center. There may be as many as two such stops at each polling place, but the first stop may not be made prior to 2:00 p.m. and the second stop may not be made until after the polls have been closed to voting.

The procedure for transporting voted ballot cards from the respective polling places to the counting center or to predesignated collection stations shall include, but not be limited to, the following measures:

(1) On the day of the primary or election in precincts where ballots are cast on voting devices, two precinct election officials, one representing each major political party, shall place all voted ballots in noncombustible, water resistant ballot containers, furnished by the county auditor and properly identified with his mailing address, and seal the containers with prenumbered seals. The precinct election officials of each major political party or representative of each major political party designated by the county auditor to deliver such ballots shall transport the sealed ballot containers to the counting center or to a predesignated collection station in an enclosed vehicle, making certain that all doors and windows thereof other than those windows necessary for adequate ventilation are closed and locked.

(2) At the counting center or the collection stations where the sealed ballot containers are delivered by the designated representatives of the major political parties, the county auditor or his designated representative shall receive the sealed ballot containers with the voted ballot cards enclosed, record the time and date together with each precinct and seal number, and complete signed receipts indicating the time, date, and precinct and seal number of each ballot container received, and give a copy of such receipt to the representatives delivering the ballot containers as such containers are received.

(3) If the ballot containers are delivered to the collection station instead of being delivered directly to the counting center, the county auditor or his designated representative shall transfer such election containers to the counting center in an enclosed vehicle, making certain that all doors and windows thereof other than those windows necessary for adequate ventilation are closed and locked. All ballots being so transferred shall be accompanied by two appointed officials, who shall not be of the same political party, and a representative of the county auditor, who may be one of the appointed officials.

NEW SECTION. Sec. 73. There is added to chapter 29.34 RCW a new section to read as follows:

At least three days prior to the day of the primary or general election, all programming for the vote tallying system to be used at that primary or general election shall be tested by the secretary of state or his designee to ascertain that the equipment will correctly count the vote cast for all candidates and on all measures appearing on the ballot at that primary or general election. The tests shall be conducted by processing a preaudited group of ballots prepared by the office of secretary of state, so punched or marked as to record a predetermined number of ballot votes for each candidate and for and against each measure. For each office for which there are two or more candidates and for each issue, the group of test ballots shall include one or more ballots which have votes in excess of the number allowed by law, in order to verify the ability of the vote tallying system to reject such votes. The test shall be designed to verify the capability of the vote tallying system to perform all of the functions that can reasonably be expected to occur during conduct of that particular primary or election, including but not limited to verification of the content of the ballot format for each precinct or polling place, verification of rotation in the program, and verification of major error identification routines in the program of the vote tallying system. If any error is detected, the cause thereof shall be ascertained and corrected, and an errorless count shall be made before the programming is approved and certified.

Such tests shall be observed by at least two observers, who shall not be of the same political party, designated by the county chairmen of the respective county central committees, and shall be open to candidates, the press, and the public. The secretary of state, the county auditor, and the political party observers shall certify that the test has been properly conducted. Copies of such certification shall be retained by the secretary of state and the county auditor. All programming materials and test ballots shall be securely locked in a noncombustible, water resistant container, and sealed until the day of the primary or general election. This test shall be repeated immediately before the start of the official count of ballots in the same manner as set forth above.



The political party observers, upon mutual agreement, may request a precinct, to be selected at random, at the point of check-in, and manually take a total count of ballots and/or a total count for any one office, return that precinct to the counting center, and request a detailed printout. This may be done as many as three times during the official count so that the accuracy of the proceedings can be again verified by the count of the preaudited group of ballots.

NEW SECTION. Sec. 74. There is added to chapter 29.34 RCW a new section to read as follows:

The ballot cards picked up during the polling hours may subsequently be counted before the polls have closed: PROVIDED, That all such election returns must be held in secrecy in the same manner as the count of paper ballots during polling hours as provided by RCW 29.54.030. Any person revealing any election returns to unauthorized persons prior to the close of the polls shall be subject to the same penalties as provided by RCW 29.54.035.

Upon breaking the seals and opening the containers, all voted ballot cards shall be checked for partially removed chads, whereupon any such partially removed chads shall be entirely removed from the ballot cards. If it is found that any ballot is damaged or defective so that it cannot properly be counted by the vote tallying system, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. All such damaged ballots shall be kept by the county auditor until sixty days after the primary or election concerned.

The returns printed by the vote tallying system, to which has been added the count of questioned ballots, challenged ballots, write-in votes, and absentee votes, shall constitute the official returns of the primary or election in that county.

Sec. 75. Section 32, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.170 are each amended to read as follows:

The secretary of state, upon promulgating the rules and regulations necessary for carrying out the purpose of this ((1967 amendatory act)) chapter, shall publish manuals containing the applicable rules and regulations and statutes for the guidance of the county auditor relating to the printing of ballot cards and preparation of the vote tallying systems, for the guidance of precinct election officers serving ballot card precincts, and for the guidance of election officers and operators of tabulating equipment at counting centers.

There shall be no charge for such manuals, and the number to be printed and the distribution thereof shall be determined by the secretary of state.

Sec. 76. Section 29.36.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.010 are each amended to read as follows:

In addition to those persons authorized under section 19 of this 1977 amendatory act, any duly registered voter may vote an absentee ballot for any primary or election in the manner provided in this chapter.

A voter desiring to cast an absentee ballot must apply in writing to his county auditor no earlier than forty-five days nor later than the day prior to any election or primary: PROVIDED, That an application honored for a primary ballot shall

also be honored as an application for a ballot for the following election if the voter so indicates on his application.

Such applications must contain the voter's signature and may be made in person or by mail or messenger: PROVIDED, That no application for an absentee ballot shall be approved unless the voter's signature upon the (~~certificate or~~) application compares favorably with the voter's signature upon his permanent registration record.

Sec. 77. Section 29.36.030, chapter 9, Laws of 1965 as amended by section 1, chapter 73, Laws of 1974 ex. sess. and RCW 29.36.030 are each amended to read as follows:

Upon receipt of the (~~certificate, either signed by the voter or attached to the~~) voter's signed application, the officer having jurisdiction of the election, or his duly authorized representative, shall issue an absentee ballot for the election concerned.

At each general election in the even-numbered year, each absentee voter shall also be given a separate ballot containing the names of the candidates that have filed for the office of precinct committeeman provided that two or more candidates have filed for the same political party in the absentee voter's precinct and providing space for writing in the name of additional candidates.

In addition, if other elections, including special or general, are also being held on the same day and it can be determined that the absentee voter is qualified to vote at such elections, such additional absentee ballots shall be automatically issued to the end that, whenever possible, each absentee voter receives the ballots for all elections he would have received if he had been able to vote in person.

The election officer, or his duly authorized representative, shall include the following additional items when issuing an absentee ballot:

- (1) Instructions for voting.
- (2) A size #9 envelope, capable of being sealed and free of any identification marks, for the purpose of containing the voted absentee ballot.
- (3) A size #10 envelope, capable of being sealed and preaddressed to the issuing officer, for the purpose of returning the #9 envelope containing the marked absentee ballot.

Upon the left hand portion of the face of the larger envelope shall also be printed a blank statement in the following form:

State of ..... }  
 County of ..... } ss.

I, ....., do solemnly swear under the penalty as set forth in RCW 29.36.110 (see below), that I am a resident of and qualified voter in ..... precinct of ..... city in ..... county, Washington; that I have the legal right to vote at the election to be held in said precinct on the ..... day of ....., 19..: That I have not voted another ballot and have herein enclosed my ballot for such election.

(signed) .....  
 Voter

(date of oath) .....

**PENALTY PROVISION:** Any person who violates any of the provisions, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment.

Sec. 78. Section 29.36.060, chapter 9, Laws of 1965 as amended by section 1, chapter 140, Laws of 1973 and RCW 29.36.060 are each amended to read as follows:

The opening and canvassing of absentee ballots cast at any primary or election, special or general, may begin on or after the tenth day prior to such primary or election: **PROVIDED**, That the opening of the inner envelopes and actual counting of such absentee ballots shall not commence until after 8:00 o'clock p.m. on the day of the primary or election but must be completed on or before the tenth day following the primary or election: **PROVIDED**, That when a state general election is held, the canvassing period shall be extended to and including the fifteenth day following such election.

~~((This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for counting and canvassing of absentee ballots.))~~ The county canvassing board, or its duly authorized representatives, may elect not to initial the inner envelope but instead place all such envelopes in containers that can be secured with a numbered metal seal, and such sealed containers shall be stored in the most secure vault available within the courthouse until after 8:00 o'clock p.m. of the day of the primary or election: **PROVIDED**, That in the instance of punchcard absentee ballots, such ballots may be taken from the inner envelopes and all the normal procedural steps performed necessary to prepare punchcard ballots for computer count and then placed in said sealed containers.

The canvassing board or its duly authorized representatives shall examine the postmark, receipt mark and statement on the outer envelope containing the absentee ballot and verify that the voter's signature thereon is the same as that on the original application: **PROVIDED**, That if the postmark is illegible, the date on the outer envelope, which a person attests to as provided in RCW 29.36.030 as now or hereafter amended shall be the date for determining the validity, as to the time of voting, of any absentee ballot under the provisions of this chapter. The board then shall open ~~((each))~~ the outer envelopes ~~((postmarked or received (if not delivered by mail)))~~ not later than the tenth day following any primary or special election ~~((day and upon which the statement has been executed according to law in such a way as not to mar the statement))~~, and the fifteenth day following any general election, and remove therefrom the inner envelope containing the ballot.

The inner envelopes shall be initialed by the canvassing board or its duly authorized representatives. The inner envelopes thus initialed must be filed by the county auditor under lock and key. The outer envelopes to which must be attached the corresponding original absentee ~~((voters' certificates))~~ voter's application shall be sealed securely in one package and shall be kept by the auditor for future use in case any question should arise as to the validity of the vote.

Sec. 79. Section 29.39.170, chapter 9, Laws of 1965 and RCW 29.39.170 are each amended to read as follows:

All procedure governing the receipt and subsequent handling of absent voters' ballots shall be governed by the provisions of chapter 29.36 RCW(~~(; but the respective time limits within which some specific act on the part of the county auditors and canvassing boards is required to be done shall not apply to absent voters' ballots cast by service voters, it being the intent of this section that every facility shall be given to such absent voters' ballots cast by service voters so that such ballots shall be counted if possible))~~).

Sec. 80. Section 29.48.020, chapter 9, Laws of 1965 and RCW 29.48.020 are each amended to read as follows:

The precinct election officers (~~(of)~~) for each precinct shall meet at the designated polling place (~~(thereof)~~) at (~~(least forty-five minutes before the time set for opening the polls)~~) the time set by the county auditor.

Sec. 81. Section 29.48.030, chapter 9, Laws of 1965 as amended by section 40, chapter 202, Laws of 1971 ex. sess. and RCW 29.48.030 are each amended to read as follows:

Before the hour for opening the polls at any primary or election and allowing a reasonable time for preparation thereof, the county auditor or other officer in charge of such primary or election shall deliver to the inspector or one of the judges of each precinct:

(1) (~~(Two poll books or two copies of the precinct list of registered voters for use in recording the names and signatures of all persons who vote at the election))~~) The precinct list of registered voters for that precinct and a suitable means to record the signature, name, and address of the voter;

(2) Ballots equal (~~(in number)~~) to (~~(one hundred ten percent of)~~) the number of voters registered therein or such (~~(further)~~) number as the county auditor or other officer in charge of such primary or election may certify to be necessary(~~(; except where voting machines are used in which case a less number may be delivered))~~);

(3) A suitable ballot (~~(box)~~) container (except when voting machines are in use), with lock and key, having an opening through the lid thereof of no larger size than sufficient to admit a single folded ballot or ballot card;

(4) Two cards of instructions to voters printed in English in large clear type containing full instruction to voters as to how:

- (a) To obtain ballots for voting;
- (b) To prepare the ballots for deposit in the ballot boxes;
- (c) To obtain a new ballot in the place of one spoiled by accident or mistake;
- (5) (~~(The voters' registration files or precinct lists of registered voters pertaining to the precinct;~~

(6) ~~Two tallying books which must be printed in relation to the sample ballots: PROVIDED, That at primary elections (except where machines are used) there must be furnished to each precinct two sets of tally books for each political party having candidates to be voted for and the first sheet of each tally book shall be headed:~~

<sup>n</sup>Tally book for ..... (name of political party) ..... (name of city) ..... (county) ..... (ward) ..... (precinct) for the primary election held ..... (date).<sup>n</sup> ~~The names of the candidates shall be~~

~~placed on the tally sheets in the order in which they appear on the sample ballots and in each case have the proper party designation at the head thereof;~~

~~(7) Two certificates printed in relation to the sample ballots or two sample ballots prepared as blanks, for certification of the result by the precinct election officers;~~

~~(8))~~ Sample ballots;

~~((9))~~ (6) Two oaths for each inspector(;) and each judge ((and each clerk));

~~((10) Three pamphlets containing arguments on measures for submission to voters;~~

~~(11))~~ (7) One U.S. flag;

~~((12))~~ (8) All other supplies necessary for conducting the election or primary.

NEW SECTION. Sec. 82. There is added to chapter 29.48 RCW a new section to read as follows:

In precincts where votes are cast on paper ballots, the following supplies, in addition to those specified in RCW 29.48.030 as now or hereafter amended, shall be provided:

(1) Two tally books in which the names of the candidates shall be listed in the order in which they appear on the sample ballots and in each case have the proper party designation at the head thereof;

(2) Two certificates or two sample ballots prepared as blanks, for recording of the unofficial results by the precinct election officers.

Sec. 83. Section 29.51.125, chapter 9, Laws of 1965 and RCW 29.51.125 are each amended to read as follows:

~~((Each major political party, at any general election, may assign any one of its precinct election officers at))~~ At any election, general or special, or at any primary, any political party or committee may designate a person other than a precinct election officer, for each polling place to check a list of registered voters of the precinct ((so that they may)) to determine who has and who has not voted: PROVIDED, That such lists shall be furnished by the ((major political parties)) party or committee concerned.

Sec. 84. Section 29.54.010, chapter 9, Laws of 1965 as amended by section 6, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.010 are each amended to read as follows:

At paper ballot precincts and at ballot card precincts served by a single set of precinct election officers, the inspector and judges of election for each election precinct immediately upon the closing of the polls, and before the ballots are counted, shall destroy all unused ballots or ballot cards furnished for use at such precinct.

At paper ballot precincts and at ballot card precincts served by two sets of precinct election officers, the members of the receiving board shall destroy all unused ballots or ballot cards upon the closing of the polls.

Sec. 85. Section 29.54.035, chapter 9, Laws of 1965 and RCW 29.54.035 are each amended to read as follows:

In paper ballot precincts, no election officer or any other person authorized by law to be present while votes are being counted, shall divulge the result of the count of the ballots at any time prior to the closing of the polls. Violation of this section is punishable, upon conviction, by a fine of not less than one hundred dollars nor

more than five hundred dollars or imprisonment in the county jail not less than three nor more than six months, or by both such fine and imprisonment.

Sec. 86. Section 29.54.040, chapter 9, Laws of 1965 as amended by section 9, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.040 are each amended to read as follows:

In paper ballot precincts, the ballot ((box)) container shall not be removed from the polls nor shall the counting of the votes be discontinued until all are counted.

The duties of the precinct election officers counting ballots in such precincts shall not be complete until it is determined that:

- (1) A recheck of the tally marks accurately reflect the total vote credited to each candidate and the total vote credited for and against each proposition((-));
- (2) The total number of votes cast for all candidates for a single position to be filled does not exceed the number of voters who have signed the poll book((-));
- (3) The records of the votes in each tally book are the same.

Sec. 87. Section 29.54.045, chapter 9, Laws of 1965 as last amended by section 4, chapter 102, Laws of 1973 and RCW 29.54.045 are each amended to read as follows:

In paper ballot precincts, when two or more sets of precinct election officers have been appointed as provided in RCW 29.45.050 the following procedure shall apply:

- (1) The set or sets designated as the counting board or boards shall commence tabulation of any state primary or state general election at a time set by the officer in charge of the election.
- (2) A second ballot ((box)) container for receiving ballots shall be used, and the first ballot ((box)) container shall be closed and delivered to the counting board or boards: PROVIDED, That there have been at least ten ballots cast. The counting board or boards shall at a time set by the officer in charge of the election proceed to the place provided for them and at once count the votes. When counted they shall return the emptied ballot ((box)) container to the inspector and judges conducting the election and the latter shall then deliver to the counting board or boards the second ballot ((box)) container, if there have been at least ten ballots cast, who shall then proceed as before. The counting of ballots and exchange of ballot ((boxes)) containers shall continue until the polls are closed after which the election board conducting the election shall conclude their duties and the counting board or boards shall continue until all ballots are counted.
- (3) The receiving board conducting the election shall perform all of the duties as now provided by law except for the counting of the ballots, the posting and certification of the unofficial returns and the delivery of the official returns, together with the election supplies to the county auditor.
- (4) Suitable oaths of office for all precinct election officials, when two or more sets of officials are employed, shall be prepared by the secretary of state as ex officio chief election officer.

Sec. 88. Section 29.54.050, chapter 9, Laws of 1965 as last amended by section 2, chapter 121, Laws of 1973 1st ex. sess. and RCW 29.54.050 are each amended to read as follows:

Ballots and ballot cards must be rejected if:

- (1) Two are found folded together;
- (2) Marked so as to identify who the voter is: PROVIDED, That this subsection (2) shall not apply to absentee ballots;
- (3) Printed other than by the respective county auditors or other authorized election officials as provided by law.

Those parts of ballots and ballot cards must not be counted which:

- (1) Designate more persons for an office than are to be elected to that office;
- (2) Are not in compliance with RCW 29.51.170;
- (3) Are not marked with sufficient definiteness to determine the voter's choice or intention: PROVIDED, That no ballot or ballot card or part thereof shall be rejected for want of form or mistake in initials of names if the election board can determine to their satisfaction the person voted for and the office intended.

Sec. 89. Section 29.54.060, chapter 9, Laws of 1965 and RCW 29.54.060 are each amended to read as follows:

Whenever a question arises in the precinct election board or the counting center as to the legality of a ballot or ballot card or any part thereof, ~~((its))~~ the action thereon together with a concise statement of the facts that gave rise to the objection must be indorsed upon the ballot or attached to the ballot card and signed by a majority of the board or the counting center personnel processing the ballot. All such ballots and statements shall be forwarded to the canvassing board. All ballots and ballot cards must be preserved whether rejected or counted in whole or in part and returned in the same manner as other ballots and ballot cards.

Sec. 90. Section 29.54.070, chapter 9, Laws of 1965 as amended by section 10, chapter 109, Laws of 1967 ex. sess. and RCW 29.54.070 are each amended to read as follows:

After all the paper ballots have been counted, strung, and tallied it shall be the duty of the inspector to place them in a sealed envelope and write thereon, "Ballots of . . . . . precinct . . . . . county, state of Washington, of election held this . . . . . day of . . . . ., 19 . . .," and ~~((send said))~~ deliver such sealed envelope to the auditor of the county or other election official. The county auditor or other officer shall keep the sealed envelope containing said ballots unopened for the period of two months, to be used only as evidence in case or cases of contest when called for. At the end of that time he shall burn or make such disposition of said ballots, as he may deem expedient, in the presence of two other officers.

Sec. 91. Section 29.54.080, chapter 9, Laws of 1965 and RCW 29.54.080 are each amended to read as follows:

As soon as all the paper ballots have been counted or the voting machines have been canvassed, two sets of the following papers shall be assembled:

- (1) One poll list;
- (2) One tally book or set of tally sheets, or one statement of canvass where voting machines are used;
- (3) One each of the duplicate oaths of the inspector, the judges and the clerks.

To each set of papers shall be attached a certificate signed by the inspector, the judges and the clerks designating, in the order in which they appear upon the sample ballots, each candidate, the number of votes he received, and the office for

which he is a candidate. The number of votes in each case must be written in words and figures (for example five thousand four hundred and fifty-two—(5452)).

One set shall constitute the "returns" to be made to the canvassing board or official; the other set shall be retained by the inspector and preserved by him for at least six months.

Sec. 92. Section 29.54.130, chapter 9, Laws of 1965 and RCW 29.54.130 are each amended to read as follows:

The returns from each election precinct using paper ballots or voting machines shall be transmitted to the county auditor or other election officer either by ~~((registered))~~ certified mail or in person by one of the judges or the inspector.

Failure to transmit the returns is a misdemeanor punishable by a fine of not less than five dollars nor more than fifteen dollars.

Sec. 93. Section 29.54.140, chapter 9, Laws of 1965 and RCW 29.54.140 are each amended to read as follows:

~~((Following every primary and election, before adjourning, every))~~ Before adjourning from the polling place, following a primary or an election in any precinct where votes are cast on paper ballots or voting machines, the precinct election board shall enter the unofficial results in duplicate upon sample ballots or suitable forms furnished for that purpose by the county auditor or other election officer. One copy shall be posted conspicuously on the outside of the polling place and the other transmitted to the county election officer.

NEW SECTION. Sec. 94. There is added to chapter 29.54 RCW a new section to read as follows:

In counties using voting devices the county auditor or other election officer shall maintain, for at least sixty days following each primary or election, the following descriptive documents relating to the conduct of that primary or election:

- (1) Ballot page formats together with a record of the format or formats assigned to each precinct;
- (2) Program cards, precinct header cards, office and report files, program listings, and any similar programming material related to the control of the vote tallying system for that primary or election; and
- (3) All test materials used to verify the accuracy of the tabulating equipment as required by section 73 of this 1977 amendatory act.

NEW SECTION. Sec. 95. There is added to chapter 29.54 RCW a new section to read as follows:

In each county possessing the facilities necessary to do so, the county auditor or other election official shall copy all voted ballot cards on magnetic tape, deleting any details which could be used to ascertain the identity of any voter and making certain that all ballot cards, as copied, are readily identifiable and segregated by precinct for each primary and election, special or general. Once copied, the county auditor or his designee shall make such disposition of the voted ballot cards as he may deem expedient. The original magnetic tape copy of such voted ballot cards shall be retained in the office of the county auditor for a period of not less than ten years after being made. Copies of any magnetic tapes so retained shall be promptly furnished by the county auditor to any individual requesting them upon receipt of a payment sufficient to cover costs associated therewith.



Sec. 96. Section 29.62.090, chapter 9, Laws of 1965 and RCW 29.62.090 are each amended to read as follows:

Immediately after the official results of ~~((an))~~ a state primary or general election ~~((or primary))~~ in his county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in his county at such state primary or general election for ~~((county officers, state officers, national officers and officers elected by districts;))~~ and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The abstract shall be entered on blanks furnished by the secretary of state or on compatible computer printouts approved by the secretary of state, and ~~((transmit))~~ transmitted to the secretary of state ~~((by registered mail a certified copy thereof))~~ no later than the next business day following the certification by the county canvassing board.

Sec. 97. Section 29.62.100, chapter 9, Laws of 1965 and RCW 29.62.100 are each amended to read as follows:

The ~~((state canvassing board shall consist of the))~~ secretary of state ~~((, the state treasurer and the state auditor. It))~~ shall, as soon as possible but in any event not later than the third Tuesday following the primary, canvass and certify the returns of all primary elections as to candidates for state offices, United States senators and representatives in congress, and all other candidates whose district extends beyond the limits of a single county.

Sec. 98. Section 29.64.010, chapter 9, Laws of 1965 and RCW 29.64.010 are each amended to read as follows:

An officer of a political party or any person for whom votes were cast in a primary election for nomination as a candidate for election to an office who was not declared nominated may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at such primary in any precinct for all persons for whom votes were cast in such precinct for such nomination.

An officer of a political party or any person who was a candidate at any general election for election to an office or position who was not declared elected, may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at such election in any precinct in such county for all candidates for election to such office or position.

Any group of five or more registered voters may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at any election, regular or special, in any precinct upon any question or issue, provided that the members of such group shall state in such application that they voted on such question or proposition. Such group of electors shall, in such application, designate one of the members of the group as chairman, and shall indicate therein the voting residence of each member of such group. In the event the recount requested concerns a regular or special district election whereat the precincts were combined and the election results of the individual precincts impossible to determine, the application for the recount shall embrace all ballots cast at such district election.

An application for recount in a precinct using a vote tally system shall specify whether the recount shall be done manually or by the vote tally system. A recount done by the vote tally system shall use separate and distinct programming from

that used in the original count, and shall also provide for a separate and distinct test of the logic and accuracy of such program.

All applications for recount shall be filed within three days, excluding Saturdays and Sundays, after the canvassing board has declared the official results of the primary or election(~~(, as the case may be)~~).

The provisions of this chapter shall apply to the recounting of votes cast by paper ballots and counted at the polling places (~~(and)~~), to the recheck of votes recorded on voting machines, and to the recounting of votes recorded on ballot cards and counted by a vote tally system. The provisions of this chapter shall neither apply to votes cast by absentee ballot and counted by the canvassing authority, nor to votes cast on voting machines printing election returns: PROVIDED, That this chapter shall apply to votes cast by absentee and counted by the canvassing authority if specific request for such recount is made at the time the application is filed and the additional deposit is made as provided in RCW 29.64.020.

Sec. 99. Section 29.64.020, chapter 9, Laws of 1965 and RCW 29.64.020 are each amended to read as follows:

Each application for recount shall separately list each precinct as to which a recount of the votes therein is requested, and the person filing an application shall at the same time deposit with the canvassing board the sum of (~~(five)~~) ten dollars in cash or by certified check for each precinct so listed in such application as security for the payment of charges for the making of the recount therein applied for, which charges shall be fixed by the canvassing board as provided in RCW 29.64.060. In the event the application for a recount applies to a special or regular district election then the deposit to be made with the canvassing board shall be (~~(five)~~) ten dollars in cash or by certified check for each precinct completely or partially within said district. If at said special or regular district election paper ballots were used and the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be a sum of money equal to the total number of ballots cast at such district election multiplied by the factor of (~~(two)~~) five cents; and if a specific request is made for the recount of absentee ballots, then an additional deposit shall be made in a sum of money equal to the total number of such absentee ballots to be counted multiplied by the factor of (~~(two)~~) five cents.

If at said special or regular district election voting machines were used and the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be (~~(five)~~) ten dollars for each voting machine used.

If ballot cards and a vote tally system were used at any precinct as to which a recount is requested, the amount of the deposit required shall depend on whether a manual recount of ballot cards or a recount by the vote tally system is requested. If a manual recount of the ballot cards is requested, the deposit shall be the same as for paper ballots. If a recount by the vote tally system is requested, the deposit shall be five cents for each ballot card.

Upon the filing of an application, the canvassing board shall promptly fix the time when and the place at which the recount will be made, which time shall be not later than five days after the day upon which such application is filed. The (~~(clerk of the board)~~) county auditor shall mail notice of the time and place so fixed to the

applicant. If the application requests a recount of votes cast for a nomination or a candidacy for election, the ((clerk)) auditor shall also mail such notice to each person for whom votes were cast for such nomination or election. Such notice shall be mailed by registered mail not later than two days before the date fixed for the commencement of the recount. Each person entitled to receive such notice may attend and witness the recount and may be accompanied by counsel.

In the case of a recount of votes cast upon a question or proposition, a second group of five or more registered voters, who voted upon such question or proposition other than those voters requesting the recount, may file with the canvassing board a written statement to that effect, may designate therein one of their number as chairman of such group and an attorney as their legal counsel, and may request that the persons so designated be permitted to attend and witness the recount. Thereupon the persons so designated may attend and witness the recount.

Sec. 100. Section 29.64.060, chapter 9, Laws of 1965 and RCW 29.64.060 are each amended to read as follows:

The charges for making a recount of votes of precincts listed in an application for recount filed with the board of elections shall be fixed by the board and shall include all expenses incurred by such board because of such application other than the regular operating expenses which the board would have incurred if the application had not been filed.

The total amount of charges so fixed divided by the number of precincts listed in such application, the votes of which were recounted, shall be the charge per precinct for the recount of the votes of the precincts listed in such application, the votes of which were recounted: PROVIDED, That the charges per precinct so fixed shall not be more than ~~((five dollars for each precinct concerned or in the event of a recount of a regular or special district election whereat all ballots were requested to be recounted irrespective of precincts, the maximum charge shall not exceed two cents per ballot))~~ the actual cost.

Such charge shall be deducted by the board from the money deposited with the board by the applicant for the recount at the time of filing his application, and the balance of the money so deposited shall be returned to such applicant unless the costs of the recount were higher than the deposit, in which case the applicant shall be required to pay the difference: PROVIDED, That no such charges shall be deducted by the board from the money deposited for a recount of votes cast for a nomination or for an election to an office or position in any precinct, if upon the completion of a recount the applicant is declared nominated or elected, or if upon completion of a recount concerning a question or proposition, the result of such election is declared to be opposite to the original declaration of the result of such election. All moneys deposited with the board by an applicant not returned to him shall be paid by such board into the general fund of the political subdivision concerned.

Sec. 101. Section 29.65.010, chapter 9, Laws of 1965 and RCW 29.65.010 are each amended to read as follows:

Any registered voter may contest the right of any person declared elected to an office to be ~~((exercised in the county, district or precinct of his residence,))~~ issued a certificate of election for any of the following causes:

(1) For malconduct on the part of any member of any precinct election board involved therein;

(2) Because the person whose right is being contested was not at the time he was declared elected eligible to that office;

(3) Because the person whose right is being contested was previous to the election convicted of a felony by a court of competent jurisdiction, his conviction not having been reversed nor his civil rights restored after the conviction;

(4) Because the person whose right is being contested gave a bribe or reward to a voter or to an inspector(;) or judge ((or clerk)) of election for the purpose of procuring his election, or offered to do so;

(5) On account of illegal votes.

All election contests shall proceed under RCW 29.04.030, as now or hereafter amended.

Sec. 102. Section 29.65.020, chapter 9, Laws of 1965 and RCW 29.65.020 are each amended to read as follows:

~~((To commence an election contest, the contestant must file with the clerk of the superior court of his residence a verified written statement of contest within ten days after the person whose right is being contested has been declared elected, setting forth))~~ An affidavit of an elector with respect to RCW 29.04.030(6) must be filed with the appropriate court no later than ten days following the issuance of a certificate of election and shall set forth specifically:

(1) The name of the contestant and that he is a registered voter in the county, district or precinct, as the case may be, in which the office is to be exercised;

(2) The name of the person whose right is being contested;

(3) The office;

(4) The particular causes of the contest.

No statement of contest shall be dismissed for want of form if the particular causes of contest are alleged with sufficient certainty ~~((to advise the defendant of the particular proceedings or cause for which such election is contested))~~. The person charged with the error or omission shall be given the opportunity to call any witness, including the candidate to whom he has issued or intends to issue the certificate of election.

Sec. 103. Section 29.65.040, chapter 9, Laws of 1965 and RCW 29.65.040 are each amended to read as follows:

Upon such ~~((statement))~~ affidavit being filed, it shall be the duty of the clerk to inform the judge of the ~~((superior))~~ appropriate court, who may give notice, and order a session of the court to be held at the usual place of holding said court, on some day to be named by him, not less than ten nor more than twenty days from the date of such notice, to hear and determine such contested election: PROVIDED, That if no session be called for the purpose, such contest shall be determined at the first regular session of court after such statement is filed.

The clerk of the court shall also at the time issue a citation for the person ~~((whose right to the office is contested))~~ charged with the error or omission, to appear at the time and place specified in the notice, which citation shall be delivered to the sheriff ~~((or constable,))~~ and be served upon the party in person; or if he cannot be found, by leaving a copy thereof at the house where he last resided.

Sec. 104. Section 29.65.055, chapter 9, Laws of 1965 and RCW 29.65.055 are each amended to read as follows:

If the proceedings are dismissed for insufficiency, want of prosecution, or the election is by the court confirmed, judgment shall be rendered against the party contesting such election for costs, in favor of the party (~~((whose election was contested))~~) charged with error or omission.

If such election is annulled and set aside, judgment for costs shall be rendered against the party (~~((whose election was contested;))~~) charged with the error or omission and in favor of the party ((contesting)) alleging the same.

Sec. 105. Section 29.79.200, chapter 9, Laws of 1965 as amended by section 1, chapter 107, Laws of 1969 ex. sess. and RCW 29.79.200 are each amended to read as follows:

Upon filing the volumes of an initiative petition proposing a measure for submission to the legislature at its next regular session, the secretary of state shall forthwith in the presence of at least one person representing the advocates and one person representing the opponents of the proposed measure, should either desire to be present, proceed to canvass and count the names of the legal voters thereon. The secretary of state may use any statistical sampling techniques for this canvass which have been (~~((approved by the state canvassing board established by RCW 29.62.100))~~) adopted by rule as provided by chapter 34.04 RCW: PROVIDED, That no petition will be rejected on the basis of any statistical method employed: **PROVIDED FURTHER,** That no petition will be accepted on the basis of any statistical method employed if such method indicates that the petition contains less than one hundred ten percent of the requisite number of signatures of legal voters. If the secretary of state finds the same name signed to more than one petition he shall reject the name as often as it appears. If the petition is found to be sufficient, the secretary of state shall transmit a certified copy of the proposed measure to the legislature at the opening of its session together with a certificate of the facts relating to the filing of the petition and the canvass thereof.

Sec. 106. Section 29.80.010, chapter 9, Laws of 1965 as last amended by section 2, chapter 4, Laws of 1975-'76 2nd ex. sess. and RCW 29.80.010 are each amended to read as follows:

As soon as possible prior to each state general election at which federal or state officials are to be elected, the secretary of state shall publish and mail to each individual place of residence of the state a candidates' pamphlet containing photographs and campaign statements of eligible nominees who desire to participate therein and in even-numbered years containing a description of the office of precinct committeeman and its duties, in order that voters will understand that such office is a state office and will be found on the ballot of the forthcoming general election: PROVIDED, That in odd-numbered years no candidates' pamphlet shall be published, unless an election is to be held to fill a vacancy in one or more of the following state-wide elective offices: United States senator, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, and justice of the supreme court.

Sec. 107. Section 29.82.090, chapter 9, Laws of 1965 and RCW 29.82.090 are each amended to read as follows:

At the time set for the canvass, in the presence of at least one person representing the petitioners and in the presence of the person charged, or some one representing him, if either should desire to be present, the canvassing officer shall ~~((detach the sheets containing the signatures from the copies of the charge, and cause them to be firmly attached to one or more copies of the charge in such volumes as will be most convenient for canvassing and filing; and))~~ forthwith compare the signatures on the petition with the voter registration records of that jurisdiction. No signature shall be rejected if the officer conducting the canvass is reasonably certain that the signature on the petition is the same as the signature of a registered voter of that jurisdiction. The omission to fill any blanks shall not prevent the certification of any name if sufficient information is given to enable one by a comparison of signatures to identify the voter. He shall then proceed to canvass and count the names of certified legal voters on such petitions. If he finds that the same person has signed more than one petition, he shall reject all signatures of such person from the count.

Sec. 108. Section 29.82.100, chapter 9, Laws of 1965 as amended by section 5, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.100 are each amended to read as follows:

If, at the conclusion of the canvass and count, it is found that a petition for recall bears the requisite number of signatures of certified legal voters, the officer with whom the petition is filed shall ~~((certify the proposition to the proper authority which shall))~~ fix a date ~~((, not more than fifteen days after the conclusion of the canvass, for calling a))~~ for the special election to determine whether or not the officer charged shall be recalled and discharged from his office. ((On the date fixed the election shall be called. The)) Such special election shall be held not less than forty-five nor more than sixty days from the date of the call((;)) and, whenever possible, on one of the dates provided in RCW 29.13.020: PROVIDED, That no recall election shall be held between the date of the primary and the date of the general election in any calendar year. Notice thereof shall be given in the manner required by law for ((calling)) special elections in the state or in the political subdivision, as the case may be.

Sec. 109. Section 29.82.140, chapter 9, Laws of 1965 and RCW 29.82.140 are each amended to read as follows:

The votes on a recall election shall be counted, canvassed, and the results certified in the manner provided by law for counting, canvassing, and certifying the results of an election for the office from which the officer is being recalled: PROVIDED, That if the officer whose recall is demanded is the officer to whom, under the law, returns of elections are made, such returns shall be made to the officer with whom the charge is filed, and who called the special election; and in case of an election for the recall of a state officer, the county canvassing boards of the various counties shall canvass and return the result of such election to the officer calling such special election. If a majority of all votes cast at the recall election is for the recall of the officer charged, he shall thereupon be recalled and discharged from his office, and the office shall thereupon become and be vacant.

Sec. 110. Section 29.85.200, chapter 9, Laws of 1965 and RCW 29.85.200 are each amended to read as follows:

Any person who (~~falsely swears, in taking the oath or affirmation prescribed for registration~~) knowingly gives false information on an application for voter registration, or who knowingly makes a false declaration as to his or her qualifications as a voter, or who falsely personates another and procures himself or herself to be registered as the person so personated, or causes himself or herself to be registered under two or more different names, or causes any name to be registered otherwise than in the manner provided by law, shall be guilty of a class C felony under RCW 9A.72.030.

NEW SECTION. Sec. 111. The following acts or parts of acts are each hereby repealed:

- (1) Section 29.07.010, chapter 9, Laws of 1965, section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010;
- (2) Section 29.07.020, chapter 9, Laws of 1965, section 5, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.020;
- (3) Section 29.07.030, chapter 9, Laws of 1965 and RCW 29.07.030;
- (4) Section 29.07.040, chapter 9, Laws of 1965, section 6, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.040;
- (5) Section 29.07.050, chapter 9, Laws of 1965, section 7, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.050;
- (6) Section 29.07.060, chapter 9, Laws of 1965, section 8, chapter 202, Laws of 1971 ex. sess., section 1, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.060;
- (7) Section 2, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.065;
- (8) Section 29.07.070, chapter 9, Laws of 1965, section 9, chapter 202, Laws of 1971 ex. sess., section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070;
- (9) Section 29.07.080, chapter 9, Laws of 1965, section 10, chapter 202, Laws of 1971 ex. sess., section 4, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.080;
- (10) Section 29.07.090, chapter 9, Laws of 1965, section 11, chapter 202, Laws of 1971 ex. sess., section 5, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.090;
- (11) Section 2, chapter 153, Laws of 1973, section 1, chapter 184, Laws of 1975 1st ex. sess. and RCW 29.07.092;
- (12) Section 29.07.095, chapter 9, Laws of 1965, section 12, chapter 202, Laws of 1971 ex. sess., section 6, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.095;
- (13) Section 29.07.100, chapter 9, Laws of 1965, section 13, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.100;
- (14) Section 29.07.105, chapter 9, Laws of 1965, section 14, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.105;
- (15) Section 29.07.110, chapter 9, Laws of 1965, section 15, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.110;
- (16) Section 23, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.115;

- (17) Section 29.07.120, chapter 9, Laws of 1965, section 16, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.120;
- (18) Section 29.07.130, chapter 9, Laws of 1965, section 17, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.130;
- (19) Section 29.07.140, chapter 9, Laws of 1965, section 18, chapter 202, Laws of 1971 ex. sess., section 7, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.140;
- (20) Section 29.07.150, chapter 9, Laws of 1965, section 19, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.150;
- (21) Section 29.07.160, chapter 9, Laws of 1965, section 20, chapter 202, Laws of 1971 ex. sess., section 4, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.160;
- (22) Section 29.07.170, chapter 9, Laws of 1965, section 21, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.170;
- (23) Section 29.07.180, chapter 9, Laws of 1965, section 22, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.180;
- (24) Section 12, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.220;
- (25) Section 13, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.230;
- (26) Section 14, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.240;
- (27) Section 29.21.100, chapter 9, Laws of 1965 and RCW 29.21.100;
- (28) Section 29.30.050, chapter 9, Laws of 1965 and RCW 29.30.050;
- (29) Section 29.30.080, chapter 9, Laws of 1965, section 2, chapter 52, Laws of 1965, section 1, chapter 18, Laws of 1971 and RCW 29.30.080;
- (30) Section 29.30.090, chapter 9, Laws of 1965 and RCW 29.30.090;
- (31) Section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100;
- (32) Section 29.30.110, chapter 9, Laws of 1965 and RCW 29.30.110;
- (33) Section 25, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.150;
- (34) Section 27, chapter 109, Laws of 1967 ex. sess., section 1, chapter 70, Laws of 1973 1st ex. sess. and RCW 29.34.160;
- (35) Section 29.51.040, chapter 9, Laws of 1965 and RCW 29.51.040;
- (36) Section 29.59.050, chapter 9, Laws of 1965 and RCW 29.59.050;
- (37) Section 29.62.110, chapter 9, Laws of 1965 and RCW 29.62.110;
- (38) Section 29.62.150, chapter 9, Laws of 1965, section 44, chapter 202, Laws of 1971 ex. sess. and RCW 29.62.150;
- (39) Section 29.65.030, chapter 9, Laws of 1965, section 30, chapter 109, Laws of 1967 ex. sess. and RCW 29.65.030;
- (40) Section 29.65.110, chapter 9, Laws of 1965 and RCW 29.65.110;
- (41) Section 29.65.130, chapter 9, Laws of 1965, section 77, chapter 81, Laws of 1971 and RCW 29.65.130;
- (42) Section 1, chapter 73, Laws of 1967 ex. sess., section 3, chapter 178, Laws of 1971 ex. sess., section 7, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.010;
- (43) Section 2, chapter 73, Laws of 1967 ex. sess., section 4, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.020;
- (44) Section 3, chapter 73, Laws of 1967 ex. sess., section 6, chapter 178, Laws of 1971 ex. sess., section 8, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.030;



(45) Section 4, chapter 73, Laws of 1967 ex. sess., section 7, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.040;

(46) Section 5, chapter 73, Laws of 1967 ex. sess., section 9, chapter 178, Laws of 1971 ex. sess., section 9, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.050;

(47) Section 6, chapter 73, Laws of 1967 ex. sess., section 10, chapter 178, Laws of 1971 ex. sess., section 10, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.060;

(48) Section 7, chapter 73, Laws of 1967 ex. sess., section 11, chapter 178, Laws of 1971 ex. sess., section 11, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.070;

(49) Section 8, chapter 73, Laws of 1967 ex. sess., section 12, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.080;

(50) Section 14, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.910;

(51) Section 29.82.050, chapter 9, Laws of 1965 and RCW 29.82.050; and

(52) Section 29.82.150, chapter 9, Laws of 1965 and RCW 29.82.150.

**NEW SECTION.** Sec. 112. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 113. This 1977 amendatory act shall take effect January 1, 1978.

Passed the Senate June 21, 1977.

Passed the House June 10, 1977.

Approved by the Governor July 7, 1977.

Filed in Office of Secretary of State July 7, 1977.

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## CHAPTER 362

[Engrossed Senate Bill No. 2516]

### APIARIES

AN ACT Relating to apiaries; amending section 15.60.005, chapter 11, Laws of 1961 and RCW 15.60.005; amending section 15.60.015, chapter 11, Laws of 1961 and RCW 15.60.015; amending section 15.60.030, chapter 11, Laws of 1961 as amended by section 1, chapter 44, Laws of 1965 and RCW 15.60.030; amending section 15.60.040, chapter 11, Laws of 1961 and RCW 15.60.040; amending section 15.60.050, chapter 11, Laws of 1961 and RCW 15.60.050; amending section 15.60.110, chapter 11, Laws of 1961 and RCW 15.60.110; and adding new sections to chapter 15.60 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 15.60.005, chapter 11, Laws of 1961 and RCW 15.60.005 are each amended to read as follows:

As used in this chapter:

(1) "Director" means the director of agriculture of the state of Washington;

(2) "Department" means the department of agriculture of the state of Washington;

(3) "Apiary" includes bees, hives, and appliances, wherever they are kept, located, or found;

(4) "Apiarist" means any person who owns bees or is a keeper of bees;

(5) "Appliances" means any implements or devices used in the manipulating of bees or their brood or hives, which may be used in any apiary or any extracting or packing equipment;

(6) "Bees" means honey producing insects of the species *apis* (~~(*mellifica*)~~) *mellifera* and include the adults, eggs, larvae, (~~(*pupa*)~~) pupae, or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form;

(7) "Colony" or "colonies of bees" refers to any hive occupied by bees;

(8) "Disease" means American foul brood or European foul brood(;) or any other disease or any condition affecting bees (~~(*m*)~~) or their brood which may cause an epidemic;

(9) "Hive" means any receptacle or container made or prepared for the use of bees, or box or similar container taken possession of by bees;

(10) "Location" means any premises upon which an apiary is located;

(11) "Person" includes any individual, firm, partnership, association, or corporation, but does not include any common carrier when engaged in the business of transporting bees, hives, appliances, bee cages, or other commodities subject to the provisions of this chapter, in the regular course of business;

(12) (~~"Combless packaged bees" means bees packed for shipment into this state in packages which contain no honey, honey comb, brood comb, or appliances previously used on bees~~) "Inspector" means an apiary inspector authorized by the director to inspect apiaries as provided in this chapter.

Sec. 2. Section 15.60.015, chapter 11, Laws of 1961 and RCW 15.60.015 are each amended to read as follows:

(1) The director shall have the power on his own motion or by petition of industry to promulgate and enforce such reasonable rules, regulations, and orders as he may deem necessary or proper to prevent the introduction or spreading of diseases affecting bees or appliances in this state, and to promulgate and enforce such reasonable rules, regulations, and orders as he may deem necessary or proper governing the inspection of all bees and appliances within or about to be imported into this state. Such rules may include establishment of (a) standards of strength for colonies of bees used for pollinating services, and (b) a system of identification for bee hives.

(2) The director shall establish rules to define abandoned apiaries and the control thereof.

(3) All rules, regulations, and orders under this section shall be adopted in accordance with chapter 34.04 RCW.

Sec. 3. Section 15.60.030, chapter 11, Laws of 1961 as amended by section 1, chapter 44, Laws of 1965 and RCW 15.60.030 are each amended to read as follows:

Each person owning or having bees in his possession shall register (~~(without charge)~~) with the (~~(extension agent of the county wherein the bees are located)~~) director, the location of the bee yard, name, address, and phone number of the owner, and post at the bee yard a registration number as provided for herein, on or before April 1st each year. A registration fee may be set by the department of agriculture in compliance with 34.04 RCW for the sole purpose of covering the expenses of the apiary board.

~~((Any person owning or operating over twenty-five colonies of bees in the state of Washington shall apply to the division of apiculture of the department for a permanent identification))~~ The director shall issue to each apiarist owning or operating more than twenty-five colonies in the state who is registered with the department a registration number, ((not)) transferable, which shall be posted conspicuously at the entrance of each apiary at all times, not more than one hundred fifty feet from the bees: PROVIDED, That any identification number assigned to an apiarist prior to the effective date of this 1977 amendatory act shall be assigned to such apiarist as his registration number. Bees placed in orchards for pollination shall be exempt from posting during placement: PROVIDED, That any apiarist with no more than twenty-five colonies shall, when placing bees on other than his own property, post his name and address in the apiary.

Sec. 4. Section 15.60.040, chapter 11, Laws of 1961 and RCW 15.60.040 are each amended to read as follows:

(1) The director shall make or cause to be made whenever he deems it necessary, inspections of all apiaries.

(2) Whenever a disease exists in any apiary, the inspector making the inspection shall plainly mark the hives containing diseased bees. The inspector shall, in writing, notify the owner or person in charge or in possession of such apiary by certified or registered mail, stating in the notice the nature of the disease found in each colony, identifying such colony by reference to the mark placed upon the hive thereof, and ordering eradication of such disease in accordance with subsections (3) and (4) of this section within a specified time. When the owner or person in charge or possession of any apiary is not known, the notice shall be served by posting in a conspicuous place in the apiary, or by mailing a copy thereof to the owner's registered address.

(3) The owner or person in charge or in possession of any diseased bees must eradicate such disease within the time specified in the notice. If the disease is American foul brood, the time specified in the notice shall not be less than twenty-four hours nor more than one hundred and twenty hours from the time of serving the notice. ~~((Eradication of American foul brood shall be by burning the diseased colonies, including the bees, combs, brood, frames, honey and wax, and by burying the ashes and disinfecting the hive by means approved by the director.))~~

(4) The owner or person in charge or possession of any hive infected with American foul brood shall eradicate such disease by:

(a) Burning the diseased hive including bees, combs, frames, honey, and wax, and burying the ashes by means approved by the director; or

(b) Delivering the hive, comb intact, to a wax salvage plant which has been designated by the director as suitable for such purposes which shall disinfect the hive by means approved by the director.

(5) Any apiary which is found to be infected with American foul brood and to be dangerous to the health of any apiary in this state may be summarily quarantined by the department. Notice of the quarantine shall be posted prominently on the apiary, and the owner notified of such quarantine. The quarantine shall not be removed until the department reasonably determines that no further infection exists. During the quarantine period, no bees, honey, appliances, equipment, or other materials may be removed from the apiary without first procuring a permit from

the department. However, such bees, honey, appliances, equipment, or other materials may be removed for the purpose of eradicating the disease.

(6) (a) If the inspector finds that American foul brood disease has infected more than two hives of ninety-nine hives or fewer, or more than two percent of hives of one hundred or more, he may, if he deems it necessary, make a complete inspection of all hives in the apiary and the owner of the apiary shall pay the actual and necessary costs of the complete inspection.

(b) Every apiary in which American foul brood is found shall be declared a public nuisance. Whenever any such nuisance exists and the owner refuses or neglects to abate it within the time specified in the notice issued under subsection (2) of this section, the inspector shall abate said nuisance by burning the condemned hive and its contents, including bees, hive bodies, frames and wax, bottom boards, and covers, within forty-eight hours after the time specified in the notice. The owner shall pay the actual and necessary costs of abatement.

(7) The owner or operator of any colony of bees found to be infected with American foul brood shall upon his request be entitled to a scientific analysis of such colony before it is declared a public nuisance by the director. The results of such analysis shall be conclusive as to whether the colony is diseased. The costs of such scientific analysis shall be paid by the apiarist owning or operating the colonies being analyzed if it is found to be diseased. In case the colony is found not to be diseased, the department shall pay the cost of the scientific analysis. The laboratory performing such scientific analysis shall be approved by the director.

Sec. 5. Section 15.60.050, chapter 11, Laws of 1961 and RCW 15.60.050 are each amended to read as follows:

Inspectors shall have access to all apiaries and places where bees, hives, or other related equipment are kept, and it shall be unlawful to resist, impede, or hinder such officers in the discharge of their duties.

Sec. 6. Section 15.60.110, chapter 11, Laws of 1961 and RCW 15.60.110 are each amended to read as follows:

No person shall knowingly import into this state any ((used bee supplies, used honey house equipment, or other used apiary equipment, or bees in hives)) bees of the subspecies *apis mellifera adonsonii*, or African honey bee, except for research purposes under permit from the director and under conditions as set forth by the director.

Sec. 7. Section 15.60.100, chapter 11, Laws of 1961 and RCW 15.60.100 are each amended to read as follows:

It shall be unlawful for any person, or any railroad or transportation company, or other common carrier, to bring into this state for any purpose any bees or used appliances without first having secured an official certificate, certified by the state bee inspector of the state of origin that such bees and appliances are not infected with disease ((and without having obtained a permit so to do from the director: PROVIDED, That a permit shall not be necessary if bees are brought into this state as "Combless Packages of Bees". All bees and appliances imported into this state under permit shall be placed in quarantine for at least thirty days after arrival and)). Written notice shall be given by the owner to the director within three days

after ~~((such))~~ the date of arrival, giving the date of arrival, destination and/or location of bees or used appliances, and a copy of the inspection certificate issued by the state of origin. Each ~~((hive or colony))~~ apiary or location shall be marked for identification by placing the name or recognized abbreviation of the state of origin, and the initials of the person importing the bees, hives, or used appliances in letters at least one inch in height. If evidence of any disease is found such imported bees or appliances shall be subject to the same provisions as local bees or appliances. Each person who brings colonies of bees into this state shall register such colonies, as provided by RCW 15.60.030, within three days.

A resident beekeeper of Washington state who obtains a valid inspection certificate and moves his bees out of state for wintering shall not be required to obtain an inspection certificate from the state from which they are being returned, provided that the bees are returned to the state prior to May 15th each year.

NEW SECTION. Sec. 8. There is added to chapter 15.60 RCW a new section to read as follows:

There is created in the department the apiary board, hereafter in this section referred to as the "board", consisting of six members appointed by the director. The members of the board shall be beekeepers representing the major geographical divisions of the beekeeping industry in the state. Such geographical divisions shall be determined by the director in accordance with the provisions of chapter 34.04 RCW. In making his selection of the membership of the board, the director shall take into consideration the recommendations of the beekeeping industry.

The term of office of the members of the board shall be three years. Appointment of the first members of the board shall be so made that the terms of two members shall expire at the end of one year, two at the end of two years, and two at the end of three years. Thereafter appointments shall be for full three year terms. No person shall serve two successive terms as a member of the board.

The director may appoint a department representative as the secretary of the board.

The board shall be advisory to the director on all matters relating to the beekeeping industry and may make recommendations on all matters affecting the activities of the department in relation to the beekeeping industry.

The board shall meet at the call of the director or at the request of any three members of the board. It shall meet at least once each year.

Each member of the board shall serve without compensation, but shall be reimbursed for travel expenses incurred in attending meetings of the board and any other official duty authorized by the board and approved by the director in accordance with RCW 43.03.050 and 43.03.060: PROVIDED, HOWEVER, That the board shall be compensated only if apiarists are charged a sufficient fee to cover the expenses of the apiary board.

NEW SECTION. Sec. 9. There is added to chapter 15.60 RCW a new section to read as follows:

An owner of bees or his pollination customer may request the director to make a colony strength inspection of any colony of bees. The director, subject to the availability of qualified personnel, shall make such inspection but shall provide the apiarist with advance notice, in writing, of the inspection date. The director shall charge the person requesting such inspection the costs of such inspection, including

per diem and travel expenses of the inspector. A copy of the certificate report shall be sent to the person or persons owning the bees within forty-eight hours of the colony strength inspection.

The colony strength requirement shall be decided on a yearly basis by the director, in cooperation with the apiary board created by section 8 of this 1977 amendatory act.

**NEW SECTION.** Sec. 10. There is added to chapter 15.60 RCW a new section to read as follows:

Any colony, hive, bees, or any appliances found by the director to be both abandoned and contaminated with disease shall be seized and destroyed by the director in a manner which will prevent the spread of disease.

**NEW SECTION.** Sec. 11. 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.

Passed the Senate June 17, 1977.

Passed the House June 17, 1977.

Approved by the Governor July 14, 1977.

Filed in Office of Secretary of State July 14, 1977.

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## CHAPTER 363

[Engrossed Senate Bill No. 2419]

### PRIVACY

AN ACT Relating to privacy; amending section 1, chapter 93, Laws of 1967 ex. sess. and RCW 9.73-.030; amending section 4, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.060; amending section 1, chapter 48, Laws of 1970 ex. sess. and RCW 9.73.090; and adding new sections to chapter 9.73 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.030 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, ~~((record or divulge))~~ or record any:

~~((1))~~ (a) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication;

~~((2))~~ (b) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation.

(2) Notwithstanding the provisions of subsection (1) of this section, wire communications or conversations (a) of an emergency nature, such as the reporting of a fire, crime, or other disaster, or (b) which convey threats of extortion, blackmail,

bodily harm, or other unlawful requests or demands, or (c) which occur anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues, may be recorded with the consent of one party to the conversation.

(3) Where consent by all parties is needed pursuant to this chapter, consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded.

(4) An employee of any regularly published newspaper, magazine, wire service, radio station, or television station acting in the course of bona fide news gathering duties on a full time or contractual or part time basis, shall be deemed to have consent to record and divulge communications or conversations otherwise prohibited by this chapter if the consent is expressly given or if the recording or transmitting device is readily apparent or obvious to the speakers. Withdrawal of the consent after the communication has been made shall not prohibit any such employee of a newspaper, magazine, wire service, or radio or television station from divulging the communication or conversation.

Sec. 2. Section 4, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.060 are each amended to read as follows:

Any person who, directly or by means of a detective agency or any other agent, violates the provisions of ~~((RCW 9.73.030))~~ this chapter shall be subject to legal action for damages, to be brought by any other person claiming that a violation of this statute has injured his business, his person, or his reputation. A person so injured shall be entitled~~((; in addition to other injuries,))~~ to ~~((recover for))~~ actual damages, including mental pain and suffering endured by him on account of violation of the provisions of ~~((RCW 9.73.030))~~ this chapter, or liquidated damages computed at the rate of one hundred dollars a day for each day of violation, not to exceed one thousand dollars, and a reasonable attorney's fee and other costs of litigation.

Sec. 3. Section 1, chapter 48, Laws of 1970 ex. sess. and RCW 9.73.090 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police and fire personnel in the following instances:

~~((1))~~ (a) Recording incoming telephone calls to police and fire stations ~~((for the purpose and only for the purpose of verifying the accuracy of reception of emergency calls));~~

~~((2))~~ (b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

~~((a))~~ (i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording~~((;));~~

~~((b))~~ (ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof~~((;));~~

~~((c))~~ (iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording(;;);

~~((d))~~ (iv) The recordings shall only be used for valid police or court activities.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a non-consenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under this section shall be effective for not more than seven days, after which period the issuing authority may upon application of the officer who secured the original authorization renew or continue the authorization for an additional period not to exceed seven days.

NEW SECTION. Sec. 4. There is added to chapter 9.73 RCW a new section to read as follows:

It shall not be unlawful for the owner or person entitled to use and possession of a building, as defined in RCW 9A.04.110(5), or the agent of such person, to intercept, record, or disclose communications or conversations which occur within such building if the persons engaged in such communication or conversation are engaged in a criminal act at the time of such communication or conversation by virtue of unlawful entry or remaining unlawfully in such building.

NEW SECTION. Sec. 5. There is added to chapter 9.73 RCW a new section to read as follows:

(1) Within thirty days after the expiration of an authorization or an extension or renewal thereof issued pursuant to RCW 9.73.090(2) as now or hereafter amended, the issuing or denying judge shall make a report to the administrator for the courts stating that:

(a) An authorization, extension or renewal was applied for;



- (b) The kind of authorization applied for;
- (c) The authorization was granted as applied for, was modified, or was denied;
- (d) The period of recording authorized by the authorization and the number and duration of any extensions or renewals of the authorization;
- (e) The offense specified in the authorization or extension or renewal of authorization;
- (f) The identity of the person authorizing the application and of the investigative or law enforcement officer and agency for whom it was made; and
- (g) The character of the facilities from which or the place where the communications were to be recorded.

(2) In addition to reports required to be made by applicants pursuant to federal law, all judges of the superior court authorized to issue authority pursuant to this chapter shall make annual reports on the operation of this chapter to the administrator for the courts. The reports by the judges shall contain (a) the number of applications made; (b) the number of authorizations issued; (c) the respective periods of such authorizations; (d) the number and duration of any renewals thereof; (e) the crimes in connection with which the conversations were sought; (f) the names of the applicants; and (g) such other and further particulars as the administrator for the courts may require.

The chief justice of the supreme court shall annually report to the governor and the legislature on such aspects of the operation of this chapter as he deems appropriate including any recommendations he may care to make as to legislative changes or improvements to effectuate the purposes of this chapter and to assure and protect individual rights.

NEW SECTION. Sec. 6. There is added to chapter 9.73 RCW a new section to read as follows:

Each application for an authorization to record communications or conversations pursuant to RCW 9.73.090 as now or hereafter amended shall be made in writing upon oath or affirmation and shall state:

- (1) The authority of the applicant to make such application;
- (2) The identity and qualifications of the investigative or law enforcement officers or agency for whom the authority to record a communication or conversation is sought and the identity of whoever authorized the application;
- (3) A particular statement of the facts relied upon by the applicant to justify his belief that an authorization should be issued, including:
  - (a) The identity of the particular person, if known, committing the offense and whose communications or conversations are to be recorded;
  - (b) The details as to the particular offense that has been, is being, or is about to be committed;
  - (c) The particular type of communication or conversation to be recorded and a showing that there is probable cause to believe such communication will be communicated on the wire communication facility involved or at the particular place where the oral communication is to be recorded;
  - (d) The character and location of the particular wire communication facilities involved or the particular place where the oral communication is to be recorded;
  - (e) A statement of the period of time for which the recording is required to be maintained, if the character of the investigation is such that the authorization for

recording should not automatically terminate when the described type of communication or conversation has been first obtained, a particular statement of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

(f) A particular statement of facts showing that other normal investigative procedures with respect to the offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ;

(4) Where the application is for the renewal or extension of an authorization, a particular statement of facts showing the results thus far obtained from the recording, or a reasonable explanation of the failure to obtain such results;

(5) A complete statement of the facts concerning all previous applications, known to the individual authorizing and to the individual making the application, made to any court for authorization to record a wire or oral communication involving any of the same facilities or places specified in the application or involving any person whose communication is to be intercepted, and the action taken by the court on each application; and

(6) Such additional testimony or documentary evidence in support of the application as the judge may require.

NEW SECTION. Sec. 7. There is added to chapter 9.73 RCW a new section to read as follows:

Within a reasonable time but not later than thirty days after the termination of the period of the authorization or of extensions or renewals thereof, or the date of the denial of an authorization applied for under RCW 9.73.090 as now or hereafter amended, the issuing authority shall cause to be served on the person named in the authorization or application for an authorization, and such other parties to the recorded communications as the judge may in his discretion determine to be in the interest of justice, an inventory which shall include:

(1) Notice of the entry of the authorization or the application for an authorization which has been denied under RCW 9.73.090 as now or hereafter amended;

(2) The date of the entry of the authorization or the denial of an authorization applied for under RCW 9.73.090 as now or hereafter amended;

(3) The period of authorized or disapproved recording; and

(4) The fact that during the period wire or oral communications were or were not recorded.

The issuing authority, upon the filing of a motion, may in its discretion make available to such person or his attorney for inspection such portions of the recorded communications, applications and orders as the court determines to be in the interest of justice. On an ex parte showing of good cause to the court the serving of the inventory required by this section may be postponed or dispensed with.

Passed the Senate June 18, 1977.

Passed the House June 18, 1977.

Approved by the Governor July 14, 1977.

Filed in Office of Secretary of State July 14, 1977.

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 CHAPTER 364

[Second Substitute House Bill No. 388]

## SOLAR ENERGY SYSTEMS—PROPERTY TAX EXEMPTION

AN ACT Relating to revenue and taxation; and adding a new section to chapter 84.36 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 84.36 RCW a new section to read as follows:

(1) "Solar energy system" means equipment which meets the minimum standards, if any, promulgated by the United States department of housing and urban development, and which provides for the collection and use of incident solar energy for water heating, space heating or cooling, or other applications which require or would require a conventional source of energy such as petroleum products, natural gas, or electricity and which perform primarily with solar energy. In such other systems in which solar energy is used in a supplemental way, only those components which collect and transfer solar energy shall be included in this definition.

(2) Solar energy systems installed as improvements to real property shall be exempt from property taxation.

(3) Claims for exemption authorized by this section shall be filed with the county assessor on forms prescribed by the department of revenue and furnished by the assessor. Once filed, the exemption shall be valid for seven years and shall not be renewed. The assessor shall verify and approve such claims as he or she determines to be justified and in accordance with this section. No claims may be filed after December 31, 1981.

The department of revenue shall promulgate such rules and regulations, pursuant to chapter 34.04 RCW as are necessary and convenient to properly administer the provisions of this section.

Passed the House June 16, 1977.

Passed the Senate June 19, 1977.

Approved by the Governor July 14, 1977.

Filed in Office of Secretary of State July 14, 1977.

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 CHAPTER 365

[House Bill No. 1284]

## METROPOLITAN TRACT—LEASES

AN ACT Relating to state government; affecting the Metropolitan Tract and any lands contiguous thereto; amending section 1, chapter 174, Laws of 1974 ex. sess. and RCW 28B.20.382; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 174, Laws of 1974 ex. sess. and RCW 28B.20.382 are each amended to read as follows:

Until authorized and empowered to do so by statute of the legislature, the board of regents of the university, with respect to that certain tract of land in the city of Seattle originally known as the "old university grounds" and more recently

known as the "Metropolitan Tract" and any land contiguous thereto, shall not sell said land or any part thereof or any improvement thereon, or lease said land or any part thereof or any improvement thereon or renew or extend any lease thereof for a term ending more than sixty years beyond midnight, (~~July 23, 1974~~) December 31, 1980. Any sale of said land or any part thereof or any improvement thereon, or any lease or renewal or extension of any lease of said land or any part thereof or any improvement thereon for a term ending more than sixty years after midnight, (~~July 23, 1974~~) December 31, 1980, made or attempted to be made by the board of regents shall be null and void unless and until the same has been approved or ratified and confirmed by legislative act.

The board of regents shall have power from time to time to lease said land, or any part thereof or any improvement thereon for a term ending not more than sixty years beyond midnight, (~~July 23, 1974~~) December 31, 1980: PROVIDED, That the board of regents shall make a full, detailed report of all leases and transactions pertaining to said land or any part thereof or any improvement thereon to each regular session of the legislature: PROVIDED FURTHER, That any and all records, books, accounts and/or agreements of any lessee or sublessee under this section, pertaining to compliance with the terms and conditions of such lease or sublease, shall be open to inspection by the board of regents and/or the ways and means committee of the senate or the appropriations committee of the house of representatives or any successor committee of either. It is not intended by this proviso that unrelated records, books, accounts and/or agreements of lessees, sublessees or related companies be open to such inspection.

NEW SECTION. Sec. 2. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 19, 1977.

Passed the Senate June 19, 1977.

Approved by the Governor July 14, 1977.

Filed in Office of Secretary of State July 14, 1977.

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## CHAPTER 366

[Substitute House Bill No. 3]

### PUBLIC UTILITY DISTRICTS—PRIVILEGE TAXES—THERMAL ELECTRIC GENERATING FACILITIES

AN ACT Relating to revenue and taxation; amending section 7, chapter 278, Laws of 1957 as last amended by section 22, chapter 26, Laws of 1967 ex. sess. and RCW 54.28.010; amending section 2, chapter 278, Laws of 1957 as amended by section 2, chapter 274, Laws of 1959 and RCW 54.28.020; amending section 3, chapter 278, Laws of 1957 as last amended by section 30, chapter 278, Laws of 1975 1st ex. sess. and RCW 54.28.030; amending section 5, chapter 278, Laws of 1957 as last amended by section 32, chapter 278, Laws of 1975 1st ex. sess. and RCW 54.28.050; amending section 10, chapter 278, Laws of 1957 and RCW 54.28.090; and adding new sections to chapter 54.28 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 7, chapter 278, Laws of 1957 as last amended by section 22, chapter 26, Laws of 1967 ex. sess. and RCW 54.28.010 are each amended to read as follows:

As used in this chapter:

~~(( "Tax commission" means the department of revenue of the state of Washington;))~~

(1) "Operating property" means all of the property utilized by a public utility district in the operation of a plant or system for the generation, transmission, or distribution of electric energy for sale;

(2) "Taxing districts" means counties, cities, towns, school districts, and road districts;

(3) "Distributes to consumers" means the sale of electric energy to ultimate consumers thereof, and does not include sales of electric energy for resale by the purchaser;

(4) "Wholesale value" means all costs of a public utility district associated with the generation and transmission of energy from its own generation and transmission system to the point or points of inter-connection with a distribution system owned and used by a district to distribute such energy to consumers, or in the event a distribution system owned by a district is not used to distribute such energy, then the term means the gross revenues derived by a district from the sale of such energy to consumers;

(5) "Thermal electric generating facility" means a steam-powered electrical energy producing facility utilizing nuclear or fossil fuels;

(6) "Placed in operation" means delivery of energy into a transmission or distribution system for use or sale in such a manner as to establish a value accruing to the power plant operator, except operation incidental to testing or startup adjustments;

(7) "Impacted area" for a thermal electric generating facility on a federal reservation means that area in the state lying within thirty-five statute miles of the most commonly used entrance of the federal reservation and which is south of the southern boundary of township fifteen north.

Sec. 2. Section 2, chapter 278, Laws of 1957 as amended by section 2, chapter 274, Laws of 1959 and RCW 54.28.020 are each amended to read as follows:

There is hereby levied and there shall be collected from every district a tax for the act or privilege of engaging within this state in the business of operating works, plants or facilities for the generation, distribution and sale of electric energy. With respect to each such district, except with respect to thermal electric generating facilities taxed under section 6 of this 1977 amendatory act, such tax shall be the sum of the following amounts: (1) Two percent of the gross revenues derived by the district from the sale of all electric energy which it distributes to consumers who are served by a distribution system owned by the district; (2) five percent of the first four mills per kilowatt-hour of wholesale value of self-generated energy distributed to consumers by a district; (3) five percent of the first four mills per kilowatt-hour of revenue obtained by the district from the sale of self-generated energy for resale.

Sec. 3. Section 3, chapter 278, Laws of 1957 as last amended by section 30, chapter 278, Laws of 1975 1st ex. sess. and RCW 54.28.030 are each amended to read as follows:

On or before the fifteenth day of March of each year, each district subject to this tax shall file with the department of revenue a report verified by the affidavit of its manager or secretary on forms prescribed by the department of revenue. Such report shall state (1) the gross revenues derived by the district from the sale of all distributed energy to consumers and the respective amounts derived from such sales within each county; (2) the gross revenues derived by the district from the sale of self-generated energy for resale; (3) the amount of all generated energy distributed from each of the facilities subject to taxation by a district from its own generating facilities, the wholesale value thereof, and the basis on which the value is computed; (4) the total cost of all generating facilities and the cost of acquisition of land and land rights for such facilities or for reservoir purposes in each county((:)); and (5) such other and further information as the department of revenue reasonably may require in order to administer the provisions of this chapter. In case of failure by a district to file such report, the department may proceed to determine the information, which determination shall be contestable by the district only for actual fraud.

Sec. 4. Section 5, chapter 278, Laws of 1957 as last amended by section 32, chapter 278, Laws of 1975 1st ex. sess. and RCW 54.28.050 are each amended to read as follows:

After computing the tax imposed by ~~((this chapter))~~ RCW 54.28.020, the department of revenue shall instruct the state treasurer, after placing four percent in the state general fund, to distribute the balance collected under RCW 54.28.020 subsection (1) to each county in proportion to the gross revenue from sales made within each county; and to distribute the balance collected under RCW 54.28.020 ~~((subsections))~~ (2) and (3) as follows: If the entire generating facility, including reservoir, if any, is in a single county then all of the balance to the county where such generating facility is located. If any reservoir is in more than one county, then to each county in which the reservoir or any portion thereof is located a percentage equal to the percentage determined by dividing the total cost of the generating facilities, including adjacent switching facilities, into twice the cost of land and land rights acquired for any reservoir within each county, land and land rights to be defined the same as used by the federal power commission. If the powerhouse and dam, if any, in connection with such reservoir are in more than one county, the balance shall be divided sixty percent to the county in which the owning district is located and forty percent to the other county or counties or if said powerhouse and dam, if any, are owned by a joint operating agency organized under chapter 43.52 RCW, or by more than one district or are outside the county of the owning district, then to be divided equally between the counties in which such facilities are located. If all of the powerhouse and dam, if any, are in one county, then the balance shall be distributed to the county in which the facilities are located.

The provisions of this section shall not apply to the distribution of taxes collected under section 6 of this 1977 amendatory act.

Sec. 5. Section 10, chapter 278, Laws of 1957 and RCW 54.28.090 are each amended to read as follows:

The county commissioners of each county shall direct the county treasurer to deposit funds to the credit of each taxing district in the county according to the manner they deem most equitable; except not less than thirty-five percent of all moneys so received shall be apportioned to the school districts within the county having district properties within their limits, and not less than an amount equal to three-fourths of one percent of the gross revenues obtained by a district from the sale of electric energy within any incorporated city or town shall be remitted to such city or town. Information furnished by the district to the county commissioners shall be the basis for the determination of the amount to be paid to such cities or towns.

The provisions of this section shall not apply to the distribution of taxes collected under section 6 of this 1977 amendatory act.

NEW SECTION. Sec. 6. There is added to chapter 54.28 RCW a new section to read as follows:

There is hereby levied and there shall be collected from every district operating a thermal electric generating facility, as defined in RCW 54.28.010 as now or hereafter amended, having a design capacity of two hundred fifty thousand kilowatts or more, located on a federal reservation, which is placed in operation after the effective date of this 1977 amendatory act, a tax for the act or privilege of engaging within the state in the business of generating electricity for use or sale, equal to one and one-half percent of wholesale value of energy produced for use or sale, except energy used in the operation of component parts of the power plant and associated transmission facilities under control of the person operating the power plant.

NEW SECTION. Sec. 7. There is added to chapter 54.28 RCW a new section to read as follows:

(1) After computing the tax imposed by section 6 of this 1977 amendatory act, the department of revenue shall instruct the state treasurer to distribute the amount collected as follows:

- (a) Fifty percent to the state general fund for the support of schools; and
- (b) Twenty-two percent to the counties, twenty-three percent to the cities, three percent to the fire protection districts, and two percent to the library districts.

(2) Each county, city, fire protection district and library district shall receive a percentage of the amount for distribution to counties, cities, fire protection districts and library districts, respectively, in the proportion that the population of such district residing within the impacted area bears to the total population of all such districts residing within the impacted area.

(3) If any distribution pursuant to subsection (1)(b) of this section cannot be made, then that share shall be prorated among the state and remaining local districts.

(4) All distributions directed by this section to be made on the basis of population shall be calculated in accordance with data to be provided by the office of program planning and fiscal management.

Passed the House June 21, 1977.

Passed the Senate June 21, 1977.

Approved by the Governor July 14, 1977.

Filed in Office of Secretary of State July 14, 1977.

## CHAPTER 367

[Substitute House Bill No. 255]

## IRRIGATION DISTRICTS—TREASURERS

AN ACT Relating to local government; and amending section 2, chapter 276, Laws of 1961 as last amended by section 1, chapter 89, Laws of 1969 and RCW 87.03.440.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 276, Laws of 1961 as last amended by section 1, chapter 89, Laws of 1969 and RCW 87.03.440 are each amended to read as follows:

The treasurer of the county in which is located the office of the district shall be ex officio treasurer of the district, and any county treasurer handling district funds shall be liable upon his official bond and to criminal prosecution for malfeasance and misfeasance, or failure to perform any duty as county or district treasurer. The treasurer of each county in which lands of the district are located shall collect and receipt for all assessments levied on lands within his county. There shall be deposited with the district treasurer all funds of the district. He shall pay out such funds upon warrants issued by the county auditor against the proper funds of the district, except the sums to be paid out of the bond fund upon coupons or bonds presented to the treasurer. All warrants shall be paid in the order of their issuance. The district treasurer shall report, in writing, on the first Monday in each month to the directors, the amount in each fund, the receipts for the month preceding in each fund, and file the report with the secretary of the board. The secretary shall report to the board, in writing, at the regular meeting in each month, the amount of receipts and expenditures during the preceding month, and file the report in the office of the board.

The preceding paragraph of this section notwithstanding, the board of directors of an irrigation district which lies in more than one county and which had assessments in each of two of the preceding three years equal to at least five hundred thousand dollars may designate some other person having experience in financial or fiscal matters as treasurer of the district. In addition, the board of directors of an irrigation district which lies entirely within one county may designate some other person having experience in financial or fiscal matters as treasurer of the district if the board has the approval of the county treasurer to designate some other person. If the board designates a treasurer, it shall require a bond with a surety company authorized to do business in the state of Washington in an amount and under the terms and conditions which it finds from time to time will protect the district against loss. The premium on the bond shall be paid by the district. The designated treasurer shall collect and receipt for all irrigation district assessments on lands within the district and shall act with the same powers and duties and be under the same restrictions as provided by law for county treasurers acting in matters pertaining to irrigation districts, except the powers, duties, and restrictions in RCW 87.56.110, 87.56.210, 87.80.180, 87.80.190 and 87.80.200, which shall continue to be those of county treasurers.

In those districts which have designated their own treasurers, the provisions of law pertaining to irrigation districts which require certain acts to be done and



which refer to and involve a county treasurer or the office of a county treasurer or the county officers charged with the collection of irrigation district assessments, except RCW 87.56.110, 87.56.210, 87.80.180, 87.80.190 and 87.80.200, shall be construed to refer to and involve the designated district treasurer or the office of the designated district treasurer.

Any claim against the district for which it is liable under existing laws shall be presented to the board as provided in RCW 4.96.020 and upon allowance it shall be attached to a voucher verified by the claimant and approved by the chairman and signed by the secretary and directed to the auditor for payment: PROVIDED, That in the event claimant's claim is for crop damage the claimant in addition to filing his claim within the one hundred twenty day limit and in the manner specified in RCW 4.96.020 must file with the secretary of the district, or in his absence one of the directors, not less than three days prior to the severance of the crop alleged to be damaged, a written preliminary notice pertaining to the crop alleged to be damaged. Such preliminary notice, so far as claimant is able, shall advise the district; that the claimant has filed a claim or intends to file a claim against the district for alleged crop damage; shall give the name and present residence of the claimant; shall state the cause of the damage to the crop alleged to be damaged and the estimated amount of damage; and shall accurately locate and describe where the crop alleged to be damaged is located. Such preliminary notice may be given by claimant or by anyone acting in his behalf and need not be verified. No action may be commenced against an irrigation district for crop damages unless claimant has complied with the provisions of RCW 4.96.020 and also with the preliminary notice requirements of this section.

Passed the House June 21, 1977.

Passed the Senate June 21, 1977.

Approved by the Governor July 14, 1977.

Filed in Office of Secretary of State July 14, 1977.

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## CHAPTER 368

[House Bill No. 623]

### PUBLIC UTILITY TAX—DEDUCTIONS—NONPROFIT WATER ASSOCIATIONS

AN ACT Relating to revenue and taxation; and amending section 82.16.050, chapter 15, Laws of 1961 as last amended by section 25, chapter 149, Laws of 1967 ex. sess. and RCW 82.16.050.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 82.16.050, chapter 15, Laws of 1961 as last amended by section 25, chapter 149, Laws of 1967 ex. sess. and RCW 82.16.050 are each amended to read as follows:

In computing tax there may be deducted from the gross income the following items:

(1) Amounts derived by municipally owned or operated public service businesses, directly from taxes levied for the support or maintenance thereof: PROVIDED, That this section shall not be construed to exempt service charges which are spread on the property tax rolls and collected as taxes;

(2) Amounts derived from the sale of commodities to persons in the same public service business as the seller, for resale as such within this state. This deduction is allowed only with respect to water distribution, light and power, gas distribution or other public service businesses which furnish water, electrical energy, gas or any other commodity in the performance of public service businesses;

(3) Amounts actually paid by a taxpayer to another person taxable under this chapter as the latter's portion of the consideration due for services furnished jointly by both, if the total amount has been credited to and appears in the gross income reported for tax by the former;

(4) The amount of cash discount actually taken by the purchaser or customer;

(5) The amount of credit losses actually sustained by taxpayers whose regular books of accounts are kept upon an accrual basis;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived from the distribution of water through an irrigation system, for irrigation purposes;

(8) Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state, with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities from points of origin in the state to an export elevator, wharf, dock or ship side on tidewater or navigable tributaries thereto from which such commodities are forwarded, without intervening transportation, by vessel, in their original form, to interstate or foreign destinations: PROVIDED, That no deduction will be allowed when the point of origin and the point of delivery to such an export elevator, wharf, dock, or ship side are located within the corporate limits of the same city or town;

(9) Amounts derived from the production, sale, or transfer of electrical energy for resale or consumption outside the state if the production or generation of such energy is subject to tax under the manufacturing classification of chapter 82.04 RCW: PROVIDED, That the exemption set forth in RCW 82.04.310 shall not be applicable to the generation or production of the electrical energy so produced, sold, or transferred: AND PROVIDED FURTHER, That no credit has been claimed as an offset to taxes imposed under RCW 82.04.240;

(10) Amounts derived from the distribution of water by a nonprofit water association and used for capital improvements by that nonprofit water association.

Passed the House June 21, 1977.

Passed the Senate June 21, 1977.

Approved by the Governor July 14, 1977.

Filed in Office of Secretary of State July 14, 1977.

## CHAPTER 369

[House Bill No. 727]

## MOTOR VEHICLES—SECURITY FOLLOWING ACCIDENT—ACCIDENT REPORTS

AN ACT Relating to motor vehicle accidents; amending section 6, chapter 169, Laws of 1963 as amended by section 2, chapter 22, Laws of 1971 ex. sess. and RCW 46.29.060; and amending section 46.52.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 40, Laws of 1969 ex. sess. and RCW 46.52.030.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 6, chapter 169, Laws of 1963 as amended by section 2, chapter 22, Laws of 1971 ex. sess. and RCW 46.29.060 are each amended to read as follows:

The provisions of this chapter, requiring deposit of security and suspensions for failure to deposit security, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident within this state, which accident has resulted in bodily injury or death of any person or damage to the property of any one person of ~~((two))~~ three hundred dollars or more.

Sec. 2. Section 46.52.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 40, Laws of 1969 ex. sess. and RCW 46.52.030 are each amended to read as follows:

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent of ~~((one))~~ three hundred dollars or more, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns, the original of such report ~~((to))~~ shall be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of motor vehicles at Olympia, Washington. The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each

authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

Passed the House June 21, 1977.

Passed the Senate June 21, 1977.

Approved by the Governor July 14, 1977.

Filed in Office of Secretary of State July 14, 1977.

## CHAPTER 370

[Substitute House Bill No. 446]

### REAL ESTATE BROKERS AND SALESMEN—LICENSING—STUDY

AN ACT Relating to real estate brokers and salesmen; amending section 2, chapter 252, Laws of 1941 as last amended by section 1, chapter 57, Laws of 1973 1st ex. sess. and RCW 18.85.010; amending section 7, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.095; amending section 3, chapter 252, Laws of 1941 as last amended by section 10, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.110; amending section 10, chapter 222, Laws of 1951 as last amended by section 1, chapter 42, Laws of 1973 1st ex. sess. and RCW 18.85.120; amending section 12, chapter 222, Laws of 1951 as last amended by section 12, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.140; amending section 13, chapter 222, Laws of 1951 as last amended by section 13, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.150; amending section 14, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.155; amending section 21, chapter 222, Laws of 1951 as last amended by section 15, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.161; and adding a new section to chapter 18.85 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 252, Laws of 1941 as last amended by section 1, chapter 57, Laws of 1973 1st ex. sess. and RCW 18.85.010 are each amended to read as follows:

In this chapter words and phrases have the following meanings unless otherwise apparent from the context:

(1) "Real estate broker," or "broker," means a ~~((natural or artificial))~~ person, ~~((acting independently, who))~~ while acting for another for commissions or other compensation or the promise thereof, or a licensee under this chapter while acting in his own behalf, ((engages in the purchase, sale, exchange, rental, or negotiation therefor, of real estate, or interests including leases and/or options therein, and for business opportunities or interest therein, belonging to others, or sale of any interest in any formal or informal association in which the purchaser acquires use of real property unless the offering is registered with the state of Washington, or holds himself out to the public as being so engaged)) who:

(a) Sells or offers for sale, lists or offers to list, buys or offers to buy real estate or business opportunities, or any interest therein, for others;

(b) Negotiates or offers to negotiate, either directly or indirectly, the purchase, sale, exchange, lease, or rental of real estate or business opportunities, or any interest therein, for others;

(c) Advertises or holds himself out to the public by any oral or printed solicitation or representation that he is so engaged; or

(d) Engages, directs, or assists in procuring prospects or in negotiating or closing any transaction which results or is calculated to result in any of these acts;

(2) "Real estate salesman" or "salesman" means any natural person employed, either directly or indirectly, by a real estate broker, or any person who represents a real estate broker in ((any of his activities)) the performance of any of the acts specified in subsection 1 of this section;

(3) An "associate real estate broker" is a person who has qualified as a "real estate broker" who works with a broker and whose license states that he is associated with a broker;

(4) The word "person" as used in this chapter shall be construed to mean and include a corporation or copartnership, except where otherwise restricted;

(5) "Business opportunity" shall mean and include business, business opportunity and good will of an existing business or any one or combination thereof;

(6) "Commission" means the real estate commission of the state of Washington;

(7) "Director" means the director of motor vehicles;

(8) "Real estate multiple listing association" means any association of real estate brokers:

(a) Whose members circulate listings of the members among themselves so that the properties described in the listings may be sold by any member for an agreed portion of the commission to be paid; and

(b) Which require in a real estate listing agreement between the seller and the broker, that the members of the real estate multiple listing association shall have the same rights as if each had executed a separate agreement with the seller((-));

(9) "Clock hours of instruction" means actual hours spent in classroom instruction in any tax supported, public vocational-technical institution, community college, or any other institution of higher learning or a correspondence course from any of the aforementioned institutions certified by such institution as the equivalent of the required number of clock hours, and the real estate commission may certify courses of instruction other than in the aforementioned institutions; and

(10) "Incapacitated" means the physical or mental inability to perform the duties of broker prescribed by this chapter.

Sec. 2. Section 7, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.095 are each amended to read as follows:

It is hereby established that the minimum requirements for an individual to receive a salesman's license ((is)) are that the individual ((~~must have obtained his eighteenth birthday and has a high school diploma or its equivalent~~));

(1) Is eighteen years of age or older;

(2) Is a resident of the state of Washington; and

(3) Has passed a salesman's examination.

No licensed salesman shall have his license renewed a second time unless he furnishes proof, as the director may require, that he has successfully completed thirty clock hours of instruction in real estate courses approved by the director.

Nothing in this section ((~~of this 1972 amendatory act~~)) shall apply to persons who are licensed as salesmen under any real estate license law in Washington which exists prior to this law's enactment and whose license has not been subsequently revoked.

Sec. 3. Section 10, chapter 222, Laws of 1951 as last amended by section 1, chapter 42, Laws of 1973 1st ex. sess. and RCW 18.85.120 are each amended to read as follows:

Any person desiring to be a real estate broker, associate real estate broker, or real estate salesman with the exception of applicants meeting the requirements of RCW 18.85.161, must successfully pass an examination as provided in this chapter, and shall make application to the director for a license, and upon a form to be prescribed and furnished by the director, giving his full name and business address. With this application the applicant shall:

(1) Pay an examination fee of fifteen dollars if a salesman's license is applied for and of twenty-five dollars if a broker's license is applied for, such fees to accompany the application.

(2) If the applicant is a corporation, furnish a list of its officers and directors and their addresses, and if the applicant is a copartnership, a list of the members thereof and their addresses.

(3) ~~((If the applicant is a nonresident of this state, give an irrevocable consent that suits and actions may be commenced against him in any county of this state in which the plaintiff resides, and that service of any process or pleadings may be made by delivery thereof to the director. Such service shall be held in all courts as valid and binding upon the applicant. The irrevocable consent shall be in a form prescribed by the director, acknowledged before a notary public and, if the applicant is a corporation, shall be accompanied by a certified copy of the resolution of the board of directors authorizing the execution of the same. Any process or pleading so served upon the director shall be in duplicate copies, one of which shall be filed in the office of the director, and the other immediately forwarded by registered mail to the office address of the applicant given in his application, and service shall be deemed to have been made upon the applicant on the third day following the deposit in the mail of such copy))~~ Furnish such proof as the director may require that the applicant is a resident of the state of Washington or, if the applicant is a corporation or copartnership, that the designated broker of the corporation or copartnership is a resident of the state of Washington.

(4) Furnish such other proof as the director may require concerning the honesty, truthfulness, and good reputation, as well as the identity, including but not limited to fingerprints, of any applicants for a license, or of the officers of a corporation making the application.

Sec. 4. Section 12, chapter 222, Laws of 1951 as last amended by section 12, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.140 are each amended to read as follows:

Before receiving his license every real estate broker must pay a license fee of twenty-five dollars, every associate real estate broker must pay a license fee of twenty-five dollars, and every real estate salesman must pay a license fee of fifteen dollars. Every license issued under the provisions of this chapter expires on the applicant's birthday following issuance of the license which date will henceforth be the renewal date. Licenses issued to corporations and partnerships expire December 31st, which date will henceforth be their renewal date. On or before the renewal date an annual renewal license fee in the same amount must be paid.

If the application for a renewal license is not received by the director on or before the renewal date, the renewal license fee shall be thirty-five dollars for a real estate broker and associate real estate broker and twenty dollars for a real estate salesman. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

The license of any person whose license renewal fee is not received within one year from the date of expiration shall be cancelled. This person may obtain a new license by satisfying the procedures and qualifications for initial licensing, including the successful completion of any applicable examinations.

The director shall issue to each (~~(broker, associate broker, and salesman)~~) active licensee a license and a pocket identification card in such form and size as he shall prescribe.

Sec. 5. Section 13, chapter 222, Laws of 1951 as last amended by section 13, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.150 are each amended to read as follows:

~~((The director may issue a temporary salesman's permit pending examination, to any applicant who, in his opinion, is qualified, except for the examination provided for in this chapter, when a satisfactory credit and character report shall have been made by the employing broker upon a form to be supplied by the director, with full responsibility for such temporary salesmen to rest with the employing broker, no temporary permit thus granted to be transferable from the originating broker to any other broker. The application fee for such temporary permit shall be five dollars which shall not be refunded for any cause, nor shall such application fee be considered any part of any license or examination fee. The examination fee for an applicant for a temporary permit shall be fifteen dollars, no part of which shall be refunded for any cause. Such temporary permit shall be valid only until the results of the next examination for licenses are available which in no event shall be longer than six months. The director, however, shall not require any such applicant to take such examination until at least sixty days have elapsed after the issuance of the temporary permit. Only one temporary permit shall be issued to any one person. No person issued a temporary permit who fails to take or pass the examination shall be entitled to have returned any fees previously paid. Failure to take the examination next following the sixty day period after issuance of the temporary permit shall cause forfeiture of the temporary permit and of any and all fees paid.~~

~~The holder of a temporary permit is required to obtain thirty hours of instruction in real estate within seventy days after his temporary permit is issued. Such instruction may be furnished by his broker or personnel in the office he is licensed to, any prelicense school, community college or other institution providing education. The employing broker and such temporary permit holder shall certify the completion of such instruction within five days thereafter upon forms provided by the director. PROVIDED, That failure to make such certification or falsification thereof shall be ground for disciplinary action under this 1972 amendatory act.))~~

A temporary broker's permit may, in the discretion of the director, be issued to the legally accredited representative of a deceased or incapacitated broker, the senior qualified salesman in that office or other qualified representative of the deceased or incapacitated broker, which shall be valid for a period not exceeding four

months and in the case of a partnership or a corporation, the same rule shall prevail in the selection of a person to whom a temporary broker's permit may be issued.

Sec. 6. Section 14, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.155 are each amended to read as follows:

Responsibility for any salesman, associate broker or branch manager in conduct covered by this (~~(1972 amendatory act)~~) chapter shall rest with the broker to which such licensees shall be licensed.

In addition to the broker, a branch manager shall bear responsibility for salesmen and associate brokers operating under the branch manager at a branch office.

Sec. 7. Section 21, chapter 222, Laws of 1951 as last amended by section 15, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.161 are each amended to read as follows:

A nonresident broker may apply for and be issued a nonresident broker's license upon compliance with all of the provisions of this chapter. He shall not be required to maintain a definite place of business within this state, but shall retain in this state all funds arising from transactions within this state, until such funds are distributed to the proper parties involved, and he shall be subject to the requirements of this chapter relating to the handling and depositing of closing funds.

Any privileges accorded herein to a nonresident shall apply only to a licensed real estate broker of two years' experience or more and only so long as the broker shall (1) maintain an active place of business within the state of his domicile, and (2) maintain his license in good standing in the state of his domicile: PROVIDED, That such nonresident is domiciled in a state which extends similar recognition and courtesies to licensed real estate brokers of this state. When any broker moves into this state from a state having similar reciprocal laws and desires a license, and if such broker has maintained a license in his home state in good standing prior to his moving into this state, he shall, in the discretion of the director, not be required to take the state examination for a license.

The director may waive the requirement of examination of any applicant for a license in the case of an application from a nonresident who is licensed in a state having similar requirements, under the laws of which, similar recognition and courtesies are extended to licensees of this state by mutual written agreement of the directors and commissions of the concerned states.

Salesmen employed by a nonresident broker who has been issued a nonresident broker's license may operate for such broker in this state upon payment of the license fee required of salesmen during such time as they continue licensed under the nonresident broker in this state and if such salesman maintains a license in good standing under his broker in his home state.

An applicant for a nonresident license shall irrevocably consent to having suits and actions commenced against him in any county of this state in which the plaintiff resides, and to service of any process or pleadings by delivery thereof to the director. The service shall be valid and binding upon the applicant. The consent shall be in a form prescribed by the director, acknowledged before a notary public, and, if the applicant is a corporation, shall be accompanied by a certified copy of the resolution of the board of directors authorizing the execution of the same. Any process or pleading so served upon the director shall be in duplicate. One copy shall



be filed in the office of the director, and one copy shall be immediately forwarded by registered mail to the applicant's office address given in his application. Service shall be deemed to have been made upon the applicant on the third day following the deposit of the copy in the mail.

NEW SECTION. Sec. 8. There is added to chapter 18.85 RCW a new section to read as follows:

(1) Any license issued under this chapter and not otherwise revoked shall be deemed "inactive" at any time it is delivered to the director. Until reissued under this chapter, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be renewed on the same terms and conditions as an active license, and failure to renew shall result in cancellation in the same manner as an active license. An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with this chapter and the rules adopted pursuant thereto.

(3) The provisions of this chapter relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

Sec. 9. Section 3, chapter 252, Laws of 1941 as last amended by section 10, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.110 are each amended to read as follows:

This chapter shall not apply to (1) any person who purchases property and/or a business opportunity for his own account, or that of a group of which he is a member, or who, as the owner or part owner of property, and/or a business opportunity, in any way disposes of the same; nor, (2) any duly authorized attorney in fact, or an attorney at law in the performance of his duties; nor, (3) any receiver, trustee in bankruptcy, executor, administrator, guardian, or any person acting under the order of any court, or selling under a deed of trust; nor, (4) any secretary, bookkeeper, accountant, or other office personnel who does not engage in any conduct or activity specified in any of the definitions under RCW 18.85.010; nor, (5) any owner of rental or lease property, members of the owner's family whether or not residing on such property, or a resident manager of a complex of residential dwelling units wherein such manager resides; nor, (6) any person who manages residential dwelling units on an incidental basis and not as his principal source of income so long as that person does not advertise or hold himself out to the public by any oral or printed solicitation or representation that he is so engaged.

NEW SECTION. Sec. 10. The department of motor vehicles shall undertake a study of chapter 18.85 RCW and submit recommendations to the legislature at its first meeting after January 1, 1978, for revisions to the statutes regulating the real estate industry. The examination shall determine the most appropriate means of regulating commercial and residential property managers, sales personnel, developers and other appropriate phases of the industry. The department shall coordinate

its review with any interim study efforts by the senate and house commerce committees.

Passed the House June 20, 1977.

Passed the Senate June 19, 1977.

Approved by the Governor July 14, 1977.

Filed in Office of Secretary of State July 14, 1977.

## CHAPTER 371

[Engrossed Substitute Senate Bill No. 2910]

### ENERGY FACILITY SITES

AN ACT Relating to energy facility sites; amending section 1, chapter 45, Laws of 1970 ex. sess. as amended by section 29, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.010; amending section 2, chapter 45, Laws of 1970 ex. sess. as amended by section 30, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.020; amending section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 31, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.030; amending section 4, chapter 45, Laws of 1970 ex. sess. as amended by section 32, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.040; amending section 6, chapter 45, Laws of 1970 ex. sess. as amended by section 34, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.060; amending section 8, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.080; amending section 9, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.090; amending section 10, chapter 45, Laws of 1970 ex. sess. as amended by section 36, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.100; amending section 11, chapter 45, Laws of 1970 ex. sess. as amended by section 37, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.110; amending section 12, chapter 45, Laws of 1970 ex. sess. as amended by section 38, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.120; amending section 14, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.140; amending section 15, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.150; adding new sections to chapter 80.50 RCW; repealing section 5, chapter 45, Laws of 1970 ex. sess., section 33, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.050; repealing section 7, chapter 45, Laws of 1970 ex. sess., section 35, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.070; repealing section 1, chapter 110, Laws of 1974 ex. sess., section 39, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.170; amending section 2, chapter 110, Laws of 1974 ex. sess. as amended by section 40, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.175; making an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

***\*Section 1. Section 1, chapter 45, Laws of 1970 ex. sess. as amended by section 29, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.010 are each amended to read as follows:***

***The legislature finds that the present and predicted growth in energy demands in the state of Washington requires the development of a procedure for the selection and utilization of sites for energy facilities and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites will have a significant impact upon the welfare of the population, the location and growth of industry and the use of the natural resources of the state.***

***It is the policy of the state of Washington to recognize the pressing need for increased energy facilities, and to ensure through available and reasonable methods, that the location and operation of such facilities will produce minimal adverse effects on the environment((= ecology)) of the land and its wildlife, and ((the ecology)) of state waters and their aquatic life.***

***It is the intent to seek courses of action that will balance the increasing demands for energy facility location and operation in conjunction with the broad interests of the public. Such action will be based on these premises:***

**(1) To assure Washington state citizens that, where applicable, operational safeguards are at least as stringent as the criteria established by the federal government and are technically sufficient for their welfare and protection.**

**(2) To preserve and protect the quality of the environment; to enhance the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; to promote air cleanliness; and to pursue beneficial changes in the environment.**

**(3) To provide abundant energy at reasonable cost.**

**(4) To require compliance with local land use plans and zoning ordinances with respect to energy facility sites.**

**It is the intent of this chapter to expedite the certification of sites for energy facilities subject to this chapter, to minimize duplication of effort in conducting studies of and preparing environmental impact statements relating to such sites, to authorize and encourage cooperation between the council and counties, other governmental agencies, and municipal or public corporations in connection with such sites, and to provide for a single detailed statement in accordance with RCW 43.21C.030(2)(c) where any proposed energy facilities are subject to certification pursuant to chapter 80.50 RCW, and to further the development of facilities to meet pressing needs.**

\*Section 1. was vetoed, see message at end of chapter.

Sec. 2. Section 2, chapter 45, Laws of 1970 ex. sess. as amended by section 30, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.020 are each amended to read as follows:

(1) "Applicant" means any person who makes application for a site ((location)) certification pursuant to the provisions of this chapter;

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires;

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized;

(4) "Site" means any proposed or approved location((,-for)) of an energy facility;

(5) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW ((80.50.050)) 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility;

(6) "Associated facilities" means ((new)) storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages in excess of 200,000 volts to connect a

thermal power plant to the northwest power grid: PROVIDED, That common carrier railroads or motor vehicles shall not be included;

(7) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquified petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility (~~(or more specifically, a "gas transmission line" as defined by the office of pipeline safety, United States department of transportation)~~), except an interstate natural gas pipeline regulated by the United States federal power commission;

(8) (~~"Energy transmission corridor" means land jointly used for more than one new transmission facility;~~

~~(9)))~~ "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies;

~~((+10)))~~ (9) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel, including nuclear materials, for distribution of electricity by electric utilities;

~~((+11)))~~ (10) "Energy facility" means an energy plant(~~(;)~~) or transmission facilities(~~(; or an energy transmission corridor)~~): PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense;

~~((+12)))~~ (11) "Council" means the energy facility site evaluation council created by RCW 80.50.030;

~~((+13)))~~ (12) "Counsel for environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080;

~~((+14)))~~ (13) "Construction" means (~~(on-site work and construction shall not be deemed to have commenced until there has been an expenditure of not less than two hundred fifty thousand dollars in)~~) on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars;

~~((+15))~~ "Chairman" means the chairman of the council;

~~(+16)~~ "Member agency" means departments, agencies and commissions enumerated in RCW 80.50.030(3) as now or hereafter amended;

~~(+17)))~~ (14) "Energy plant" means the following facilities together with their associated facilities:

(a) Any stationary thermal power plant with generating capacity of two hundred fifty thousand kilowatts or more and floating thermal power plants of fifty thousand kilowatts or more, including associated facilities;

(b) Facilities which will ~~((result in receipt of))~~ have the capacity to receive liquified natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(c) Facilities which will ~~((result in the receipt of))~~ have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquified petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(d) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

(e) Facilities ~~((which will result in the))~~ capable of processing ~~((of))~~ more than twenty-five thousand barrels per day of petroleum into refined products;

(15) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapters 35.63, 35A.63, or 36.70 RCW;

(16) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapters 35.63, 35A.63, or 36.70 RCW or Article XI of the state Constitution.

Sec. 3. Section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 31, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.030 are each amended to read as follows:

(1) There is hereby created and established the "energy facility site evaluation council".

(2) The ~~((nonvoting))~~ chairman of the council shall be ~~((the director of the state energy office. PROVIDED, That the director may designate a deputy director or assistant director to serve as chairman))~~ appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor and shall be removable for cause. The chairman may designate a member of the council to serve as acting chairman in the event of the chairman's absence. The salary of the chairman shall be determined pursuant to the provisions of RCW 43.03.040. The chairman shall be deemed a "state employee" for the purposes of chapter 42.18 RCW.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions and committees or their statutory successors:

- (a) Department of ecology
- (b) Department of fisheries
- (c) Department of game
- (d) Department of parks and recreation
- (e) Department of social and health services
- (f) ~~((Interagency committee for outdoor recreation))~~ State energy office
- (g) Department of commerce and economic development
- (h) Utilities and transportation commission

- (i) Office of program planning and fiscal management
- (j) Department of natural resources
- (k) Planning and community affairs agency
- (l) Department of emergency services
- (m) Department of agriculture
- (n) Department of highways.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he represents and such member or designee shall serve until there has been a final acceptance or rejection of such proposed site;

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he represents and such member or designee shall serve until there has been a final acceptance or rejection of such proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he represents and such member or designee shall serve until there has been a final acceptance or rejection of such proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

Sec. 4. Section 4, chapter 45, Laws of 1970 ex. sess. as amended by section 32, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.040 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations, pursuant to chapter 34.04 RCW, to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

(2) To appoint an executive secretary to serve at the pleasure of the council;

(3) To appoint and prescribe the duties of such clerks, employees and agents as may be necessary to carry out the provisions of this chapter: PROVIDED, That such persons shall be employed pursuant to the provisions of chapter 41.06 RCW;

(4) To develop and apply ~~((topical))~~ environmental and ecological guidelines in relation to the type, design, ~~((and))~~ location, construction, and operational conditions of certification of energy facilities subject to this chapter;

(5) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.04 RCW;

(6) To prescribe the form, content, and necessary supporting documentation for site certification;

(7) To receive applications for ~~((site))~~ energy facility locations and to investigate the sufficiency thereof;

(8) To make and contract, when applicable, for independent studies of sites proposed by the applicant;

(9) To conduct hearings on the proposed location of the ~~((sites))~~ energy facilities;

(10) To prepare written reports to the governor which shall include: (a) a statement indicating whether the application is in compliance with the council's ~~((topical))~~ guidelines, (b) criteria specific to the site and transmission line routing, ~~((and))~~ (c) a council recommendation as to the disposition of the application, and (d) a draft certification agreement when the council recommends approval of the application;

(11) To prescribe the means for monitoring of the effects arising from the construction and the operation of energy facilities to assure continued compliance with terms of certification: PROVIDED, That any on-site inspection required by the council shall be performed by other state agencies pursuant to interagency agreement: PROVIDED FURTHER, That the council shall retain authority for determining compliance relative to monitoring;

(12) To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication; and

(13) To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington.

Sec. 5. Section 6, chapter 45, Laws of 1970 ex. sess. as amended by section 34, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.060 are each amended to read as follows:

(1) The provisions of this chapter shall apply to ~~((those energy facilities to be newly constructed or installed anywhere within the state of Washington, or to))~~ the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of ~~((such))~~ existing energy facilities where the ~~((new))~~ net increase in physical capacity ~~((being added))~~ or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions ~~((defined in RCW 80.50.020))~~ set forth in RCW 80.50.020(7) and (17), as now or hereafter amended. No construction of such energy facilities ~~((or energy transmission corridors))~~ may be undertaken, except as otherwise provided in this chapter, after ~~((March 15, 1976))~~ the effective date of this 1977 amendatory act, without first obtaining certification in the manner provided in this chapter.

(2) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions ~~((of an energy facility))~~ beyond those set forth in RCW 80.50.020 (7) and (17), as now or hereafter amended.

(3) Applications for certification of ~~((thermal power plants and associated transmission lines))~~ energy facilities made prior to ~~((March 15, 1976;))~~ the effective date of this 1977 amendatory act shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding ~~((March 15,~~

+1976)) the effective date of this 1977 amendatory act with the exceptions of sections 15 and 16 of this 1977 amendatory act which shall apply to such prior applications and to site certifications prospectively from the effective date of this 1977 amendatory act.

(4) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

Sec. 6. Section 8, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.080 are each amended to read as follows:

After the council has received a site application, the attorney general shall appoint an assistant attorney general (~~((or a special assistant attorney general as a counsel for the environment who shall be a member of the bar of the state of Washington))~~) as a counsel for the environment. The counsel for the environment shall represent the public and its interest in protecting the quality of the environment (~~((for the duration of the certification proceedings, until such time as the certification is issued or denied))~~). Costs incurred by the counsel for the environment in the performance of these duties shall be charged to the office of the attorney general, and shall not be a charge against the appropriation to the energy facility site evaluation council. He shall be accorded all the rights, privileges and responsibilities of an attorney representing a party in a formal action. This section shall not be construed to prevent any person from being heard or represented by counsel in accordance with the other provisions of this chapter.

*\*Sec. 7. Section 9, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.090 are each amended to read as follows:*

*(1) The council shall conduct a public ~~((hearing))~~ meeting in ~~((the county of the proposed site))~~ each county within which an energy facility is proposed to be located within sixty days of receipt of an application for site certification~~((: PROVIDED, That))~~ to provide information to the public concerning the nature and purpose of the energy facility and the review process to be undertaken by the council and to provide an opportunity for the public to present its views. The place of such public ~~((hearing))~~ meeting shall be as close as practical to the proposed site. For an application for an energy facility with a multi-county site, the series of meetings in the several counties shall begin within sixty days of receipt of an application for site certification. The council may consolidate meetings among counties when such consolidation is approved by the appropriate county legislative authorities.*

*(2) The council ~~((must))~~ shall determine ~~((at the initial public hearing))~~, before commencing a hearing pursuant to subsection (3) of this section, whether or not the proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances. Upon receipt of notification from the council that an application has been filed, a city, county, or regional planning authority shall file with the council within ten days certified copies of applicable land use plans and/or zoning ordinances in effect as of the date of application. If it is determined that the proposed site ~~((does conform))~~ is consistent and in compliance with existing land use plans or zoning ordinances applicable to the location of the energy facility in effect as of the date of the application, the city, county, or regional planning authority shall not thereafter change ~~((such))~~ applicable land use plans or zoning ordinances so*



as to affect the proposed site unless the application for certification is subsequently rejected or withdrawn.

If it is determined that the site is not consistent or in compliance with existing land use plans or zoning ordinances in effect as of the date of the application, the applicant may request a change in, or permission under, such plans or ordinances by the local legislative authority, which shall determine within one hundred twenty days whether to grant or deny the request. Further processing of the application by the council shall terminate and unexpended portions of any fees paid by the applicant shall be returned upon a decision to deny the request. Until such decision is made, the council may, at the applicant's request, continue processing the application: PROVIDED, That the council shall not report its recommendation to the governor pursuant to RCW 80.50.100(1) as now or hereafter amended. Upon a decision to grant the request, processing of the application shall proceed.

(3) Except as provided in section 17 of this 1977 amendatory act, prior to the issuance of a council recommendation to the governor under RCW 80.50.100, a public hearing, conducted as a contested case under chapter 34.04 RCW, shall be held. At such public hearing any person shall be entitled to be heard in support of or in opposition to the application for certification.

(4) Additional public hearings shall be held as deemed appropriate by the council in the exercise of its functions under this chapter.

\*Sec. 7. was vetoed, see message at end of chapter.

Sec. 8. Section 10, chapter 45, Laws of 1970 ex. sess. as amended by section 36, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.100 are each amended to read as follows:

(1) The council shall report to the governor its recommendations as to the approval or ((disapproval)) rejection of an application for certification within twelve months of receipt by the council of such an application, or such later time as is mutually agreed by the council and the applicant. If the council recommends approval of an application for certification, it shall also submit a draft certification agreement with the report. The council shall include conditions in the draft certification agreement to implement the provisions of this chapter, including, but not limited to, conditions to protect state or local governmental or community interests affected by the construction or operation of the energy facility, and conditions designed to recognize the purpose of laws or ordinances, or rules or regulations promulgated thereunder, that are preempted or superseded pursuant to RCW 80.50.110 as now or hereafter amended.

(2) Within sixty days of receipt of the council's report the governor shall ((approve or reject the application for certification)) take one of the following actions:

- (a) Approve the application and execute the draft certification agreement; or
- (b) Reject the application; or
- (c) Direct the council to reconsider certain aspects of the draft certification agreement.

The council shall reconsider such aspects of the draft certification agreement by reviewing the existing record of the application or, as necessary, by reopening the contested case for the purposes of receiving additional evidence. Such reconsideration shall be conducted expeditiously. The council shall resubmit the draft certification to the governor incorporating any amendments deemed necessary upon

reconsideration. Within sixty days of receipt of such draft certification agreement, the governor shall either approve the application and execute the certification agreement or reject the application. The certification agreement shall be binding upon execution by the governor and the applicant.

(3) The ~~((issuance of denial))~~ rejection of ~~((the))~~ an application for certification by the governor shall be final as to that application but shall not preclude submission of a subsequent application for the same site on the basis of changed conditions or new information.

~~((4) Upon approval by the governor of the application for certification the chairman of the council shall within thirty days compose and submit a certification agreement for execution by the governor and the applicant:))~~

**\*Sec. 9. Section 11, chapter 45, Laws of 1970 ex. sess. as amended by section 37, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.110 are each amended to read as follows:**

**(1) If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, or any rule or regulation promulgated thereunder, this chapter shall govern and control and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.**

**(2) The state hereby preempts the regulation and certification of the ~~((location,))~~ type, design, construction, and operational conditions of certification of the energy facilities included under RCW 80.50.060 as now or hereafter amended.**

**The state shall not preempt land use plans or zoning ordinances governing the site of an energy facility.**

**\*Sec. 9. was vetoed, see message at end of chapter.**

**Sec. 10. Section 12, chapter 45, Laws of 1970 ex. sess. as amended by section 38, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.120 are each amended to read as follows:**

**(1) Subject to the conditions set forth therein any certification ~~((signed by the governor))~~ shall bind the state and each of its departments, agencies, divisions, bureaus, commissions ~~((or)),~~ boards ~~((of this state)),~~ and political subdivisions, whether a member of the council or not, as to the approval of the site and the construction and operation of the proposed energy facility.**

**(2) The certification shall authorize the person named therein to construct and operate the proposed energy facility subject only to the conditions set forth in such certification.**

**(3) The issuance of a certification shall be in lieu of any permit, certificate or similar document required by any department, agency, division, bureau, commission ~~((or)),~~ board, or political subdivision of this state, whether a member of the council or not.**

**Sec. 11. Section 14, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.140 are each amended to read as follows:**

**(1) The approval or rejection of an application for certification by the governor shall be subject to judicial review pursuant to the provisions of chapter 34.04 RCW.**

(2) Objections raised by any party in interest concerning procedural error by the council shall be filed with the council within sixty days of the commission of such error, or within thirty days of the first public hearing or meeting of the council at which the general subject matter to which the error is related is discussed, whichever comes later, or such objection shall be deemed waived for purposes of judicial review as provided in this section.

~~((2))~~ (3) The rules and regulations adopted by the council shall be subject to judicial review pursuant to the provisions of chapter 34.04 RCW.

Sec. 12. Section 15, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.150 are each amended to read as follows:

(1) The courts are authorized to grant such restraining orders, and such temporary and permanent injunctive relief as is necessary to secure compliance with this chapter and/or with a site certification agreement issued pursuant to this chapter. The court may assess civil penalties in an amount not less than one thousand dollars per day nor more than twenty-five thousand dollars per day for each day of construction or operation in material violation of this chapter, or in material violation of any site certification agreement issued pursuant to this chapter. The court may charge the expenses of an enforcement action relating to a site certification agreement under this section, including, but not limited to, expenses incurred for legal services and expert testimony, against any person found to be in material violation of the provisions of such certification: PROVIDED, That the expenses of a person found not to be in material violation of the provisions of such certification, including, but not limited to, expenses incurred for legal services and expert testimony, may be charged against the person or persons bringing an enforcement action or other action under this section.

(2) Wilful violation of any provision of this chapter shall be a gross misdemeanor.

(3) Civil ~~((or criminal))~~ proceedings to enforce this chapter may be brought ~~((through))~~ by the attorney general ~~((by))~~ or the prosecuting attorney of any county affected by the violation on his own motion or at the request of the council. Criminal proceedings to enforce this chapter may be brought by the prosecuting attorney of any county affected by the violation on his own motion or at the request of the council.

(4) The remedies and penalties in this section, both civil and criminal, shall be cumulative and shall be in addition to any other penalties and remedies available at law, or in equity, to any person.

Sec. 13. Section 2, chapter 110, Laws of 1974 ex. sess. as amended by section 40, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.175 are each amended to read as follows:

(1) In addition to all other powers conferred on the council under this chapter, the council shall have the powers set forth in this section.

(2) The council, upon request of any potential applicant, is authorized, as provided in this section, to conduct a preliminary study of any potential site prior to receipt of an application for site certification. A fee of ten thousand dollars for each potential site, to be applied toward the cost of any study agreed upon pursuant to subsection (3) of this section, shall accompany the request and shall be a condition precedent to any action on the request by the council.

(3) After receiving a request to study a potential site, the council shall commission its own independent consultant to study matters relative to the potential site. The study shall include, but need not be limited to, the preparation and analysis of environmental impact information for the proposed potential site and any other matter the council and the potential applicant deem essential to an adequate appraisal of the potential site. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential site is located, any federal, state, or local governmental agency that might be requested to comment upon the potential site, and any municipal or public corporation having an interest in the matter. The full cost of the study shall be paid by the potential applicant: PROVIDED, That such costs exceeding a total of ten thousand dollars shall be payable subject to the potential applicant giving prior approval to such excess amount.

(4) Any study prepared by the council pursuant to subsection (3) of this section may be used in place of the "detailed statement" required by RCW 43.21C.030(2)(c) by any branch of government except the council created pursuant to chapter 80.50 RCW. (~~Except for actions of the council under chapter 80.50 RCW, all proposals for legislation and other actions of any branch of government of this state, including state agencies, municipal and public corporations, and counties, to the extent the legislation or other action involved approves, authorizes, permits, or establishes procedures solely for approving, authorizing or permitting, the location, financing or construction of any energy facility subject to certification under chapter 80.50 RCW, shall be exempt from the "detailed statement" required by RCW 43.21C.030. Nothing in this subsection shall be construed as exempting any action of the council from any provision of chapter 43.21C RCW.~~)

(5) All payments required of the potential applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the potential applicant.

(6) Nothing in this section shall change the requirements for an application for site certification or the requirement of payment of a fee as provided in RCW 80.50.070, or change the time for disposition of an application for certification as provided in RCW 80.50.100.

(7) Nothing in this section shall be construed as preventing a city or county from requiring any information it deems appropriate to make a decision approving a particular location.

NEW SECTION. Sec. 14. There is added to chapter 80.50 RCW a new section to read as follows:

Except for actions of the council under chapter 80.50 RCW, all proposals for legislation and other actions of any branch of government of this state, including state agencies, municipal and public corporations, and counties, to the extent the legislation or other action involved approves, authorizes, permits, or establishes procedures solely for approving, authorizing or permitting, the location, financing or construction of any energy facility subject to certification under chapter 80.50 RCW, shall be exempt from the "detailed statement" required by RCW 43.21C.030. Nothing in this section shall be construed as exempting any action of the council from any provision of chapter 43.21C RCW.

**NEW SECTION.** Sec. 15. There is added to chapter 80.50 RCW a new section to read as follows:

The state general fund shall be credited with all receipts from applicants paid to the state pursuant to chapter 80.50 RCW. Such funds shall be used only by the council for the purposes set forth in chapter 80.50 RCW. All expenditures shall be authorized by law.

**NEW SECTION.** Sec. 16. There is added to chapter 80.50 RCW a new section to read as follows:

(1) The council shall receive all applications for energy facility site certification. The following fees or charges for application processing or certification monitoring shall be paid by the applicant or certificate holder:

(a) A fee of twenty-five thousand dollars for each proposed site, to be applied toward the cost of the independent consultant study authorized in this subsection, shall accompany the application and shall be a condition precedent to any further consideration or action on the application by the council. The council shall commission its own independent consultant study to measure the consequences of the proposed energy facility on the environment for each site application. The council shall direct the consultant to study any matter which it deems essential to an adequate appraisal of the site. The full cost of the study shall be paid by the applicant: **PROVIDED**, That said costs exceeding a total of the twenty-five thousand dollars paid pursuant to subsection (1)(a) of this section shall be payable subject to the applicant giving prior approval to such excess amount.

(b) Each applicant shall, in addition to the costs of the independent consultant provided by subsection (1)(a) of this section, pay such reasonable costs as are actually and necessarily incurred by the council in processing the application. Such costs shall include, but are not limited to, costs of a hearing examiner, a court reporter, additional staff salaries, wages and employee benefits, goods and services, travel expenses within the state and miscellaneous expenses, as arise directly from processing such application.

Each applicant shall, at the time of application submission, deposit twenty thousand dollars, or such lesser amount as may be specified by council rule, to cover costs provided for by subsection (1)(b) of this section. Reasonable and necessary costs of the council directly attributable to application processing shall be charged against such deposit.

The council shall submit to each applicant a statement of such expenditures actually made during the preceding calendar quarter which shall be in sufficient detail to explain such expenditures. The applicant shall pay the state treasurer the amount of such statement to restore the total amount on deposit to the originally established level: **PROVIDED**, That such applicant may, at the request of the council, increase the amount of funds on deposit to cover anticipated expenses during peak periods of application processing. Any funds remaining unexpended at the conclusion of application processing shall be refunded to the applicant, or at the applicant's option, credited against required deposits of certificate holders.

(c) Each certificate holder shall pay such reasonable costs as are actually and necessarily incurred by the council for inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction and operation of the facility.

Each certificate holder, within thirty days of execution of the site certification agreement, shall deposit twenty thousand dollars, or such other amount as may be specified by council rule, to cover costs provided for by subsection (1)(c) of this section. Reasonable and necessary costs of the council directly attributable to inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction and operation of the facility shall be charged against such deposit.

The council shall submit to each certificate holder a statement of such expenditures actually made during the preceding calendar quarter which shall be in sufficient detail to explain such expenditures. The certificate holder shall pay the state treasurer the amount of such statement to restore the total amount on deposit to the originally established level: PROVIDED, That if the actual, reasonable, and necessary expenditures for inspection and determination of compliance in the preceding calendar quarter have exceeded the amount of funds on deposit, such excess costs shall be paid by the certificate holder.

(2) If an applicant or certificate holder fails to provide the initial deposit, or if subsequently required payments are not received within thirty days following receipt of the statement from the council, the council may (a) in the case of the applicant, suspend processing of the application until payment is received; or (b) in the case of a certificate holder, suspend the certification.

(3) All payments required of the applicant or certificate holder under this section are to be made to the state treasurer who shall make payments as instructed by the council from the funds submitted. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the applicant or certificate holder.

NEW SECTION. Sec. 17. There is added to chapter 80.50 RCW a new section to read as follows:

(1) Any person required to file an application for certification of an energy facility pursuant to this chapter may apply to the council for an expedited processing of such an application. The application for expedited processing shall be submitted to the council in such form and manner and accompanied by such information as may be prescribed by council rule. The council may grant an applicant expedited processing of an application for certification upon finding that:

(a) The environmental impact of the proposed energy facility;

(b) The area potentially affected;

(c) The cost and magnitude of the proposed energy facility; and

(d) The degree to which the proposed energy facility represents a change in use of the proposed site

are not significant enough to warrant a full review of the application for certification under the provisions of this chapter.

(2) Upon granting an applicant expedited processing of an application for certification, the council shall not be required to:

(a) Commission an independent study, notwithstanding the provisions of section 16 of this 1977 amendatory act; nor

(b) Hold a contested case hearing under chapter 34.04 RCW on the application.

(3) The council shall adopt rules governing the expedited processing of an application for certification pursuant to this section.

**NEW SECTION.** Sec. 18. There is appropriated to the energy facility site evaluation council from the general fund the sum of one hundred sixteen thousand three hundred seventeen dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1979, to carry out the provisions of sections 3(2) and 17 of this 1977 amendatory act.

**NEW SECTION.** Sec. 19. The following acts or parts of acts are each repealed:

(1) Section 5, chapter 45, Laws of 1970 ex. sess., section 33, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.050;

(2) Section 7, chapter 45, Laws of 1970 ex. sess., section 35, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.070; and

(3) Section 1, chapter 110, Laws of 1974 ex. sess., section 39, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.170.

**NEW SECTION.** Sec. 20. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 21. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate June 17, 1977.

Passed the House June 14, 1977.

Approved by the Governor July 15, 1977, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State July 15, 1977.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain sections, Engrossed Substitute Senate Bill No. 2910 entitled:

"AN ACT Relating to energy facility sites;"

This bill makes a number of changes to Chapter 80.50 RCW relative to the Energy Facility Site Evaluation Council. Section 1 amends existing legislative intent, as set out in Section 80.50.010 RCW, to require the Council to comply with local land use plans and zoning ordinances, in balancing the broad interests of the public with the increasing demands for energy facility location and operation.

Section 7 amends Section 80.50.090 RCW, relating to public hearings. The amendatory language is basically non-substantive except for the provision that prohibits the Council from recommending site certification if the local legislative authority decides not to change the provisions of its land use plan or zoning ordinance with which the application is inconsistent.

Section 9 amends existing preemption language in Section 80.50.110 RCW to specifically preclude the state from preempting local land use plans and zoning ordinances.

The original Senate Bill No. 2910, an Executive Request bill, contained provisions that required the applicant to "...exhaust all reasonable, available methods and remedies to reach agreement with the city and/or county governments before the state [would] consider preemptive action". The purpose of that language was to codify the Council's operating policy established during the Satsop hearings, which policy encouraged the applicant and local governmental authorities to deal with each other at arm's length. I strongly endorse this policy because I believe state government should become involved in these issues, only when

there are overriding state concerns that are being handled unreasonably at the local governmental level. The provisions of the three sections mentioned above would shift the balance of power too far in favor of local government, contrary to the established policy.

In keeping with my concern for local determination, I intend to request the Council to adopt and promulgate regulations similar to the language in Senate Bill No. 2910 as originally introduced to ensure that the applicant makes a good faith effort to work with local governmental authorities to resolve disputes. In addition, I will request the Council to develop guidelines for determining when the interests of the state are such as to require preemptive action.

With the exception of Sections 1, 7 and 9 which I have vetoed for the above reasons, the remainder of Engrossed Substitute Senate Bill No. 2910."

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## CHAPTER 372

[Engrossed Senate Bill No. 2441]

### HORSE RACE COURSES—FISCAL SUPPORT

AN ACT Relating to horse race courses; amending section 3, chapter 233, Laws of 1969 ex. sess. and RCW 67.16.102; and adding a new section to chapter 67.16 RCW.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. There is added to chapter 67.16 RCW a new section to read as follows:

The legislature finds that:

(1) A primary responsibility of the horse racing commission is the encouragement of the training and development of the equine industry in the state of Washington whether the result of this training and development results in legalized horse racing or in the recreational use of horses;

(2) The horse racing commission has a further major responsibility to assure that any facility used as a race course should be maintained and upgraded to insure the continued safety of both the public and the horse at any time the facility is used for the training or contesting of these animals;

(3) Small race courses within the state have difficulty in obtaining sufficient funds to provide the maintenance and upgrading necessary to assure this safety at these facilities, or to permit frequent use of these facilities by 4-H children or other horse owners involved in training; and

(4) The one percent of the parimutuel machine gross receipts used to pay a special purse to the licensed owners of Washington bred horses is available for the purpose of drawing interest, thereby obtaining sufficient funds to be disbursed to achieve the necessary support to these small race courses.

Sec. 2. Section 3, chapter 233, Laws of 1969 ex. sess. and RCW 67.16.102 are each amended to read as follows:

Notwithstanding any other provision of chapter 67.16 RCW to the contrary the licensee shall withhold and shall pay daily to the commission, in addition to the fifteen percent authorized by this chapter, one percent of the gross receipts of all parimutuel machines at each race meet which sums shall, at the end of each meet, be paid by the commission to the licensed owners of those horses finishing first, second, third and fourth Washington bred only at each meet from which the additional one percent is derived in accordance with an equitable distribution formula to be promulgated by the commission prior to the commencement of each race



meet: PROVIDED, That nothing in this section shall apply to race meets which are nonprofit in nature, or of six days or less or which have a total annual handle of less than two hundred thousand dollars: PROVIDED, That the additional one percent of the gross receipts of all parimutuel machines at each race meet and the amount retained by the commission as specified in RCW 67.16.100 shall be deposited daily in a time deposit by the commission and the interest derived therefrom shall be distributed annually on an equal basis to those county legislative authorities that operate fairs, authorized by chapter 36.37 RCW, and race courses at which independent race meets are held which are nonprofit in nature and are of six days or less: PROVIDED, That such county legislative authorities have approved and are operating a program of use for said race course for year-round equine training and quartering: PROVIDED, FURTHER, That said distributed funds shall be used for the purpose of maintaining and upgrading the respective racing courses and equine quartering areas of said nonprofit meets. The commission shall not permit the licensees to take into consideration the benefits derived from this section in establishing purses.

NEW SECTION. Sec. 3. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 5, 1977.

Passed the House June 20, 1977.

Approved by the Governor July 15, 1977.

Filed in Office of Secretary of State July 15, 1977.

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## CHAPTER 373

[Substitute House Bill No. 660]

### LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE— ESTABLISHED

AN ACT Relating to the legislature; establishing the legislative evaluation and accountability program committee; and adding a new chapter to Title 44 RCW and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is hereby created a legislative evaluation and accountability program committee which shall consist of four senators and four representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than two members from each house shall be from the same political party. All members shall be appointed before the close of the 1977 session of the legislature and before the close of each regular session thereafter. Members shall be subject to confirmation, as to the senate members by the senate, and as to the house members by the house.

NEW SECTION. Sec. 2. The term of office of the members of the committee who continue to be members of the senate and house shall be from the close of the session in which they were appointed or elected as provided in section 1 of this act until the close of the next regular session, or, in the event that such appointments or elections are not made, until the close of the next regular session during which

successors are appointed or elected. The term of office of such committee members as shall not continue to be members of the senate and house shall cease upon the convening of the next regular session of the legislature after their confirmation, election, or appointment. Vacancies on the committee shall be filled by appointment by the remaining members. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

NEW SECTION. Sec. 3. On and after the commencement of a succeeding regular session of the legislature, those members of the committee who continue to be members of the senate and house, respectively, shall continue as members of the committee as indicated in section 2 of this act and the committee shall continue with all its powers, duties, authorities, records, papers, personnel and staff, and all funds made available for its use.

NEW SECTION. Sec. 4. The members of the committee shall serve without additional compensation, but shall be reimbursed in accordance with RCW 44.04-.120 while attending sessions of the committee or meetings of any subcommittee of the committee, or on other committee business authorized by the committee.

NEW SECTION. Sec. 5. All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the administrator and signed by the chairman or vice chairman of the committee and attested by the secretary of said committee, and the authority of said chairman and secretary to sign vouchers shall continue until their successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated by law for the committee: PROVIDED, That the senate and the house may authorize the committee to draw on funds appropriated by the legislature for legislative expenses.

NEW SECTION. Sec. 6. The committee shall have the power and duty to appoint its own chairman, vice chairman, and other officers; and to make rules for orderly procedure.

NEW SECTION. Sec. 7. The committee shall acquire a data processing service capability under the exclusive jurisdiction and control of the legislature acting through the committee and its administrator for the purpose of providing the legislature and its staff with the type of information required for in-depth analysis and monitoring of state agency expenditures, budgets, and related fiscal matters. The legislative evaluation and accountability program established in this section may be referred to in this chapter as the LEAP administration.

NEW SECTION. Sec. 8. To carry out the provisions of section 7 of this act the LEAP administration shall provide for:

- (1) Automated data bases and application systems in support of legislative requirements to monitor, evaluate, analyze, report, and review;
- (2) Maintenance of computer software, application programs, data bases, and related documentation;
- (3) Education, training, and programming services;
- (4) Procedural documentation support; and
- (5) Consulting assistance on special projects.

NEW SECTION. Sec. 9. The committee shall have the following powers:

(1) To have timely access, upon written request of the administrator, to all machine readable, printed, and other data of state agencies relative to expenditures, budgets, and related fiscal matters;

(2) To suggest changes relative to state accounting and reporting systems to the office of program planning and fiscal management or its successor and to require timely written responses to such suggestions; and

(3) To enter into contracts; and when entering into any contract for computer access, make necessary provisions relative to the scheduling of computer time and usage in recognition of the unique requirements and priorities of the legislative process.

**NEW SECTION.** Sec. 10. The committee shall have the power to make reports to the legislature. The committee shall keep complete minutes of its meetings. The committee shall make and distribute its final report to the members of the ensuing legislature at least ten days prior to the convening of the legislature.

**NEW SECTION.** Sec. 11. Each person who appears before the committee, other than a state official or employee, may upon request receive for attendance the fees and mileage provided for witnesses in civil cases in courts of record in accordance with the provisions of RCW 2.40.010, which shall be audited and paid upon the presentation of proper vouchers signed by such person and approved by the secretary and chairman of the committee.

**NEW SECTION.** Sec. 12. The committee is hereby authorized and empowered to appoint an officer to be known as the LEAP administrator who shall be the executive officer of the committee and assist in its duties and shall compile information for the committee.

The committee is hereby authorized and empowered to select and employ temporary and permanent personnel and fix their salaries.

The duties of the administrator shall be as follows:

(1) To manage the LEAP operations.

(2) To assist the several standing committees of the house and senate; to appear before other legislative committees; and to assist any other legislative committee upon instruction by the committee.

(3) To provide the legislature with information obtained under the direction of the committee.

(4) To maintain a record of all work performed by the administrator under the direction of the committee and to keep and make available all documents, data, and reports submitted to the administrator by any legislative committee.

**NEW SECTION.** Sec. 13. The committee is hereby expressly exempted from the provisions of chapter 43.105 RCW.

**NEW SECTION.** Sec. 14. The committee shall cooperate, act, and function with Washington state legislative committees and may cooperate with the councils or committees of other states similar to this committee and with other interstate research organizations.

**NEW SECTION.** Sec. 15. Sections 1 through 13 of this act shall constitute a new chapter in Title 44 RCW.

**NEW SECTION.** Sec. 16. 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. 17. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the House June 16, 1977.

Passed the Senate June 15, 1977.

Approved by the Governor July 15, 1977.

Filed in Office of Secretary of State July 15, 1977.

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PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT  
1977 FIRST EXTRAORDINARY SESSION  
FOR SUBMISSION TO THE VOTERS AT THE  
STATE GENERAL ELECTION, NOVEMBER, 1977

HOUSE JOINT RESOLUTION NO. 55

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XII of the state Constitution by amending section 18 thereof to read as follows:

Article XII, section 18. The legislature ((~~shall~~)) may pass laws establishing reasonable ((~~maximum~~)) rates of charges for the transportation of passengers and freight, and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House April 21, 1977.

Passed the Senate May 27, 1977.

Filed in Office of Secretary of State June 1, 1977.

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PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT  
1977 FIRST EXTRAORDINARY SESSION  
FOR SUBMISSION TO THE VOTERS AT THE  
STATE GENERAL ELECTION, NOVEMBER 1977

HOUSE JOINT RESOLUTION NO. 56

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XII of the state Constitution by amending section 15 thereof to read as follows:

Article XII, section 15. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state, or coming from or going to any other state. ((~~Persons and property transported over any railroad, or by any other transportation company, or individual, shall be delivered at any station, landing or port, at~~

~~charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing. Excursion and commutation tickets may be issued at special rates.))~~

**BE IT FURTHER RESOLVED**, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House April 21, 1977.

Passed the Senate May 27, 1977.

Filed in Office of Secretary of State June 1, 1977.

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**PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT  
1977 FIRST EXTRAORDINARY SESSION  
FOR SUBMISSION TO THE VOTERS AT THE  
STATE GENERAL ELECTION, NOVEMBER 1977**

**HOUSE JOINT RESOLUTION NO. 57**

**BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:**

**THAT**, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XII of the state Constitution by repealing section 14 thereof in its entirety.

**BE IT FURTHER RESOLVED**, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House April 21, 1977.

Passed the Senate May 27, 1977.

Filed in Office of Secretary of State June 1, 1977.

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**PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT  
1977 FIRST EXTRAORDINARY SESSION  
FOR SUBMISSION TO THE VOTERS AT THE  
STATE GENERAL ELECTION, NOVEMBER 1977**

**SENATE JOINT RESOLUTION NO. 113**

**BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:**

**THAT**, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, amendments to Article IV, section 6, and Article IV, section 10, of the Constitution of the state of Washington, so that said sections shall read as follows:

Article IV, section 6. The superior court shall have original jurisdiction in all cases in equity and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy

amounts to ~~((one))~~ three thousand dollars or as otherwise determined by law, or a lesser sum in excess of the jurisdiction granted to justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.

Article IV, section 10. The legislature shall determine the number of justices of the peace to be elected and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: PROVIDED, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. Justices of the peace shall have original jurisdiction in cases where the demand or value of the property in controversy is less than three hundred dollars or such greater sum, not to exceed ~~((one))~~ three thousand dollars or as otherwise determined by law, as shall be prescribed by the legislature. In incorporated cities or towns having more than five thousand inhabitants, the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the Senate May 24, 1977.

Passed the House May 23, 1977.

Filed in Office of Secretary of State May 27, 1977.





## AUTHENTICATION

I, Richard O. White, Code Reviser of the State of Washington do hereby certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by the provisions of RCW 44.20.060, the laws published herein are a true and correct reproduction of the copies of the enrolled laws of the 1977 first extraordinary session (45th Legislature) as certified and transmitted to the Statute Law Committee by the Secretary of State pursuant to RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this first day of September, 1977.



*Richard O. White*

RICHARD O. WHITE  
Code Reviser



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(For both sessions, regular and extraordinary, 1977)

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01.16.050	AMD	111 E1	1	07.68.040	REP	302 E1	11
02.04.090	AMD	318 E1	2	07.68.050	AMD	302 E1	3
02.06	ADD	49 E1	3	07.68.060	AMD	302 E1	4
02.06.020	AMD	49 E1	1	07.68.070	AMD	302 E1	5
02.06.060	AMD	318 E1	3	07.68.075	AMD	302 E1	6
02.06.150	AMD	49 E1	2	07.68.110	AMD	302 E1	7
02.08.061	AMD	311 E1	1	07.68.130	AMD	302 E1	8
02.08.062	AMD	311 E1	2	08.12.180	REP	80 E1	11
02.08.064	AMD	311 E1	3	08.25	ADD	80 E1	12
02.08.065	AMD	311 E1	4	08.25.075	AMD	72 E1	1
02.08.090	AMD	318 E1	4	09.45.240	AMD	42 E1	1
02.12.050	AMD	18	1	09.46	ADD	165 E1	1
02.12.050	AMD	75	1	09.46	ADD	326 E1	9, 11-14,17
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02.52.010	AMD	112 E1	1	09.46.020	AMD	76 E1	1
02.52.040	AMD	112 E1	2	09.46.020	AMD	326 E1	1
02.52.050	AMD	75	2	09.46.030	AMD	165 E1	2
02.52.050	AMD	112 E1	3	09.46.030	AMD	326 E1	2
03.58.010	AMD	318 E1	5	09.46.070	AMD	76 E1	2
04.16.190	AMD	80 E1	2	09.46.070	AMD	326 E1	3
04.24	ADD	158 E1	1	09.46.080	AMD	326 E1	4
04.24	ADD	174 E1	3	09.46.090	AMD	75	4
04.24.190	AMD	145 E1	1	09.46.100	AMD	326 E1	5
04.24.230	AMD	134 E1	1	09.46.110	AMD	198 E1	1
04.24.250	AMD	68	1	09.46.115	AMD	326 E1	6
04.28.080	AMD	120 E1	1	09.46.140	AMD	326 E1	7
04.28.185	AMD	39	1	09.46.180	AMD	326 E1	8
04.84	ADD	203 E1	1	09.46.190	AMD	326 E1	10
04.92.040	AMD	144 E1	1	09.46.210	AMD	326 E1	15
04.92.100	AMD	144 E1	2	09.46.230	AMD	326 E1	16
04.92.110	AMD	144 E1	3	09.61.160	AMD	231 E1	1
04.92.170	AMD	75	3	09.61.180	AMD	231 E1	2
04.92.170	AMD	228 E1	2	09.73	ADD	363 E1	4-7
05.60.030	AMD	80 E1	3	09.73.030	AMD	363 E1	1
06.12.020	AMD	98 E1	1	09.73.060	AMD	363 E1	2
06.12.040	AMD	98 E1	2	09.73.090	AMD	363 E1	3
06.12.050	AMD	98 E1	3	09.81.130	REP	75	96
06.12.060	AMD	98 E1	4	09.94.040	AMD	43 E1	1
06.12.290	REP	98 E1	5	09.95.265	AMD	75	5
06.12.300	AMD	80 E1	4	09A.16.020	AMD	80 E1	13
06.12.310	AMD	80 E1	5	09A.32.040	AMD	206 E1	3
06.12.320	AMD	80 E1	6	09A.32.045	AMD	206 E1	4
06.36	ADD	45 E1	1-3	09A.32.046	AMD	206 E1	5
06.36.020	REP	45 E1	4	09A.32.047	AMD	206 E1	6
06.36.030	REP	45 E1	4	09A.48.100	AMD	174 E1	1
06.36.040	REP	45 E1	4	09A.56	ADD	236 E1	1
06.36.050	REP	45 E1	4	09A.56.080	AMD	174 E1	2
06.36.060	REP	45 E1	4	09A.56.090	REP	236 E1	2
06.36.070	REP	45 E1	4	09A.76.010	AMD	291 E1	53
06.36.080	REP	45 E1	4	10	ADD	206 E1	1,2,7
06.36.090	REP	45 E1	4	10	ADD	314 E1	1-11
06.36.100	REP	45 E1	4	10.46.190	AMD	53 E1	1
06.36.110	REP	45 E1	4	10.46.190	AMD	248 E1	1
06.36.120	REP	45 E1	4	10.52.020	AMD	81 E1	1
07.28.090	AMD	80 E1	7	10.64	ADD	259 E1	1
07.33.040	AMD	55 E1	1	11.02.005	AMD	80 E1	14
07.36.020	AMD	80 E1	8	11.16.083	AMD	234 E1	1
07.52.460	AMD	80 E1	9	11.20.020	AMD	234 E1	2
07.52.470	AMD	80 E1	10	11.20.090	AMD	234 E1	3
07.68	ADD	302 E1	9,10,12	11.28.110	AMD	234 E1	4

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11.28.237	AMD	234 E1	6	13.04.070	DECOD	291 E1	50
11.28.340	AMD	234 E1	7	13.04.080	AMD	291 E1	36
11.40.030	AMD	234 E1	8	13.04.080	DECOD	291 E1	50
11.52.012	AMD	234 E1	9	13.04.091	AMD	291 E1	39
11.52.022	AMD	234 E1	10	13.04.091	DECOD	291 E1	50
11.62	ADD	234 E1	29	13.04.095	REP	291 E1	81
11.62.010	AMD	234 E1	11	13.04.100	AMD	291 E1	44
11.62.020	AMD	234 E1	12	13.04.100	DECOD	291 E1	50
11.64.002	AMD	234 E1	13	13.04.105	AMD	291 E1	45
11.64.008	AMD	234 E1	14	13.04.105	DECOD	291 E1	50
11.64.016	AMD	234 E1	15	13.04.110	REP	291 E1	81
11.64.022	AMD	234 E1	16	13.04.120	REP	291 E1	81
11.64.030	AMD	234 E1	17	13.04.140	REP	291 E1	81
11.68.010	AMD	234 E1	18	13.04.150	AMD	291 E1	43
11.68.030	AMD	234 E1	19	13.04.150	DECOD	291 E1	50
11.68.040	AMD	234 E1	20	13.04.170	REP	291 E1	81
11.68.050	AMD	234 E1	21	13.04.190	REP	291 E1	81
11.68.060	AMD	234 E1	22	13.04.200	AMD	80 E1	16
11.68.070	AMD	234 E1	23	13.04.200	REP	291 E1	81
11.68.080	AMD	234 E1	24	13.04.210	REP	291 E1	81
11.68.100	AMD	234 E1	25	13.04.220	REP	291 E1	81
11.68.110	AMD	234 E1	26	13.04.230	REP	291 E1	81
11.76.080	AMD	80 E1	15	13.04.250	REP	291 E1	81
11.76.140	REP	234 E1	32	13.04.260	DECOD	291 E1	80
11.88.005	AMD	309 E1	1,2,8	13.06.050	AMD	307 E1	1
11.88.010	AMD	309 E1	2	14.04	ADD	151 E1	22
11.88.030	AMD	309 E1	3	14.04	RECOD	151 E1	79
11.88.035	REP	309 E1	17	14.04.030	REP	151 E1	80
11.88.040	AMD	309 E1	4	14.04.040	REP	151 E1	80
11.88.045	AMD	309 E1	5	14.04.050	AMD	75	6
11.88.090	AMD	309 E1	6	14.04.050	REP	151 E1	80
11.88.100	AMD	309 E1	7	14.04.260	REP	319 E1	9
11.88.107	AMD	309 E1	8	14.04.270	REP	319 E1	9
11.88.120	AMD	309 E1	9	15.04.020	AMD	75	7
11.88.125	AMD	309 E1	10	15.14.090	REP	319 E1	9
11.88.140	AMD	309 E1	11	15.17.250	AMD	26 E1	1
11.88.150	AMD	309 E1	12	15.28.180	AMD	8 E1	1
11.92	ADD	309 E1	14	15.32.696	REP	75	96
11.92.040	AMD	309 E1	13	15.49.250	AMD	26 E1	2
11.92.125	AMD	309 E1	15	15.49.340	AMD	26 E1	3
11.92.170	AMD	309 E1	16	15.60	ADD	362 E1	8-10
11.94.020	AMD	234 E1	27	15.60.005	AMD	362 E1	1
12.12.030	AMD	53 E1	2	15.60.015	AMD	362 E1	2
12.12.030	AMD	248 E1	2	15.60.030	AMD	362 E1	3
13	ADD	291 E1	16-19, 23-27, 29-31, 33,34,37, 38,40-42, 46-49, 55-78	15.60.040	AMD	362 E1	4
				15.60.050	AMD	362 E1	5
				15.60.100	AMD	362 E1	7
				15.60.110	AMD	362 E1	6
				15.60.160	REP	75	96
				15.64.020	REP	75	96
				15.65.210	AMD	26 E1	4
13.04	ADD	291 E1	1-3, 5-7, 9-14	15.67.010	REP	30	1
				15.67.020	REP	30	1
				15.67.030	REP	30	1
13.04.010	REP	291 E1	81	15.67.040	REP	30	1
13.04.030	AMD	291 E1	4	15.67.050	REP	30	1
13.04.040	AMD	291 E1	8	15.67.060	REP	30	1
13.04.053	REP	291 E1	81	15.67.070	REP	30	1
13.04.056	REP	291 E1	81	15.68.010	REP	30	1
13.04.060	AMD	291 E1	32	15.68.020	REP	30	1
13.04.060	DECOD	291 E1	50	15.68.030	REP	30	1
				15.68.040	REP	30	1

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15.68.060	REP	30	1	18.32.280	REP	5 E1	33
15.68.070	REP	30	1	18.32.350	AMD	5 E1	31
15.68.080	REP	30	1	18.32.380	AMD	5 E1	32
15.68.090	REP	30	1	18.39	ADD	93 E1	3-10
15.68.100	REP	30	1	18.39.010	AMD	93 E1	1
15.68.110	REP	30	1	18.39.180	AMD	93 E1	2
15.68.120	REP	30	1	18.43.035	AMD	75	10
15.68.130	REP	30	1	18.44	ADD	156 E1	18-31
15.68.140	REP	30	1	18.44.010	AMD	156 E1	1
15.68.150	REP	30	1	18.44.020	AMD	156 E1	2
15.68.900	REP	30	1	18.44.030	AMD	156 E1	3
16.44.100	REP	319 E1	9	18.44.040	AMD	156 E1	4
16.44.170	REP	75	96	18.44.050	AMD	156 E1	5
16.54.010	AMD	67 E1	1	18.44.070	AMD	156 E1	6
16.72.050	REP	319 E1	9	18.44.080	AMD	156 E1	7
17.08.020	AMD	169 E1	3	18.44.090	AMD	156 E1	8
17.10.050	AMD	26 E1	6	18.44.130	AMD	156 E1	9
17.12.060	AMD	169 E1	4	18.44.160	AMD	156 E1	10
17.24.110	AMD	169 E1	5	18.44.200	AMD	156 E1	11
18	ADD	101 E1	1-8	18.44.210	AMD	156 E1	12
18.04.100	AMD	75	8	18.44.220	AMD	156 E1	13
18.04.110	REP	75	2-4	18.44.230	REP	156 E1	32
18.04.210	REP	319 E1	9	18.44.240	AMD	156 E1	14
18.04.230	REP	319 E1	9	18.44.250	AMD	156 E1	15
18.18.140	AMD	310 E1	2	18.44.260	AMD	156 E1	16
18.18.251	AMD	75	9	18.44.270	AMD	156 E1	17
18.18.260	AMD	310 E1	1	18.51	ADD	244 E1	1
18.27.040	AMD	11 E1	1	18.51.170	AMD	48	1
18.27.060	AMD	61 E1	1	18.52	ADD	243 E1	7
18.27.070	AMD	66 E1	1	18.52.010	AMD	243 E1	1
18.28.010	REP	289 E1	17	18.52.070	AMD	243 E1	2
18.28.020	REP	289 E1	17	18.52.090	AMD	243 E1	3
18.28.030	REP	289 E1	17	18.52.100	AMD	243 E1	4
18.28.040	REP	289 E1	17	18.52.120	AMD	243 E1	5
18.28.050	REP	289 E1	17	18.52.150	AMD	243 E1	6
18.28.060	REP	289 E1	17	18.57A	ADD	233 E1	1
18.28.070	REP	289 E1	17	18.71	ADD	55	3
18.28.080	REP	289 E1	17	18.71.020	AMD	55	1
18.28.090	REP	289 E1	17	18.71.200	AMD	55	2
18.28.100	REP	289 E1	17	18.71.210	AMD	55	4
18.28.110	REP	289 E1	17	18.71A	ADD	233 E1	2
18.28.120	REP	289 E1	17	18.72.040	AMD	71	1
18.28.130	REP	289 E1	17	18.72.050	AMD	71	2
18.28.140	REP	289 E1	17	18.74.120	AMD	75	11
18.28.150	REP	289 E1	17	18.82.010	REP	289 E1	17
18.28.160	REP	289 E1	17	18.82.020	REP	289 E1	17
18.28.170	REP	289 E1	17	18.82.030	REP	289 E1	17
18.28.180	REP	289 E1	17	18.82.040	REP	289 E1	17
18.28.190	REP	289 E1	17	18.82.050	REP	289 E1	17
18.28.200	REP	289 E1	17	18.82.060	REP	289 E1	17
18.28.210	REP	289 E1	17	18.82.070	REP	289 E1	17
18.28.220	REP	289 E1	17	18.82.080	REP	289 E1	17
18.28.900	REP	289 E1	17	18.82.090	REP	289 E1	17
18.28.910	REP	289 E1	17	18.82.900	REP	289 E1	17
18.32	ADD	5 E1	1-28,37	18.82.910	REP	289 E1	17
18.32.060	REP	75	96	18.82.920	REP	289 E1	17
18.32.080	AMD	5 E1	29	18.83.090	AMD	58	1
18.32.230	AMD	5 E1	30	18.85	ADD	24 E1	6-9
18.32.240	REP	5 E1	33	18.85	ADD	261 E1	2
18.32.250	REP	5 E1	33	18.85	ADD	370 E1	8
18.32.260	REP	5 E1	33	18.85.010	AMD	370 E1	1

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18.85.085	AMD	24 E1	1	19.31.110	AMD 51 E1 6
18.85.095	AMD	370 E1	2	19.31.170	AMD 51 E1 7
18.85.110	AMD	370 E1	9	19.31.190	AMD 51 E1 8
18.85.120	AMD	24 E1	2	19.31.200	AMD 51 E1 9
18.85.120	AMD	370 E1	3	19.44.010	REP 289 E1 17
18.85.140	AMD	24 E1	3	19.44.020	REP 289 E1 17
18.85.140	AMD	370 E1	4	19.44.030	REP 289 E1 17
18.85.150	AMD	24 E1	4	19.44.040	REP 289 E1 17
18.85.150	AMD	370 E1	5	19.44.050	REP 289 E1 17
18.85.155	AMD	370 E1	6	19.86.170	AMD 49 1
18.85.161	AMD	370 E1	7	19.94.190	AMD 26 E1 5
18.85.190	AMD	24 E1	5	20.01	ADD 304 E1 16
18.85.230	AMD	204 E1	1	20.01.010	AMD 304 E1 1
18.85.230	AMD	261 E1	1	20.01.030	AMD 304 E1 2
18.85.410	REP	204 E1	3	20.01.060	AMD 304 E1 3
18.88.080	AMD	75	12	20.01.080	AMD 304 E1 4
18.106	ADD	149 E1	11	20.01.086	AMD 304 E1 5
18.106.010	AMD	149 E1	1	20.01.210	AMD 304 E1 6
18.106.020	AMD	149 E1	2	20.01.212	AMD 304 E1 7
18.106.030	AMD	149 E1	3	20.01.330	AMD 304 E1 8
18.106.040	AMD	149 E1	4	20.01.370	AMD 304 E1 9
18.106.050	AMD	149 E1	5	20.01.385	AMD 304 E1 10
18.106.060	AMD	149 E1	6	20.01.430	AMD 304 E1 11
18.106.070	AMD	149 E1	7	20.01.445	AMD 304 E1 12
18.106.090	AMD	149 E1	8	20.01.480	AMD 304 E1 13
18.106.100	AMD	149 E1	9	20.01.500	AMD 304 E1 14
18.106.160	AMD	149 E1	10	20.01.550	AMD 304 E1 15
19	ADD	301 E1	1-9	21.20.005	AMD 188 E1 1
19	ADD	319 E1	1-7	21.20.310	AMD 172 E1 1
19.09	ADD	222 E1	13, 14,16	21.20.310	AMD 188 E1 2
19.09.020	AMD	222 E1	1	21.20.320	AMD 172 E1 2
19.09.030	AMD	222 E1	2	21.20.325	AMD 188 E1 3
19.09.070	AMD	222 E1	3	21.20.335	REP 172 E1 5
19.09.080	AMD	222 E1	4	21.20.340	AMD 172 E1 3
19.09.090	AMD	222 E1	5	21.20.340	AMD 188 E1 4
19.09.100	AMD	222 E1	6	21.20.430	AMD 172 E1 4
19.09.110	AMD	222 E1	7	23A.08.100	AMD 193 E1 1
19.09.120	REP	222 E1	18	23A.08.130	AMD 193 E1 2
19.09.130	REP	222 E1	18	23A.08.480	AMD 193 E1 3
19.09.180	AMD	222 E1	8	23A.12.030	AMD 193 E1 4
19.09.190	AMD	222 E1	9	23A.16.040	AMD 193 E1 5
19.09.210	AMD	222 E1	10	23A.16.050	AMD 193 E1 6
19.09.220	AMD	222 E1	11	23A.16.070	AMD 193 E1 7
19.09.260	AMD	222 E1	12	23A.16.080	AMD 193 E1 8
19.09.280	AMD	222 E1	15	23A.16.100	AMD 193 E1 9
19.09.330	REP	222 E1	18	23A.16.110	AMD 193 E1 10
19.09.370	AMD	222 E1	17	23A.16.120	AMD 193 E1 11
19.16.120	AMD	194 E1	1	23A.20.040	AMD 193 E1 12
19.16.351	AMD	194 E1	2	23A.20.050	AMD 193 E1 13
19.16.360	AMD	194 E1	3	23A.28.010	AMD 193 E1 14
19.24.140	AMD	82 E1	1	23A.28.020	AMD 193 E1 15
19.27	ADD	14 E1	1-10	23A.28.030	AMD 193 E1 16
19.27.030	AMD	14 E1	11	23A.28.040	AMD 193 E1 17
19.27.040	AMD	14 E1	12	23A.28.070	AMD 193 E1 18
19.28.123	AMD	79 E1	1	23A.28.080	AMD 193 E1 19
19.31	ADD	51 E1	10	23A.28.090	AMD 193 E1 20
19.31.020	AMD	51 E1	1	23A.28.110	AMD 193 E1 21
19.31.040	AMD	51 E1	2	23A.28.120	AMD 193 E1 22
19.31.060	AMD	51 E1	3	23A.40.040	AMD 193 E1 23
19.31.090	AMD	51 E1	4	24	ADD 196 E1 1,2
19.31.100	AMD	51 E1	5	26.09.240	AMD 271 E1 1
				26.32.280	AMD 75 13

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26.36.050	AMD	80 E1	21	28A.41.145	AMD 359 E1 8
26.40.010	AMD	80 E1	22	28A.41.160	AMD 80 3
26.40.030	AMD	80 E1	23	28A.41.160	AMD 359 E1 6
26.44.010	AMD	80 E1	24	28A.44.040	AMD 359 E1 12
26.44.020	AMD	80 E1	25	28A.44.080	AMD 359 E1 10
26.44.030	AMD	80 E1	26	28A.44.085	AMD 359 E1 11
26.44.040	AMD	80 E1	27	28A.45.040	REP 359 E1 20
26.44.050	AMD	80 E1	28	28A.45.050	AMD 359 E1 13
26.44.050	AMD	291 E1	51	28A.47	ADD 227 E1 1
26.44.070	AMD	80 E1	29	28A.58	ADD 210 E1 1
27.04	ADD	232 E1	7	28A.58	ADD 272 E1 1
27.12	ADD	353 E1	1-4	28A.58	ADD 359 E1 2,3,16,18,19
27.12.010	AMD	353 E1	5		
27.28.010	AMD	75	14	28A.58.090	AMD 305 E1 1
27.28.010	AMD	81 E1	2	28A.58.113	AMD 170 E1 1
27.32.010	AMD	75	15	28A.58.120	AMD 160 E1 1
27.32.010	AMD	81 E1	3	28A.58.150	AMD 80 E1 30
27.36.050	AMD	75	16	28A.58.190	AMD 359 E1 14
27.44.020	AMD	169 E1	6	28A.58.242	AMD 50 1
27.53.020	AMD	195 E1	12	28A.58.310	AMD 73 1
27.53.030	AMD	195 E1	13	28A.58.420	AMD 255 E1 1
27.53.050	REP	195 E1	22	28A.58.455	AMD 7 E1 1
27.53.060	AMD	195 E1	14	28A.65.080	REP 5 1
27.53.080	AMD	195 E1	15	28A.65.100	REP 5 1
27.53.090	AMD	195 E1	16	28A.65.120	REP 5 1
28A	ADD	341 E1	1-5	28A.65.150	REP 5 1
28A.01.020	AMD	286 E1	1	28A.67.020	AMD 340 E1 1
28A.01.130	AMD	359 E1	17	28A.67.100	REP 359 E1 20
28A.02	ADD	303 E1	1	28A.71	ADD 189 E1 1,2
28A.02.070	AMD	120 E1	2	28A.91.060	AMD 75 19
28A.02.201	AMD	359 E1	9	28B	ADD 344 E1 1-10
28A.03	ADD	283 E1	5	28B	ADD 345 E1 1-6
28A.03.030	AMD	75	17	28B	ADD 346 E1 1-9
28A.04	ADD	283 E1	6	28B	ADD 354 E1 1-15
28A.10.025	AMD	75	18	28B.10	ADD 18 E1 1
28A.21	ADD	210 E1	2	28B.10	ADD 169 E1 1
28A.21	ADD	283 E1	4,9-11,14-17,22	28B.10.015	REP 169 E1 115
				28B.10.020	AMD 169 E1 7
				28B.10.025	AMD 169 E1 8
28A.21.010	AMD	283 E1	1	28B.10.050	AMD 169 E1 9
28A.21.020	AMD	283 E1	2	28B.10.140	AMD 169 E1 10
28A.21.030	AMD	283 E1	14	28B.10.280	AMD 169 E1 11
28A.21.0301	REP	283 E1	25	28B.10.290	AMD 169 E1 12
28A.21.0302	REP	283 E1	25	28B.10.300	AMD 169 E1 13
28A.21.0304	AMD	283 E1	19	28B.10.350	AMD 169 E1 14
28A.21.0305	AMD	283 E1	20	28B.10.400	AMD 169 E1 15
28A.21.035	AMD	283 E1	21	28B.10.405	AMD 169 E1 16
28A.21.050	AMD	283 E1	22	28B.10.410	AMD 169 E1 17
28A.21.060	AMD	283 E1	3	28B.10.415	AMD 169 E1 18
28A.21.070	REP	283 E1	25	28B.10.417	AMD 169 E1 19
28A.21.080	REP	283 E1	25	28B.10.420	AMD 169 E1 20
28A.21.105	AMD	283 E1	7	28B.10.420	AMD 276 E1 1
28A.21.106	AMD	283 E1	8	28B.10.500	AMD 169 E1 21
28A.21.135	AMD	283 E1	12	28B.10.520	AMD 169 E1 22
28A.24.080	AMD	80	1	28B.10.525	AMD 118 E1 1
28A.24.090	REP	80	4	28B.10.525	AMD 169 E1 23
28A.24.100	AMD	80	2	28B.10.550	AMD 169 E1 24
28A.24.150	REP	80	4	28B.10.560	AMD 169 E1 25
28A.27.070	AMD	291 E1	52	28B.10.567	AMD 169 E1 26
28A.41	ADD	359 E1	7	28B.10.600	AMD 169 E1 27
28A.41.130	AMD	359 E1	4	28B.10.605	AMD 169 E1 28
28A.41.140	AMD	359 E1	5	28B.10.640	AMD 169 E1 29

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28B.10.650	AMD	169 E1	30	28B.40.220	AMD	169 E1	71
28B.10.650	AMD	173 E1	1	28B.40.225	REP	169 E1	115
28B.10.700	AMD	169 E1	31	28B.40.230	AMD	169 E1	72
28B.10.703	AMD	169 E1	32	28B.40.300	AMD	169 E1	73
28B.15	ADD	126 E1	1	28B.40.305	AMD	169 E1	74
28B.15	ADD	155 E1	1	28B.40.310	AMD	169 E1	75
28B.15	ADD	265 E1	3	28B.40.315	AMD	169 E1	76
28B.15	ADD	322 E1	3,4, 6-8	28B.40.350	AMD	169 E1	77
28B.15.005	AMD	169 E1	33	28B.40.361	AMD	169 E1	78
28B.15.020	AMD	169 E1	34	28B.40.361	AMD	322 E1	11
28B.15.031	AMD	331 E1	3	28B.40.370	AMD	169 E1	79
28B.15.041	REEN	169 E1	35	28B.40.370	RECOD	169 E1	92
28B.15.041	AMD	169 E1	35	28B.40.380	AMD	169 E1	80
28B.15.100	AMD	169 E1	36	28B.40.390	AMD	169 E1	81
28B.15.100	AMD	322 E1	2	28B.40.400	REP	169 E1	115
28B.15.200	REP	322 E1	14	28B.40.700	RECOD	169 E1	92
28B.15.300	REP	322 E1	14	28B.40.700	AMD	169 E1	82
28B.15.380	AMD	169 E1	37	28B.40.710	RECOD	169 E1	92
28B.15.380	AMD	322 E1	10	28B.40.710	AMD	169 E1	83
28B.15.400	AMD	169 E1	38	28B.40.720	RECOD	169 E1	92
28B.15.400	REP	322 E1	14	28B.40.720	AMD	169 E1	84
28B.15.500	AMD	322 E1	5	28B.40.730	RECOD	169 E1	92
28B.15.530	AMD	169 E1	39	28B.40.730	AMD	169 E1	85
28B.15.600	AMD	169 E1	40	28B.40.750	RECOD	169 E1	92
28B.15.620	AMD	322 E1	9	28B.40.750	AMD	169 E1	86
28B.15.630	REP	322 E1	14	28B.40.751	RECOD	169 E1	92
28B.16	ADD	152 E1	9, 11-13	28B.40.751	AMD	169 E1	87
28B.16.020	AMD	169 E1	41	28B.40.760	RECOD	169 E1	92
28B.16.040	AMD	94 E1	1	28B.40.760	AMD	169 E1	88
28B.16.100	AMD	152 E1	8	28B.40.770	RECOD	169 E1	92
28B.16.110	AMD	152 E1	10	28B.40.770	AMD	169 E1	89
28B.19.020	AMD	169 E1	42	28B.40.780	RECOD	169 E1	92
28B.19.030	AMD	240 E1	10	28B.40.780	AMD	169 E1	90
28B.19.040	AMD	240 E1	11	28B.40.790	RECOD	169 E1	92
28B.20.130	AMD	75	20	28B.40.790	AMD	169 E1	91
28B.20.382	AMD	365 E1	1	28B.50	ADD	223 E1	1,2
28B.30	ADD	32	4	28B.50	ADD	282 E1	1
28B.30.150	AMD	75	21	28B.50	ADD	331 E1	1,2
28B.30.215	AMD	75	22	28B.50.070	AMD	75	26
28B.30.300	AMD	75	23	28B.50.090	AMD	282 E1	4
28B.30.310	AMD	75	24	28B.50.092	AMD	131 E1	1
28B.30.320	REP	75	96	28B.50.100	AMD	282 E1	2
28B.30.600	AMD	32	1	28B.50.130	AMD	75	27
28B.30.608	AMD	32	2	28B.50.140	AMD	75	28
28B.30.614	AMD	32	3	28B.50.140	AMD	282 E1	5
28B.35	ADD	169 E1	2,44- 62,92	28B.50.300	AMD	282 E1	6
28B.40	ADD	52	1	28B.50.551	AMD	173 E1	2
28B.40.010	AMD	169 E1	64	28B.50.570	REP	282 E1	8
28B.40.100	AMD	169 E1	65	28B.50.590	REP	282 E1	8
28B.40.105	AMD	169 E1	66	28B.50.750	REP	282 E1	8
28B.40.110	AMD	169 E1	67	28B.50.860	AMD	282 E1	7
28B.40.115	REP	169 E1	115	28B.56.020	AMD	242 E1	5
28B.40.120	AMD	169 E1	68	28B.56.060	REP	282 E1	8
28B.40.130	AMD	75	25	28B.80	ADD	201 E1	2
28B.40.130	REP	169 E1	115	28B.80.040	AMD	169 E1	43
28B.40.190	AMD	169 E1	69	28B.80.100	REP	75	96
28B.40.200	AMD	169 E1	70	28B.81.090	REP	5	1
28B.40.205	REP	169 E1	115	28C	ADD	349 E1	1-6
28B.40.205	AMD	201 E1	1	29	ADD	361 E1	6-24
				29.01	ADD	361 E1	1
				29.01.090	AMD	329 E1	9
				29.04.020	AMD	361 E1	2

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29.04.030	AMD	361 E1	3	29.30.030	AMD	361 E1	53
29.04.040	AMD	128 E1	1	29.30.040	AMD	361 E1	54
29.04.040	AMD	361 E1	4	29.30.050	REP	361 E1	111
29.04.050	AMD	128 E1	2	29.30.060	AMD	361 E1	55
29.04.055	AMD	361 E1	5	29.30.075	AMD	361 E1	56
29.04.130	AMD	128 E1	3	29.30.080	AMD	329 E1	14
29.04.140	AMD	128 E1	4	29.30.080	REP	361 E1	111
29.04.160	AMD	226 E1	1	29.30.090	REP	361 E1	111
29.07.010	REP	361 E1	111	29.30.100	AMD	329 E1	15
29.07.020	REP	361 E1	111	29.30.100	REP	361 E1	111
29.07.030	REP	361 E1	111	29.30.110	REP	361 E1	111
29.07.040	REP	361 E1	111	29.33.180	AMD	361 E1	62
29.07.050	REP	361 E1	111	29.33.210	AMD	361 E1	63
29.07.060	REP	361 E1	111	29.33.220	AMD	361 E1	64
29.07.065	REP	361 E1	111	29.34	ADD	361 E1	67,
29.07.070	REP	361 E1	111				69-74
29.07.080	REP	361 E1	111	29.34.010	AMD	361 E1	65
29.07.090	REP	361 E1	111	29.34.080	AMD	361 E1	66
29.07.092	REP	361 E1	111	29.34.130	AMD	361 E1	68
29.07.095	REP	361 E1	111	29.34.150	REP	361 E1	111
29.07.100	REP	361 E1	111	29.34.160	REP	361 E1	111
29.07.105	REP	361 E1	111	29.34.170	AMD	361 E1	75
29.07.110	REP	361 E1	111	29.36.010	AMD	361 E1	76
29.07.115	REP	361 E1	111	29.36.030	AMD	361 E1	77
29.07.120	REP	361 E1	111	29.36.060	AMD	361 E1	78
29.07.130	REP	361 E1	111	29.39.170	AMD	361 E1	79
29.07.140	REP	361 E1	111	29.42.010	AMD	329 E1	16
29.07.150	REP	361 E1	111	29.48	ADD	361 E1	82
29.07.160	REP	361 E1	111	29.48.020	AMD	361 E1	80
29.07.170	REP	361 E1	111	29.48.030	AMD	361 E1	81
29.07.180	REP	361 E1	111	29.51.040	REP	361 E1	111
29.07.220	REP	361 E1	111	29.51.125	AMD	361 E1	83
29.07.230	REP	361 E1	111	29.54	ADD	361 E1	94,95
29.07.240	REP	361 E1	111	29.54.010	AMD	361 E1	84
29.10.040	AMD	361 E1	26	29.54.035	AMD	361 E1	85
29.10.080	AMD	361 E1	27	29.54.040	AMD	361 E1	86
29.10.120	AMD	361 E1	28	29.54.045	AMD	361 E1	87
29.13.047	AMD	144 E1	4	29.54.050	AMD	361 E1	88
29.13.070	AMD	361 E1	29	29.54.060	AMD	361 E1	89
29.18	ADD	329 E1	13	29.54.070	AMD	361 E1	90
29.18.020	AMD	329 E1	10	29.54.080	AMD	361 E1	91
29.18.040	AMD	361 E1	30	29.54.130	AMD	361 E1	92
29.18.110	AMD	329 E1	11	29.54.140	AMD	361 E1	93
29.18.150	AMD	329 E1	12	29.59.050	REP	361 E1	111
29.21.010	AMD	53	3	29.62.090	AMD	361 E1	96
29.21.060	AMD	361 E1	31	29.62.100	AMD	361 E1	97
29.21.100	REP	361 E1	111	29.62.110	REP	361 E1	111
29.21.330	AMD	361 E1	32	29.62.150	REP	361 E1	111
29.24	ADD	329 E1	8	29.64.010	AMD	361 E1	98
29.24.010	AMD	329 E1	1	29.64.020	AMD	361 E1	99
29.24.020	AMD	329 E1	2	29.64.060	AMD	361 E1	100
29.24.030	AMD	329 E1	3	29.64.090	AMD	144 E1	5
29.24.040	AMD	329 E1	4	29.65.010	AMD	361 E1	101
29.24.050	AMD	329 E1	5	29.65.020	AMD	361 E1	102
29.24.060	AMD	329 E1	6	29.65.030	REP	361 E1	111
29.24.070	AMD	329 E1	7	29.65.040	AMD	361 E1	103
29.24.080	REP	329 E1	18	29.65.055	AMD	361 E1	104
29.27.060	AMD	4	3	29.65.110	REP	361 E1	111
29.30	ADD	361 E1	33-50, 57-61	29.65.130	REP	361 E1	111
29.30.010	AMD	361 E1	51	29.71.020	AMD	238 E1	1
29.30.020	AMD	361 E1	52	29.71.040	AMD	238 E1	2
				29.72.010	REP	361 E1	111

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**TABLE OF RCW SECTIONS AFFECTED BY 1977 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
29.72.020	REP	361 E1	111	34.04.025	AMD	240 E1	7
29.72.030	REP	361 E1	111	34.04.030	AMD	240 E1	8
29.72.040	REP	361 E1	111	34.04.050	AMD	240 E1	9
29.72.050	REP	361 E1	111	34.04.130	AMD	52 E1	1
29.72.060	REP	361 E1	111	35	ADD	196 E1	3,4
29.72.070	REP	361 E1	111	35.04.070	AMD	110 E1	5
29.72.080	REP	361 E1	111	35.20	ADD	108 E1	1
29.72.910	REP	361 E1	111	35.20.090	AMD	53 E1	3
29.79.200	AMD	361 E1	105	35.20.090	AMD	248 E1	3
29.80.010	AMD	361 E1	106	35.21.152	AMD	164 E1	1
29.81	ADD	56	1	35.21.260	AMD	75	29
29.82.050	REP	361 E1	111	35.21.330	AMD	316 E1	19
29.82.090	AMD	361 E1	107	35.21.755	AMD	35 E1	1
29.82.100	AMD	361 E1	108	35.22.280	AMD	316 E1	20
29.82.140	AMD	361 E1	109	35.23.352	AMD	41 E1	1
29.82.150	REP	361 E1	111	35.23.440	AMD	316 E1	21
29.85	ADD	329 E1	17	35.24.160	AMD	316 E1	22
29.85.150	REP	81 E1	4	35.24.290	AMD	316 E1	23
29.85.200	AMD	361 E1	110	35.27.240	AMD	316 E1	24
30	ADD	245 E1	1	35.27.370	AMD	316 E1	25
30	ADD	246 E1	1-3	35.58	ADD	44 E1	6
30.04	ADD	178 E1	1-4, 8,9	35.58.020	AMD	277 E1	12
				35.58.020	REEN	277 E1	12
30.04	ADD	301 E1	11-13	35.63	ADD	213 E1	1
30.08.190	AMD	38	1	35.68	ADD	137 E1	2
30.12	ADD	178 E1	6, 7,10	35.68.075	AMD	137 E1	1
				35.77.010	AMD	317 E1	7
30.12.040	AMD	178 E1	5	35.82.020	AMD	274 E1	1
30.20.020	AMD	234 E1	28	35.82.070	AMD	274 E1	2
30.30.060	AMD	80 E1	31	35.82.080	AMD	274 E1	3
31	ADD	207 E1	1-5	35.82.090	AMD	274 E1	4
31.08.020	AMD	150 E1	1	35.82.130	AMD	274 E1	5
31.08.030	AMD	150 E1	2	35.82.140	AMD	274 E1	6
31.08.050	AMD	150 E1	3	35.82.150	AMD	274 E1	7
31.08.070	AMD	150 E1	4	35.82.220	AMD	274 E1	8
31.08.080	AMD	150 E1	5	35.92.022	AMD	164 E1	2
31.08.090	AMD	150 E1	6	35A.63	ADD	213 E1	2
31.08.150	AMD	150 E1	7	36	ADD	67	1-6
31.08.160	AMD	150 E1	8	36	ADD	196 E1	5,6
31.08.173	AMD	150 E1	9	36	ADD	277 E1	1-11
31.08.180	AMD	150 E1	10	36.13.020	AMD	110 E1	6
31.08.190	AMD	150 E1	11	36.13.030	AMD	110 E1	1
31.08.200	AMD	150 E1	12	36.17	ADD	42	1
31.12	ADD	245 E1	4	36.18	ADD	107 E1	2
32	ADD	245 E1	2	36.18.010	AMD	56 E1	1
32.04.050	AMD	241 E1	1	36.18.020	AMD	107 E1	1
32.04.060	AMD	171 E1	1	36.21	ADD	22 E1	7
32.08.140	AMD	104 E1	1	36.21.015	AMD	75	30
32.12.090	AMD	104 E1	2	36.32.250	AMD	267 E1	1
32.20.010	AMD	241 E1	2	36.32.272	REP	67	8
32.20.250	AMD	104 E1	3	36.32.274	REP	67	8
32.20.255	AMD	104 E1	4	36.32.276	REP	67	8
32.20.370	AMD	104 E1	5	36.32.278	REP	67	8
32.20.400	AMD	104 E1	6	36.33.110	AMD	359 E1	15
32.20.410	AMD	104 E1	7	36.47	ADD	221 E1	2
32.20.420	AMD	104 E1	8	36.47.040	AMD	221 E1	1
32.20.460	AMD	104 E1	9	36.48.090	AMD	63	1
33	ADD	245 E1	3	36.57A.030	AMD	44 E1	1
34	ADD	240 E1	1, 3-6	36.57A.050	AMD	44 E1	2
				36.57A.090	AMD	44 E1	3
34.04	ADD	19	1,2	36.57A.100	AMD	44 E1	4
34.04	ADD	84 E1	1	36.57A.160	AMD	44 E1	5

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RCW		CH.	SEC.	RCW		CH.	SEC.
36.59.300	REP	13	1	36.63A.050	REP	316 E1	27
36.59.310	REP	13	1	36.63A.060	REP	316 E1	27
36.59.320	REP	13	1	36.63A.900	REP	316 E1	27
36.59.330	REP	13	1	36.63A.905	REP	316 E1	27
36.59.340	REP	13	1	36.63A.910	REP	316 E1	27
36.59.350	REP	13	1	36.69.140	AMD	90 E1	1
36.59.360	REP	13	1	36.70	ADD	213 E1	3
36.59.370	REP	13	1	36.72	ADD	34	1,2
36.59.380	REP	13	1	36.72.010	REP	34	5
36.59.390	REP	13	1	36.72.020	REP	34	5
36.59.400	REP	13	1	36.72.030	REP	34	5
36.59.410	REP	13	1	36.72.040	REP	34	5
36.59.420	REP	13	1	36.72.050	REP	34	5
36.59.430	REP	13	1	36.72.060	REP	34	5
36.63.010	REP	316 E1	27	36.72.070	REP	34	5
36.63.020	REP	316 E1	27	36.75.090	AMD	78 E1	4
36.63.030	REP	316 E1	27	36.75.260	AMD	75	31
36.63.040	REP	316 E1	27	36.77.060	AMD	32 E1	1
36.63.050	REP	316 E1	27	36.78.070	AMD	235 E1	4
36.63.060	REP	316 E1	27	36.78.090	AMD	257 E1	1
36.63.070	REP	316 E1	27	36.78.100	AMD	257 E1	2
36.63.080	REP	316 E1	27	36.82.220	REP	67	8
36.63.090	REP	316 E1	27	36.82.230	REP	67	8
36.63.100	REP	316 E1	27	38.12.020	AMD	75	32
36.63.110	REP	316 E1	27	38.52.205	AMD	144 E1	6
36.63.120	REP	316 E1	27	39.04.010	AMD	177 E1	1
36.63.130	REP	316 E1	27	39.08	ADD	166 E1	3
36.63.140	REP	316 E1	27	39.08.030	AMD	166 E1	4
36.63.150	REP	316 E1	27	39.12.050	AMD	71 E1	1
36.63.160	REP	316 E1	27	39.16.005	AMD	187 E1	1
36.63.170	REP	316 E1	27	39.16.020	AMD	187 E1	2
36.63.180	REP	316 E1	27	39.20.010	REP	16 E1	1
36.63.190	REP	316 E1	27	39.20.020	REP	16 E1	1
36.63.200	REP	316 E1	27	39.20.030	REP	16 E1	1
36.63.210	REP	316 E1	27	39.20.040	REP	16 E1	1
36.63.220	REP	316 E1	27	39.23.020	AMD	10 E1	1
36.63.230	REP	316 E1	27	39.32.010	AMD	135 E1	1
36.63.240	REP	316 E1	27	39.32.020	AMD	135 E1	2
36.63.250	REP	316 E1	27	39.32.035	AMD	135 E1	3
36.63.260	REP	316 E1	27	39.32.040	AMD	135 E1	4
36.63.270	REP	316 E1	27	39.32.060	AMD	135 E1	5
36.63.280	REP	316 E1	27	39.34.020	AMD	283 E1	13
36.63.290	REP	316 E1	27	39.34.085	AMD	46	1
36.63.300	REP	316 E1	27	39.44	ADD	229 E1	1
36.63.310	REP	316 E1	27	39.53.020	AMD	262 E1	1
36.63.320	REP	316 E1	27	39.53.040	AMD	262 E1	2
36.63.330	REP	316 E1	27	39.53.050	AMD	262 E1	3
36.63.340	REP	316 E1	27	39.58	ADD	15 E1	1
36.63.350	REP	316 E1	27	39.58.010	AMD	95 E1	1
36.63.360	REP	316 E1	27	39.90.060	AMD	169 E1	93
36.63.370	REP	316 E1	27	40	ADD	232 E1	1-6
36.63.380	REP	316 E1	27	40.04.010	REP	232 E1	12
36.63.390	REP	316 E1	27	40.04.020	REP	232 E1	12
36.63.400	REP	316 E1	27	40.04.040	AMD	169 E1	94
36.63.410	REP	316 E1	27	40.04.090	AMD	169 E1	95
36.63.420	REP	316 E1	27	40.06.010	AMD	232 E1	8
36.63.430	REP	316 E1	27	40.06.020	AMD	232 E1	9
36.63.440	REP	316 E1	27	40.06.030	AMD	232 E1	10
36.63A.010	REP	316 E1	27	40.06.040	AMD	169 E1	96
36.63A.020	REP	316 E1	27	40.06.040	AMD	232 E1	11
36.63A.030	REP	316 E1	27	41.04.060	AMD	75	33
36.63A.040	REP	316 E1	27	41.04.240	AMD	269 E1	1

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RCW		CH.	SEC.	RCW		CH.	SEC.
41.05	ADD	136 E1	1,2	43	ADD	19 E1	1-6
41.05.020	REEN	6	1	43	ADD	25 E1	1-5
41.05.020	REEN	75	34	43	ADD	195 E1	1-
41.05.020	AMD	75	34				11,19
41.05.020	REP	136 E1	7	43	ADD	288 E1	1-9
41.05.020	REEN	190 E1	1	43.01.030	REP	232 E1	12
41.05.020	AMD	190 E1	1	43.03	ADD	312 E1	3,4
41.05.040	AMD	136 E1	3	43.03.010	AMD	318 E1	1
41.05.050	AMD	136 E1	4	43.03.028	AMD	75	36
41.05.070	AMD	136 E1	5	43.03.028	AMD	127 E1	1
41.05.080	AMD	136 E1	6	43.03.040	AMD	127 E1	2
41.06	ADD	151 E1	13	43.03.050	AMD	312 E1	1
41.06	ADD	152 E1	3-6	43.03.060	AMD	312 E1	2
41.06.090	REP	152 E1	7	43.03.140	REP	75	96
41.06.110	REEN	6	2	43.06.010	AMD	289 E1	15
41.06.150	AMD	152 E1	1	43.06.140	AMD	75	37
41.06.160	AMD	152 E1	2	43.06.200	AMD	328 E1	11
41.26	ADD	251 E1	8	43.06.210	AMD	328 E1	12
41.26	ADD	294 E1	1-16, 18,19	43.07	ADD	117 E1	1-5
41.26.030	AMD	294 E1	17	43.07.060	REP	75	96
41.26.045	AMD	294 E1	20	43.07.070	REP	75	96
41.26.046	AMD	294 E1	21	43.07.080	REP	75	96
41.26.090	AMD	294 E1	22	43.08.010	AMD	75	38
41.26.160	AMD	294 E1	23	43.08.060	AMD	16	1
41.32	ADD	293 E1	1- 17,19	43.08.150	AMD	75	39
41.32.010	AMD	293 E1	18	43.09.050	AMD	75	40
41.40	ADD	251 E1	9	43.09.050	AMD	144 E1	7
41.40	ADD	295 E1	1- 15,21	43.09.160	REP	144 E1	13
41.40.010	AMD	295 E1	16	43.09.230	AMD	75	41
41.40.030	AMD	34 E1	1	43.10	ADD	144 E1	9
41.40.165	AMD	295 E1	17	43.10.100	AMD	75	42
41.40.340	AMD	295 E1	18	43.17.010	AMD	7	1
41.40.350	AMD	295 E1	19	43.17.010	REEN	7	1
41.40.370	AMD	295 E1	20	43.17.010	AMD	151 E1	20
41.40.515	AMD	169 E1	97	43.17.010	AMD	334 E1	5
41.40.516	AMD	169 E1	98	43.17.020	AMD	7	2
41.40.517	AMD	169 E1	99	43.17.020	REEN	7	2
41.40.519	AMD	169 E1	100	43.17.020	AMD	151 E1	21
41.40.520	AMD	169 E1	101	43.17.020	AMD	334 E1	6
41.40.521	AMD	169 E1	102	43.17.100	AMD	270 E1	7
41.50	ADD	251 E1	7	43.19	ADD	86 E1	1-6
41.50.050	AMD	251 E1	1	43.19	ADD	270 E1	1-3
41.50.080	AMD	251 E1	2	43.19.020	AMD	185 E1	1
41.60.010	AMD	169 E1	103	43.19.030	AMD	270 E1	8
42.04	ADD	75	35	43.19.060	REP	245 E1	5
42.17	ADD	336 E1	3-6	43.19.070	REP	245 E1	5
42.17.020	AMD	313 E1	1	43.19.090	AMD	75	43
42.17.030	AMD	313 E1	2	43.19.100	AMD	185 E1	2
42.17.040	AMD	336 E1	1	43.19.120	REP	245 E1	5
42.17.060	AMD	313 E1	3	43.19.190	AMD	270 E1	4
42.17.090	AMD	336 E1	2	43.19.1906	AMD	270 E1	5
42.17.160	AMD	313 E1	4	43.19.1935	AMD	270 E1	6
42.17.170	AMD	313 E1	5	43.19.530	AMD	10 E1	2
42.17.190	AMD	313 E1	6	43.20.100	AMD	75	44
42.17.195	REP	313 E1	7	43.20A.300	AMD	40 E1	15
42.17.310	AMD	314 E1	13	43.20A.360	AMD	75	45
42.17.370	AMD	336 E1	7	43.21.130	AMD	75	46
42.26.040	AMD	40	1	43.21A	ADD	264 E1	1
42.30	ADD	240 E1	12	43.21A.200	AMD	75	47
				43.21C.060	AMD	278 E1	2
				43.21C.080	AMD	278 E1	1
				43.21G.010	AMD	328 E1	1

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RCW		CH.	SEC.	RCW		CH.	SEC.
43.21G.020	AMD	328 E1	2	43.52.370	AMD	184 E1	7
43.21G.030	AMD	328 E1	3	43.52.391	AMD	184 E1	8
43.21G.040	AMD	328 E1	4	43.52.410	AMD	184 E1	9
43.21G.050	AMD	328 E1	5	43.52.430	AMD	184 E1	10
43.21G.060	AMD	328 E1	6	43.52.450	AMD	184 E1	11
43.21G.070	AMD	328 E1	7	43.56.030	AMD	75	59
43.21G.080	AMD	328 E1	8	43.60A	ADD	31	5
43.21G.090	AMD	328 E1	9	43.60A.080	AMD	285 E1	1
43.22	ADD	21 E1	1-3,5	43.61.040	AMD	75	60
43.22.270	AMD	75	48	43.62.030	AMD	75	61
43.22.330	AMD	75	49	43.62.050	AMD	75	62
43.22.350	AMD	21 E1	6	43.63A.070	AMD	151 E1	28
43.23.120	AMD	75	50	43.63A.080	AMD	75	63
43.23.130	AMD	75	51	43.63A.085	AMD	75	64
43.30.200	AMD	75	52	43.77.010	REP	86 E1	8
43.31	ADD	70 E1	1-5	43.77.020	REP	86 E1	8
43.31.040	AMD	70 E1	6	43.77.030	REP	86 E1	8
43.31.050	AMD	75	53	43.77.040	REP	86 E1	8
43.31.160	AMD	75	54	43.77.050	REP	86 E1	8
43.31A.130	AMD	296 E1	1	43.79.150	AMD	169 E1	104
43.31A.330	AMD	75	55	43.79.180	AMD	169 E1	105
43.33	ADD	251 E1	6, 10,11	43.79.304	AMD	169 E1	106
43.33.050	AMD	251 E1	3	43.79.314	AMD	169 E1	107
43.33.070	AMD	251 E1	4	43.79.324	AMD	169 E1	108
43.41	ADD	114 E1	1	43.83A.020	AMD	242 E1	1
43.41	ADD	128 E1	5	43.83B.020	AMD	242 E1	2
43.41	ADD	144 E1	10-12	43.83B.210	AMD	1 E1	11
43.41.110	AMD	25 E1	6	43.83C.020	AMD	242 E1	3
43.41.110	AMD	110 E1	4	43.83D.020	AMD	242 E1	4
43.43.310	AMD	256 E1	1	43.84.110	AMD	17	2
43.43.705	AMD	314 E1	14	43.84.150	AMD	251 E1	5
43.43.710	AMD	30 E1	1	43.85.241	AMD	17	1
43.43.710	AMD	314 E1	15	43.88	ADD	23	2-4
43.43.730	AMD	314 E1	16	43.88.030	AMD	247 E1	1
43.43.810	AMD	314 E1	17	43.88.060	AMD	247 E1	2
43.49.070	AMD	75	56	43.88.195	AMD	169 E1	109
43.51	ADD	75 E1	1-11	43.92.030	REP	75	96
43.51	ADD	281 E1	1-4	43.92.050	REP	169 E1	115
43.51	ADD	306 E1	2-6	43.97.005	AMD	132 E1	1
43.51	ADD	330 E1	1	43.101	ADD	212 E1	2,3
43.51.040	AMD	75	57	43.101.010	AMD	212 E1	1
43.51.040	AMD	123 E1	1	43.117.910	AMD	297 E1	1
43.51.750	REP	195 E1	22	43.125.010	REP	17 E1	3
43.51.760	REP	195 E1	22	43.125.020	AMD	75	65
43.51.770	REP	195 E1	22	43.125.020	REP	17 E1	3
43.51.780	REP	195 E1	22	43.125.030	REP	17 E1	3
43.51.790	REP	195 E1	22	43.125.030	REP	169 E1	115
43.51.800	AMD	75	58	43.125.040	REP	17 E1	3
43.51.800	REP	195 E1	22	43.125.050	REP	17 E1	3
43.51.810	REP	195 E1	22	43.125.900	REP	17 E1	3
43.51.820	REP	195 E1	22	44	ADD	373 E1	1-13
43.51.940	AMD	306 E1	1	44.18.010	REP	144 E1	13
43.51.941	REP	306 E1	8	44.39	ADD	328 E1	17,18
43.52	ADD	28 E1	1,2	44.39.010	AMD	328 E1	13
43.52.250	AMD	184 E1	1	44.39.015	AMD	328 E1	14
43.52.260	AMD	184 E1	2	44.39.020	AMD	328 E1	15
43.52.290	AMD	184 E1	3	44.39.025	AMD	328 E1	16
43.52.300	AMD	184 E1	4	44.39.030	REP	328 E1	19
43.52.340	REP	184 E1	12	44.39.035	REP	328 E1	19
43.52.350	AMD	184 E1	5	44.39.040	REP	328 E1	19
43.52.360	AMD	184 E1	6	44.40.020	AMD	235 E1	5
				44.40.025	AMD	235 E1	6

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RCW	CH.	SEC.	RCW	CH.	SEC.
44.40.030	AMD	235 E1	7	46.16.105	REP 22 E1 9
44.40.040	AMD	235 E1	8	46.16.106	REP 22 E1 9
44.40.070	AMD	235 E1	9	46.16.160	AMD 22 E1 5
44.40.090	AMD	235 E1	10	46.16.210	REEN 8 1
44.40.100	AMD	235 E1	11	46.20	ADD 27 E1 1,2
44.40.110	REP	235 E1	19	46.20.031	AMD 162 E1 1
44.40.120	AMD	235 E1	12	46.20.270	AMD 3 E1 1
44.40.125	REP	235 E1	19	46.20.293	AMD 3 E1 2
44.40.130	REP	235 E1	19	46.29.060	AMD 369 E1 1
44.60	ADD	218 E1	7-10	46.37	ADD 355 E1 16,19,30,31,39,43-53
44.60.010	AMD	218 E1	1		
44.60.020	AMD	218 E1	2		
44.60.040	AMD	218 E1	3	46.37.010	AMD 355 E1 1
44.60.050	AMD	218 E1	4	46.37.020	AMD 355 E1 2
44.60.060	REP	218 E1	11	46.37.030	AMD 355 E1 3
44.60.070	AMD	218 E1	5	46.37.040	AMD 355 E1 4
44.60.080	AMD	218 E1	6	46.37.050	AMD 355 E1 5
45.24.010	AMD	15	1	46.37.060	AMD 355 E1 6
45.24.030	REP	15	2	46.37.070	AMD 355 E1 7
45.68.010	REP	14	1	46.37.080	AMD 355 E1 8
45.68.020	REP	14	1	46.37.090	AMD 355 E1 9
45.68.030	REP	14	1	46.37.110	AMD 355 E1 10
45.68.040	REP	14	1	46.37.120	AMD 355 E1 11
45.68.050	REP	14	1	46.37.140	AMD 355 E1 12
46	ADD	88 E1	1	46.37.150	AMD 355 E1 13
46	ADD	280 E1	1-7	46.37.160	AMD 355 E1 14
46.01	ADD	334 E1	1,3	46.37.170	AMD 355 E1 15
46.01.010	REP	334 E1	7	46.37.200	AMD 355 E1 17
46.01.020	AMD	334 E1	2	46.37.210	AMD 355 E1 18
46.01.060	REP	334 E1	7	46.37.220	AMD 355 E1 20
46.01.080	REP	334 E1	7	46.37.240	AMD 355 E1 21
46.01.120	REP	334 E1	7	46.37.250	REP 355 E1 54
46.01.170	AMD	334 E1	4	46.37.260	AMD 355 E1 22
46.01.200	REP	334 E1	7	46.37.270	AMD 355 E1 23
46.01.290	AMD	75	66	46.37.280	AMD 355 E1 24
46.04.302	AMD	22 E1	1	46.37.290	AMD 45 1
46.04.500	AMD	24	1	46.37.320	AMD 20 E1 1
46.08.060	REP	319 E1	9	46.37.320	AMD 355 E1 25
46.09	ADD	220 E1	17-20	46.37.330	AMD 355 E1 26
46.09.020	AMD	220 E1	1	46.37.340	AMD 148 E1 2
46.09.030	AMD	220 E1	2	46.37.340	AMD 355 E1 27
46.09.040	AMD	220 E1	3	46.37.360	AMD 355 E1 28
46.09.050	AMD	220 E1	4	46.37.365	AMD 355 E1 29
46.09.060	AMD	220 E1	5	46.37.370	REP 355 E1 54
46.09.070	AMD	220 E1	6	46.37.380	AMD 355 E1 32
46.09.080	AMD	220 E1	7	46.37.390	AMD 355 E1 33
46.09.090	AMD	220 E1	8	46.37.400	AMD 355 E1 34
46.09.110	AMD	220 E1	9	46.37.410	AMD 355 E1 35
46.09.120	AMD	220 E1	10	46.37.424	AMD 355 E1 36
46.09.130	AMD	220 E1	11	46.37.425	AMD 355 E1 37
46.09.140	AMD	220 E1	12	46.37.440	AMD 355 E1 38
46.09.150	AMD	220 E1	13	46.37.480	AMD 355 E1 40
46.09.170	AMD	220 E1	14	46.37.500	AMD 355 E1 41
46.09.175	REP	220 E1	22	46.37.510	AMD 355 E1 42
46.09.180	AMD	220 E1	15	46.37.530	AMD 355 E1 55
46.09.190	AMD	220 E1	16	46.37.535	AMD 355 E1 56
46.09.210	REP	220 E1	22	46.44	ADD 22 E1 2-4
46.09.220	REP	220 E1	18	46.44.020	AMD 81 1
46.16	ADD	25	2	46.44.030	AMD 64 E1 1
46.16.010	AMD	148 E1	1	46.44.041	AMD 81 2
46.16.090	AMD	25	1	46.44.080	AMD 151 E1 29
46.16.104	REP	22 E1	9	46.44.090	AMD 151 E1 30

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RCW		CH.	SEC.	RCW		CH.	SEC.
46.44.091	AMD	151 E1	31	46.90.427	AMD	60 E1	4
46.44.092	AMD	151 E1	32	46.90.463	AMD	60 E1	5
46.44.095	AMD	151 E1	33	46.90.700	AMD	60 E1	6
46.52.030	AMD	68 E1	1	47	ADD	151 E1	1-4,
46.52.030	AMD	369 E1	2				8-11,
46.52.060	AMD	75	67				23,76
46.52.065	AMD	50 E1	1	47.01	ADD	151 E1	5-7
46.52.120	AMD	356 E1	1	47.01.010	REP	151 E1	80
46.52.130	AMD	140 E1	1	47.01.020	REP	151 E1	80
46.52.130	AMD	356 E1	2	47.01.030	REP	151 E1	80
46.61	ADD	39 E1	1	47.01.040	REP	151 E1	80
46.61	ADD	143 E1	1	47.01.050	REP	151 E1	80
46.61	ADD	167 E1	1-	47.01.060	REP	151 E1	80
			3,5	47.01.070	AMD	151 E1	27
46.61.350	AMD	78	1	47.01.080	REP	151 E1	80
46.61.405	AMD	151 E1	34	47.01.090	REP	151 E1	80
46.61.410	AMD	151 E1	35	47.01.100	REP	151 E1	80
46.61.415	AMD	151 E1	36	47.01.110	REP	151 E1	80
46.61.425	AMD	151 E1	37	47.01.120	REP	151 E1	80
46.61.430	AMD	151 E1	38	47.01.130	REP	151 E1	80
46.61.450	AMD	151 E1	39	47.01.141	AMD	75	68
46.61.515	AMD	3 E1	3	47.01.160	REP	151 E1	80
46.61.560	AMD	24	2	47.01.220	AMD	235 E1	13
46.61.565	AMD	167 E1	4	47.02.010	AMD	235 E1	14
46.61.570	AMD	151 E1	40	47.05	ADD	130 E1	1
46.61.575	AMD	151 E1	41	47.05.020	REP	130 E1	2
46.61.587	AMD	57	1	47.05.020	AMD	151 E1	43
46.61.670	AMD	39 E1	2	47.05.030	AMD	151 E1	44
46.65.090	AMD	138 E1	1	47.05.040	AMD	235 E1	15
46.68	ADD	317 E1	10	47.05.070	AMD	151 E1	45
46.68.041	AMD	27	1	47.12	ADD	78 E1	1,2
46.68.090	AMD	317 E1	8	47.12	ADD	103 E1	1-3
46.68.100	AMD	51	1	47.12.010	AMD	151 E1	46
46.68.100	AMD	317 E1	9	47.12.020	REP	103 E1	5
46.68.120	AMD	151 E1	42	47.12.060	REP	78 E1	9
46.68.150	AMD	317 E1	11	47.12.060	AMD	151 E1	47
46.70.011	AMD	125 E1	1	47.12.070	REP	78 E1	9
46.70.011	AMD	204 E1	2	47.12.070	AMD	151 E1	48
46.70.041	AMD	125 E1	2	47.12.080	AMD	78 E1	5
46.70.101	AMD	125 E1	3	47.12.080	AMD	151 E1	49
46.70.180	AMD	125 E1	4	47.12.120	AMD	151 E1	50
46.76	ADD	254 E1	1	47.12.130	AMD	151 E1	51
46.80	ADD	253 E1	1,11, 13,14	47.12.140	AMD	78 E1	6
46.80.010	AMD	253 E1	2	47.12.140	AMD	151 E1	52
46.80.020	AMD	253 E1	3	47.12.150	AMD	151 E1	53
46.80.030	AMD	253 E1	4	47.12.190	AMD	151 E1	54
46.80.070	AMD	253 E1	5	47.12.200	AMD	151 E1	55
46.80.080	AMD	253 E1	6	47.12.220	AMD	151 E1	56
46.80.090	AMD	253 E1	7	47.12.280	AMD	37 E1	1
46.80.100	AMD	253 E1	8	47.16.220	REP	235 E1	19
46.80.110	AMD	253 E1	9	47.17	ADD	224 E1	1
46.80.120	REP	253 E1	12	47.17.520	AMD	6 E1	1
46.80.150	AMD	253 E1	10	47.17.850	AMD	235 E1	16
46.81	ADD	76	1	47.20.662	REP	235 E1	19
46.81.010	AMD	76	2	47.24.010	AMD	151 E1	57
46.81.020	AMD	76	3	47.24.020	AMD	78 E1	7
46.81.070	AMD	76	4	47.26	ADD	317 E1	21
46.85.030	AMD	92 E1	1	47.26.040	AMD	317 E1	12
46.90.300	AMD	60 E1	1	47.26.080	AMD	317 E1	22
46.90.406	AMD	60 E1	2	47.26.140	AMD	151 E1	58
46.90.415	AMD	60 E1	3	47.26.160	AMD	235 E1	17
				47.26.180	AMD	317 E1	13

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RCW		CH.	SEC.	RCW		CH.	SEC.
47.26.190	AMD	317 E1	14	48.23.080	AMD	250 E1	1
47.26.240	AMD	317 E1	15	48.30	ADD	356 E1	3
47.26.270	AMD	317 E1	16	48.30.260	AMD	61	1
47.26.281	AMD	214 E1	1	48.32.140	REP	183 E1	3
47.26.405	AMD	317 E1	17	48.32.145	AMD	183 E1	1
47.26.420	AMD	317 E1	18	48.32A.090	AMD	183 E1	2
47.26.424	AMD	317 E1	19	48.34.060	AMD	61	2
47.26.425	AMD	317 E1	20	48.36.050	AMD	96 E1	1
47.28.010	AMD	151 E1	59	48.36.090	AMD	96 E1	2
47.28.025	AMD	225 E1	1	48.36.120	AMD	96 E1	3
47.28.026	AMD	225 E1	2	48.36.230	AMD	96 E1	4
47.28.030	AMD	225 E1	3	48.40	ADD	163 E1	1-12
47.28.050	AMD	65	1	48.44.200	AMD	80 E1	33
47.36.020	AMD	151 E1	60	48.44.210	AMD	80 E1	34
47.36.030	AMD	151 E1	61	48.48.110	AMD	75	71
47.42	ADD	141 E1	1	49.04.010	AMD	75	72
47.42	ADD	258 E1	2	49.12.110	AMD	80 E1	35
47.42.020	AMD	258 E1	1	49.12.180	AMD	75	73
47.42.150	REP	75	96	49.46	ADD	69 E1	2
47.48.010	AMD	216 E1	1	49.46.010	AMD	69 E1	1
47.48.020	AMD	216 E1	2	49.46.130	AMD	4 E1	1
47.48.040	AMD	216 E1	3	49.46.130	AMD	74 E1	1
47.52	ADD	77	1	49.60.030	AMD	192 E1	1
47.52	ADD	78 E1	3	49.60.100	AMD	75	74
47.52.027	AMD	151 E1	62	49.60.175	AMD	301 E1	14
47.52.090	AMD	78 E1	8	50	ADD	83 E1	1-11
47.52.135	AMD	77	2	50	ADD	153 E1	1-11
47.52.139	AMD	151 E1	63	50.04	ADD	292 E1	3,5
47.52.150	AMD	151 E1	64	50.04.030	AMD	33 E1	1
47.52.180	AMD	77	3	50.04.090	AMD	73 E1	1
47.52.180	AMD	151 E1	65	50.04.116	AMD	292 E1	1
47.56.030	AMD	151 E1	66	50.04.150	AMD	292 E1	2
47.56.034	REP	151 E1	80	50.04.160	AMD	292 E1	4
47.56.070	AMD	151 E1	67	50.04.200	REP	292 E1	26
47.56.080	AMD	151 E1	68	50.04.250	REP	292 E1	27
47.56.090	AMD	151 E1	69	50.04.260	REP	292 E1	27
47.56.100	AMD	103 E1	4	50.04.270	AMD	292 E1	7
47.56.120	AMD	151 E1	70	50.04.300	AMD	292 E1	8
47.56.250	AMD	151 E1	71	50.04.355	AMD	33 E1	2
47.56.254	AMD	151 E1	72	50.12	ADD	273 E1	1
47.56.350	REP	75	96	50.12.010	AMD	75	75
47.56.720	AMD	11	1	50.12.050	AMD	292 E1	9
47.56.725	AMD	51	2	50.12.070	AMD	33 E1	3
47.60	ADD	166 E1	1,2,8	50.12.110	REP	153 E1	12
47.60	ADD	360 E1	1-9	50.12.160	AMD	75	76
47.60.310	AMD	29	1	50.16.010	AMD	292 E1	24
47.60.505	AMD	360 E1	10	50.20	ADD	33 E1	8
47.60.510	REP	235 E1	19	50.20	ADD	292 E1	6,10
47.60.520	REP	235 E1	19	50.20.050	AMD	33 E1	4
48.02.170	AMD	75	69	50.20.060	AMD	33 E1	5
48.02.180	AMD	75	70	50.20.100	AMD	33 E1	6
48.05.300	AMD	180 E1	1	50.20.120	AMD	33 E1	7
48.12.010	AMD	180 E1	2	50.22.010	AMD	292 E1	11
48.12.160	AMD	180 E1	3	50.24	ADD	33 E1	10
48.14.010	AMD	182 E1	1	50.24.010	AMD	33 E1	9
48.15.070	AMD	182 E1	2	50.24.160	AMD	292 E1	12
48.17.110	AMD	182 E1	3	50.44	ADD	292 E1	15,16
48.17.250	AMD	182 E1	4	50.44.020	AMD	292 E1	13
48.17.430	AMD	182 E1	5	50.44.030	AMD	292 E1	14
48.17.500	AMD	182 E1	6	50.44.040	AMD	292 E1	17
48.21.150	AMD	80 E1	32	50.44.050	AMD	292 E1	18
48.23	ADD	60	1	50.44.060	AMD	292 E1	19

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RCW	CH.	SEC.	RCW	CH.	SEC.		
50.98	ADD	292 E1	20,21	51.32.030	AMD	323 E1	14
51.04	ADD	323 E1	25,26	51.32.030	AMD	350 E1	40
51.04.010	AMD	350 E1	1	51.32.040	AMD	350 E1	41
51.04.020	AMD	75	77	51.32.050	AMD	350 E1	42
51.04.030	AMD	239 E1	1	51.32.055	AMD	350 E1	43
51.04.030	AMD	350 E1	2	51.32.060	AMD	350 E1	44
51.04.040	AMD	323 E1	1	51.32.073	AMD	202 E1	1
51.04.060	AMD	350 E1	3	51.32.073	AMD	323 E1	15
51.04.070	AMD	323 E1	2	51.32.073	AMD	350 E1	45
51.04.070	AMD	350 E1	4	51.32.075	AMD	202 E1	2
51.04.090	AMD	350 E1	5	51.32.080	AMD	350 E1	46
51.04.100	AMD	350 E1	6	51.32.090	AMD	350 E1	47
51.04.110	AMD	75	78	51.32.095	AMD	323 E1	16
51.04.110	AMD	350 E1	7	51.32.095	AMD	350 E1	48
51.08.013	AMD	350 E1	8	51.32.100	AMD	350 E1	49
51.08.015	AMD	350 E1	9	51.32.110	AMD	323 E1	17
51.08.018	AMD	323 E1	3	51.32.110	AMD	350 E1	50
51.08.020	AMD	350 E1	10	51.32.120	AMD	350 E1	51
51.08.030	AMD	80 E1	36	51.32.135	AMD	350 E1	52
51.08.030	AMD	323 E1	4	51.32.150	AMD	323 E1	18
51.08.050	AMD	350 E1	11	51.32.180	AMD	350 E1	53
51.08.070	AMD	350 E1	12	51.32.190	AMD	350 E1	54
51.08.160	AMD	350 E1	13	51.32.210	AMD	350 E1	55
51.08.175	AMD	323 E1	5	51.32.220	AMD	323 E1	19
51.08.178	AMD	323 E1	6	51.36.010	AMD	350 E1	56
51.08.178	AMD	350 E1	14	51.36.020	AMD	350 E1	57
51.08.180	AMD	350 E1	15	51.36.030	AMD	323 E1	20
51.08.185	AMD	350 E1	16	51.36.030	AMD	350 E1	58
51.12	ADD	113 E1	1	51.36.040	AMD	350 E1	59
51.12.020	AMD	323 E1	7	51.36.070	AMD	350 E1	60
51.12.035	AMD	350 E1	17	51.40.010	REP	323 E1	28
51.12.050	AMD	350 E1	18	51.40.010	AMD	350 E1	61
51.12.060	AMD	350 E1	19	51.40.020	REP	323 E1	28
51.12.090	AMD	350 E1	20	51.40.020	AMD	350 E1	62
51.12.100	AMD	350 E1	21	51.40.030	REP	323 E1	28
51.12.110	AMD	323 E1	8	51.40.030	AMD	350 E1	63
51.12.110	AMD	350 E1	22	51.40.040	REP	323 E1	28
51.12.120	AMD	350 E1	23	51.40.040	AMD	350 E1	64
51.14.020	AMD	323 E1	9	51.40.050	REP	323 E1	28
51.14.030	AMD	323 E1	10	51.40.050	AMD	350 E1	65
51.16	ADD	323 E1	27	51.40.060	REP	323 E1	28
51.16.035	AMD	350 E1	24	51.40.060	AMD	350 E1	66
51.16.042	AMD	350 E1	25	51.40.070	REP	323 E1	28
51.16.060	AMD	323 E1	11	51.40.070	AMD	350 E1	67
51.16.060	AMD	350 E1	26	51.44.040	AMD	323 E1	21
51.16.105	AMD	350 E1	27	51.44.110	AMD	350 E1	68
51.16.110	AMD	323 E1	12	51.48.010	AMD	350 E1	69
51.16.120	AMD	323 E1	13	51.48.020	AMD	323 E1	22
51.16.120	AMD	350 E1	28	51.48.050	AMD	323 E1	23
51.16.140	AMD	350 E1	29	51.48.050	AMD	350 E1	70
51.24	ADD	85 E1	1-8	51.48.060	AMD	350 E1	71
51.24.010	REP	85 E1	10	51.48.070	AMD	323 E1	24
51.24.020	AMD	350 E1	31	51.48.070	AMD	350 E1	72
51.28.010	AMD	350 E1	32	51.48.105	AMD	350 E1	73
51.28.020	AMD	350 E1	33	51.52.010	AMD	350 E1	74
51.28.040	AMD	199 E1	1	51.52.050	AMD	350 E1	75
51.28.055	AMD	350 E1	34	51.52.060	AMD	350 E1	76
51.28.060	AMD	350 E1	35	51.52.070	AMD	350 E1	77
51.28.070	AMD	350 E1	36	51.52.095	AMD	350 E1	78
51.32.010	AMD	350 E1	37	51.52.100	AMD	350 E1	79
51.32.015	AMD	350 E1	38	51.52.110	AMD	350 E1	80
51.32.020	AMD	350 E1	39	51.52.120	AMD	350 E1	81

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RCW		CH.	SEC.	RCW		CH.	SEC.
51.52.130	AMD	350 E1	82	65.08	ADD	72	1,2
52.12.050	AMD	64	1	65.16	ADD	34	3,4
52.24.085	AMD	121 E1	1	65.16.090	REP	34	5
53.04	ADD	91 E1	1	66.04.011	AMD	219 E1	1
53.08.030	AMD	196 E1	7	66.08.028	AMD	75	79
53.08.085	AMD	41	1	66.08.030	AMD	115 E1	1
54.04	ADD	116 E1	1	66.08.200	AMD	110 E1	2
54.08.010	AMD	53	1	66.08.210	AMD	110 E1	3
54.12.010	AMD	53	2	66.24.320	AMD	9 E1	1
54.12.010	AMD	36 E1	8	66.24.330	AMD	9 E1	2
54.12.080	AMD	157 E1	1	66.24.340	AMD	9 E1	3
54.16.180	AMD	31 E1	1	66.24.400	AMD	9 E1	4
54.28	ADD	366 E1	6,7	66.24.420	AMD	219 E1	4
54.28.010	AMD	366 E1	1	66.24.490	AMD	9 E1	5
54.28.020	AMD	366 E1	2	66.28.010	AMD	219 E1	2
54.28.030	AMD	366 E1	3	67.08.003	REEN	9	1
54.28.050	AMD	366 E1	4	67.08.015	REEN	9	2
54.28.090	AMD	366 E1	5	67.08.020	REP	319 E1	9
54.40.010	AMD	36 E1	1	67.08.025	REP	319 E1	9
54.40.020	AMD	36 E1	2	67.16	ADD	372 E1	1
54.40.030	AMD	36 E1	3	67.16.015	AMD	75	80
54.40.040	AMD	36 E1	4	67.16.100	AMD	75	81
54.40.050	AMD	36 E1	5	67.16.102	AMD	372 E1	2
54.40.060	AMD	36 E1	6	67.32.080	AMD	220 E1	21
54.40.070	AMD	36 E1	7	68.04.020	AMD	47	1
56	ADD	208 E1	3	68.04.030	AMD	47	2
56.08	ADD	146 E1	1	68.04.110	AMD	47	3
56.08.020	AMD	300 E1	1	68.05.040	AMD	351 E1	1
56.08.050	AMD	300 E1	2	68.05.050	AMD	351 E1	2
56.16.020	AMD	300 E1	3	68.05.180	AMD	351 E1	3
56.16.030	AMD	300 E1	4	68.05.230	AMD	351 E1	4
56.16.035	AMD	300 E1	5	68.08	ADD	47	4
56.16.100	AMD	300 E1	6	68.08.101	AMD	79	1
56.16.110	AMD	300 E1	7	68.08.105	AMD	79	2
56.16.115	AMD	300 E1	8	68.46	ADD	351 E1	6
56.20.015	AMD	300 E1	9	68.46.090	AMD	351 E1	5
56.20.020	AMD	300 E1	10	69.32.030	AMD	169 E1	110
57.08.015	AMD	299 E1	2	69.41	ADD	352 E1	1-9
57.08.090	AMD	299 E1	1	69.41.030	AMD	69	1
57.16.010	AMD	299 E1	3	69.50	ADD	197 E1	1
57.16.030	AMD	299 E1	4	69.50.505	AMD	77 E1	1
57.16.035	AMD	299 E1	5	70	ADD	99 E1	1-15
57.16.040	AMD	299 E1	6	70	ADD	133 E1	2-4
57.16.060	AMD	299 E1	7	70	ADD	139 E1	1-4
57.20.025	AMD	299 E1	8	70	ADD	142 E1	1-12
58.17	ADD	213 E1	4	70	ADD	249 E1	1-4
58.19	ADD	252 E1	1	70	ADD	316 E1	1-15
59	ADD	279 E1	1-12	70.10.020	AMD	80 E1	37
60.04.020	AMD	57 E1	1	70.10.040	AMD	80 E1	38
60.22.020	AMD	21	1	70.10.050	AMD	80 E1	39
60.28.010	AMD	166 E1	5	70.20.140	REP	316 E1	27
60.28.010	AMD	205 E1	1	70.24	ADD	59	1
60.32.020	AMD	176 E1	1	70.39.040	AMD	36	1
60.68.040	AMD	62	1	70.39.060	AMD	35	1
62A.09.302	AMD	117 E1	6	70.39.130	AMD	75	82
62A.09.401	AMD	117 E1	7	70.39.150	AMD	154 E1	1
62A.09.403	AMD	117 E1	8	70.40.040	AMD	75	83
62A.09.404	AMD	117 E1	9	70.44.060	AMD	211 E1	1
62A.09.405	AMD	117 E1	10	70.54	ADD	97 E1	1,2
62A.09.406	AMD	117 E1	11	70.54	ADD	122 E1	1-3
62A.09.409	AMD	117 E1	12	70.72.010	REP	319 E1	9
64.20.020	REP	81 E1	4	70.72.020	REP	319 E1	9

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**TABLE OF RCW SECTIONS AFFECTED BY 1977 STATUTES**

RCW		CH.	SEC.	RCW		CH.	SEC.
70.72.030	REP	319 E1	9	73.24.030	AMD	31	4
70.72.040	REP	319 E1	9	73.24.040	REP	31	6
70.72.050	REP	319 E1	9	73.28.010	REP	31	6
70.72.060	REP	319 E1	9	73.28.020	REP	31	6
70.72.070	REP	319 E1	9	73.28.030	REP	31	6
70.72.080	REP	319 E1	9	73.28.040	REP	31	6
70.72.090	REP	319 E1	9	74.04	ADD	215 E1	1
70.79.290	AMD	175 E1	1	74.09	ADD	260 E1	1-6
70.79.330	AMD	175 E1	2	74.09.140	REP	75	96
70.79.350	AMD	175 E1	3	74.13.020	AMD	291 E1	21
70.83.010	AMD	80 E1	40	74.13.031	AMD	291 E1	22
70.83.060	REP	75	96	74.15.010	AMD	80 E1	70
70.94	ADD	38 E1	1	74.15.020	AMD	80 E1	71
70.94.340	REP	75	96	74.15.030	AMD	80 E1	72
70.95.040	REEN	10	1	74.15.090	AMD	80 E1	73
70.96A.120	AMD	62 E1	1	74.16	ADD	40 E1	1-4
70.96A.140	AMD	129 E1	1	74.16.170	AMD	40 E1	16
71.05.040	AMD	80 E1	41	74.16.181	AMD	40 E1	17
71.06.010	AMD	80 E1	42	74.16.183	AMD	40 E1	18
71.12.455	AMD	80 E1	43	74.16.190	AMD	40 E1	19
71.28.010	AMD	80 E1	44	74.16.300	AMD	40 E1	20
72.01.050	AMD	31	1	74.17.010	AMD	40 E1	21
72.01.320	AMD	75	84	74.17.020	AMD	40 E1	22
72.01.420	AMD	75	85	74.17.040	AMD	40 E1	23
72.01.420	REP	316 E1	27	74.38	ADD	321 E1	5
72.05.170	AMD	80 E1	45	74.38.010	AMD	321 E1	1
72.06.050	AMD	80 E1	46	74.38.020	AMD	321 E1	2
72.06.060	AMD	80 E1	47	74.38.040	AMD	321 E1	3
72.16.090	REP	75	96	74.38.050	AMD	321 E1	4
72.23.070	AMD	80 E1	48	75	ADD	106 E1	1-6
72.25.010	AMD	80 E1	49	75	ADD	308 E1	1-11
72.25.020	AMD	80 E1	50	75.08	ADD	327 E1	18
72.25.030	AMD	80 E1	51	75.08.020	AMD	75	87
72.29.010	AMD	80 E1	52	75.08.023	REP	270 E1	10
72.30.010	AMD	80 E1	53	75.08.230	AMD	327 E1	33
72.30.020	AMD	80 E1	54	75.18	ADD	327 E1	1,2
72.30.030	AMD	80 E1	55	75.18.080	AMD	327 E1	3
72.33.020	AMD	80 E1	56	75.28	ADD	327 E1	10-17
72.33.040	AMD	80 E1	62	75.28.095	AMD	327 E1	5
72.33.070	AMD	80 E1	63	75.28.130	AMD	327 E1	6
72.33.080	AMD	80 E1	64	75.28.140	AMD	327 E1	7
72.33.125	AMD	80 E1	57	75.28.190	AMD	327 E1	8
72.33.130	AMD	80 E1	58	75.28.220	AMD	327 E1	9
72.33.165	AMD	80 E1	59	75.28.310	REP	319 E1	9
72.33.170	AMD	80 E1	60	75.28.455	AMD	106 E1	7
72.33.240	AMD	80 E1	61	75.28.455	AMD	230 E1	1
72.33.800	AMD	80 E1	65	75.28.460	AMD	327 E1	4
72.33.805	AMD	80 E1	66	75.28.485	REP	106 E1	9
72.33.810	AMD	80 E1	67	75.28.500	AMD	230 E1	2
72.36	ADD	186 E1	6-8, 10,11	75.28.505	AMD	230 E1	3
72.36.020	AMD	31	2	75.28.510	AMD	230 E1	4
72.36.030	AMD	186 E1	1	75.28.535	AMD	230 E1	5
72.36.040	AMD	186 E1	2	75.28.540	AMD	230 E1	6
72.36.060	AMD	186 E1	3	75.32	ADD	327 E1	22- 26,31
72.36.070	AMD	186 E1	4	75.32.020	AMD	327 E1	19
72.36.080	AMD	186 E1	5	75.32.030	AMD	327 E1	20
72.36.090	AMD	186 E1	9	75.32.051	AMD	327 E1	21
72.40.040	AMD	80 E1	68	75.32.070	REP	327 E1	32
72.60.280	AMD	75	86	75.32.080	AMD	327 E1	27
72.70.010	AMD	80 E1	69	75.32.090	AMD	327 E1	28
73.04.130	AMD	31	3	75.32.101	AMD	327 E1	29

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**TABLE OF RCW SECTIONS AFFECTED BY 1977 STATUTES**

RCW	CH.	SEC.	RCW	CH.	SEC.		
75.32.110	AMD	327 E1	30	79.48.120	REP	12	1
75.40.050	AMD	100 E1	1	79.48.130	REP	12	1
76.04.010	AMD	102 E1	2	79.48.140	REP	12	1
76.04.050	AMD	75	88	79.48.150	REP	12	1
76.04.350	AMD	102 E1	3	79.48.160	REP	12	1
76.04.360	REEN	102 E1	1	79.48.170	REP	12	1
76.04.390	AMD	102 E1	4	79.48.180	REP	12	1
76.12.110	AMD	159 E1	1	79.48.190	REP	12	1
76.12.150	REP	75	96	79.48.200	REP	12	1
76.48	ADD	147 E1	11-15	79.48.210	REP	12	1
76.48.020	AMD	147 E1	1	79.48.220	REP	12	1
76.48.030	AMD	147 E1	2	79.48.230	REP	12	1
76.48.040	AMD	147 E1	3	79.48.240	REP	12	1
76.48.050	AMD	147 E1	4	79.64.030	AMD	159 E1	2
76.48.060	AMD	147 E1	5	80.01.090	AMD	75	91
76.48.070	AMD	147 E1	6	80.04.010	AMD	47 E1	1
76.48.100	AMD	147 E1	7	80.50	ADD	371 E1	14-17
76.48.110	AMD	147 E1	8	80.50.020	AMD	371 E1	2
76.48.120	AMD	147 E1	9	80.50.030	AMD	371 E1	3
76.48.130	AMD	147 E1	10	80.50.040	AMD	371 E1	4
77.04.060	AMD	75	89	80.50.050	REP	371 E1	19
77.12.010	AMD	74	1	80.50.060	AMD	371 E1	5
77.12.150	AMD	58 E1	1	80.50.070	REP	371 E1	19
77.12.201	AMD	59 E1	1	80.50.080	AMD	371 E1	6
77.12.280	AMD	144 E1	8	80.50.100	AMD	371 E1	8
77.16.020	AMD	44	1	80.50.120	AMD	371 E1	10
77.16.030	AMD	44	2	80.50.140	AMD	371 E1	11
77.16.100	AMD	275 E1	1	80.50.150	AMD	371 E1	12
77.32	ADD	43	1	80.50.170	REP	371 E1	19
78.40.100	REP	319 E1	9	80.50.175	AMD	371 E1	13
78.40.103	REP	319 E1	9	81	ADD	2 E1	1-4
78.40.106	REP	319 E1	9	81	ADD	217 E1	1-3
78.40.109	REP	319 E1	9	81.24.010	AMD	48 E1	1
78.40.112	REP	319 E1	9	81.40.040	AMD	70	1
78.40.115	REP	319 E1	9	81.44	ADD	263 E1	1,2
78.40.118	REP	319 E1	9	81.44.020	AMD	46 E1	1
78.40.121	REP	319 E1	9	81.44.030	REP	263 E1	3
78.40.130	REP	319 E1	9	81.53	ADD	168 E1	1-3
78.40.133	REP	319 E1	9	81.68.060	AMD	298 E1	1
78.40.136	REP	319 E1	9	81.70.180	AMD	48 E1	2
78.40.139	REP	319 E1	9	81.80.300	AMD	63 E1	1
78.40.142	REP	319 E1	9	82.01.060	AMD	75	92
78.40.145	REP	319 E1	9	82.03.130	AMD	284 E1	2
78.44.120	AMD	66	1	82.04.2901	AMD	324 E1	1
79	ADD	109 E1	1-5	82.04.291	REEN	347 E1	1
79	ADD	161 E1	1-11	82.04.291	AMD	347 E1	1
79.01.178	AMD	87 E1	1	82.04.430	AMD	105 E1	1
79.12.610	AMD	20	1	82.08.020	AMD	324 E1	2
79.24.300	AMD	75	90	82.08.030	AMD	166 E1	6
79.40.050	REP	20	2	82.08.030	AMD	179 E1	1
79.40.060	REP	20	2	82.12.020	AMD	324 E1	3
79.48.010	REP	12	1	82.12.030	AMD	166 E1	7
79.48.020	REP	12	1	82.12.030	AMD	169 E1	111
79.48.030	REP	12	1	82.12.030	AMD	179 E1	2
79.48.040	REP	12	1	82.16.050	AMD	368 E1	1
79.48.050	REP	12	1	82.24.220	AMD	319 E1	8
79.48.060	REP	12	1	82.36	ADD	317 E1	6
79.48.070	REP	12	1	82.36.010	AMD	317 E1	1
79.48.080	REP	12	1	82.36.020	AMD	317 E1	2
79.48.090	REP	12	1	82.36.040	AMD	28	1
79.48.100	REP	12	1	82.36.100	AMD	317 E1	3
79.48.110	REP	12	1	82.36.270	AMD	28	2

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RCW		CH.	SEC.	RCW		CH.	SEC.
82.37.030	AMD	317 E1	4	88.04.210	REP	289 E1	17
82.38	ADD	335 E1	1	88.04.220	REP	289 E1	17
82.38.030	AMD	317 E1	5	88.04.230	REP	289 E1	17
82.38.110	AMD	26	1	88.04.240	REP	289 E1	17
82.38.130	AMD	26	2	88.04.250	REP	289 E1	17
82.38.170	AMD	26	3	88.04.260	REP	289 E1	17
82.38.270	AMD	26	4	88.04.270	REP	75	96
82.44.020	AMD	332 E1	1	88.04.270	REP	289 E1	17
82.44.110	AMD	332 E1	2	88.04.280	REP	289 E1	17
82.50.010	AMD	22 E1	6	88.16	ADD	337 E1	1,4
82.50.902	REP	22 E1	9				9-11,
84.08.090	REP	75	96				15,16
84.08.100	REP	75	96	88.16.010	AMD	151 E1	73
84.08.130	AMD	290 E1	1	88.16.010	AMD	337 E1	2
84.33.060	AMD	347 E1	1	88.16.020	AMD	151 E1	74
84.33.080	AMD	347 E1	3	88.16.020	AMD	337 E1	3
84.36	ADD	209 E1	3	88.16.030	REP	337 E1	17
84.36	ADD	348 E1	1-3	88.16.050	AMD	337 E1	5
84.36	ADD	364 E1	1	88.16.070	AMD	337 E1	6
84.36.381	AMD	268 E1	1	88.16.090	AMD	337 E1	7
84.36.385	AMD	268 E1	2	88.16.100	AMD	337 E1	12
84.36.810	AMD	209 E1	1	88.16.120	AMD	337 E1	13
84.36.825	AMD	209 E1	2	88.16.130	AMD	337 E1	14
84.40.045	AMD	181 E1	1	88.16.150	AMD	337 E1	8
84.48	ADD	284 E1	3	89.16.050	AMD	75	93
84.48.010	AMD	33	1	90.03.120	AMD	357 E1	1
84.48.010	AMD	290 E1	2	90.03.130	AMD	357 E1	2
84.48.085	REP	29 E1	1	90.03.150	AMD	80 E1	75
84.52	ADD	325 E1	3,4	90.08.040	AMD	22	1
84.52.052	AMD	4	1	90.08.050	AMD	22	2
84.52.052	AMD	325 E1	1	90.08.060	AMD	22	3
84.52.054	AMD	4	2	90.08.070	AMD	22	4
84.52.054	AMD	325 E1	2	90.48.295	REP	75	96
84.60.020	AMD	22 E1	8	90.54.070	AMD	75	94
84.70.020	AMD	200 E1	1	90.54.090	AMD	75	95
85.06.110	AMD	80 E1	74	90.58.140	AMD	358 E1	1
87.03.200	AMD	119 E1	1	90.62	ADD	54	9
87.03.440	AMD	367 E1	1	90.62.010	AMD	54	1
87.03.490	AMD	119 E1	2	90.62.020	AMD	54	2
87.03.720	AMD	208 E1	1	90.62.040	AMD	54	3
87.03.725	AMD	208 E1	2	90.62.050	AMD	54	4
87.25.050	AMD	169 E1	112	90.62.060	AMD	54	5
88.04.010	REP	289 E1	17	90.62.080	AMD	54	6
88.04.020	REP	289 E1	17	90.62.090	AMD	54	7
88.04.030	REP	289 E1	17	90.62.100	AMD	54	8
88.04.040	REP	289 E1	17	91.12	RECOD	151 E1	79
88.04.050	REP	289 E1	17	91.12.020	REP	151 E1	80
88.04.060	REP	289 E1	17	91.12.030	REP	151 E1	80
88.04.070	REP	289 E1	17	91.12.040	REP	151 E1	80
88.04.080	REP	289 E1	17	91.12.050	AMD	151 E1	75
88.04.090	REP	289 E1	17				
88.04.100	REP	289 E1	17				
88.04.110	REP	289 E1	17				
88.04.120	REP	289 E1	17				
88.04.130	REP	289 E1	17				
88.04.140	REP	289 E1	17				
88.04.150	REP	289 E1	17				
88.04.160	REP	289 E1	17				
88.04.170	REP	289 E1	17				
88.04.180	REP	289 E1	17				
88.04.190	REP	289 E1	17				
88.04.200	REP	289 E1	17				

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<u>LAWS 1854</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
117 (pg)	95	AMD	81 E1	1
186 (pg)	290	AMD	80 E1	3
214 (pg)	456	AMD	80 E1	8
235 (pg)	70	AMD	53 E1	2
235 (pg)	70	AMD	248 E1	2
364 (pg)	11	AMD	80 E1	2

<u>LAWS 1869</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
142 (pg)	551	AMD	80 E1	9
142 (pg)	552	AMD	80 E1	10
418 (pg)	3	AMD	248 E1	1
418 (pg)	3	AMD	53 E1	1

<u>CODE 1881</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
	597	AMD	80 E1	9
	598	AMD	80 E1	10
	1069	AMD	81 E1	1
	2214	REP	316 E1	27
	2532	REP	289 E1	17
	2533	REP	289 E1	17
	2534	REP	289 E1	17
	2535	REP	289 E1	17
	2536	REP	289 E1	17

<u>LAWS 1888</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
118 (pg)	1	AMD	53 E1	2
118 (pg)	1	AMD	248 E1	2

<u>LAWS 1889-90</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
500 (pg)	2	REP	81 E1	4
679 (pg)	15	AMD	119 E1	1

<u>LAWS 1890</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
481,				
482 (pg)	1-4	REP	31	6

<u>LAWS 1893</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
11	5	AMD	80 E1	7
127	7	AMD	120 E1	1

<u>LAWS 1895</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
64	2	AMD	98 E1	1
64	24	AMD	98 E1	3
64	25	REP	98 E1	5
64	26	AMD	80 E1	4
64	27	AMD	80 E1	5
64	28	AMD	80 E1	6
64	30	AMD	98 E1	2
64	31	AMD	98 E1	4
95	4	AMD	144 E1	1
115	11	AMD	80 E1	74
166	1	REP	12	1

<u>LAWS 1895 (cont.)</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
175	48	AMD	15	1
175	50	REP	15	2
175	105-109	REP	14	1

<u>LAWS 1897</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
43	2	AMD	176 E1	1

<u>LAWS 1899</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
108	1	REP	31	6

<u>LAWS 1903</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
46	1	REP	144 E1	13
152	1-11	REP	12	1
152	12	REP	12	1
152	13-23	REP	12	1
177	1	AMD	75	14
177	1	AMD	81 E1	2

<u>LAWS 1907</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
56	1	AMD	54 E1	1
153	14	REP	80 E1	11
200	2	REP	289 E1	17
200	3	REP	289 E1	17
200	4	REP	289 E1	17
200	5	REP	289 E1	17
200	6	REP	289 E1	17
200	7	REP	289 E1	17
200	8	REP	289 E1	17
200	9	REP	289 E1	17
200	10	REP	289 E1	17
200	11	REP	289 E1	17
200	12	REP	289 E1	17
200	13	REP	289 E1	17
200	14	REP	289 E1	17
200	15	REP	289 E1	17
200	16	REP	289 E1	17
200	17	REP	289 E1	17
200	18	REP	289 E1	17
200	19	REP	289 E1	17
200	20	REP	289 E1	17
200	21	REP	289 E1	17
200	22	REP	289 E1	17
200	23	REP	289 E1	17
200	24	REP	75	96
200	24	REP	289 E1	17
200	25	REP	289 E1	17
200	26	REP	289 E1	17
200	27	REP	289 E1	17
200	28	REP	289 E1	17

<u>LAWS 1909</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
45	1	AMD	57 E1	1
192	14	AMD	55	1
207	3	AMD	166 E1	4

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LAWS 1911			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.
125	4	AMD	75	88

LAWS 1913			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.
160	1	REP	291 E1	81
160	2	AMD	291 E1	4
160	3	AMD	291 E1	8
160	5	AMD	291 E1	32
160	6	AMD	291 E1	35
160	7	AMD	291 E1	36
160	8	AMD	291 E1	44
160	9	REP	291 E1	81
160	12	REP	291 E1	81
160	14	REP	291 E1	81
160	15	AMD	291 E1	43
174	13	AMD	80 E1	35
174	20	AMD	75	73

LAWS 1915			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.
28	2	AMD	166 E1	4

LAWS 1917			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.
36	12	REP	319 E1	9
36	13	REP	319 E1	9
36	14	REP	319 E1	9
36	15	REP	319 E1	9
36	16	REP	319 E1	9
36	18	REP	319 E1	9
36	19	REP	319 E1	9
36	20	REP	319 E1	9
36	21	REP	319 E1	9
36	22	REP	319 E1	9
36	23	REP	319 E1	9
36	24	REP	319 E1	9
36	25	REP	319 E1	9
36	26	REP	319 E1	9
105	1	AMD	102 E1	3
105	2	AMD	102 E1	1
117	15	AMD	357 E1	1
117	16	AMD	357 E1	2
117	18	AMD	80 E1	75
162	12	AMD	119 E1	2

LAWS 1919			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.
108	2	AMD	15	1
111	1-4	REP	16 E1	1
152	6	AMD	169 E1	4
158	5	AMD	75	93

LAWS 1921			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.
99	4	REP	34	5
166	1	AMD	166 E1	5
166	1	AMD	205 E1	1

LAWS 1923			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.
51	5	AMD	169 E1	112
154	6	AMD	159 E1	1
154	8	REP	75	96
183	1	AMD	177 E1	1
184	11	AMD	102 E1	4

LAWS 1925			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.
15	4	AMD	62	1
45	4	AMD	112 E1	2
45	5	AMD	112 E1	3

LAWS 1925 EX.			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.
45	1	AMD	112 E1	1
45	5	AMD	75	2
162	1	AMD	22	1
162	2	AMD	22	2
162	3	AMD	22	3
162	4	AMD	22	4
187	1	AMD	75	15
187	1	AMD	81 E1	3

LAWS 1927			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.
51	1	AMD	111 E1	1
84	1	AMD	80 E1	3
165	22	REP	319 E1	9
165	30	REP	75	96
306	8	REP	319 E1	9
306	9	REP	319 E1	9
306	10	REP	319 E1	9

LAWS 1929			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.
122	1	AMD	357 E1	2

LAWS 1931			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.
1	3	AMD	53	1
1	4	AMD	53	2
1	4	AMD	36 E1	8

LAWS 1933			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.
36	1	REP	98 E1	5
55	3	AMD	75	80
55	9	AMD	75	81
184	2	REEN	9	1
184	8	REP	319 E1	9
184	20	REP	319 E1	9

LAWS 1933 EX.			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.
62	23-S-1	AMD	9 E1	4
62	23-O	AMD	9 E1	3
62	23-N	AMD	9 E1	2
62	23-M	AMD	9 E1	1
62	72	AMD	75	79

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**TABLE OF SESSION LAW SECTIONS AFFECTED BY 1977 STATUTES**

LAWS 1933 EX. (cont.)			LAWS 1977		LAWS 1941 (cont.)			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
62	79	AMD	115 E1	1	208	16	AMD	150 E1	11
62	90	AMD	219 E1	2	208	17	AMD	150 E1	12
<b>LAWS 1935</b>			<b>LAWS 1977</b>		210	11	AMD	300 E1	1
Ch.	Sec.	Action	Ch.	Sec.	210	15	AMD	300 E1	2
18	1	AMD	151 E1	73	210	16	AMD	300 E1	3
18	1	AMD	337 E1	2	210	17	AMD	300 E1	4
18	2	AMD	151 E1	74	210	23	AMD	300 E1	6
18	2	AMD	337 E1	3	210	24	AMD	300 E1	7
18	3	AMD	337 E1	5	210	27	AMD	300 E1	10
18	4	AMD	337 E1	6	216	2	AMD	169 E1	6
18	6	AMD	337 E1	13	231	1	AMD	75	72
18	8	AMD	337 E1	7	252	2	AMD	370 E1	1
18	9	REP	337 E1	17	252	3	AMD	370 E1	9
18	10	AMD	337 E1	8	252	19	AMD	204 E1	1
18	11	AMD	337 E1	14	252	19	AMD	261 E1	1
18	13	AMD	337 E1	12	<b>LAWS 1943</b>			<b>LAWS 1977</b>	
112	8	AMD	5 E1	30	Ch.	Sec.	Action	Ch.	Sec.
112	22	AMD	5 E1	29	211	1	REP	319 E1	9
112	23	AMD	5 E1	32	246	2	AMD	187 E1	2
119	2	AMD	353 E1	5	247	2	AMD	47	1
<b>LAWS 1937</b>			<b>LAWS 1977</b>		247	3	AMD	47	2
Ch.	Sec.	Action	Ch.	Sec.	247	11	AMD	47	3
36	2	AMD	31	4	<b>LAWS 1945</b>			<b>LAWS 1977</b>	
65	1	AMD	291 E1	4	Ch.	Sec.	Action	Ch.	Sec.
108	1	AMD	93 E1	1	35		ADD	33 E1	8,10
108	11	AMD	93 E1	2	35		ADD	292 E1	3
165	1	REP	20	2	35		ADD	292 E1	5,6
165	2	REP	20	2	35		ADD	292 E1	10
194	2	AMD	169 E1	3	35		ADD	292 E1	20,21
217	1	AMD	9 E1	1	35	4	AMD	33 E1	1
217	1	AMD	9 E1	2	35	10	AMD	73 E1	1
217	1	AMD	9 E1	3	35	16	AMD	292 E1	2
218	9	AMD	82 E1	1	35	17	AMD	292 E1	4
229	5	AMD	18	1	35	21	REP	292 E1	26
229	5	AMD	75	1	35	26	REP	292 E1	27
<b>LAWS 1939</b>			<b>LAWS 1977</b>		35	27	REP	292 E1	27
Ch.	Sec.	Action	Ch.	Sec.	35	28	AMD	292 E1	7
34	26	AMD	64	1	35	31	AMD	292 E1	8
<b>LAWS 1941</b>			<b>LAWS 1977</b>		35	40	AMD	75	75
Ch.	Sec.	Action	Ch.	Sec.	35	44	AMD	292 E1	9
44	5	AMD	75	16	35	46	AMD	33 E1	3
150	1	REP	232 E1	12	35	55	AMD	75	76
150	2	REP	232 E1	12	35	60	AMD	292 E1	24
150	4	AMD	169 E1	94	35	73	AMD	33 E1	4
150	5	AMD	169 E1	95	35	74	AMD	33 E1	5
168	2	AMD	102 E1	3	35	78	AMD	33 E1	6
208	2	AMD	150 E1	1	35	80	AMD	33 E1	7
208	3	AMD	150 E1	2	35	89	AMD	33 E1	9
208	4	AMD	150 E1	3	35	104	AMD	292 E1	12
208	6	AMD	150 E1	4	63	5	AMD	71 E1	1
208	7	AMD	150 E1	5	132	1	REP	291 E1	81
208	8	AMD	150 E1	6	205	1	AMD	135 E1	1
208	12	AMD	150 E1	7	205	2	AMD	135 E1	2
208	13	AMD	150 E1	8	205	4	AMD	135 E1	3
208	15	AMD	150 E1	10	205	5	AMD	135 E1	4
					205	7	AMD	135 E1	5
					264	6	AMD	211 E1	1

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LAWS 1955 (cont.)			LAWS 1977		LAWS 1957 (cont.)			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
12	75.32.030	AMD	327 E1	20	177	1	AMD	144 E1	8
12	75.32.070	REP	327 E1	32	193	20	AMD	61	1
12	75.32.080	AMD	327 E1	27	250	3	AMD	75	32
12	75.32.090	AMD	327 E1	28	264	1	AMD	292 E1	2
12	75.32.110	AMD	327 E1	30	278	2	AMD	366 E1	2
12	75.40.050	AMD	100 E1	1	278	3	AMD	366 E1	3
13	32.04.050	AMD	241 E1	1	278	5	AMD	366 E1	4
13	32.04.060	AMD	171 E1	1	278	7	AMD	366 E1	1
13	32.08.140	AMD	104 E1	1	278	10	AMD	366 E1	5
13	32.12.090	AMD	104 E1	2	297	4	AMD	80 E1	16
13	32.20.010	AMD	241 E1	2	297	4	REP	291 E1	81
13	32.20.250	AMD	104 E1	3					
33	30.08.190	AMD	38	1					
33	30.12.040	AMD	178 E1	5					
33	30.20.020	AMD	234 E1	28					
33	30.30.060	AMD	80 E1	31					
36	77.04.060	AMD	75	89					
36	77.12.010	AMD	74	1					
36	77.12.150	AMD	58 E1	1					
36	77.12.280	AMD	144 E1	8					
36	77.16.020	AMD	44 E1	1					
36	77.16.030	AMD	44	2					
36	77.16.100	AMD	275 E1	1					
65	4	AMD	196 E1	7					
114	1	AMD	42 E1	1					
182	1	AMD	75	79					
186	1	REP	34	5					
188	1	AMD	291 E1	45					
190	1	AMD	67 E1	1					
202	4	AMD	71	1					
202	5	AMD	71	2					
212	13	AMD	327 E1	21					
250	1	AMD	62	1					
270	7	AMD	75	74					
272	1	AMD	80 E1	22					
272	3	AMD	80 E1	23					
286	1	AMD	75	75					
293	1	AMD	75	90					
305	9	AMD	58	1					
321	6	REP	319 E1	9					
340	11	AMD	75	5					
390	19	AMD	31 E1	1					

  

LAWS 1957			LAWS 1977		LAWS 1959			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
52	11	AMD	310 E1	1	18	6	AMD	299 E1	3
52	24	REP	75	96	18	8	AMD	299 E1	4
52	32	REP	5 E1	33	18	9	AMD	299 E1	6
52	33	REP	5 E1	33	18	11	AMD	299 E1	7
52	34	REP	5 E1	33	25	71.12.455	AMD	80 E1	43
52	35	REP	5 E1	33	25	71.06.010	AMD	80 E1	42
52	36	REP	5 E1	33	26		ADD	215 E1	1
52	38	AMD	5 E1	31	26	74.09.140	REP	75	96
52	42	AMD	24 E1	5	26	74.16.170	AMD	40 E1	16
94	10	AMD	208 E1	1	26	74.16.190	AMD	40 E1	19
94	11	AMD	208 E1	2	26	74.16.300	AMD	40 E1	20
175	7	AMD	110 E1	2	27	69.32.030	AMD	169 E1	110
175	8	AMD	110 E1	3	28		ADD	186 E1	6-8
					28		ADD	186 E1	10-11
					28	72.01.050	AMD	31	1
					28	72.01.320	AMD	75	84
					28	72.05.170	AMD	80 E1	45
					28	72.06.050	AMD	80 E1	46
					28	72.06.060	AMD	80 E1	47
					28	72.16.090	REP	75	96
					28	72.23.070	AMD	80 E1	48
					28	72.25.010	AMD	80 E1	49
					28	72.25.020	AMD	80 E1	50
					28	72.25.030	AMD	80 E1	51
					28	72.33.020	AMD	80 E1	56
					28	72.33.040	AMD	80 E1	62
					28	72.33.070	AMD	80 E1	63
					28	72.33.080	AMD	80 E1	64
					28	72.33.130	AMD	80 E1	58
					28	72.33.170	AMD	80 E1	60
					28	72.33.240	AMD	80 E1	61
					28	72.36.020	AMD	31	2
					28	72.36.030	AMD	185 E1	1
					28	72.36.040	AMD	186 E1	2
					28	72.36.060	AMD	186 E1	3
					28	72.36.070	AMD	186 E1	4
					28	72.36.080	AMD	186 E1	5
					28	72.36.090	AMD	186 E1	9
					28	72.40.040	AMD	80 E1	68
					41	6	AMD	104 E1	5
					58	1	REP	291 E1	81
					68	1	AMD	300 E1	14
					103	5	AMD	300 E1	3
					103	7	AMD	300 E1	5
					108	3	AMD	299 E1	1
					108	6	AMD	299 E1	3
					108	8	AMD	299 E1	4
					108	10	AMD	299 E1	5

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LAWS 1959 (cont.)			LAWS 1977		LAWS 1961 (cont.)			LAWS 1977	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
108	13	AMD	299 E1	8	1	11	REEN	6	2
131	2	AMD	39	1	1	16	AMD	152 E1	2
139	1	AMD	304 E1	1	1	15	AMD	152 E1	1
139	6	AMD	304 E1	3	11	11.32.696	REP	75	96
139	8	AMD	304 E1	4	11	15.04.020	AMD	75	7
139	33	AMD	304 E1	8	11	15.28.180	AMD	8 E1	1
139	37	AMD	304 E1	9	11	15.60.005	AMD	362 E1	1
139	43	AMD	304 E1	11	11	15.60.015	AMD	362 E1	2
141	1	AMD	231 E1	1	11	15.60.030	AMD	362 E1	3
141	3	AMD	231 E1	2	11	15.60.040	AMD	362 E1	4
193	3	AMD	304 E1	2	11	15.60.050	AMD	362 E1	5
206	1	REP	319 E1	9	11	15.60.100	AMD	362 E1	7
206	2	REP	319 E1	9	11	15.60.110	AMD	362 E1	6
206	3	REP	319 E1	9	11	15.60.160	REP	75	96
206	4	REP	319 E1	9	11	15.64.020	REP	75	96
206	5	REP	319 E1	9	11	15.67.010	REP	30	1
206	6	REP	319 E1	9	11	15.67.020	REP	30	1
206	7	REP	319 E1	9	11	15.67.030	REP	30	1
206	8	REP	319 E1	9	11	15.67.040	REP	30	1
206	9	REP	319 E1	9	11	15.67.050	REP	30	1
212	1	AMD	150 E1	1	11	15.67.060	REP	30	1
212	2	AMD	150 E1	2	11	15.67.070	REP	30	1
212	4	AMD	150 E1	7	11	15.68.010	REP	30	1
212	5	AMD	150 E1	8	11	15.68.020	REP	30	1
212	7	AMD	150 E1	10	11	15.68.030	REP	30	1
212	8	AMD	150 E1	11	11	15.68.040	REP	30	1
212	10	AMD	150 E1	9	11	15.68.050	REP	30	1
225	1	AMD	75	70	11	15.68.060	REP	30	1
225	4	AMD	182 E1	2	11	15.68.070	REP	30	1
234	3	AMD	240 E1	8	11	15.68.080	REP	30	1
234	5	AMD	240 E1	9	11	15.68.090	REP	30	1
234	13	AMD	52 E1	1	11	15.68.100	REP	30	1
251	2	REP	291 E1	81	11	15.68.110	REP	30	1
252	4	AMD	75	83	11	15.68.120	REP	30	1
257	47	REP	20	2	11	15.68.130	REP	30	1
265	2	AMD	36 E1	1	11	15.68.140	REP	30	1
265	3	AMD	36 E1	2	11	15.68.150	REP	30	1
265	4	AMD	36 E1	3	11	15.68.900	REP	30	1
265	5	AMD	36 E1	4	12	46.04.500	AMD	24	1
265	6	AMD	36 E1	5	12	46.08.060	REP	319 E1	9
265	7	AMD	36 E1	6	12	46.16.010	AMD	148 E1	1
265	8	AMD	36 E1	7	12	46.16.090	AMD	25	1
273	5	AMD	75	86	12	46.16.160	AMD	22 E1	5
274	2	AMD	366 E1	2	12	46.16.210	REEN	8	1
282	31	AMD	172 E1	1	12	46.20.270	AMD	3 E1	1
282	31	AMD	188 E1	2	12	46.37.010	AMD	355 E1	1
282	32	AMD	172 E1	2	12	46.37.020	AMD	355 E1	2
282	34	AMD	172 E1	3	12	46.37.030	AMD	355 E1	3
282	34	AMD	188 E1	4	12	46.37.040	AMD	355 E1	4
282	43	AMD	172 E1	4	12	46.37.050	AMD	355 E1	5
282	60	AMD	188 E1	1	12	46.37.060	AMD	355 E1	6
287	1	AMD	80 E1	69	12	46.37.070	AMD	355 E1	7
294	1	AMD	69 E1	1	12	46.37.080	AMD	355 E1	8
297	1	AMD	75	10	12	46.37.090	AMD	355 E1	9
305	3	REP	319 E1	9	12	46.37.110	AMD	355 E1	10
314	1	AMD	159 E1	1	12	46.37.120	AMD	355 E1	11
331	9	AMD	291 E1	8	12	46.37.140	AMD	355 E1	12
					12	46.37.150	AMD	355 E1	13
					12	46.37.160	AMD	355 E1	14
					12	46.37.170	AMD	355 E1	15
					12	46.37.200	AMD	355 E1	17
					12	46.37.210	AMD	355 E1	18
LAWS 1961			LAWS 1977						
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>					
1		ADD	151 E1	13					
1	9	REP	152 E1	7					

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<u>LAWS 1961 (cont.)</u>			<u>LAWS 1977</u>		<u>LAWS 1961 (cont.)</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
12	46.37.220	AMD	355 E1	20	13	47.01.120	REP	151 E1	80
12	46.37.240	AMD	355 E1	21	13	47.01.130	REP	151 E1	80
12	46.37.250	REP	355 E1	54	13	47.01.220	AMD	235 E1	13
12	46.37.260	AMD	355 E1	22	13	47.12.010	AMD	151 E1	46
12	46.37.270	AMD	355 E1	23	13	47.12.020	REP	103 E1	5
12	46.37.280	AMD	355 E1	24	13	47.12.060	REP	78 E1	9
12	46.37.290	AMD	45	1	13	47.12.060	AMD	151 E1	47
12	46.37.320	AMD	20 E1	1	13	47.12.070	REP	78 E1	9
12	46.37.320	AMD	355 E1	25	13	47.12.070	AMD	151 E1	48
12	46.37.330	AMD	355 E1	26	13	47.12.080	AMD	78 E1	5
12	46.37.340	AMD	148 E1	2	13	47.12.080	AMD	151 E1	49
12	46.37.340	AMD	355 E1	27	13	47.12.120	AMD	151 E1	50
12	46.37.360	AMD	355 E1	28	13	47.12.130	AMD	151 E1	51
12	46.37.370	REP	355 E1	54	13	47.12.140	AMD	78 E1	6
12	46.37.380	AMD	355 E1	32	13	47.12.140	AMD	151 E1	52
12	46.37.390	AMD	355 E1	33	13	47.12.150	AMD	151 E1	53
12	46.37.400	AMD	355 E1	34	13	47.24.010	AMD	151 E1	57
12	46.37.410	AMD	355 E1	35	13	47.24.020	AMD	78 E1	7
12	46.37.440	AMD	355 E1	38	13	47.28.010	AMD	151 E1	59
12	46.37.480	AMD	355 E1	40	13	47.28.025	AMD	225 E1	1
12	46.37.500	AMD	355 E1	41	13	47.28.026	AMD	225 E1	2
12	46.44.020	AMD	81	1	13	47.28.030	AMD	225 E1	3
12	46.44.030	AMD	64 E1	1	13	47.28.050	AMD	65	1
12	46.44.080	AMD	151 E1	29	13	47.36.020	AMD	151 E1	60
12	46.44.090	AMD	151 E1	30	13	47.36.030	AMD	151 E1	61
12	46.44.091	AMD	151 E1	31	13	47.48.010	AMD	216 E1	1
12	46.44.092	AMD	151 E1	32	13	47.48.020	AMD	216 E1	2
12	46.44.095	AMD	151 E1	33	13	47.48.040	AMD	216 E1	3
12	46.48.041	AMD	151 E1	38	13	47.52.027	AMD	151 E1	62
12	46.48.080	AMD	151 E1	39	13	47.52.090	AMD	78 E1	8
12	46.52.030	AMD	68 E1	1	13	47.52.150	AMD	151 E1	64
12	46.52.030	AMD	369 E1	1	13	47.52.180	AMD	77	3
12	46.52.060	AMD	75	67	13	47.52.180	AMD	151 E1	65
12	46.52.120	AMD	356 E1	1	13	47.56.070	AMD	151 E1	67
12	46.56.130	AMD	39 E1	2	13	47.56.080	AMD	151 E1	68
12	46.68.090	AMD	317 E1	8	13	47.56.090	AMD	151 E1	69
12	46.68.100	AMD	51	1	13	47.56.100	AMD	103 E1	4
12	46.68.100	AMD	317 E1	9	13	47.56.120	AMD	151 E1	70
12	46.68.120	AMD	151 E1	42	13	47.56.250	AMD	151 E1	71
12	46.80.010	AMD	253 E1	2	13	47.56.350	REP	75	96
12	46.80.020	AMD	253 E1	3	13	47.60.310	AMD	29	1
12	46.80.030	AMD	253 E1	4	14	80.01.090	AMD	75	91
12	46.80.070	AMD	253 E1	5	14	80.04.010	AMD	47 E1	1
12	46.80.080	AMD	253 E1	6	14	81.24.010	AMD	48 E1	1
12	46.80.090	AMD	253 E1	7	14	81.40.040	AMD	70	1
12	46.80.100	AMD	253 E1	8	14	81.44.020	AMD	46 E1	1
12	46.80.110	AMD	253 E1	9	14	81.44.030	REP	263 E1	3
12	46.80.120	REP	253 E1	12	14	81.68.060	AMD	298 E1	1
12	46.80.150	AMD	253 E1	10	14	81.80.300	AMD	63 E1	1
13		ADD	150 E1	5-7	15		ADD	325 E1	3,4
13	3	AMD	151 E1	66	15	82.04.430	AMD	105 E1	1
13	47.01.010	REP	151 E1	80	15	82.08.020	AMD	324 E1	2
13	47.01.020	REP	151 E1	80	15	82.08.030	AMD	166 E1	6
13	47.01.030	REP	151 E1	80	15	82.08.030	AMD	179 E1	1
13	47.01.040	REP	151 E1	80	15	82.12.020	AMD	324 E1	3
13	47.01.050	REP	151 E1	80	15	82.12.030	AMD	166 E1	7
13	47.01.060	REP	151 E1	80	15	82.12.030	AMD	169 E1	111
13	47.01.070	AMD	151 E1	27	15	82.12.030	AMD	179 E1	2
13	47.01.080	REP	151 E1	80	15	82.16.050	AMD	368 E1	1
13	47.01.090	REP	151 E1	80	15	82.24.220	AMD	319 E1	8
13	47.01.100	REP	151 E1	80	15	82.36.010	AMD	317 E1	1
13	47.01.110	REP	151 E1	80	15	82.36.040	AMD	28	1

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**TABLE OF SESSION LAW SECTIONS AFFECTED BY 1977 STATUTES**

LAWS 1961 (cont.)			LAWS 1977		LAWS 1961 (cont.)			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
15	82.36.100	AMD	317 E1	3	23	51.32.060	AMD	350 E1	44
15	82.36.270	AMD	28	2	23	51.32.080	AMD	350 E1	46
15	82.44.020	AMD	332 E1	1	23	51.32.090	AMD	350 E1	47
15	82.44.110	AMD	332 E1	2	23	51.32.100	AMD	350 E1	49
15	82.50.010	AMD	22 E1	6	23	51.32.110	AMD	323 E1	17
15	84.08.090	REP	75	96	23	51.32.110	AMD	350 E1	50
15	84.08.100	REP	75	96	23	51.32.120	AMD	350 E1	51
15	84.08.130	AMD	290 E1	1	23	51.32.135	AMD	350 E1	52
15	84.48.010	AMD	33	1	23	51.32.150	AMD	323 E1	18
15	84.48.010	AMD	290 E1	2	23	51.32.180	AMD	350 E1	53
15	84.52.052	AMD	4	1	23	51.36.010	AMD	350 E1	56
15	84.52.052	AMD	325 E1	1	23	51.36.020	AMD	350 E1	57
15	84.52.054	AMD	4	2	23	51.36.030	AMD	323 E1	20
15	84.52.054	AMD	325 E1	2	23	51.36.030	AMD	350 E1	58
15	84.60.020	AMD	22 E1	8	23	51.40.010	REP	323 E1	28
23		ADD	113 E1	1	23	51.40.010	AMD	350 E1	61
23		ADD	323 E1	25-27	23	51.40.020	REP	323 E1	28
23	51.04.010	AMD	350 E1	1	23	51.40.020	AMD	350 E1	62
23	51.04.020	AMD	75	77	23	51.40.030	REP	323 E1	28
23	51.04.030	AMD	239 E1	1	23	51.40.030	AMD	350 E1	63
23	51.04.030	AMD	350 E1	2	23	51.40.040	REP	323 E1	28
23	51.04.040	AMD	323 E1	1	23	51.40.040	AMD	350 E1	64
23	51.04.060	AMD	350 E1	3	23	51.40.050	REP	323 E1	28
23	51.04.070	AMD	323 E1	2	23	51.40.050	AMD	350 E1	65
23	51.04.070	AMD	350 E1	4	23	51.40.060	REP	323 E1	28
23	51.04.090	AMD	350 E1	5	23	51.40.060	AMD	350 E1	66
23	51.04.100	AMD	350 E1	6	23	51.40.070	REP	323 E1	28
23	51.08.015	AMD	350 E1	9	23	51.40.070	AMD	350 E1	67
23	51.08.020	AMD	350 E1	10	23	51.44.040	AMD	323 E1	21
23	51.08.030	AMD	80 E1	36	23	51.44.110	AMD	350 E1	68
23	51.08.030	AMD	323 E1	4	23	51.48.010	AMD	350 E1	69
23	51.08.050	AMD	350 E1	11	23	51.48.020	AMD	323 E1	22
23	51.08.070	AMD	350 E1	12	23	51.48.050	AMD	323 E1	23
23	51.08.160	AMD	350 E1	13	23	51.48.050	AMD	350 E1	70
23	51.08.180	AMD	350 E1	15	23	51.48.060	AMD	350 E1	71
23	51.12.020	AMD	323 E1	7	23	51.48.070	AMD	323 E1	24
23	51.12.050	AMD	350 E1	18	23	51.48.070	AMD	350 E1	72
23	51.12.060	AMD	350 E1	19	23	51.52.010	AMD	350 E1	74
23	51.12.090	AMD	350 E1	20	23	51.52.050	AMD	350 E1	75
23	51.12.100	AMD	350 E1	21	23	51.52.060	AMD	350 E1	76
23	51.12.110	AMD	323 E1	8	23	51.52.070	AMD	350 E1	77
23	51.12.110	AMD	350 E1	22	23	51.52.095	AMD	350 E1	78
23	51.16.060	AMD	323 E1	11	23	51.52.100	AMD	350 E1	79
23	51.16.060	AMD	350 E1	26	23	51.52.120	AMD	350 E1	81
23	51.16.105	AMD	350 E1	27	23	51.52.130	AMD	350 E1	82
23	51.16.110	AMD	323 E1	12	83	9	REP	319 E1	9
23	51.16.120	AMD	323 E1	13	96		ADD	258 E1	2
23	51.16.120	AMD	350 E1	28	96	2	AMD	258 E1	1
23	51.16.140	AMD	350 E1	29	96	15	REP	75	96
23	51.24.010	REP	85 E1	10	99	1	AMD	145 E1	1
23	51.24.020	AMD	350 E1	31	107	1	AMD	350 E1	38
23	51.28.010	AMD	350 E1	32	107	2	AMD	350 E1	59
23	51.28.020	AMD	350 E1	33	107	3	AMD	350 E1	8
23	51.28.040	AMD	199 E1	1	142	1	AMD	75	10
23	51.28.055	AMD	350 E1	34	156	1	REP	103 E1	5
23	51.28.060	AMD	350 E1	35	171	32	AMD	75	85
23	51.28.070	AMD	350 E1	36	171	32	REP	316 E1	27
23	51.32.010	AMD	350 E1	37	178	3	AMD	159 E1	2
23	51.32.020	AMD	350 E1	39	188	5	REP	75	96
23	51.32.030	AMD	323 E1	14	216	17	AMD	49	1
23	51.32.030	AMD	350 E1	40	219	6	AMD	61	2
23	51.32.050	AMD	350 E1	42	251	1	AMD	80 E1	65

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<u>LAWS 1961 (cont.)</u>			<u>LAWS 1977</u>		<u>LAWS 1963 (cont.)</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
251	2	AMD	80 E1	66	4	36.63.030	REP	316 E1	27
251	3	AMD	80 E1	67	4	36.63.040	REP	316 E1	27
256	21	AMD	26 E1	4	4	36.63.050	REP	316 E1	27
257	3	AMD	151 E1	72	4	36.63.060	REP	316 E1	27
264	2	AMD	21	1	4	36.63.070	REP	316 E1	27
274	7	REP	85 E1	10	4	36.63.080	REP	316 E1	27
276	2	AMD	367 E1	1	4	36.63.090	REP	316 E1	27
278	10	REP	151 E1	80	4	36.63.100	REP	316 E1	27
281	2	AMD	151 E1	53	4	36.63.110	REP	316 E1	27
281	3	AMD	151 E1	55	4	36.63.120	REP	316 E1	27
281	5	AMD	151 E1	56	4	36.63.130	REP	316 E1	27
289	1	REP	151 E1	80	4	36.63.140	REP	316 E1	27
299	100	AMD	318 E1	5	4	36.63.150	REP	316 E1	27
302	1	REP	291 E1	81	4	36.63.160	REP	316 E1	27
302	2	REP	291 E1	81	4	36.63.170	REP	316 E1	27
302	3	REP	291 E1	81	4	36.63.180	REP	316 E1	27
302	4	AMD	291 E1	36	4	36.63.190	REP	316 E1	27
302	5	AMD	291 E1	39	4	36.63.200	REP	316 E1	27
302	6	REP	291 E1	81	4	36.63.210	REP	316 E1	27
302	8	AMD	291 E1	45	4	36.63.220	REP	316 E1	27
302	10	REP	291 E1	81	4	36.63.230	REP	316 E1	27
302	12	AMD	80 E1	16	4	36.63.240	REP	316 E1	27
302	12	REP	291 E1	81	4	36.63.250	REP	316 E1	27
302	13	REP	291 E1	81	4	36.63.260	REP	316 E1	27
302	14	REP	291 E1	81	4	36.63.270	REP	316 E1	27
302	15	REP	291 E1	81	4	36.63.280	REP	316 E1	27
304	8	AMD	53 E1	1	4	36.63.290	REP	316 E1	27
304	8	AMD	248 E1	1	4	36.63.300	REP	316 E1	27
307	10	REP	151 E1	80	4	36.63.310	REP	316 E1	27
					4	36.63.320	REP	316 E1	27
<b>LAWS 1961 EX.</b>			<b>LAWS 1977</b>		4	36.63.330	REP	316 E1	27
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	4	36.63.340	REP	316 E1	27
21	27	AMD	140 E1	1	4	36.63.350	REP	316 E1	27
21	27	AMD	356 E1	2	4	36.63.360	REP	316 E1	27
21	29	AMD	75	66	4	36.63.370	REP	316 E1	27
					4	36.63.380	REP	316 E1	27
<b>LAWS 1963</b>			<b>LAWS 1977</b>		4	36.63.390	REP	316 E1	27
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	4	36.63.400	REP	316 E1	27
4	36.13.020	AMD	110 E1	6	4	36.63.410	REP	316 E1	27
4	36.13.030	AMD	110 E1	1	4	36.63.420	REP	316 E1	27
4	36.18.010	AMD	56 E1	1	4	36.63.430	REP	316 E1	27
4	36.32.250	AMD	267 E1	1	4	36.63.440	REP	316 E1	27
4	36.33.110	AMD	359 E1	15	4	36.69.140	AMD	90 E1	1
4	36.47.040	AMD	221 E1	1	4	36.72.010	REP	34	5
4	36.48.090	AMD	63	1	4	36.72.020	REP	34	5
4	36.59.300	REP	13	1	4	36.72.030	REP	34	5
4	36.59.310	REP	13	1	4	36.72.040	REP	34	5
4	36.59.320	REP	13	1	4	36.72.050	REP	34	5
4	36.59.330	REP	13	1	4	36.72.060	REP	34	5
4	36.59.340	REP	13	1	4	36.72.070	REP	34	5
4	36.59.350	REP	13	1	4	36.75.090	AMD	78 E1	4
4	36.59.360	REP	13	1	4	36.75.260	AMD	75	31
4	36.59.370	REP	13	1	4	36.77.060	AMD	32 E1	1
4	36.59.380	REP	13	1	4	36.82.220	REP	67	8
4	36.59.390	REP	13	1	9	2	AMD	327 E1	29
4	36.59.400	REP	13	1	16	2	AMD	151 E1	34
4	36.59.410	REP	13	1	16	3	AMD	151 E1	35
4	36.59.420	REP	13	1	16	4	AMD	151 E1	36
4	36.59.430	REP	13	1	16	6	AMD	151 E1	37
4	36.59.430	REP	13	1	29	1	AMD	75	77
4	36.63.010	REP	316 E1	27	39	2	AMD	76	2
4	36.63.020	REP	316 E1	27	39	3	AMD	76	3

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LAWS 1963 (cont.)			LAWS 1977		LAWS 1963 EX. (cont.)			LAWS 1977	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
39	8	AMD	76	4	22	3	AMD	317 E1	4
59	1	AMD	47 E1	1	<b>LAWS 1965</b>				
77	4	AMD	11 E1	1	Ch.	Sec.	Action	Ch.	Sec.
77	6	AMD	61 E1	1	7.	35.04.070	AMD	110 E1	5
77	7	AMD	66 E1	1	7	35.20.090	AMD	53 E1	3
103	3	AMD	151 E1	64	7	35.20.090	AMD	248 E1	3
106	3	AMD	92 E1	1	7	35.21.260	AMD	75	29
117	1	AMD	355 E1	42	7	35.21.330	AMD	316 E1	19
122	25	AMD	26 E1	1	7	35.23.352	AMD	41 E1	1
126	1	AMD	295 E1	20	7	35.22.280	AMD	316 E1	20
139	1	AMD	124 E1	1	7	35.23.440	AMD	316 E1	21
148	3	AMD	350 E1	78	7	35.24.160	AMD	316 E1	22
148	4	AMD	350 E1	79	7	35.27.290	AMD	316 E1	23
151	2	AMD	350 E1	25	7	35.27.240	AMD	316 E1	24
154	1	AMD	355 E1	1	7	35.27.370	AMD	316 E1	25
154	3	AMD	355 E1	5	7	35.58.020	AMD	277 E1	12
154	4	AMD	355 E1	6	7	35.77.010	AMD	317 E1	7
154	5	AMD	355 E1	7	7	35.82.020	AMD	274 E1	1
154	6	AMD	355 E1	8	7	35.82.070	AMD	274 E1	2
154	7	AMD	355 E1	9	7	35.82.080	AMD	274 E1	3
154	8	AMD	355 E1	11	7	35.82.090	AMD	274 E1	4
154	9	AMD	355 E1	12	7	35.82.130	AMD	274 E1	5
154	10	AMD	355 E1	13	7	35.82.140	AMD	274 E1	6
154	12	AMD	355 E1	15	7	35.82.150	AMD	274 E1	7
154	15	AMD	355 E1	17	7	35.82.220	AMD	274 E1	8
154	18	AMD	355 E1	21	7	43.01.030	REP	232 E1	12
154	19	AMD	355 E1	24	8	43.03.010	AMD	318 E1	1
154	23	REP	355 E1	54	8	43.03.028	AMD	75	36
154	24	AMD	355 E1	29	8	43.03.028	AMD	127 E1	1
154	25	AMD	355 E1	34	8	43.03.050	AMD	312 E1	1
159	3	AMD	144 E1	2	8	43.03.060	AMD	312 E1	2
159	4	AMD	144 E1	3	8	43.06.010	AMD	289 E1	15
159	6	AMD	144 E1	1	8	43.07.060	REP	75	96
159	11	AMD	75	3	8	43.07.070	REP	75	96
159	11	AMD	228 E1	2	8	43.07.080	REP	75	96
169	6	AMD	369 E1	1	8	43.08.010	AMD	75	38
173	2	REP	130 E1	2	8	43.08.060	AMD	16	1
173	2	AMD	151 E1	43	8	43.08.150	AMD	75	39
173	3	AMD	151 E1	44	8	43.09.050	AMD	75	40
173	4	AMD	235 E1	15	8	43.09.050	AMD	144 E1	7
173	7	AMD	151 E1	45	8	43.09.160	REP	144 E1	13
176	2	AMD	104 E1	1	8	43.09.230	AMD	75	41
176	18	AMD	104 E1	6	8	43.10.100	AMD	75	42
176	19	AMD	104 E1	7	8	43.17.100	AMD	270 E1	7
195	11	AMD	180 E1	2	8	43.19.020	AMD	185 E1	1
196	1	AMD	31 E1	1	8	43.19.030	AMD	270 E1	8
199	2	AMD	332 E1	1	8	43.19.060	REP	245 E1	5
232	5	AMD	304 E1	6	8	43.19.070	REP	245 E1	5
232	6	AMD	304 E1	7	8	43.19.090	AMD	75	43
233	1	AMD	232 E1	8	8	43.19.100	AMD	185 E1	2
233	2	AMD	232 E1	9	8	43.19.120	REP	245 E1	5
233	3	AMD	232 E1	10	8	43.19.1906	AMD	270 E1	5
233	4	AMD	169 E1	96	8	43.19.1935	AMD	270 E1	6
233	4	AMD	232 E1	11	8	43.20.100	AMD	75	44
<b>LAWS 1963 EX.</b>					<b>LAWS 1977</b>				
Ch.	Sec.	Action	Ch.	Sec.	8	43.21.130	AMD	75	46
3	36	AMD	235 E1	5	8	43.22.270	AMD	75	48
3	38	AMD	235 E1	7	8	43.22.330	AMD	75	49
3	39	AMD	235 E1	8	8	43.23.120	AMD	75	50
10	1	AMD	327 E1	20	8	43.23.130	AMD	75	51
10	2	REP	327 E1	32	8	43.30.200	AMD	75	52
					8	43.31.040	AMD	70 E1	6

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<u>LAWS 1965 (cont.)</u>			<u>LAWS 1977</u>		<u>LAWS 1965 (cont.)</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
8	43.31.050	AMD	75	53	9	29.07.180	REP	361 E1	111
8	43.31.160	AMD	75	54	9	29.10.040	AMD	361 E1	26
8	43.43.310	AMD	256 E1	1	9	29.10.080	AMD	361 E1	27
8	43.49.070	AMD	75	56	9	29.10.120	AMD	361 E1	28
8	43.51.040	AMD	75	57	9	29.13.070	AMD	361 E1	29
8	43.51.040	AMD	123 E1	1	9	29.18.020	AMD	329 E1	10
8	43.52.250	AMD	184 E1	1	9	29.18.040	AMD	361 E1	30
8	43.52.260	AMD	184 E1	2	9	29.18.110	AMD	329 E1	11
8	43.52.290	AMD	184 E1	3	9	29.18.150	AMD	329 E1	12
8	43.52.300	AMD	184 E1	4	9	29.21.010	AMD	53	3
8	43.52.340	REP	184 E1	12	9	29.21.060	AMD	361 E1	31
8	43.52.350	AMD	184 E1	5	9	29.21.100	REP	361 E1	111
8	43.52.360	AMD	184 E1	6	9	29.24.010	AMD	329 E1	1
8	43.52.370	AMD	184 E1	7	9	29.24.020	AMD	329 E1	2
8	43.52.391	AMD	184 E1	8	9	29.24.030	AMD	329 E1	3
8	43.52.410	AMD	184 E1	9	9	29.24.040	AMD	329 E1	4
8	43.52.430	AMD	184 E1	10	9	29.24.050	AMD	329 E1	5
8	43.52.450	AMD	184 E1	11	9	29.24.060	AMD	329 E1	6
8	43.56.030	AMD	75	59	9	29.24.070	AMD	329 E1	7
8	43.61.040	AMD	75	60	9	29.24.080	REP	329 E1	18
8	43.62.030	AMD	75	61	9	29.27.060	AMD	4	3
8	43.62.050	AMD	75	62	9	29.30.010	AMD	361 E1	51
8	43.77.010	REP	86 E1	8	9	29.30.020	AMD	361 E1	52
8	43.77.020	REP	86 E1	8	9	29.30.030	AMD	361 E1	53
8	43.77.030	REP	86 E1	8	9	29.30.040	AMD	361 E1	54
8	43.77.040	REP	86 E1	8	9	29.30.050	REP	361 E1	111
8	43.77.050	REP	86 E1	8	9	29.30.060	AMD	361 E1	55
8	43.79.150	AMD	169 E1	104	9	29.30.075	AMD	361 E1	56
8	43.79.180	AMD	169 E1	105	9	29.30.080	AMD	329 E1	14
8	43.79.304	AMD	169 E1	106	9	29.30.080	REP	361 E1	111
8	43.79.314	AMD	169 E1	107	9	29.30.090	REP	361 E1	111
8	43.79.324	AMD	169 E1	108	9	29.30.100	AMD	329 E1	15
8	43.84.110	AMD	17	2	9	29.30.100	REP	361 E1	111
8	43.88.030	AMD	247 E1	1	9	29.30.110	REP	361 E1	111
8	43.88.060	AMD	247 E1	2	9	29.33.180	AMD	361 E1	62
8	43.92.030	REP	75	96	9	29.33.210	AMD	361 E1	63
8	43.92.050	REP	169 E1	115	9	29.33.220	AMD	361 E1	64
9	29.01.090	AMD	329 E1	9	9	29.36.010	AMD	361 E1	76
9	29.04.020	AMD	361 E1	2	9	29.36.030	AMD	361 E1	77
9	29.04.030	AMD	361 E1	3	9	29.36.060	AMD	361 E1	78
9	29.04.040	AMD	128 E1	1	9	29.39.170	AMD	361 E1	79
9	29.04.040	AMD	361 E1	4	9	29.42.010	AMD	329 E1	16
9	29.04.050	AMD	128 E1	2	9	29.48.020	AMD	361 E1	80
9	29.04.055	AMD	361 E1	5	9	29.48.030	AMD	361 E1	81
9	29.07.010	REP	361 E1	111	9	29.51.040	REP	361 E1	111
9	29.07.020	REP	361 E1	111	9	29.51.125	AMD	361 E1	83
9	29.07.030	REP	361 E1	111	9	29.54.010	AMD	361 E1	84
9	29.07.040	REP	361 E1	111	9	29.54.035	AMD	361 E1	85
9	29.07.050	REP	361 E1	111	9	29.54.040	AMD	361 E1	86
9	29.07.060	REP	361 E1	111	9	29.54.045	AMD	361 E1	87
9	29.07.070	REP	361 E1	111	9	29.54.050	AMD	361 E1	88
9	29.07.080	REP	361 E1	111	9	29.54.060	AMD	361 E1	89
9	29.07.090	REP	361 E1	111	9	29.54.070	AMD	361 E1	90
9	29.07.095	REP	361 E1	111	9	29.54.080	AMD	361 E1	91
9	29.07.100	REP	361 E1	111	9	29.54.130	AMD	361 E1	92
9	29.07.110	REP	361 E1	111	9	29.54.140	AMD	361 E1	93
9	29.07.120	REP	361 E1	111	9	29.59.050	REP	361 E1	111
9	29.07.130	REP	361 E1	111	9	29.62.090	AMD	361 E1	96
9	29.07.140	REP	361 E1	111	9	29.62.100	AMD	361 E1	97
9	29.07.150	REP	361 E1	111	9	29.62.110	REP	361 E1	111
9	29.07.160	REP	361 E1	111	9	29.62.150	REP	361 E1	111
9	29.07.170	REP	361 E1	111	9	29.64.010	AMD	361 E1	98

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75	3	AMD	77	2	68	2	REP	151 E1	80
75	5	AMD	151 E1	63	70	2	AMD	135 E1	2
80	2	REP	323 E1	28	70	4	AMD	135 E1	3
80	2	AMD	350 E1	62	74	7	AMD	151 E1	28
97	2	AMD	59 E1	1	74	8	AMD	75	63
101	6	AMD	361 E1	84	82	1	AMD	80 E1	40
101	9	AMD	361 E1	86	82	6	REP	75	96
103	5	AMD	361 E1	56	84	1	AMD	80 E1	44
103	6	AMD	361 E1	29	93	1	REP	291 E1	81
107	1	AMD	93 E1	1	108	4	AMD	151 E1	46
116	7	AMD	316 E1	21	108	9	AMD	216 E1	1
116	10	AMD	316 E1	23	108	11	AMD	78 E1	8
116	15	AMD	316 E1	25	114	4	AMD	117 E1	6
120	7	AMD	235 E1	4	114	5	AMD	117 E1	8
120	10	AMD	257 E1	2	114	6	AMD	117 E1	9
120	9	AMD	257 E1	1	114	7	AMD	117 E1	10
121	4	AMD	162 E1	1	114	12	AMD	117 E1	12
123	2	REP	151 E1	80	115	1	AMD	78 E1	7
123	3	REP	151 E1	80	117	9	AMD	117 E1	11
123	4	REP	151 E1	80	137	1	REP	291 E1	81
123	5	AMD	151 E1	75	145	9	AMD	104 E1	5
138	3	AMD	262 E1	1	145	11	AMD	104 E1	8
138	5	AMD	262 E1	2	150	16	AMD	182 E1	3
138	6	AMD	262 E1	3	157	2	AMD	21 E1	6
142	1	AMD	169 E1	103	164	2	AMD	144 E1	2
155	48	AMD	78	1	167	10	AMD	3 E1	2
155	62	AMD	3 E1	3	172	1	AMD	80 E1	70
155	64	AMD	24	2	172	2	AMD	80 E1	71
155	65	AMD	167 E1	4	172	3	AMD	80 E1	72
155	66	AMD	151 E1	40	172	9	AMD	80 E1	73
155	67	AMD	151 E1	41	172	17	AMD	291 E1	22
157	9-302	AMD	117 E1	6	180	1	AMD	150 E1	12
157	9-401	AMD	117 E1	7	190	1	AMD	193 E1	1
157	9-403	AMD	117 E1	8	190	4	AMD	193 E1	6
157	9-404	AMD	117 E1	9	190	5	AMD	193 E1	7
157	9-405	AMD	117 E1	10	193	1	AMD	327 E1	28
157	9-406	AMD	117 E1	11	199	3	AMD	188 E1	3
167	1	AMD	235 E1	14	201	1	REP	289 E1	17
170	30	REP	151 E1	80	201	2	REP	289 E1	17
170	31	REP	151 E1	80	201	3	REP	289 E1	17
170	49	AMD	148 E1	2	201	4	REP	289 E1	17
170	49	AMD	355 E1	27	201	5	REP	289 E1	17
					201	6	REP	289 E1	17
					201	7	REP	289 E1	17
					201	8	REP	289 E1	17
					201	9	REP	289 E1	17
					201	10	REP	289 E1	17
					201	11	REP	289 E1	17
					201	12	REP	289 E1	17
					201	13	REP	289 E1	17
					201	14	REP	289 E1	17
					201	15	REP	289 E1	17
					201	16	REP	289 E1	17
					201	17	REP	289 E1	17
					201	18	REP	289 E1	17
					201	19	REP	289 E1	17
					201	20	REP	289 E1	17
					201	21	REP	289 E1	17
					201	22	REP	289 E1	17
					201	23	REP	289 E1	17
					201	24	REP	289 E1	17
					221	2	AMD	70 E1	6

  

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11	1	AMD	120 E1	1
15	4	AMD	337 E1	13
15	5	AMD	337 E1	7
15	6	REP	337 E1	17
15	8	AMD	337 E1	14
26	8	AMD	56 E1	1
28	1	AMD	18	1
32	5	AMD	75	66
32	56	AMD	75	67
32	62	AMD	356 E1	1
32	74	AMD	317 E1	8
32	101	AMD	253 E1	8
36	1	REP	151 E1	80
55	1	AMD	9 E1	5
59	1	AMD	40 E1	17
59	2	AMD	40 E1	18
68	1	REP	151 E1	80

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230	1	AMD	359 E1	15	73	5	REP	361 E1	111
232	4	AMD	355 E1	55	73	6	REP	361 E1	111
232	10	AMD	355 E1	56	73	7	REP	361 E1	111
237	3	AMD	240 E1	7	73	8	REP	361 E1	111
237	6	AMD	52 E1	1	74	3	AMD	125 E1	1
239	3	AMD	283 E1	13	74	3	AMD	204 E1	2
240	42	AMD	304 E1	10	74	6	AMD	125 E1	2
					74	11	AMD	125 E1	3
					74	16	AMD	125 E1	4
					75	4	AMD	9 E1	3
					82	1	AMD	61	2
					83	3	AMD	317 E1	3
					83	4	AMD	317 E1	4
					83	9	AMD	317 E1	11
					83	10	AMD	317 E1	12
					83	14	AMD	317 E1	22
					83	20	AMD	151 E1	58
					83	22	AMD	235 E1	17
					83	24	AMD	317 E1	13
					83	25	AMD	317 E1	14
					83	30	AMD	317 E1	15
					83	33	AMD	317 E1	16
					83	41	AMD	317 E1	17
					83	45	AMD	317 E1	18
					83	49	AMD	317 E1	19
					83	50	AMD	317 E1	20
					90	1	AMD	75	57
					90	1	AMD	123 E1	1
					93	1	AMD	363 E1	1
					93	4	AMD	363 E1	2
					109	10	AMD	361 E1	90
					109	11	AMD	361 E1	65
					109	18	AMD	361 E1	66
					109	23	AMD	361 E1	68
					109	32	AMD	361 E1	75
					109	25	REP	361 E1	111
					109	27	REP	361 E1	111
					109	30	REP	361 E1	111
					130	1	AMD	361 E1	32
					141	1	REP	289 E1	17
					141	2	REP	289 E1	17
					144	17	REP	67	8
					144	18	REP	67	8
					144	19	REP	67	8
					144	20	REP	67	8
					145	55	AMD	3 E1	1
					146	10	AMD	181 E1	1
					149	25	AMD	368 E1	1
					150	1	AMD	218 E1	1
					150	2	AMD	218 E1	2
					150	4	AMD	218 E1	3
					150	5	AMD	218 E1	4
					150	6	AMD	218 E1	5
					150	7	REP	218 E1	11
					150	8	AMD	218 E1	6
					<u>LAWS 1969</u>			<u>LAWS 1977</u>	
					<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
					17	1	REP	316 E1	27
					32	3	AMD	270 E1	4
					39	1	AMD	80 E1	68
					55	3	AMD	104 E1	2

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55	6	AMD	104 E1	3	176	7	REP	283 E1	25
55	9	AMD	104 E1	6	176	8	REP	283 E1	25
55	10	AMD	104 E1	7	178	7	AMD	9 E1	5
55	11	AMD	104 E1	8	180	3	AMD	151 E1	66
55	16	AMD	104 E1	4	186	1	AMD	328 E1	11
56	3	AMD	80 E1	62	186	2	AMD	328 E1	12
59	6	AMD	269 E1	1	193	1	AMD	95 E1	1
63	25	AMD	26 E1	2	196	2	REP	169 E1	115
63	34	AMD	26 E1	3	197	2	AMD	151 E1	55
67	19	AMD	26 E1	5	197	4	AMD	151 E1	56
89	1	AMD	367 E1	1	199	41	AMD	337 E1	8
90	1	AMD	327 E1	5	209	3	AMD	294 E1	17
91	1	AMD	151 E1	50	209	9	AMD	294 E1	22
91	2	REP	78 E1	9	209	17	AMD	294 E1	23
106	1	AMD	53	2	210	6	AMD	48 E1	1
106	5	AMD	157 E1	1	217	4	AMD	359 E1	8
117	1	AMD	9 E1	1	218	1	AMD	76	2
132	4	AMD	48 E1	2	218	2	AMD	76	3
135	1	AMD	151 E1	37	218	6	AMD	76	4
223		ADD	155 E1	1	221	2	AMD	49 E1	1
					221	6	AMD	318 E1	3
					222		ADD	52	1
					223		ADD	18 E1	1
					223		ADD	126 E1	1
					223		ADD	169 E1	1,2
					223		ADD	169 E1	44-62
					223		ADD	189 E1	1,2
					223		ADD	201 E1	2
					223		ADD	210 E1	1,2
					223		ADD	227 E1	1
					223		ADD	265 E1	3
					223		ADD	272 E1	1
					223		ADD	282 E1	1
					223		ADD	283 E1	5
					223		ADD	283 E1	6
					223		ADD	303 E1	1
					223		ADD	322 E1	3,4, 6-8
					223		ADD	331 E1	1,2
					223		ADD	341 E1	1-5
					223		ADD	359 E1	2,3
					223		ADD	359 E1	7
					223		ADD	359 E1	16
					223		ADD	359 E1	18,19
					223	28A.03.030	AMD	75	17
					223	28A.10.025	AMD	75	18
					223	28A.24.080	AMD	80	1
					223	28A.24.090	REP	80	4
					223	28A.24.100	AMD	80	2
					223	28A.24.150	REP	80	4
					223	28A.27.070	AMD	291 E1	52
					223	28A.41.160	AMD	80	3
					223	28A.41.160	AMD	359 E1	6
					223	28A.44.040	AMD	359 E1	12
					223	28A.44.080	AMD	359 E1	10
					223	28A.45.040	REP	359 E1	20
					223	28A.45.050	AMD	359 E1	13
					223	28A.58.150	AMD	80 E1	30
					223	28A.58.190	AMD	359 E1	14
					223	28A.58.310	AMD	73	1
					223	28A.58.420	AMD	255 E1	1
					223	28A.67.020	AMD	340 E1	1

  

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26	2	AMD	73	1
34	19	AMD	283 E1	7
34	20	AMD	283 E1	8
35	6	AMD	80 E1	29
36		ADD	152 E1	9
36		ADD	152 E1	11-13
36	2	AMD	169 E1	41
36	4	AMD	94 E1	1
36	10	AMD	152 E1	8
36	11	AMD	152 E1	10
39	2	REP	130 E1	2
39	2	AMD	151 E1	43
40	2	AMD	68 E1	1
40	2	AMD	369 E1	2
43	1	REP	34	5
50	2	AMD	75	61
53	1	AMD	75	64
60	4	AMD	40	1
76	3	AMD	26 E1	1
84	1	AMD	57 E1	1
99	4	AMD	351 E1	4
107	1	AMD	361 E1	105
113	5	AMD	26 E1	6
128	1	AMD	80 E1	33
128	2	AMD	80 E1	34
128	4	AMD	80 E1	32
134	4	REEN	10	1
138	1	AMD	291 E1	44
139	1	AMD	46	1
147	8	AMD	53 E1	3
147	8	AMD	248 E1	3
152	3	AMD	169 E1	103
165	5	AMD	307 E1	1
169	1	AMD	25	1
176	1	AMD	283 E1	1
176	2	AMD	283 E1	2
176	3	AMD	283 E1	14
176	5	AMD	283 E1	22
176	6	AMD	283 E1	3

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223	28A.67.100	REP	359 E1	20	223	28B.40.400	REP	169 E1	115
223	28A.91.060	AMD	75	19	223	28B.40.700	AMD	169 E1	82
223	28B.10.015	REP	169 E1	115	223	28B.40.710	AMD	169 E1	83
223	28B.10.020	AMD	169 E1	7	223	28B.40.720	AMD	169 E1	84
223	28B.10.050	AMD	169 E1	9	223	28B.40.730	AMD	169 E1	85
223	28B.10.140	AMD	169 E1	10	223	28B.40.750	AMD	169 E1	86
223	28B.10.280	AMD	169 E1	11	223	28B.40.751	AMD	169 E1	87
223	28B.10.300	AMD	169 E1	13	223	28B.40.760	AMD	169 E1	88
223	28B.10.400	AMD	169 E1	15	223	28B.40.770	AMD	169 E1	89
223	28B.10.405	AMD	169 E1	16	223	28B.40.780	AMD	169 E1	90
223	28B.10.410	AMD	169 E1	17	223	28B.40.790	AMD	169 E1	91
223	28B.10.415	AMD	169 E1	18	223	28B.50.070	AMD	75	26
223	28B.10.420	AMD	169 E1	20	223	28B.50.090	AMD	282 E1	4
223	28B.10.420	AMD	276 E1	1	223	28B.50.100	AMD	282 E1	2
223	28B.10.500	AMD	169 E1	21	223	28B.50.130	AMD	75	27
223	28B.10.520	AMD	169 E1	22	223	28B.50.300	AMD	282 E1	6
223	28B.10.525	AMD	118 E1	1	223	28B.50.570	REP	282 E1	8
223	28B.10.525	AMD	169 E1	23	223	28B.50.590	REP	282 E1	8
223	28B.10.550	AMD	169 E1	24	223	28B.50.750	REP	282 E1	8
223	28B.10.560	AMD	169 E1	25	228	2	AMD	51 E1	1
223	28B.10.600	AMD	169 E1	27	228	4	AMD	51 E1	2
223	28B.10.605	AMD	169 E1	28	228	6	AMD	51 E1	3
223	28B.10.640	AMD	169 E1	29	228	9	AMD	51 E1	4
223	28B.10.650	AMD	169 E1	30	228	10	AMD	51 E1	5
223	28B.10.650	AMD	173 E1	1	228	11	AMD	51 E1	6
223	28B.10.700	AMD	169 E1	31	228	17	AMD	51 E1	7
223	28B.15.020	AMD	169 E1	34	228	19	AMD	51 E1	8
223	28B.15.100	AMD	169 E1	36	228	20	AMD	51 E1	9
223	28B.15.100	AMD	322 E1	1	233	28A.01.020	AMD	286 E1	1
223	28B.15.200	REP	322 E1	14	233	3	AMD	372 E1	2
223	28B.15.300	REP	322 E1	14	239		ADD	114 E1	1
223	28B.15.380	AMD	169 E1	37	239		ADD	128 E1	5
223	28B.15.380	AMD	322 E1	10	239	11	AMD	25 E1	6
223	28B.15.400	AMD	169 E1	38	239	11	AMD	110 E1	4
223	28B.15.400	REP	322 E1	14	241	8	AMD	182 E1	1
223	28B.15.500	AMD	322 E1	5	244	14	AMD	359 E1	5
223	28B.15.600	AMD	169 E1	40	248	1	AMD	169 E1	109
223	28B.20.130	AMD	75	20	260		ADD	328 E1	17,18
223	28B.30.130	AMD	75	24	260	1	AMD	328 E1	13
223	28B.30.150	AMD	75	21	260	2	AMD	328 E1	14
223	28B.30.215	AMD	75	22	260	3	AMD	328 E1	15
223	28B.30.300	AMD	75	23	260	4	AMD	328 E1	16
223	28B.30.320	REP	75	96	260	5	REP	328 E1	19
223	28B.40.010	AMD	169 E1	64	260	6	REP	328 E1	19
223	28B.40.100	AMD	169 E1	65	260	7	REP	328 E1	19
223	28B.40.105	AMD	169 E1	66	263	9	REP	5	1
223	28B.40.110	AMD	169 E1	67	264	4	AMD	55 E1	1
223	28B.40.115	REP	169 E1	115	269	9	AMD	169 E1	78
223	28B.40.120	AMD	169 E1	68	269	9	AMD	322 E1	11
223	28B.40.130	AMD	75	25	269	10	AMD	169 E1	12
223	28B.40.130	REP	169 E1	115	277	4	AMD	169 E1	43
223	28B.40.200	AMD	169 E1	70	277	11	REP	75	96
223	28B.40.220	AMD	169 E1	71	281	22	AMD	355 E1	14
223	28B.40.230	AMD	169 E1	72	281	57	REP	235 E1	19
223	28B.40.300	AMD	169 E1	73	283	7	AMD	173 E1	2
223	28B.40.305	AMD	169 E1	74	283	38	AMD	282 E1	7
223	28B.40.310	AMD	169 E1	75	284	2	REP	75	96
223	28B.40.315	AMD	169 E1	76					
223	28B.40.350	AMD	169 E1	77					
223	28B.40.370	AMD	169 E1	79					
223	28B.40.380	AMD	169 E1	80					
223	28B.40.390	AMD	169 E1	81					

  

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2	6	AMD	33 E1	2
2	5	AMD	33 E1	7

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2	21	AMD	33 E1	4	102	5	REP	322 E1	14
2	22	AMD	33 E1	5	102	6	REP	322 E1	14
13	2	AMD	219 E1	4	<b>LAWS 1971</b>				
15	12	AMD	120 E1	2	<b>Ch.</b>	<b>Sec.</b>	<b>Action</b>	<b>Ch.</b>	<b>Sec.</b>
15	17	AMD	75	28	1	2	AMD	292 E1	11
15	17	AMD	282 E1	5	3		ADD	292 E1	15,16
15	27	AMD	169 E1	11	3	7	AMD	292 E1	1
15	28	AMD	169 E1	69	3	9	REP	292 E1	26
18	40	AMD	40 E1	15	3	10	AMD	292 E1	8
20	2	REP	80	4	3	11	AMD	292 E1	9
21	1	AMD	175 E1	1	3	13	AMD	33 E1	9
21	2	AMD	175 E1	2	3	19	AMD	292 E1	13
27	2	AMD	21 E1	6	3	20	AMD	292 E1	14
39	2	REEN	6	1	3	21	AMD	292 E1	17
39	2	AMD	75	34	3	22	AMD	292 E1	18
39	2	REEN	75	34	3	23	AMD	292 E1	19
39	4	AMD	136 E1	3	3				
39	5	AMD	136 E1	4	11	1	REEN	7	1
39	7	AMD	136 E1	5	11	1	AMD	7	1
39	8	AMD	136 E1	6	11	2	REEN	7	2
42	31	AMD	196 E1	7	11	2	AMD	7	2
43	2	AMD	75	36	13	1	AMD	105 E1	1
43	2	AMD	127 E1	1	18	1	AMD	329 E1	14
45	2	AMD	371 E1	2	18	1	REP	361 E1	111
45	3	AMD	371 E1	3	20	1	AMD	350 E1	17
45	4	AMD	371 E1	4	48	8	REP	80	4
45	5	REP	371 E1	19	55	1	AMD	121 E1	1
45	6	AMD	371 E1	5	62	1	AMD	115 E1	1
45	7	REP	371 E1	19	77	2	AMD	355 E1	36
45	8	AMD	371 E1	6	77	3	AMD	355 E1	37
45	10	AMD	371 E1	8	81	54	REP	291 E1	81
45	12	AMD	371 E1	10	81	59	REP	5 E1	33
45	14	AMD	371 E1	11	81	73	AMD	282 E1	6
45	15	AMD	371 E1	12	81	76	AMD	361 E1	52
48	1	AMD	363 E1	3	81	77	REP	361 E1	111
51	105	AMD	6 E1	1	81	113	AMD	184 E1	10
51	171	AMD	235 E1	16	245	10	REP	156 E1	32
54	1	AMD	87 E1	1	265	14	REP	183 E1	3
55	2	AMD	33	1	288	8	REP	29 E1	1
55	2	AMD	290 E1	2	292	20	REP	289 E1	17
56	30	AMD	169 E1	85	<b>LAWS 1971 EX.</b>				
56	31	AMD	169 E1	89	<b>Ch.</b>	<b>Sec.</b>	<b>Action</b>	<b>Ch.</b>	<b>Sec.</b>
56	45	AMD	274 E1	6	6	1	AMD	361 E1	66
56	95	AMD	119 E1	1	7	1	AMD	253 E1	3
57		ADD	243 E1	7	7	2	AMD	253 E1	4
57	1	AMD	243 E1	1	7	5	AMD	253 E1	5
57	7	AMD	243 E1	2	7	6	AMD	253 E1	6
57	9	AMD	243 E1	3	7	7	AMD	253 E1	7
57	10	AMD	243 E1	4	7	8	AMD	253 E1	9
57	12	AMD	243 E1	5	7	10	AMD	253 E1	10
57	15	AMD	243 E1	6	7	4	AMD	144 E1	6
62	20	AMD	75	47	8	1	AMD	98 E1	3
64	13	AMD	66	1	12	1	AMD	316 E1	20
66	7	AMD	169 E1	93	16	1	AMD	369 E1	1
70	2	AMD	119 E1	2	22	2	AMD	75	30
76	8	AMD	220 E1	21	27	1	AMD	169 E1	32
82	1	AMD	80 E1	21	28	2	AMD	193 E1	13
84	2	REP	283 E1	25	38	4	AMD	220 E1	17-20
85	2	AMD	360 E1	10	47		ADD	220 E1	1
97	1	REP	289 E1	17	47	7	AMD	220 E1	1
100	6	AMD	45	1	47	8	AMD	220 E1	2
102	4	REP	322 E1	14					

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
47	9	AMD	220 E1	3	202	9	REP	361 E1	111
47	10	AMD	220 E1	4	202	10	REP	361 E1	111
47	11	AMD	220 E1	5	202	11	REP	361 E1	111
47	12	AMD	220 E1	6	202	12	REP	361 E1	111
47	13	AMD	220 E1	7	202	13	REP	361 E1	111
47	14	AMD	220 E1	8	202	14	REP	361 E1	111
47	16	AMD	220 E1	9	202	15	REP	361 E1	111
47	17	AMD	220 E1	10	202	16	REP	361 E1	111
47	18	AMD	220 E1	11	202	17	REP	361 E1	111
47	19	AMD	220 E1	12	202	18	REP	361 E1	111
47	20	AMD	220 E1	13	202	19	REP	361 E1	111
47	22	AMD	220 E1	14	202	20	REP	361 E1	111
47	23	AMD	220 E1	15	202	21	REP	361 E1	111
47	24	AMD	220 E1	16	202	22	REP	361 E1	111
47	28	REP	220 E1	22	202	23	REP	361 E1	111
57	2	AMD	169 E1	42	202	26	AMD	361 E1	26
57	3	AMD	240 E1	10	202	28	AMD	361 E1	27
57	4	AMD	240 E1	11	202	33	AMD	361 E1	28
66	10	AMD	80	2	202	40	AMD	361 E1	81
72	2	AMD	17	1	202	44	REP	361 E1	111
73	26	AMD	235 E1	16	205	5	AMD	361 E1	108
97	1	AMD	355 E1	38	207	1	AMD	102 E1	2
109	6	AMD	278 E1	2	207	6	AMD	102 E1	4
143	4	AMD	63 E1	1	208	1	AMD	9 E1	4
144	1	AMD	68	1	208	3	AMD	219 E1	1
149	1	REP	235 E1	19	222	8	AMD	104 E1	4
149	2	REP	235 E1	19	225	7	AMD	75	94
150	1	AMD	355 E1	55	225	10	AMD	75	95
156	1	AMD	317 E1	1	231	4	AMD	22 E1	1
170	1	AMD	75	40	231	20	REP	22 E1	9
170	1	AMD	144 E1	7	231	21	REP	22 E1	9
172	10	AMD	75	13	231	22	REP	22 E1	9
175	4	AMD	317 E1	5	240	21	AMD	72 E1	1
175	12	AMD	26	1	245	1	AMD	156 E1	1
175	14	AMD	26	2	245	2	AMD	156 E1	2
175	18	AMD	26	3	245	3	AMD	156 E1	4
175	28	AMD	26	4	245	4	AMD	156 E1	5
178	3	REP	361 E1	111	245	5	AMD	156 E1	7
178	4	REP	361 E1	111	245	7	AMD	156 E1	11
178	6	REP	361 E1	111	245	8	AMD	156 E1	12
178	7	REP	361 E1	111	245	9	AMD	156 E1	13
178	9	REP	361 E1	111	245	11	AMD	156 E1	14
178	10	REP	361 E1	111	245	12	AMD	156 E1	15
178	11	REP	361 E1	111	245	13	AMD	156 E1	16
178	12	REP	361 E1	111	245	14	AMD	156 E1	17
178	14	REP	361 E1	111	250	17	AMD	240 E1	7
182	5	AMD	304 E1	4	253	3	AMD	194 E1	1
182	9	AMD	304 E1	7	253	27	AMD	194 E1	3
182	11	AMD	304 E1	8	254	1	AMD	11	1
182	14	AMD	304 E1	13	257	3	AMD	294 E1	20
182	15	AMD	304 E1	14	257	4	AMD	294 E1	21
182	20	AMD	304 E1	15	258	1	AMD	169 E1	14
189	2	AMD	75	45	259	9	AMD	183 E1	2
189	12	AMD	75	86	261	5	AMD	169 E1	19
195	2	AMD	235 E1	6	266	6	REP	289 E1	17
195	3	AMD	235 E1	7	270	1	AMD	50 E1	1
202	1	AMD	361 E1	2	272	2	AMD	300 E1	1
202	4	REP	361 E1	111	272	5	AMD	300 E1	6
202	5	REP	361 E1	111	272	6	AMD	300 E1	7
202	6	REP	361 E1	111	279	1	AMD	169 E1	33
202	7	REP	361 E1	111	279	2	AMD	331 E1	3
202	8	REP	361 E1	111	279	3	AMD	169 E1	35

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279	3	REEN	169 E1	35	292	39	REP	13	1
279	5	AMD	169 E1	36	292	45	AMD	3 E1	2
279	6	REP	322 E1	14	292	55	REP	12	1
279	7	REP	322 E1	14	292	57	AMD	80 E1	74
279	9	AMD	169 E1	38	292	58	AMD	151 E1	73
279	9	REP	322 E1	14	292	65	AMD	80 E1	42
279	10	AMD	322 E1	5	292	74	AMD	80 E1	2
279	11	AMD	169 E1	39	294	6	AMD	347 E1	1
279	22	AMD	322 E1	9	294	7	REEN	347 E1	1
279	23	REP	322 E1	14	294	7	AMD	347 E1	1
282	2	AMD	283 E1	2	294	8	AMD	347 E1	1
282	4	AMD	283 E1	21	297	1	REP	337 E1	17
282	9	REP	283 E1	25	297	2	AMD	337 E1	5
282	10	REP	283 E1	25	297	3	AMD	337 E1	6
282	20	AMD	283 E1	12	297	4	AMD	337 E1	12
283	1	AMD	327 E1	3	299	35	AMD	22 E1	6
283	7	AMD	327 E1	6	299	73	REP	22 E1	9
283	8	AMD	327 E1	7	305	2	AMD	55	2
283	9	AMD	327 E1	8	305	3	AMD	55	4
283	10	AMD	327 E1	9	308	69.50.505	AMD	77 E1	1
283	15	AMD	327 E1	5					
284	11	AMD	138 E1	1					
286	14	AMD	358 E1	1					
288	17	AMD	75	30					
289	1	AMD	350 E1	12	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
289	4	AMD	323 E1	12	4	1	AMD	31	3
289	12	AMD	323 E1	16	14	1	AMD	359 E1	8
289	12	AMD	350 E1	48	28	1	AMD	187 E1	1
289	13	AMD	323 E1	17	35	1	AMD	292 E1	12
289	13	AMD	350 E1	50	35	2	AMD	292 E1	14
289	14	AMD	323 E1	6	43	1	AMD	350 E1	1
289	14	AMD	350 E1	14	43	3	AMD	350 E1	9
289	15	AMD	323 E1	3	43	4	AMD	350 E1	16
289	16	AMD	350 E1	24	43	5	AMD	323 E1	5
289	17	AMD	202 E1	1	43	8	AMD	350 E1	18
289	20	AMD	350 E1	71	43	10	AMD	350 E1	20
289	27	AMD	323 E1	9	43	12	AMD	350 E1	23
289	28	AMD	323 E1	10	43	13	AMD	323 E1	13
289	37	REP	85 E1	10	43	13	AMD	350 E1	28
289	38	AMD	350 E1	33	43	16	AMD	323 E1	9
289	41	AMD	350 E1	38	43	21	AMD	350 E1	46
289	42	AMD	350 E1	39	43	23	AMD	323 E1	16
289	44	AMD	350 E1	49	43	23	AMD	350 E1	48
289	46	AMD	350 E1	43	43	25	AMD	350 E1	54
289	47	AMD	350 E1	54	43	26	AMD	350 E1	55
289	49	AMD	350 E1	53	43	27	AMD	323 E1	21
289	54	AMD	350 E1	60	51	5	AMD	75	93
289	61	AMD	350 E1	69	69	1	AMD	124 E1	1
289	63	AMD	323 E1	22	76	1	REP	17 E1	3
289	67	AMD	75	78	76	2	AMD	75	65
289	67	AMD	350 E1	7	76	2	REP	17 E1	3
289	74	AMD	239 E1	1	76	3	REP	17 E1	3
289	74	AMD	350 E1	2	76	3	REP	169 E1	115
289	82	AMD	350 E1	23	76	4	REP	17 E1	3
289	84	AMD	350 E1	25	76	5	REP	17 E1	3
289	85	AMD	323 E1	8	76	7	REP	17 E1	3
289	85	AMD	350 E1	22	78	1	AMD	350 E1	73
289	88	AMD	323 E1	5	117	13	AMD	296 E1	1
291	1	AMD	235 E1	17	117	33	AMD	75	55
292	5	REP	98 E1	5	122	12	AMD	62 E1	1
292	7	AMD	80 E1	7	122	14	AMD	129 E1	1
292	13	REP	30	1	124	2	AMD	359 E1	11
					127	2	AMD	242 E1	1
					128	2	AMD	242 E1	2

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<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
129	2	AMD	242 E1	3	62	15	AMD	75	26
130	2	AMD	242 E1	4	62	16	AMD	282 E1	4
131	6	AMD	294 E1	22	62	17	AMD	282 E1	2
133	2	AMD	242 E1	5	62	18	AMD	75	27
133	6	REP	282 E1	8	62	19	AMD	75	28
135	1	AMD	355 E1	33	62	19	AMD	282 E1	5
139	7	AMD	370 E1	2	62	23	AMD	282 E1	8
139	10	AMD	370 E1	9	71	1	AMD	193 E1	3
139	12	AMD	24 E1	3	73	1	AMD	33 E1	1
139	12	AMD	370 E1	4	73	4	AMD	292 E1	24
139	13	AMD	24 E1	4	73	7	AMD	292 E1	11
139	13	AMD	370 E1	5	79	1	AMD	96 E1	4
139	14	AMD	370 E1	6	82	2	AMD	144 E1	5
139	15	AMD	370 E1	7	83	1	AMD	137 E1	1
139	17	AMD	24 E1	5	87	2	AMD	41	1
139	19	AMD	204 E1	1	95	2	AMD	17	2
139	19	AMD	261 E1	1	95	3	AMD	151 E1	57
149	3	AMD	322 E1	9	96	3	AMD	28	2
152	2	AMD	314 E1	14	101	1	AMD	186 E1	2
152	3	AMD	30 E1	1	102	4	AMD	361 E1	87
152	3	AMD	314 E1	15	103	5	REP	22 E1	9
152	7	AMD	314 E1	16	103	6	REP	22 E1	9
152	23	AMD	314 E1	17	103	7	REP	22 E1	9
153	1	AMD	220 E1	21	105	1	AMD	131 E1	1
153	3	AMD	220 E1	1	106	29	REP	323 E1	28
153	4	AMD	220 E1	2	106	29	AMD	350 E1	64
153	5	AMD	220 E1	3	106	30	AMD	350 E1	68
153	6	AMD	220 E1	4	110	2	AMD	350 E1	29
153	7	AMD	220 E1	5	114	1	AMD	49 E1	2
153	8	AMD	220 E1	6	116	1	AMD	225 E1	3
153	9	AMD	220 E1	7	116	2	AMD	65	1
153	10	AMD	220 E1	8	120	1	AMD	71 E1	1
153	11	AMD	220 E1	9	124	1	AMD	323 E1	7
153	12	AMD	220 E1	10	126	8	AMD	63	1
153	16	AMD	220 E1	16	140	1	AMD	361 E1	78
153	18	REP	220 E1	22	141	9	AMD	300 E1	14
					153	2-	REP	361 E1	111
<u>LAWS 1973</u>			<u>LAWS 1977</u>		<u>LAWS 1973 1ST EX.</u>			<u>LAWS 1977</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
1	2	AMD	313 E1	1	5	5	AMD	36	1
1	3	AMD	313 E1	2	5	7	AMD	35	1
1	4	AMD	336 E1	1	5	14	AMD	75	82
1	6	AMD	313 E1	3	5	16	AMD	154 E1	1
1	9	AMD	336 E1	2	5	1	AMD	255 E1	1
1	16	AMD	313 E1	4	9		ADD	252 E1	1
1	17	AMD	313 E1	5	12		AMD	222 E1	1
1	19	AMD	313 E1	6	13	2	AMD	222 E1	1
1	31	AMD	314 E1	13	13	3	AMD	222 E1	2
1	37	AMD	336 E1	7	13	7	AMD	222 E1	3
4	2	AMD	144 E1	4	13	8	AMD	222 E1	4
12	1	REP	86 E1	8	13	9	AMD	222 E1	5
12	2	REP	86 E1	8	13	10	AMD	222 E1	6
18	1	AMD	112 E1	1	13	11	AMD	222 E1	7
27	1	AMD	17	1	13	12	REP	222 E1	18
33	1	AMD	169 E1	94	13	13	REP	222 E1	18
33	2	AMD	169 E1	95	13	18	AMD	222 E1	8
35	1	AMD	75	15	13	19	AMD	222 E1	9
35	1	AMD	81 E1	3	13	21	AMD	222 E1	10
38	1	AMD	107 E1	1	13	22	AMD	222 E1	11
40	1	AMD	350 E1	80	13	26	AMD	222 E1	12
46	2	AMD	359 E1	4	13	28	AMD	222 E1	15
62	11	AMD	169 E1	65	13	33	REP	222 E1	18

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17	2	AMD	148 E1	1	149	2	AMD	169 E1	16
20	1	AMD	194 E1	1	149	3	AMD	169 E1	17
20	4	AMD	194 E1	3	149	4	AMD	169 E1	18
20	8	AMD	194 E1	2	149	5	AMD	169 E1	20
21	1	REP	361 E1	111	149	5	AMD	276 E1	1
21	2	REP	361 E1	111	153	4	AMD	11 E1	1
21	4	REP	361 E1	111	153	5	AMD	66 E1	1
21	5	REP	361 E1	111	154	6	AMD	98 E1	1
21	6	REP	361 E1	111	154	8	AMD	98 E1	2
21	7	REP	361 E1	111	154	9	AMD	98 E1	4
25	3	AMD	262 E1	2	154	11	REP	98 E1	5
27	3	AMD	311 E1	4	154	17	AMD	80 E1	8
28	1	REP	34	5	154	47	AMD	75	21
28	2	REP	34	5	154	91	AMD	350 E1	10
29	1	AMD	187 E1	1	154	93	REP	85 E1	10
31	2	AMD	104 E1	9	154	94	AMD	350 E1	31
32	1	AMD	323 E1	11	154	98	AMD	350 E1	52
32	1	AMD	350 E1	26	154	102	AMD	186 E1	2
37	1	AMD	140 E1	1	154	115	REP	12	1
42	1	AMD	24 E1	2	156	4	AMD	26	1
42	1	AMD	370 E1	3	156	7	AMD	26	3
46	1	AMD	169 E1	35	157	24	AMD	271 E1	1
46	1	REEN	169 E1	35	158	6	AMD	33 E1	6
46	2	AMD	169 E1	40	163	1	REP	156 E1	32
46	4	AMD	240 E1	11	165	1	AMD	361 E1	3
52	1	AMD	55	2	169	4	AMD	317 E1	18
52	8	AMD	350 E1	27	169	6	AMD	317 E1	19
57	1	AMD	370 E1	1	175	1	AMD	149 E1	1
60	1	REP	204 E1	3	175	2	AMD	149 E1	2
63	1	REP	327 E1	32	175	3	AMD	149 E1	3
66	1	AMD	222 E1	17	175	4	AMD	149 E1	4
68	9	AMD	351 E1	5	175	5	AMD	149 E1	5
68	16	AMD	351 E1	3	175	6	AMD	149 E1	6
70	1	REP	361 E1	111	175	7	AMD	149 E1	7
75	1	AMD	152 E1	1	175	9	AMD	149 E1	8
100	3	AMD	247 E1	1	175	10	AMD	149 E1	9
100	4	AMD	247 E1	2	175	16	AMD	149 E1	10
101	1	REP	291 E1	81	177	1	AMD	37 E1	1
103	7	AMD	251 E1	3	177	3	AMD	151 E1	72
103	9	AMD	251 E1	4	179	2	AMD	278 E1	1
105	1	AMD	359 E1	17	182	1	AMD	102 E1	1
118	1	AMD	4	3	185	1	AMD	54	1
121	2	AMD	361 E1	88	185	2	AMD	54	2
122	1	AMD	302 E1	1	185	4	AMD	54	3
122	2	AMD	302 E1	2	185	5	AMD	54	4
122	4	REP	302 E1	11	185	6	AMD	54	5
122	5	AMD	302 E1	3	185	8	AMD	54	6
122	6	AMD	302 E1	4	185	9	AMD	54	7
122	7	AMD	302 E1	5	185	10	AMD	54	8
122	11	AMD	302 E1	7	186	3	AMD	69	1
122	13	AMD	302 E1	8	190	2	AMD	295 E1	16
126	2	AMD	317 E1	14	191	1	AMD	169 E1	37
130	1	AMD	169 E1	13	191	3	AMD	169 E1	78
130	2	AMD	169 E1	35	195	10	REP	29 E1	1
130	2	REEN	169 E1	35	195	35	AMD	221 E1	1
132	2	AMD	125 E1	1	195	40	AMD	90 E1	1
132	2	AMD	204 E1	2	195	64	AMD	300 E1	4
132	5	AMD	125 E1	2	195	66	AMD	300 E1	8
132	14	AMD	125 E1	3	195	70	AMD	299 E1	6
132	18	AMD	125 E1	4	195	87	AMD	102 E1	1
142	9	AMD	80 E1	41	195	91	AMD	347 E1	1
148	29	AMD	310 E1	1	195	102	AMD	4	1

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195	103	AMD	4	2	75	6	AMD	283 E1	20
198	1	AMD	307 E1	1	80	1	AMD	258 E1	1
201	1	AMD	235 E1	9	81	1	REP	316 E1	27
209	15	AMD	9 E1	2	81	2	REP	316 E1	27
210	2	AMD	235 E1	10	81	3	REP	316 E1	27
210	3	AMD	235 E1	11	81	4	REP	316 E1	27
210	4	REP	235 E1	19	81	5	REP	316 E1	27
218		ADD	326 E1	9	81	6	REP	316 E1	27
218		ADD	326 E1	11-14	81	7	REP	316 E1	27
218		ADD	326 E1	17	81	8	REP	316 E1	27
218	2	AMD	76 E1	1	81	9	REP	316 E1	27
218	2	AMD	326 E1	1	84	1	AMD	277 E1	12
218	3	AMD	165 E1	2	90	1	REP	263 E1	3
218	3	AMD	326 E1	2	92	2	AMD	359 E1	9
218	7	AMD	76 E1	2	94	1	AMD	212 E1	1
218	7	AMD	326 E1	3	96		ADD	14 E1	1-10
218	8	AMD	326 E1	4	96	3	AMD	14 E1	11
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96	2	REP	78 E1	9	217	4	AMD	80 E1	27
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104	1	AMD	205 E1	1	224	14	AMD	350 E1	57
109	1	AMD	32	1	224	18	AMD	350 E1	77
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122	1	AMD	152 E1	8	234	1	AMD	350 E1	56
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133	1	AMD	183 E1	2	246	3	AMD	80 E1	58
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275	22	AMD	283	E1	21	8	AMD	270	E1	5	
275	23	AMD	283	E1	24	1	AMD	111	E1	1	
275	30	AMD	283	E1	33	1	REEN	347	E1	1	
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278	153	REP	75	96	34	85	REEN	6	1	1	
278	156	AMD	290	E1	1	34	85	AMD	75	34	34
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284	1	AMD	170	E1	1	34	86	REEN	6	2	2
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105	7	AMD	251 E1	1
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112	1	AMD	361 E1	30
112	3	AMD	336 E1	2
112	14	REP	313 E1	7
114	5	AMD	7 E1	1
115		ADD	31	5
115	14	AMD	285 E1	1
115	19	REEN	7	1
115	19	AMD	7	1
115	20	REEN	7	2
115	20	AMD	7	2
115	22	AMD	75	60
118	22	AMD	286 E1	1
118	24	AMD	359 E1	10
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120	1	AMD	53	3
120	3	AMD	361 E1	31
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123	7	AMD	347 E1	1
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129	1	AMD	128 E1	3
129	2	AMD	128 E1	4
129	3	AMD	128 E1	1
129	3	AMD	361 E1	4
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130	2	AMD	324 E1	3
130	3	AMD	324 E1	1
131	1	AMD	321 E1	1
131	2	AMD	321 E1	2
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6	1	REEN	190 E1	1	
6	1	AMD	190 E1	1	
7	1	AMD	151 E1	20	
7	1	AMD	334 E1	5	
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7	2	AMD	334 E1	6	
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## **STATE MEASURES**

**(Text, proposed Constitutional Amendments, see page 1713, supra)**

**History of State Measures (supplementing 1973 Laws  
of Washington, p. 1843, and 1975 Laws of Washington,  
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HISTORY OF STATE MEASURES FILED WITH  
THE SECRETARY OF STATE

(SUPPLEMENTING 1973 LAWS, PAGE 1843,  
AND 1975 LAWS, PAGE 1461)

INITIATIVES TO THE PEOPLE

INITIATIVE MEASURE NO. 314 (SHALL CORPORATIONS PAY A 12% EXCISE TAX MEASURED BY INCOME SO THAT SPECIAL SCHOOL LEVIES MAY BE REDUCED OR ELIMINATED?)—Filed April 16, 1975 by Representative Charles Moon of Snohomish. Signatures (136,077) submitted and found sufficient. Submitted to the voters for decision at the November 4, 1975 state general election and was rejected by the following vote: For—323,831 Against—652,178.

INITIATIVE MEASURE NO. 315 (SHALL MAXIMUM INCOME LEVELS ENTITLING ELDERLY AND DISABLED PERSONS TO CERTAIN PROPERTY TAX EXEMPTIONS BE RAISED TO \$10,000.00?)—Filed April 18, 1975 by Representatives Eleanor A. Fortson and John M. Fischer. No signature petitions presented for checking.

\*INITIATIVE MEASURE NO. 316 (SHALL THE DEATH PENALTY BE MANDATORY IN THE CASE OF AGGRAVATED MURDER IN THE FIRST DEGREE?)—Filed May 26, 1975 by Representative Earl Tilly of Wenatchee. Signatures (134,290) submitted and found sufficient. Submitted to the voters for decision at the November 4, 1975 state general election and was approved by the following vote: For—662,535 Against—296,257. Act is now identified as Chapter 9, Laws of 1975-'76 2nd Extraordinary Session.

\*Indicates measure became law.

INITIATIVE MEASURE NO. 317 (SHALL EVIDENCE OF SPEEDING VIOLATIONS OBTAINED BY RADAR, CERTAIN OTHER ELECTRONIC DEVICES OR UNMARKED POLICE VEHICLES BE INADMISSIBLE IN COURT?)—Filed January 2, 1976 by David L. Boyy of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 318 (SHALL ALL MINIMUM AGE REQUIREMENTS OF TWENTY-ONE YEARS BE REDUCED TO EIGHTEEN?)—Filed January 6, 1976 by Martin Ringhofer of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 319 (SHALL AN INITIATIVE BE ADOPTED MEMORIALIZING CONGRESS TO CALL A FEDERAL CONSTITUTIONAL CONVENTION TO LIMIT TAXATION ON INCOME?)—Filed January 7, 1976 by Clarence P. Keating, Jr. of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 320 (SHALL NEW OR INCREASED TAXES BE PROHIBITED AND REGULAR PROPERTY TAXES RETAINED IN THE DISTRICTS WHERE THEY ARE COLLECTED?)—Filed January 2, 1976 by Shirley Amiel of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 321 (SHALL MUNICIPALITIES BE EMPOWERED TO PERMIT GAMBLING WITHIN THEIR BOUNDARIES, LICENSED BY THE STATE, WITH TAX REVENUES ALLOCATED TO SCHOOLS?)—Filed January 13, 1976 by William O. Kumbera and the Committee for Tax Relief Through Local Option Gambling of Ocean Shores. Signatures (136,006) submitted and found insufficient to qualify measure to the state general election ballot.

INITIATIVE MEASURE NO. 322 (SHALL FLUORIDATION OF PUBLIC WATER SUPPLIES BE MADE UNLAWFUL AND VIOLATIONS SUBJECT TO CRIMINAL PENALTIES?)—Filed January 2, 1976 by Caroline A. Sudduth of Seattle. Signatures (135,441) submitted and found insufficient to qualify measure to the state general election ballot. Suit was filed with Thurston County Superior Court against the Secretary of State and on appeal to the Supreme Court, Initiative Measure No. 322 was placed on the general election ballot on October 13. It was rejected at the November 2, 1976 general election by the following vote: For—469,929 Against—870,631.

INITIATIVE MEASURE NO. 323 (SHALL AN INITIATIVE BE ADOPTED DECLARING THAT NO PERSON SHALL HOLD MOST STATE ELECTIVE OFFICES MORE THAN TWELVE CONSECUTIVE YEARS?)—Filed January 2, 1976 by Senator Peter von Reichbauer of Burton and Jack Metcalf of Langley. No signature petitions presented for checking.

- INITIATIVE MEASURE NO. 324 (SHALL THE SHORELINE MANAGEMENT ACT OF 1971 AND SUBSEQUENT AMENDMENTS TO THAT ACT BE REPEALED?)—Filed January 12, 1976 by Melvin G. Toyne of Mt. Vernon. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 325 (SHALL FUTURE NUCLEAR POWER FACILITIES WHICH DO NOT MEET CERTAIN CONDITIONS AND RECEIVE TWO-THIRDS APPROVAL BY THE LEGISLATURE BE PROHIBITED?)—Filed February 3, 1976 by David C. H. Howard of Olympia. Signatures (approximately 165,000) submitted and found sufficient. Submitted to the voters at the November 2, 1976 general election and rejected by the following vote: For—482,953 Against—963,756.
- INITIATIVE MEASURE NO. 326 (SHALL GROCERY STORE SALES OF SPIRITUOUS LIQUOR BE ALLOWED, REVENUE DISTRIBUTION FORMULAS CHANGED, AND THE STATE LIQUOR CONTROL BOARD RECONSTITUTED?)—Filed March 17, 1976 by Ruth Berliner of Tacoma. Sponsorship of initiative withdrawn May 17, 1976.
- INITIATIVE MEASURE NO. 327 (SHALL COMMERCIAL FISHING AND SHELLFISHING BE BANNED ON HOOD CANAL UNTIL A SUFFICIENT SUPPLY IS FOUND TO EXIST?)—Filed March 12, 1976 by J.L. Parsons of Union. Refiled as Initiative Measure No. 330.
- INITIATIVE MEASURE NO. 328 (RELATING TO TERM LIMITATION)—Filed March 16, 1976 by Patrick W. Biggs of Seattle for the Thomas Jefferson Society. Attorney General declined to prepare ballot title.
- INITIATIVE MEASURE NO. 329 (SHALL PLACES WHERE OBSCENE FILMS ARE PUBLICLY AND REGULARLY SHOWN OR OBSCENE PUBLICATIONS A PRINCIPAL STOCK IN TRADE BE PROHIBITED?)—Filed March 26, 1976 by C.R. Lonergan, Jr. of Seattle. Signatures (120,621) submitted and found insufficient to qualify measure for state general election ballot.
- INITIATIVE MEASURE NO. 330 (SHALL THE COMMERCIAL TAKING OF FISH, CRAB AND SHRIMP BE BANNED ON HOOD CANAL UNTIL A SUFFICIENT SUPPLY IS AVAILABLE?)—Filed April 12, 1976 by J.L. Parsons of Union. Refiled as Initiative to the Legislature No. 52.
- INITIATIVE MEASURE NO. 331 (SHALL FUTURE SCHOOL DISTRICT SPECIAL LEVIES FOR OPERATIONS BE PROHIBITED AND PREVIOUSLY APPROVED OPERATIONAL LEVIES FOR COLLECTION IN 1977 BE REDUCED?)—Filed March 27, 1976 by Jerold W. Thiedt of Monroe. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 332 (SHALL THE STATE BE REMOVED FROM THE LIQUOR BUSINESS IN FAVOR OF LARGE GROCERS AND CERTAIN OTHER PRIVATE BUSINESS ENTERPRISES?)—Filed April 19, 1976 by Robert B. Gould and Warren McPherson of Woodinville. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 333 (SHALL A SINGLE PENSION SYSTEM, COORDINATED WITH SOCIAL SECURITY, REPLACE EXISTING SYSTEMS FOR MOST PUBLIC EMPLOYEES HIRED AFTER JUNE 30, 1977?)—Filed April 19, 1976 by Senator August P. Mardesich of Everett. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 334 (SHALL THE FLUID OUNCE TAX ON SPIRITUOUS LIQUOR IN THE ORIGINAL PACKAGE BE LOWERED FROM FOUR TO TWO CENTS?)—Filed April 29, 1976 by Juanita K. Heaton of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 335 (SHALL PLACES WHERE OBSCENE FILMS ARE PUBLICLY AND REGULARLY SHOWN OR OBSCENE PUBLICATIONS A PRINCIPAL STOCK IN TRADE BE PROHIBITED?)—Filed January 10, 1977 by C.R. Lonergan, Jr. of Seattle. Sponsor submitted signatures (175,998) and the Secretary of State is presently verifying those signatures. If found to be valid, the measure will be placed on the 1977 state general election ballot for approval or rejection by the voters.
- INITIATIVE MEASURE NO. 336 (SHALL EVERY MUNICIPALITY BE AUTHORIZED TO PERMIT ALL FORMS OF STATE LICENSED GAMBLING WITH TAX REVENUES ALLOCATED TO SCHOOLS?)—Filed January 11, 1977 by William O. Kumbera of The Committee for Tax Relief Through Local Option Gambling in Ocean Shores. No signature petitions presented for checking.

- INITIATIVE MEASURE NO. 337 (SHALL AN INITIATIVE BE ADOPTED PROMOTING THE PURSUIT OF PEACE THROUGH PRINCIPALS OF MUTUAL LOVE AND RESPECT?)—Filed January 10, 1977 by Kevin McKeigue of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 338 (SHALL DRIVING MOTOR VEHICLES UP TO 10 M.P.H. OVER THE MAXIMUM SPEED LIMIT BE SUBJECT TO FINES NOT EXCEEDING \$15.00?)—Filed January 10, 1977 by Timothy Ramey of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 339 (SHALL THE USE OF ELECTRONIC VOTING DEVICES AND ELECTRONIC VOTE TALLYING SYSTEMS IN ANY ELECTION IN THIS STATE BE PROHIBITED?)—Filed January 24, 1977 by Clarence P. Keating, Jr. of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 340 (SHALL A CONVENTION BE CALLED TO PROPOSE A NEW STATE CONSTITUTION FOR APPROVAL OR REJECTION BY THE PEOPLE IN 1979?)—Filed January 20, 1977 by Tom A. Alberg, Citizens Coalition for a Constitutional Convention of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 341 (SHALL MINIMUM AGE REQUIREMENTS FOR VARIOUS PURPOSES OTHER THAN DRINKING ALCOHOLIC BEVERAGES BE REDUCED TO EIGHTEEN YEARS?)—Filed February 7, 1977 by Martin Ringhofer of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 342 (SHALL AN INITIATIVE BE ADOPTED URGING ALL STATE LEGISLATURES TO REJECT AND RESCIND APPROVAL OF THE FEDERAL EQUAL RIGHTS AMENDMENT?)—Filed February 15, 1977 by Mrs. J.L. Glesener of Kennewick. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 343 (SHALL STATE PROPERTY TAXES BE ELIMINATED, ALL OTHER TAXES LIMITED, AND STATE SUPPORT LEVELS FOR LOCAL GOVERNMENT, INCLUDING SCHOOLS, MANDATED?)—Filed February 29, 1977 by Shirley Amiel, State Tax Freeze and School Funding Initiative Political Committee of Bellevue. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 344 (SHALL THE LAWS OF THE STATE BE REWRITTEN BY JANUARY 1, 1981, TO ELIMINATE, IF POSSIBLE, AMBIGUITY, REDUNDANCY AND COMPLEXITY?)—Filed March 7, 1977 by Patrick M. Crawford of Tumwater. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 345 (SHALL MOST FOOD PRODUCTS BE EXEMPT FROM STATE AND LOCAL RETAIL SALES AND USE TAXES, EFFECTIVE JULY 1, 1978?)—Filed March 30, 1977 by J. Linsey Hinand, Chairperson, Coalition Opposing the Sales Tax on Food of Seattle. Sponsor submitted signatures (168,281) and the Secretary of State is presently verifying those signatures. If found to be valid, the measure will be placed on the 1977 state general election ballot for approval or rejection by the voters.
- INITIATIVE MEASURE NO. 346 (SHALL THE SYSTEM OF PROPERTY ASSESSMENT BE REPEALED AND A STATE ASSESSOR ADOPT A SYSTEM OF UNIFORM STATE-WIDE PROPERTY ASSESSMENT?)—Filed May 31, 1977 by Susan Sink of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 347 (SHALL PAYMENT OF LEGISLATOR'S PER DIEM ALLOWANCES BE LIMITED TO 120 DAYS IN ODD-NUMBERED YEARS AND 60 DAYS IN EVEN-NUMBERED YEARS?)—Filed June 13, 1977 by Robert B. Overstreet of Everett. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 348 (SHALL THE NEW VARIABLE MOTOR VEHICLE FUEL TAX BE REPEALED AND THE PREVIOUS TAX AND DISTRIBUTION FORMULA BE REINSTATED?)—Filed June 29, 1977 by Harley Hoppe of Mercer Island. Sponsor submitted signatures (202,168) and the Secretary of State is presently verifying those signatures. If found to be valid, the measure will be placed on the 1977 state general election ballot for approval or rejection by the voters.

#### INITIATIVES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 51 (CONSTITUTIONAL AMENDMENT—QUALIFICATIONS OF LEGISLATORS)—Filed March 11, 1976 by Harley H. Hoppe of Mercer Island. Attorney General declined to prepare ballot title.

- INITIATIVE TO THE LEGISLATURE NO. 52 (SHALL COMMERCIAL FISHING FOR OR TAKING OF FOOD FISH, CRAB OR SHRIMP IN HOOD CANAL BE PROHIBITED?)—Filed April 15, 1976 by J.L. Parsons of Union, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 53. (SHALL SPECIAL LEVIES BE LIMITED, AND ADDITIONAL STATE SUPPORT PROVIDED TO MOST DISTRICTS WHICH APPROVE SUCH LIMITED LEVIES?)—Filed April 21, 1976 by Representative Phyllis K. Erickson of Tacoma. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 54 (SHALL AN INITIATIVE BE ADOPTED PROHIBITING HOLDING MOST STATE OFFICES LONGER THAN TWELVE YEARS AND JUDICIAL OFFICES PAST AGE 70?)—Filed April 28, 1976 by Jack Metcalf of Langley, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 55 (SHALL PERSONS CONVICTED OF CERTAIN FELONIES BE IMPRISONED FOR A MANDATORY PERIOD OF YEARS?)—Filed May 7, 1976 by Senator Kent Pullen of Kent, WA. Refiled as Initiative to the Legislature No. 56.
- INITIATIVE TO THE LEGISLATURE NO. 56 (SHALL PERSONS CONVICTED OF MOST FELONIES BE IMPRISONED FOR A MANDATORY PERIOD OF YEARS?)—Filed June 1, 1976 by Senator Kent Pullen of Kent, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 57 (SHALL AN INITIATIVE BE ADOPTED PROVIDING THAT SPECIAL LEGISLATIVE SESSIONS, HOWEVER CONVENED, BE LIMITED TO THIRTY DAYS AND SPECIFIC SUBJECTS?)—Filed July 14, 1976 by Senator Harry Lewis of Olympia. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 58 (SHALL AN INITIATIVE BE ADOPTED MEMORIALIZING THE LEGISLATURE TO IMPEACH AND REMOVE KING COUNTY SUPERIOR COURT JUDGE SOLIE M. RINGOLD?)—Filed July 14, 1976 by Paul O. Snyder of Seattle. No petition submitted.
- INITIATIVE TO THE LEGISLATURE NO. 59 (SHALL NEW APPROPRIATIONS OF PUBLIC WATER FOR NONPUBLIC AGRICULTURAL IRRIGATION BE LIMITED TO FARMS OF 2,000 ACRES OR LESS?)—Filed August 16, 1976 by Ray Hill of Seattle. Signatures (191,012) submitted and found sufficient and measure was certified to the legislature January 14, 1977. The legislature referred this measure to the 1977 state general election ballot for approval or rejection by the voters.

#### REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 37 (CHAPTER 288, LAWS OF 1975 EXTRAORDINARY SESSION, SHALL THE PRESENT LAW GOVERNING PROFESSIONAL NEGOTIATIONS FOR CERTIFICATED EDUCATIONAL EMPLOYEES BE REPEALED, AND A NEW LAW SUBSTITUTED THEREFORE?)—Filed July 18, 1975 by Mrs. Alice K. Matz of Kent, Washington. No signatures presented for checking.
- REFERENDUM MEASURE NO. 38 (CHAPTER 113, LAWS OF 1975-'76 2ND EXTRAORDINARY SESSION, SHALL THE SALARIES OF STATE LEGISLATORS BE INCREASED FROM \$3,800 TO \$7,200 EFFECTIVE AT THE BEGINNING OF THEIR NEXT TERM?)—Filed April 6, 1976 by Mr. Paul E. Byrd of Tacoma. No signatures presented for checking.
- REFERENDUM MEASURE NO. 39 (CHAPTER 361, LAWS OF 1977 1ST EXTRAORDINARY SESSION, SHALL CERTAIN CHANGES BE MADE IN VOTER REGISTRATION LAWS, INCLUDING REGISTRATION BY MAIL AND ABSENTEE VOTING ON ONE DAY'S REGISTRATION?)—Filed June 22, 1977 by Kent Pullen. Sponsor has until September 20, 1977 to submit 61,856 valid signatures.
- REFERENDUM MEASURE NO. 40 (CHAPTER 288, LAWS OF 1977 1ST EXTRAORDINARY SESSION, SHALL A STATE WOMEN'S COMMISSION BE ESTABLISHED BY STATUTE?)—Filed July 29, 1977 by Susan Royslance, Representative of Women for Integrity in the Nation. Sponsor has until September 20, 1977 to submit 61,856 valid signatures.

#### REFERENDUM BILLS

- REFERENDUM BILL NO. 35 (CHAPTER 89, LAWS OF 1975 EXTRAORDINARY SESSION, SHALL THE GOVERNOR, IN FILLING U.S. SENATE VACANCIES, BE LIMITED TO THE SAME POLITICAL PARTY AS THE FORMER INCUMBENT?)—Filed March 27, 1975. Measure submitted to the voters for decision at the November 4, 1975 state general election and was defeated by the following vote: For-430,642 Against-501,894.

**\*REFERENDUM BILL NO. 36 (CHAPTER 104, LAWS OF 1975-'76 2ND EXTRAORDINARY SESSION, SHALL CERTAIN APPOINTED STATE OFFICERS BE REQUIRED TO FILE REPORTS OF THEIR FINANCIAL AFFAIRS WITH THE PUBLIC DISCLOSURE COMMISSION?)—**Filed March 19, 1976. Measure submitted to the voters for decision at the November 2, 1976 state general election and was approved by the following vote: For—963,309 Against—419,693.

**\*Indicates measure became law.**

