

delivery prior to the transfer is from a public water entity, may be conditioned upon the holder of the family farm permit issued continuing to receive water through the facilities of the public water entity.

NEW SECTION. Sec. 8. The department is hereby empowered to promulgate such rules as may be necessary to carry out the provisions of this chapter. Decisions of the department, other than rule making, shall be subject to review in accordance with chapter 43.21B RCW.

NEW SECTION. Sec. 9. This chapter is exempted from the rule of strict construction and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

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

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 90 RCW.

Filed in Office of Secretary of State August 16, 1976.

Passed by the vote of the people at the November 8, 1977 state general election.

Proclamation signed by the Governor, December 8, 1977.

CHAPTER 4

[Initiative Measure No. 350]

SCHOOL ATTENDANCE NEAREST RESIDENCE

AN ACT Relating to school attendance; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and a new chapter to Title 28A RCW; and providing penalties.

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

NEW SECTION. Section 1. Notwithstanding any other provision of law, after the effective date of this act no school board, school district, educational service district board, educational service district, or county committee, nor the superintendent of public instruction, nor the state board of education, nor any of their respective employees, agents or delegates shall directly or indirectly require any student to attend a school other than the school which is geographically nearest or next nearest the student's place of residence within the school district of his or her residence and which offers the course of study pursued by such student, except in the following instances:

(1) If a student requires special education, care or guidance, he may be assigned and transported to the school offering courses and facilities for such special education, care or guidance;

(2) If there are health or safety hazards, either natural or man made, or physical barriers or obstacles, either natural or man made, between the student's place of residence and the nearest or next nearest school; or

(3) If the school nearest or next nearest to his place of residence is unfit or inadequate because of overcrowding, unsafe conditions or lack of physical facilities.

NEW SECTION. Sec. 2. In every such instance where a student is assigned and transported to a school other than the one nearest his place of residence, he shall be assigned and transported to the next geographically nearest school with the necessary and applicable courses and facilities within the school district of his or her residence.

NEW SECTION. Sec. 3. For purposes of section 1 of this act, "indirectly require any student to attend a school other than the school which is geographically nearest or next nearest the student's place of residence within the school district of his or her residence and which offers the course of study pursued by such student" includes, but is not limited to, implementing, continuing, pursuing, maintaining or operating any plan involving (1) the redefining of attendance zones; (2) feeder schools; (3) the re-organization of the grade structure of the schools; (4) the pairing of schools; (5) the merging of schools; (6) the clustering of schools; or (7) any other combination of grade restructuring, pairing, merging or clustering: **PROVIDED,** That nothing in this chapter shall limit the authority of any school district to close school facilities.

NEW SECTION. Sec. 4. For the purposes of section 1 of this act "special education, care or guidance" includes the education, care or guidance of students who are physically, mentally or emotionally handicapped.

NEW SECTION. Sec. 5. The prohibitions of this chapter shall not preclude the establishment of schools offering specialized or enriched educational programs which students may voluntarily choose to attend, or of any other voluntary option offered to students.

NEW SECTION. Sec. 6. This chapter shall not prevent any court of competent jurisdiction from adjudicating constitutional issues relating to the public schools.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are added to chapter 223, Laws of 1969 ex. sess. and shall constitute a new chapter in Title 28A 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.

Filed in Office of Secretary of State February 28, 1978.

Passed by the vote of the people at the November 7, 1978 state general election.

Proclamation signed by the Governor, December 7, 1978.

CHAPTER 5

[Senate Bill No. 2065]

URBAN ARTERIAL BONDS—REAUTHORIZATION—EXPENDITURES

AN ACT Relating to urban arterial bonds; amending section 14, chapter 83, Laws of 1967 ex. sess. as amended by section 22, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.080; reenacting and amending section 45, chapter 83, Laws of 1967 ex. sess. as last amended by section 18, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.420; amending section 46, chapter 83, Laws of 1967 ex. sess. as amended by section 5, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.421; amending section 47, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.422; amending section 48, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.423; amending section 49, chapter 83, Laws of 1967 ex. sess. as last amended by section 19, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.424; amending section 51, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.426; amending section 52, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.427; adding new sections to chapter 47.26 RCW and directing their codification; creating new sections; repealing section 21, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.4251; and declaring an emergency.

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

Section 1. Section 14, chapter 83, Laws of 1967 ex. sess. as amended by section 22, chapter 317, Laws of 1977 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 (~~RCW 47.26.4251~~) section 8 of this 1979 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. 2. Moneys deposited in the motor vehicle fund to be credited to the urban arterial trust account, in addition to the purposes mentioned in RCW 47.26.080, as now or hereafter amended, may be expended for the following purposes: (1) To reimburse the motor vehicle fund for all moneys advanced to cities and towns for preliminary engineering on urban arterial projects between July 1, 1978, and the effective date of this